



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: Telly and Amorita Wirth
First Last

Mailing Address: c/o Wirth Farms Inc., 31595 Driver Road
Tangent OR 97389
City State Zip

Phone: (541) 979-8620
Home Work Other

*Fax: (541) 928-1082 *Email Address: tawfarms@peak.org

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*

For Department Use		
App. No. <u>G-17313</u>	Permit No. _____	Date _____

Last Updated: 3/31/2009

Ground Water/1

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2. PROPERTY OWNERSHIP

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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.

n/a

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 2

Name of nearest surface water body: Calapooia River

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

1) ~2,000 ft - prop.#1 2) ~2,200 ft - prop.#2 3) _____ 4) _____

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

1) approx. 18 ft. 2) approx. 18 ft. 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:

tbd

Mailing Address: _____

City State Zip

318080-04

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

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WELL I.D. # 1 84201

START CARD # 181620

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

(1) LAND OWNER Name: Wirth Farms Inc., Well Number: 2497, Address: 31595 Driver Rd., City: Tangent, State: OR, Zip: 97389

(9) LOCATION OF WELL (legal description) County: Linn, Tax Lot: 1833, Township: 135, Range: 03W, Section: 07, NE 1/4

(2) TYPE OF WORK: [X] New Well, [] Deepening, [] Alteration, [] Abandonment, [] Conversion

Lat: _____ or _____ (degrees or decimal), Long: _____ or _____ (degrees or decimal)

(3) DRILL METHOD: [X] Rotary Air, [] Rotary Mud, [] Cable, [] Auger, [] Cable Mud, [] Other

Street Address of Well (or nearest address): Boston Mills Rch Shedd, OR

(4) PROPOSED USE: [] Domestic, [] Community, [] Industrial, [X] Irrigation, [] Thermal, [] Injection, [] Livestock, [] Other

(10) STATIC WATER LEVEL: 10 ft. below land surface, Date: 4-27-06

(5) BORE HOLE CONSTRUCTION: Special Construction: [] Yes, [X] No, Depth of Completed Well: 114 ft., Explosives used: [] Yes, [X] No

(11) WATER BEARING ZONES: Depth at which water was first found: 48'

Table with columns: BORE HOLE (Diameter, From, To), SEAL (Material, From, To), Sacks or Pounds. Includes data for Bentonite seal.

Table with columns: From, To, Estimated Flow Rate, SWF. Includes data for 48' to 75' depth.

How was seal placed: Method [] A, [] B, [] C, [] D, [] E, [X] Other: Bentonite Placed @ 1 Sack per 5 min rate

(12) WELL LOG: Ground Elevation _____

Table for (6) CASING/LINER with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes data for 8" casing.

Table for (12) WELL LOG with columns: Material, From, To, SWL. Lists soil layers like Topsoil, Brown Clay, Brown Sand & Gravel, etc.

Drive Shoe used [] Inside, [] Outside, [X] None

No Water Found In Clays Below 114'

(7) PERFORATIONS/SCREENS: [X] Perforations, Method: Air Perforator, [] Screens

Date Started: 4-25-06, Completed: 4-27-06

Table for (7) PERFORATIONS/SCREENS with columns: From, To, Slot Size, Number, Diameter, Telc/pipe size, Casing, Liner.

(8) WELL TESTS: Microcous testing time is 1 hour, [] Pump, [] Bailor, [X] Air, [] Flowing Artesian

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

Table for (8) WELL TESTS with columns: Yield gal/min, Drawdown, Drill stem at, Time. Includes data for 200+ GPM yield.

WWC Number _____ Date _____

Temperature of water: 56, Depth Artesian Flow Found: _____, Was a water analysis done? [] Yes, [] No

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above.

WWC Number: 751, Date: 4-28-06

Signed: Donald J. Forning, Mid Valley Drilling, Inc.

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Completion Date: Proposed Wells:

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			114 ft	48-75'	25 ft				114 ft
2			114 ft	48-75'	25 ft				114 ft

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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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	unk	irrigation	261 gpm	45.4 Mgal	tbd
2	unk	irrigation	261 gpm	45.4 Mgal	tbd

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? up to 1 cfs
 (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: March 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: 46.36
 (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): tbd
- 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 6", 5", 4" Length as necessary

- other, describe: _____

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C. Application/Distribution Method

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

Hand lines will be used initially; wheel lines later.

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.

Irrigation will be monitored to ensure water is provided for the depth of the root zone only.

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: within one year of permit approval

Proposed date construction will be completed: March 1, 2015

Proposed date beneficial water use will begin: March 1, 2015

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

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.

#1 - Please send any corrections necessary and copies of all correspondence to: John McGee PE PLS CWRE, JD McGee Inc., PO Box 1472, Philomath, OR 97370.

#2 - Deed description calls to the center of the road, however, irrigation acreage requested in this application do not include the road.

#3 - The flow rate to be utilized on this farm shall be in any combination of the wells proposed. It is our desire to have these wells manifolded.

NOTE: Per guidance from OWRD we are ignoring the unadjudicated GR-4247 at this time.

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8. MAP REQUIREMENTS

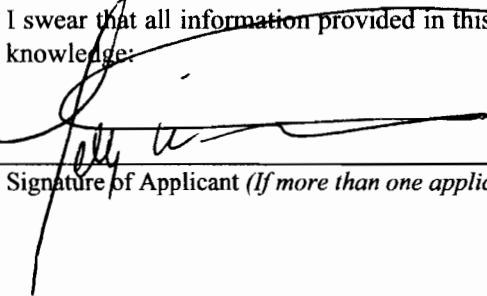
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place 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:



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

Amorotee Wirth

Date

2/9/2010

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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Oregon Water Resources Department

FORM I
FOR IRRIGATION USE

1. Please indicate whether you are requesting a primary or supplemental water right, as well as the number of acres that will be irrigated for each type. The acreages must match those shown on the map submitted with your application.

[X] Primary: 46.36 Acres

[] Supplemental: Acres (supplemental irrigation can be used only when the primary right is not available, and must match the season of the primary right)

List the permit or certificate number of the primary water right that underlies each supplemental right.

Table with 2 columns: Circle one, Season Allowed. Rows for Permit/Certificate #.

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

139.20 acre-feet (typically 2.5 or 3.0 acre-feet per acre)
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons)

3. For Limited License applications proposing to use water for irrigation. If for use of stored water, a limited license may be issued for up to one year with a valid contract for stored water per ORS 537.143(9). A limited license may also be issued for irrigation from live flow or groundwater, if the sole purpose is to establish a crop for which no further irrigation will be required after the crop is established per ORS 537.143(6)(a). Please describe the proposed project and indicate if stored water, live flow, or groundwater is to be used. When irrigation is needed to establish a crop, you must justify why more than one year is required.

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✓ After recording return to:
 Telly B. Wirth and Amorita M. Wirth
 31801 Meadowlark Lp
 Tangent, OR 97389


Until a change is requested all tax statements shall be sent to the following address:
 Telly B. Wirth and Amorita M. Wirth
 31801 Meadowlark Lp
 Tangent, OR 97389

File No.: 7091-1277515 (SCC)
 Date: October 13, 2008

13-3W-06/100


THIS SPACE RESERVED FOR RECORDER'S USE

LINN COUNTY, OREGON **2008-19996**
 D-WD
 Cnt=1 Str=1 COUNTER **10/20/2008 12:03:05 PM**
 \$15.00 \$11.00 \$10.00 **\$36.00**



00084257200800199860030037

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

STATUTORY WARRANTY DEED

Robert L. Davis, as to an undivided one-half interest and Donna M. Hunker as to an undivided one-half interest, together as tenants in common, Grantor, conveys and warrants to Telly B. Wirth and Amorita M. Wirth, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Fiscal year real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$300,000.00**. (Here comply with requirements of ORS 93.030)

First American Title 1277515

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BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 15th day of October, 2008.

X Robert L. Davis
Robert L. Davis

X Donna M. Hunker
Donna M. Hunker

STATE OF Washington)
County of Island)ss.

This instrument was acknowledged before me on this 15th day of October, 2008 by **Robert L. Davis and Donna M. Hunker.**

[Signature]
Notary Public for Washington
My commission expires: Oct. 14, 2009



6-77313

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SALEM, OREGON

APN: 0286076

Statutory Warranty Deed
- continued

File No.: 7091-1277515 (SCC)
Date: 10/13/2008

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Linn, State of Oregon, described as follows:

A TRACT OF LAND SITUATED IN THE COUNTY OF LINN, STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE ON THE WEST LINE OF AND SOUTH 19.00 CHAINS DISTANT FROM THE NORTHWEST CORNER OF THE DONATION LAND CLAIM OF VINEYARD C. BROCK, BEING NOTIFICATION NO. 2044, AND CLAIM NO. 56, IN TOWNSHIP 12 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, AND CLAIM NO. 49 IN TOWNSHIP 13 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; RUNNING THENCE SOUTH 21.05 CHAINS TO THE SOUTHWEST CORNER OF SAID CLAIM NO. 49; THENCE EAST ALONG THE SOUTH LINE OF SAID CLAIM, 23.02 CHAINS; THENCE NORTH 0 DEGREES 15' EAST ALONG THE CENTER OF A COUNTY ROAD 21.01 CHAINS; THENCE WEST 23.10 CHAINS TO THE PLACE OF BEGINNING.

Note: This legal description was crated prior to January 1, 2008.

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Oregon Water Resources Department
Land Use Information Form

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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: Telly and Amorita Wirth
First Last

Mailing Address: c/o Wirth Farms Inc., 31595 Driver Road

Tangent OR 97389 Daytime Phone: (541) 979-8620
City State Zip

A. Land and Location

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

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g., Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use:.

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Empty box for listing counties and cities.

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, Permit Amendment or Ground Water Registration Modification, Limited Water Use License, Allocation of Conserved Water, Exchange of Water

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

Estimated quantity of water needed: 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

Briefly describe:

Use proposed well water to irrigate existing farm land.

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

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For Local Government Use Only

FEB 29 2010

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 water resources land-use plan. Do not include approval for activities such as building or grading permits.

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Please check the appropriate box below and provide the requested information

[X] Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Linn Co, Development Code 928.310 (B)(1)

[] Land uses to be served by the 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."

Table with 3 columns: Type of Land-Use Approval Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Land-Use Approval (Obtained, Denied, Being Pursued, 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.

Using well water to irrigate farm land is a farm use allowed outright in the zoning district. This request is now associated with local file number 10-0070.

Name: Kate Foster Title: Assistant Planner
Signature: Kate Foster Phone: 541-467-3816 Date: 02-03-10
Government Entity: Linn County Planning & Building Department

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.

Receipt for Request for Land Use Information

Applicant name:
City or County: Staff contact:
Signature: Phone: Date:

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