

CANCELLED

FILE#: G 15121

TIMOTHY ROY PETERS
RAJNTREE TROPICAL
212 ROCK ST
SILVERTON, OR 97381

Application No. G15121

Permit No. 914988

Certificate No. **CANCELLED**

Stream Index, Page No.

FEES PAID

Date	Amount	Receipt No.
4/6/00	400.00	36737
11/09/01	175.00	49575

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.

Date filed

Priority

Action suspended until Aug 11/21/04

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water 10/1/04

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

CANCELLED in Special Order Dec 58 pg 182

2003

Permit G 15566 App G 15891

Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 29175

2004

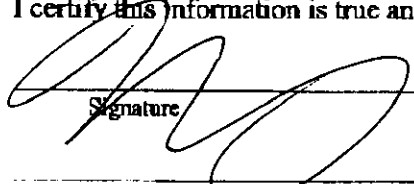


Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	10710				
October - 2003	32829 G				RECEIVED DEC 17 2004 WATER RESOURCES DEPT SALEM, OREGON
November - 2003	32829 G				
December - 2003	32829 G				
January - 2004	32829 G				
February - 2004	32829 G				
March - 2004	32829 G				
April - 2004	32829 G				
May - 2004	32829 G				
June - 2004	32829 G				
July - 2004	32829 G				
August - 2004	32829 G				
September - 2004	32829 G				
TOTAL *	39395 gal				

* 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: water meter . If use is irrigation, total number acres irrigated _____

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


Signature

owner
Title

RAINTREE TROPICAL
Reporting Entity

12/14/04
Date

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE VOLUNTARY)
CANCELLATION OF PERMIT(S))
BY THE PERMITTEE(S)) ORDER

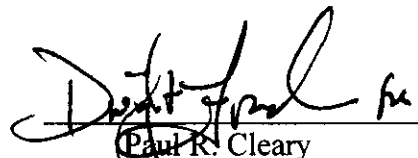
The following Permittees have authorized the cancellation of their permits.

PERMITS TO USE GROUNDWATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
Timothy Roy Peters	2	16	G-15121	G-14988

NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260

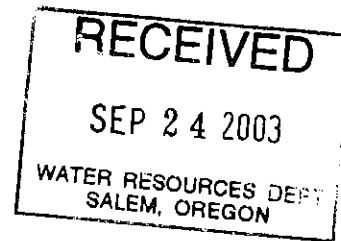
Dated at Salem, Oregon this 21 day of November, 2003.



Paul K. Cleary
Director

Special Order Volume 58 Page 182

This is a final order in other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).



TO: **Water Resources Director**
Water Resources Department
158 12th Street NE
Salem OR 97301-4172


I/We hereby authorize the cancellation of my/our water use **Application No. G-15121**,

Permit No. G-14988, which describes a right to develop the use of up to

0.06 C.F.S. ~~G.P.M./ACRE-FEET~~ of water from WELL 2
(source)

for the purpose of NURSERY USE ON 10.45 ACRES
(use)

Sincerely,


Signature of Permittee or Authorizing Agent

Date: 9/21/03

T. Peters
Printed Name of Permittee or Authorizing Agent

Date: 9/21/03

Signature of Other Permittee, If Any

Address: 3408 cascade HWY NE
Silverton OR 97381

Phone: 503, 877-2644

*de cancel permit
11/19/2003*

WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

To: File G-15121
From: Russ Klassen
Subject: Permit should be canceled

Date: September 8, 2003

Per Marc Norton the permitted aquifer under permit G-14988 has failed and the well has been deepened into another aquifer. Application G-15891 allows use from the deeper aquifer, but limits the combined use under both permits to the maximum originally allowed under permit G-14988. Unless something changes between now and time of proof, this permit should be canceled because there is no source for the permit, and therefore, no further use is possible.

I sent Timothy Peters a cancel authorization.



**TO: Water Resources Director
Water Resources Department
158 12th Street NE
Salem OR 97301-4172**

I/We hereby authorize the cancellation of my/our water use **Application No. G-15121**,

Permit No. G-14988, which describes a right to develop the use of up to

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(source)

for the purpose of NURSERY USE ON 10.45 ACRES
(use)

Sincerely,

Signature of Permittee or Authorizing Agent

Date: _____

Printed Name of Permittee or Authorizing Agent

Date: _____

Signature of Other Permittee, If Any

Address: _____

Phone: (____) _____ -- _____

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIMOTHY ROY PETERS
RAINTREE TROPICAL
212 ROCK ST
SILVERTON, OREGON 97381

(503) 873-2644

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

APPLICATION FILE NUMBER: G-15121

SOURCE OF WATER: WELL TWO IN PUDDING RIVER BASIN

PURPOSE OR USE: NURSERY USE ON 10.45 ACRES

MAXIMUM RATE: 0.06 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 6, 2000

WELL LOCATION: NE 1/4 SE 1/4, SECTION 9. 520.8 FEET SOUTH AND 1123.7
FEET WEST FROM E 1/4 CORNER OF SECTION 9, T7S, R1W,
W.M.

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 10.45 ACRES
SECTION 9
TOWNSHIP 7 SOUTH, RANGE 1 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.
- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
 - (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an

initial static water level in the well has been measured and submitted to the Department.

- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

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

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and

may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

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

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

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

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


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

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

SEE NEXT PAGE

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 29, 2001


Paul R. Cleary, Director
Water Resources Department

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

Westerberg Drilling, Inc.
36728 S. Kropf Rd.
Molalla, OR 97038

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

WELL I.D. #1 56282
 START CARD # 149453

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

(1) LAND OWNER Well Number _____
 Name TIM & SARAH PETERS
 Address 3408 CASCADE HWY NE
 City SILVERTON State OR Zip 97381

(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 326 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL			
Diameter	From To	Material	From To	Sacks or pounds	
10"	0 199.5	Cement	0 199.5	71 sacks	
6"	199.5 326				

How was seal placed: Method A B C D E
 Other _____

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	199.5	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	NONE				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
 Final location of shoe(s) 199.5'

(7) PERFORATIONS/SCREENS:

Perforations Method NONE
 Screens Type _____ Material _____

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

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

Yield gal/min	Drawdown	Drill stem at	Flowing Time
130	N/A	326'	1 hr.

Temperature of water 56° Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: ORIGINAL WATER @ 151'

(9) LOCATION OF WELL by legal description:
 County MARION Latitude _____ Longitude _____
 Township 7S N or S Range 1W E or W. WM.
 Section 9 NE 1/4 SE 1/4
 Tax Lot 200 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 3408 CASCADE HWY NE SILVERTON, OR 97381

(10) STATIC WATER LEVEL:
56.2 ft. below land surface. Date 11-6-02
 Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 303'

From	To	Estimated Flow Rate	SWL
303'	326'	130 GPM	56.2

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
BASALT BLACK HARD	191	238	
BASALT BLK MILDLY FRACTRD	238	290	
BASALT GREY HARD	290	302	
BASALT GREY FRACTURED	302	305	
BASALT GRY & BLK POROUS	305	310	
BASALT BLACK SEMI-POROUS HARDER	310	326	
ORIGINAL CASING WAS REMOVED (20") AND NEW CASING INSTALLED TO SEAL OFF SHALLOW WATER BEARING ZONE @ 151'			
ORIGINAL WELL - MAR16172 original depth 191' static water level prior to deepening 94.5' producing 7 gpm from 151'			

Date started 11-2-02 Completed 11-6-02

(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 [Signature] WWC Number 1358 Date 11-6-02

(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 [Signature] WWC Number 688 Date 11-6-02

Northwest Family Medicine

Timothy Peters, MD

Sarah Peters, MD

rain tree e teleport.com

GA - 15121

605 Welch St.
Silverton, OR 97381
(503) 873-6987
(503) 873-8923 fax

2644
873.2044

SEND TO Company Name <i>Bill Ferber</i>	From <i>Dr Peters</i>
Attention	Date <i>11/20/02</i>
Office Location	Office Location
Fax Number <i>503 378 6203</i>	Phone Number

- Urgent
 Reply ASAP
 Please comment
 Please review
 For your information

Total pages, including cover: _____

COMMENTS

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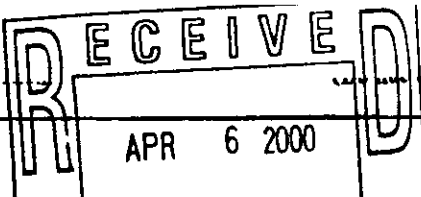
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TRANSMISSION RECEIVED IN ERROR

This transmission contains confidential and privileged information. If you have received this in error, please call the sender immediately at (503) 873-6987.

This facsimile (and all other documents accompanying it) contain privileged and confidential information protected by law. The information is intended only for the use of the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure.

Well #2



G15121

OWNER: Named Finlay
Address: 3, Silvertown, Oregon
WATER RESOURCES DEPT SALEM, OR

(10) LOCATION OF WELL:
County Marion
Driller's well number
1/4 1/4 Section T. R. W.M.
Bearing and distance from section or subdivision corner
100.00' N. 82.000' E. 1/4 of S.E. CORNER
T. 7. S. R. 1. W

(2) TYPE OF WORK (check):
New Well [] Deepening [] Reconditioning [] Abandon []
If abandonment, describe material and procedure in item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check):
Rotary [X] Driven [] Domestic [X] Industrial [] Municipal []
Cable [] Jetted [] Irrigation [] Test Well [] Other []
Dug [] Bored []

(11) WATER LEVEL: Completed well.
Depth at which water was first found 151 ft.
Static level 90 ft. below land surface. Date 11/2/70
Artesian pressure lbs. per square inch. Data

(5) CASING INSTALLED: Threaded [] Welded [X]
6" Diam. from 0 ft. to 20 ft. Casing 250
Diam. from ft. to ft. Casing
Diam. from ft. to ft. Casing

(12) WELL LOG: Diameter of well below casing 6"
Depth drilled 191 ft. Depth of completed well 191 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

(6) PERFORATIONS: Perforated? [] Yes [X] No
Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

Table with columns: MATERIAL, From, To, SWL. Rows include: Top Soil red, Clay red, H. basalt gray, H. claystone white, H. basalt gray, H. weathered basalt brown, H. basalt gray, sandy V.R.

(7) SCREENS: Well screen installed? [] Yes [X] No
Manufacturer's Name
Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

RECEIVED stamp dated AUG - 9 1999
WATER RESOURCES DEPT. SALEM, OREGON
11/10/70 11/12/70

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? [] Yes [X] No If yes, by whom?
Field: gal./min. with ft. drawdown after hrs.
Well test 10 gal./min. with 80 ft. drawdown after 1 hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

Work started 11/10/70 Completed 11/12/70
Date well drilling machine moved off of well 11

(9) CONSTRUCTION:
Well seal—Material used cement & bentonite
Well sealed from land surface to 20 ft.
Lameter of well bore to bottom of seal 10 in.
Lameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 2 sacks
Number of sacks of bentonite used in well seal 1 sacks
Brand and name of bentonite National
Number of pounds of bentonite per 100 gallons
Water approx 200 lbs./100 gals.
Was a drive shoe used? [] Yes [X] No Plug Size: location ft.
Does any strata contain unusable water? [] Yes [X] No
Depth of water? depth of strata
Method of sealing strata off
Was well gravel packed? [] Yes [X] No Size of gravel:
Level placed from ft. to ft.

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) [Signature] Date 11/2/70
Drilling Machine Operator's License No. 322
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 R. Stadel & Sons
Address 511 [Address] Oregon
(Signed) [Signature]
Contractor's License No. 296 Date 11/2/70

to sender

fee due 70¢

USE TO AVOID PAYMENT OF POSTAGE, \$300

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th STREET NE
SALEM, OR 97301-4172

PRESORTED
FIRST CLASS



0.407
U.S. POSTAGE

ADDRESS SERVICE REQUESTED

615121

U.S. POSTAL SERVICE
PS FORM 3547

NOT
enf

TIMOTHY ROY PETERS 28175
RAINTREE TROPICAL
212 ROCK ST
SILVERTON OR 97381

FIRST CLASS

RAINTREE 973810007 1001 US 10/10/02
RAINTREE TROPICAL FORM 3547
3408 CASCADE HWY NE
SILVERTON OR 97381-9226

Brunco → Silver

@ RMI > 10

Pay & ding Rate

RM 49.4

75 1W Sec 9 & 10

#169

Mailing List for Permit Copies

Application #G-15121

Mailing List Print Date: November 26, 2001

Original mailed to:

Applicant: TIMOTHY ROY PETERS, RAIN TREE TROPICAL, 212 ROCK ST, SILVERTON, OREGON 97381

For Permit - Copies sent to:

1. WRD - File # G-15121
2. WRD - Ken Stahr
3. WRD - Data Center

Copies Mailed By: <u>PS</u> (SUPPORT STAFF) on: <u>11/30/01</u> (DATE)
--

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

4. WRD - Watermaster # District 16

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

3. _____

CASEWORKER : JWG

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15121

Final Order

Application History

On April 6, 2000, TIMOTHY ROY PETERS, RAIN TREE TROPICAL, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 21, 2001. The protest period closed October 5, 2001, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

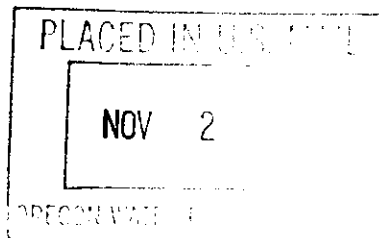
Upon payment of outstanding permit recording fees, Application G-15121 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application G-15121.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED November 2, 2001


Paul R. Cleary, Director



Hearing and Appeal Rights

Under the provisions of ORS 527.170 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 527.621(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 issued based on the above modifications to the proposed final order may be addressed.

SB 804 allows for additional appeal rights for other than contested case. This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Jerry Gainey. 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 at 1-503-378-8455 extension 458.

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 Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-6203.

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

TIMOTHY ROY PETERS
RAINTREE TROPICAL
212 ROCK ST
SILVERTON, OREGON 97381

(503)873-2644

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

APPLICATION FILE NUMBER: G-15121

SOURCE OF WATER: WELL TWO IN PUDDING RIVER BASIN

PURPOSE OR USE: NURSERY USE ON 10.45 ACRES

MAXIMUM RATE: 0.06 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 6, 2000

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, T7S, R1W, W.M.;
520.8 FEET SOUTH AND 1123.7 FEET WEST FROM E 1/4 CORNER, SECTION 9

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

2

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 10.45 ACRES
SECTION 9
TOWNSHIP 7 SOUTH, RANGE 1 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.
- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
 - (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an initial

static water level in the well has been measured and submitted to the Department.

- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2006. 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 _____, 2001

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

Mailing List for FO Copies

Application #G-15121

Mailing List Print Date: October 23, 2001

Original mailed to:

Applicant: TIMOTHY ROY PETERS, RAINTREE TROPICAL, 212 ROCK ST, SILVERTON, OREGON 97381

For FO w/Draft Permit - Copies sent to:

1. WRD - File # G-15121
2. WRD - Ken Stahr

Copies Mailed By: <u>Dh</u> (SUPPORT STAFF) on: <u>1/12/01</u> (DATE)

For FO w/ Draft Permit - FO and Map Copies sent to:

3. WRD - Watermaster # District 16

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

4. _____

5. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

2. _____

3. _____

CASEWORKER : JWG - WEEK 310

FO CHECKLIST

FILE # G 15121
PFO WEEK # 317
FO WEEK # 310

PFO TO FO CONVERSION

REVIEW DATE: 10/22/01
INITIALS: JWG
WM District 16
Region Mgr —
ODFW Bio —

FILE#: G 15121

Applicant Name and Address: TIMOTHY ROY PETERS
RAINTREE TROPICAL
212 ROCK ST
SILVERTON, OR 97381

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

1. N Were comments or protests received? If so, from whom and when? _____
_____ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
2. On the PFO CC list, verify names and mailing addresses of **ALL** commentors (regardless of comment date, **affected landowners**, and **those who paid the \$10 fee**).
3. Y / N / NA Have affected land owners been notified?
4. Y / N / NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit block on the front of the file.
6. Y / N Is water use prohibited for one or more months of the normal use period?
If yes, is short season letter on file? _____. If short season letter is lacking, see item #10 below.
Give applicant 60 days to submit required information.
7. Y / N Do the PFO conclusions require modification? Why? _____
(If YES, circle FOMOD and one other type below)
8. Correct PFO errors (such as POD or POU location (verify from map)
9. Include or exclude permit conditions and management codes.
10. Y / N Is further processing possible? If not state reason: _____
11. _____ Verify Payment of recording fees (circle the appropriate option)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including **standing fees if no protest is filed and no modifications are being made to the PFO.**

(2) Issue FO w/o permit if fees are lacking.

Exam Fee Paid	<u>250</u>
Q fee	<u>150</u>
Subtotal	<u>400</u>
Recording Fee	<u>175</u>
Total	<u>575</u>
Amount Paid	<u>400</u>
Amount due/refund	<u>175</u>

1st CFS/AF 150
Addnl. _____
TOTAL Q 150

FO Type: (circle types) DENIAL **FO w/o PERMIT (REASON: Lacks Fees)** Lacks Easement Map Other

FO & PERMIT (Permit # _____) FOMOD MGMT CODES::

12. ____ Assign permit numbers to files with oaths, fees, and no protests or other issues.

Once FO document is completed:

15. ____ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK_____ & delete duplicates.

16. ____ Print final draft of document and submit to team leader for review

17. Y / N Team leader review completed

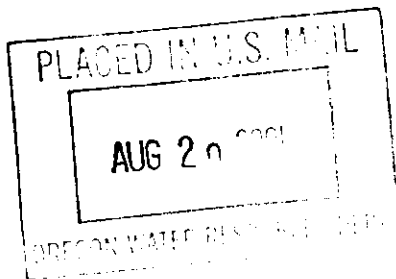
18. Route to Dwight for signature

20. Update folders

21. To support for mailing

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-15121



Proposed Final Order

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

Application History

On April 6, 2000, TIMOTHY ROY PETERS, RAINTREE TROPICAL submitted an application to the Department for the following water use permit:

- Amount of Water: 28.0 GALLONS PER MINUTE
- Use of Water: NURSERY USE ON 10.45 ACRES
- Source of Water: TWO WELLS IN PUDDING RIVER BASIN
- Area of Proposed Use: MARION County within SECTION 9, TOWNSHIP 7 SOUTH, RANGE 1 WEST, W.M.

On 11/24/00, the Department mailed the applicant notice of its Initial Review, determining that "Because the use of 28.0 GPM of water from two wells, in the Pudding River Basin, for Nursery Operations on 10.45 acres is not allowable, and it appears unlikely that you will be issued a permit". The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 12/12/00, 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.

Within 30 days of the Department's public notice, written comments were received from the applicant deleting one well from the request.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance

- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program allows the use of water for NURSERY USE.

WELL TWO IN PUDDING RIVER BASIN is not within or above a State Scenic Waterway.

A reassessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section based upon new information provided by the applicant. A copy of this assessment is in the file. The proposed use of groundwater **will, if properly conditioned, avoid injury** to existing rights or to the groundwater resource. Therefore, groundwater may be appropriated YEAR-ROUND.

The Department finds that the amount of water requested, 0.06 CFS (28.0 GALLONS PER MINUTE), is an acceptable rate.

The proposed well is not within a designated critical ground water area.

Based upon reevaluation of the proposed appropriation after modifications to the request, the Department determined, and OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with surface water, namely **UNNAMED TRIBUTARY TO BRUSH CREEK**.

The Groundwater Section finds, per OAR 390.835(9), there **is NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference

under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in

injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED August 21, 2001


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **October 5, 2001**.

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 Jerry Gainey. 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 at 1-503-378-8455 extension 458.

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 Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201.

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

TIMOTHY ROY PETERS
RAINTREE TROPICAL
212 ROCK ST
SILVERTON, OREGON 97381

(503)873-2644

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

APPLICATION FILE NUMBER: G-15121

SOURCE OF WATER: WELL TWO IN PUDDING RIVER BASIN

PURPOSE OR USE: NURSERY USE ON 10.45 ACRES

MAXIMUM RATE: 0.06 CUBIC FEET PE SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: APRIL 6, 2000

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 9, T7S, R1W, W.M.;
520.8 FEET SOUTH AND 1123.7 FEET WEST FROM E 1/4 CORNER, SECTION 9

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 10.45 ACRES
SECTION 9
TOWNSHIP 7 SOUTH, RANGE 1 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 substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device

suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.

- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued _____, 2001

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

Mailing List for PFO Copies

Application #G-15121

PFO Date August 21, 2001

Original mailed to:

Applicant: TIMOTHY ROY PETERS, RAINTREE TROPICAL, 212 ROCK ST, SILVERTON, OREGON 97381

Copies sent to:

1. WRD - File #

PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 16

Copies Mailed By: <u>DS</u> (SUPPORT STAFF) on: <u>8/20/01</u> (DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1. _____
- 2. _____
- 3. _____

PFO CHECKLIST

Application #: G 15/21

County MARION Basin: 2-Williamette
Township 7S Range 1W Section 10 1/4 1/4 NW SW

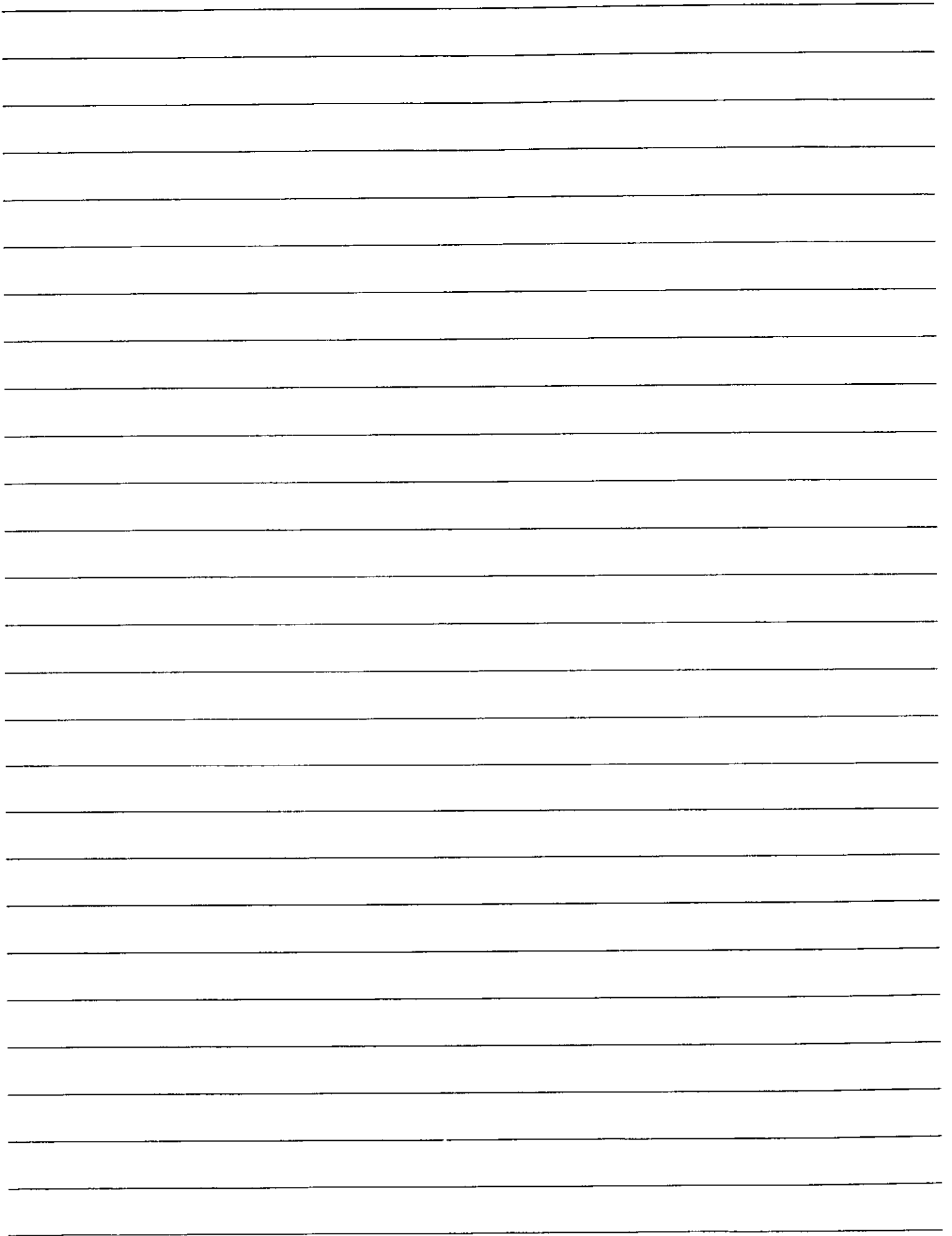
- 1. Shortcomings preventing PFO, FO, or permit? Y/N Should process continue Y/N
- 2. Groundwater Review A B C D River/Stream Name unnamed stream, Brush Creek
 - a. Groundwater Availability A B C
 - b. Is second groundwater review complete? Y/N necessary? Y/N
 - c. Is the well located in a GWLA or CA? Y/N (If Y or close include map of POD) Area _____
- 3. Is use from BOR / Doug Co. project? Y/N Contract in file? N / Contract # _____
- 4. Is the use allowed by the Basin Program? Y/N, Limited? Y/N _____
- 5. Water Availability Data OK / REDONE / NA (80% live flow & 50% storage) _____
- 6. Is the source **withdrawn** or limited by statute or Department order? Y/N order - 9/22/50
- 7. Is the Proposed Use located in or above a **SWW**? Y/N _____
- 8. Division 33: Y/N / NA Above Bonn (after July 17, 1992) Y/N Limit to April 15 - September 30 Y/N
Below Bonn (after April 8, 1994; June 3, 1994) Y/N add PISPC Y/N
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N
- 9. IR identifies as on DEQ 303d List? Y/N / NA Comments received? Y/N
- 10. Have conflicts been addressed? Y/N / NA _____
- 11. Rate 3E
Duty _____ Season: Normal year round Req year-round
- 12. Rate: Max 3E Req 28gpm (0.06 CFS)

- 13. 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 require the Large condition
- 14. Conditions 7B, 7E 3E
New River Basin or Bonanza? Y/N NA (see M:\groups\wr\pfo\findings & other lang)
- 15. IR Date 11/24/00 Public Notice Date 12/12/00 Comment Rec'd yes - from applicant change letter.
- 16. Filed after 10/23/99? Y/N (if Y A date should be removed)

17. CWRE, representatives or Property owners to notify? Y/N _____

summary:
 See GW re-review/approval
 of 1 well. Unfair while IR
 over come by well change

Initials: JLS Date: 8-13-01



IR CHECKLIST

Moletta

Application # 6-15121 Priority Date: 4-6-2000

Basin: 2-Willamette County: Marion Watermaster District: # 16-NW

Township: 7S Range: 1W Section: 9 1/4 1/4

WID: # 169 POU WID: # _____

1. Complete by Minimum Requirements checklist? Yes No
Items still required: _____

2. ☆Groundwater/Surface Water Interference: A B C D If "A", indicate River/Stream un-named trib. to Brush Creek
☆Groundwater Availability: A B C ☆Conditions to be included on IR? List under Item #23 (over)
★★PLEASE NOTE: If GW / SW Interference (above) = "B", "C" or "D".....Skip Items #4, #5, #14, #18 & #19

3. Basin Maps checked? Yes No

4. Within or above a Scenic Waterway? Yes No Scenic Waterway
If Yes.....cc: State Parks Dept. Conditions/Restrictions? Yes No

5. Within Oregon Streamflow Restoration Area? Yes No ...If Yes, include Streamflow Restoration Block

6. Is the well located in a Groundwater Limited Area? Yes No Name _____ GW Limited Area

7. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes No If Yes...Notify DEQ immediately!!!
If Yes...cc: Andy Schaedel, NW Region Water Quality Manager, 2020 SW Fourth Ave, Portland, OR 97201
Call Andy at Phone #: 503-229-6121 & E-mail Andy at: "SMTPschaedel.andrew.l@deq.state.or.us"

8. Requested Use & Rate: Nursery Ops on 10.5ac at 28 gpm (2well)

9. Season requested by applicant: Year Round 10.5

10. For Irrigation: Rate _____ Duty _____ Season _____

11. For Nursery or Cranberry: Rate 3D Duty _____ Season Year Round

12. Allowed under Basin Program? Yes No un-named stream is gw/drawn
Limitations? Yes No Not in GWLA or GWCA (OAR 690-502-1201d)

13. Withdrawn? Yes No Season Allowed: not = OAR 690-502-1201d

14. Water Availability Applies: Yes No 80% or 50% Not avail June -> Oct

15. Conflict? Yes No NCR
plat card

✓ 16. BOR project? Yes No If Yes... Contract # and Duty: _____

✓ 17. Land use approval OK'd Needs Approval County Notified N/A

✓ 18. Subject to Division 33: Yes No N/A = Well does not have the potential for substantial interference

★ Upper Columbia Div 33 Rules (Above Bonneville)? Yes No
If Yes..... NO WATER USE ALLOWED from APRIL 15 thru SEPTEMBER 30 of each year
❖❖(EXCEPT for Domestic Use & other Exempt uses under OAR 690-33-140)❖❖

- cc: ODFW Biologist District # _____ NMFS.....Marc Liverman
- Columbia River Intertribal Fish Commission Dept. Of Agriculture.....Steve Applegate
- US Fish & Wildlife DEQ → East Region - Dick Nichols, Bend
- NW Power Planning Council → West Region - John Blanchard, Medford
- Northwest Region - Andy Schaedel, Portland

★ Statewide Div 33 Rules ("Sensitive" statewide (Blue on Map) & "Threatened or Endangered" OUTSIDE Columbia Basin? Yes No

- If Yes...cc: ODFW Biologist District # _____
- Steve Applegate.....Dept. of Agriculture
 - DEQ → East Region - Dick Nichols, Bend
 - West Region - John Blanchard, Medford
 - Northwest Region - Andy Schaedel, Portland

★ DIVISION 33 CONDITIONS ★

- Above Bonneville: "B54B"
- Below Bonneville: "PISPC"
- ❖❖NOTE: If "Q" is over 1.0 CFS, See: OAR 690-33-220(3)

✓ 19. On DEQ 303d (Water Quality Limited) list? Yes No If Yes...cc: appropriate Regional Water Quality Manager
 East Region-Dick Nichols, Bend West Region-John Blanchard, Medford NW Region-Andy Schaedel, Portland

✓ 20. Within Dept. of Agriculture Water Quality Management Area? Yes No If Yes.....cc: Mike Wolf - Dept. of Ag
ADOPTED: TUALATIN__ BEAR CREEK(ROGUE)__ UMATILLA__ UPPER GRANDE RONDE__ YAMHILL__ LOWER DESCHUTES__
NORTH COAST__ (includes: Lower Columbia/Clatskanie, Lower Columbia, Necanicum, Nehalem, Wilson/Trask/Nestucca)

DRAFT RULES: LOWER COLUMBIA/SANDY__ CLACKAMAS__ MOLALLA/PUDDING ✓ FRENCH/PRAIRIE__ NORTH SANTIAM__
HOOD RIVER__ MID DESCHUTES__ N FORKS JOHN DAY__ (includes: Middle Fork John Day, North Fork John Day)
UMPQUA__ (includes: Umpqua, North Umpqua, South Umpqua) MALHEUR__ (includes: Willow/Malheur, Bully,
Lower Malheur, Upper Malheur, Farewell Bend, Middle Snake/Payette)

IN COMMITTEE: COQUILLE__ COOS__ MID COAST__ (includes: Siletz/Yaquina, Alsea, Siuslaw, Siltcoos) WALLA WALLA__
SOUTHERN WILLAMETTE VALLEY__ (includes: Coast Willamette, Middle Willamette, McKenzie) UPPER JOHN DAY__
KLAMATH HEADWATERS__ (includes: Butte, Sprague, Williamson, Upper Klamath, Upper Klamath Lake) LOST RIVER__
INLAND ROGUE__ (includes: Lower Rogue, Middle Rogue, Upper Rogue, Applegate, Illinois)
WALLOWA__ (includes: Wallowa, Lower Grande Ronde, Imnaha)

✓ 21. WM District: NWR: 1 2 16 18 20 NCR: 3 4 5 ER: 6 8 9 10 SCR: 11 12 17 SWR: 13 14 15 19

✓ 22. Initial Review will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

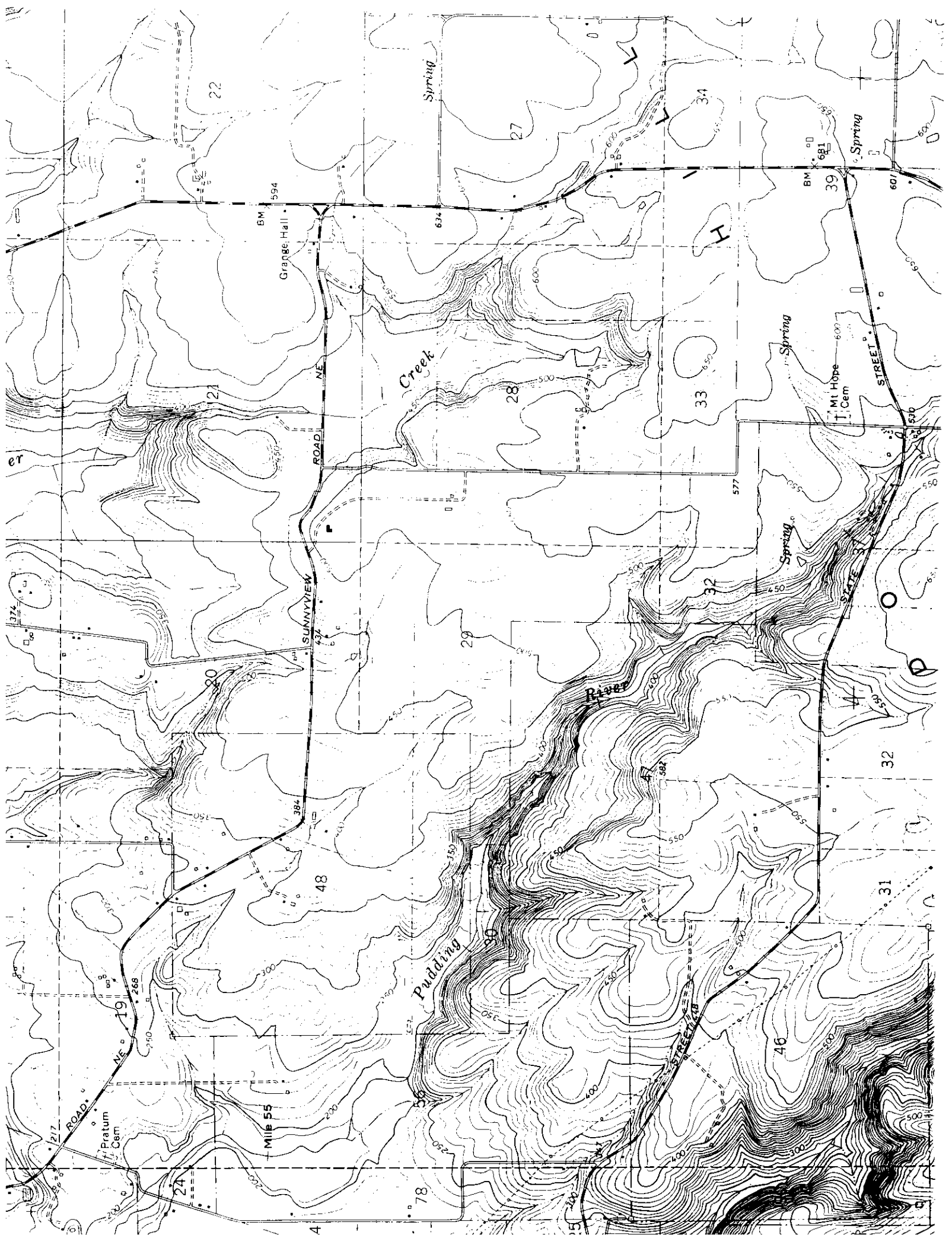
✓ 23. ☆Proposed Allowed Use & Rate: Denial

☆Proposed Allowed Period of Use: _____

☆Measuring condition: Small Medium Large

☆Conditions (BOR, GW, other)? Yes No 7B, 7I - per Groundwater Report . PISPC

Reviewer's Name: LKS Date: 11-16-00



November, 1994

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 502
WILLAMETTE BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1992, f. & cert. ef. 3-13-92.]

Definitions

690-502-010 As used in this rule, unless the context requires otherwise:

(1) The Willamette Basin is as shown on Water Resources Department Map No. 2.6.

(2) "Agricultural Use" means non-irrigation agricultural use of water such as temperature control, chemigation, mineral leaching, dairy barn washing, greenhouse use, harvest use and other related uses.

(3) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of any of the surface or groundwaters of the Willamette Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification.

(4) "Commission" means the Water Resources Commission.

(5) "Commercial Use" means use of water at a place where commodities or services are bought or sold or provided by an entity open to the public, such as a gas station, restaurant, motel, etc.

(6) "Department" means the Water Resources Department.

(7) "Director" means the Director of the Water Resources Department.

(8) "Domestic Use" includes domestic use, domestic use expanded and group domestic, as defined in OAR 690-11.

(9) "Fish Life Use" includes use of water to support natural or artificial propagation of fish and other aquatic life.

(10) "Groundwater Recharge" means the intentional addition of water to a groundwater reservoir where consistent with OAR 690-11.

(11) "Industrial Use" includes the use of water in the manufacture of a product and maintenance of industrial sites, facilities and buildings, and includes other related miscellaneous uses.

(12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth or nourish plants.

(13) "Livestock Use" means the use of groundwater or diversion of water from the natural water course or storage of water for consumption by livestock or wildlife.

(14) "Mining Use" means the use of water to extract metals or minerals including placer mining as defined in OAR 690-11 and leaching operations.

(15) "Municipal Use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-11.

(16) "Pollution Abatement" means the use of water to remove or dilute pollutants or achieve water quality standards.

(17) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR 690-51.

(18) "Public Instream Use" means the public use of water where there is no diversion or other means of physical control over the water. Public instream uses include, but are not limited to, recreation, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, wetlands other than those referred to in section (21) of this rule and any other ecological values, pollution abatement or navigation.

(19) "Recreation Use" means the use of natural or stored water to provide recreation uses as defined in OAR 690-11.

(20) "Storage Season" means the time period during which reservoirs may be filled.

(21) "Wetland Enhancement" means the diversion or control of surface or groundwater for the purpose of mitigating, constructing, enhancing and/or maintaining wetlands.

(22) "Wildlife Use" includes use of water by or for sustaining wild animal species and their habitats.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Policies

690-502-020 Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

(1) Surface water allocation:

(a) Protect undeveloped streams with instream values for public instream uses;

(b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;

(c) Preserve opportunities for future economic development by reserving water for future use;

(d) Minimize the likelihood of over-appropriation due to new uses;

(e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;

(f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.

(2) Groundwater management:

(a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;

(b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;

(c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring program to document changes in quality and provide data for aquifer management;

(d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;

(e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

(3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.

(4) Reservoir coordination:

(a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;

(b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.

(5) Water conservation:

(a) Implement programs to eliminate wasteful water use;

(b) Improve the efficiency of water use through implementation of voluntary conservation measures;

(c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.

(6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Objectives

690-502-030 The objectives of the Commission in managing the waters of Willamette Basin are to:

(1) Retain minimum perennial streamflows as provided in OAR 690-502-050 to 690-502-150 until the process for conversion to instream water rights is completed.

(2) Promote public instream uses and values in headwaters streams exhibiting high instream values.

(3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.

(4) Protect instream values in state scenic waterways as described in ORS 390.835 and support management of national wild and scenic rivers.

(5) Minimize the potential of future permits to over-appropriate water.

(6) Consider reservations for future uses within the context of planned and reasonably expected mixes of land uses and economic development in the basin or subbasin(s) consistent with the public interest. Establish reservations that provide for appropriate mix(es) of future uses as established by local or regional plans; e.g., comprehensive plans, water supply plans, economic development plans, urban reserves, and other relevant resource development and protection plans. Generally, design, condition or subordinate reservations such that water can be allocated to meet future municipal and irrigation needs without disadvantaging either use in a way that is consistent with the public interest.

(7) Coordinate with the Department of Environmental Quality in efforts to meet total maximum daily loads in designated drainages by limiting new surface water appropriations during the low-flow season and placing conditions on permits requiring efficiency measures. These drainages include, but are not limited to, the Coast Fork of the Willamette, Tualatin, Yamhill, Pudding, Rickreall Creek and Columbia Slough.

(8) Increase basinwide water use efficiency.

(9) Coordinate with the Northwest Power Planning Council in meeting the objectives of the "protected areas" designation when evaluating hydroelectric permit applications.

(10) Protect and encourage use of water which sustains economic development.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

General Provisions

690-502-040 (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(4) Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

(6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through October 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31.

(6) The following streams and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from December 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through November 30:

- (a) Butte Creek tributary to Pudding River;
- (b) Abiqua Creek tributary to Pudding River.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Tualatin River Subbasin

690-502-130 The Tualatin subbasin includes the drainage area of the Tualatin River upstream from the confluence with the Willamette River near West Linn:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except for storage, unless otherwise indicated, by order of the State Engineer on the specified dates:

(A) Unnamed stream flowing through Sections 10, 15, and 21, Township 1 South, Range 3 West, Willamette Meridian, tributary to the Tualatin River, by order dated August 13, 1951;

(B) Unnamed stream flowing through Sections 32, 33, 34 and 35, Township 1 North, Range 3 West, Willamette Meridian, tributary to Dairy Creek, by order dated July 25, 1951;

(C) Unnamed stream, known locally as Burriss Creek, flowing through northeast part of Township 2 South, Range 3 West, Willamette Meridian, and Sections 5 and 6, Township 2 South, Range 2 West, Willamette Meridian, tributary to the Tualatin River, by order dated July 25, 1951;

(D) Unnamed stream flowing in the south part of Township 1 South, Range 2 West, Willamette Meridian, tributary to the Tualatin River, by order dated August 4, 1950;

(E) Unnamed stream flowing through Sections 19, 29, 30, 31 and 32, Township 1 South, Range 3 West, Willamette Meridian, tributary to the Tualatin River, by order dated August 8, 1950;

(F) Clear Creek and Iler Creek west of the north-south line between Township 1 North, Ranges 4 and 5 West, being tributaries to Gales Creek for the exclusive use of the City of Forest Grove under permit 12034, by order dated March 2, 1936;

(G) Unnamed branch of Clear Creek within Sections 18, 19, 29 and 30, Township 1 North, Range 4 West, Willamette Meridian, for the exclusive of the City of Forest Grove under permit 13944 by order dated October 19, 1939.

(b) Except as specified in subsections (a) and (c) of this section, the Tualatin River and tributaries are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power in conjunction with storage, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock, wetland enhancement and public instream uses from May 1 through October 31;

fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(3) Multnomah Channel and drainage waters originating within drainage districts are classified for domestic, livestock, municipal, industrial, irrigation, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(4) Except as specified in subsections (1)(a), (b) and (c) of this rule, all stream systems in the Columbia Subbasin and Columbia Slough are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Groundwater Classifications and Conditions

690-502-160 (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The ground-water resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy-Boring area is classified for exempt uses only. The Sandy-Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in section (4) of this rule. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications;

Groundwater from the basalt aquifers in the Damascus, Gladdidings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only:

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Gladdidings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton-Sublimity Groundwater Limited Area is as described and shown in Exhibit 7;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water

Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

~~(C)~~ ~~(A)~~ Except as provided in paragraph (B) of this subsection, groundwater from the basalt aquifers in the Sherwood-Dammasch-Wilsonville Groundwater Limited Area as described and shown in Exhibit 6 is classified for exempt uses only;

~~(B)~~ Groundwater applications G-12155 (City of Sherwood) and G-13353 (Manke Lumber Co.) shall be processed according to the classifications in effect on the date the application was filed. Permits shall contain the Special Permit Conditions specified in Section (3) of this rule.

~~(d)~~ Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only. Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08:

~~(A)~~ The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11;

~~(B)~~ Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply;

~~(e)~~ Groundwater — Surface water hydraulic connection: These rules are in addition to the requirements of OAR 690-09. Groundwater in unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. This hydraulically connected groundwater shall be classified the same as the surface source. This section shall not apply to those groundwater uses exempted by ORS 537.545. Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

~~(3)~~ Special Columbia River Basalt Group Aquifer Permit Conditions: New permits issued to appropriate groundwater from Columbia River Basalt Group aquifers shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) The permittee/appropriator install a meter or other suitable measuring device approved by the Director and submit an annual report of water used to the Department;

(c) Limits on acceptable amounts of depletion and interference with other users;

See New GW Review.

(d) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(e) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(f) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(g) Any other conditions derived from OAR 690-08 as deemed necessary to protect the groundwater resource.

(4) Special Permit Conditions: New permits issued to appropriate groundwater from aquifers within the Sandy-Boring Groundwater Limited Area and the Troutdale aquifer in the Damascus Groundwater Limited Area shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) Limits on acceptable amounts of depletion and interference with other users;

(c) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(d) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(e) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(f) Any other conditions as specified in OAR 690-08 as deemed necessary to protect the groundwater resource.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Water Resources Department.]

Stat. Auth.: ORS Ch. 536 & 537

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1993, f. & cert. ef. 9-9-92; WRD 3-1994, f. & cert. ef. 3-10-94, WRD - 1994, f. & cert. ef. 11-7-94

WATER AVAILABILITY TABLE

Stream: SILVER CR > PUDDING R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 169 (and Nested Subbasins)

Time: 11:58

Date: 10/04/2000

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	69796	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
3	69998	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
4	151	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
5	152	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
6	169	YES	YES	YES	YES	YES						YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE

Watershed ID Number: 169 (and Nested Subbasins)

Time: 11:58

Date: 10/04/2000

Item	Watershed ID	Stream Name
1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	69796	MOLALLA R > WILLAMETTE R - AT MOUTH
3	69998	PUDDING R > MOLALLA R - AT MOUTH
4	151	PUDDING R > MOLALLA R - AB MILL CR
5	152	PUDDING R > MOLALLA R - AB HOWELL PRAIRIE
6	169	SILVER CR > PUDDING R - AT MOUTH

LIMITING WATERSHEDS

Stream: SILVER CR > PUDDING R - AT MOUTH

Watershed ID Number: 169

Basin: WILLAMETTE

Exceedance Level: 80

Time: 11:58

Date: 10/04/2000

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	169	SILVER CR > PUDDING R - AT MOUTH	YES	112.0
2	169	SILVER CR > PUDDING R - AT MOUTH	YES	106.0
3	169	SILVER CR > PUDDING R - AT MOUTH	YES	112.0
4	169	SILVER CR > PUDDING R - AT MOUTH	YES	74.0
5	169	SILVER CR > PUDDING R - AT MOUTH	YES	13.7
6	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-164.0
7	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-156.0
8	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-91.4
9	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-74.2
10	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-274.0
11	169	SILVER CR > PUDDING R - AT MOUTH	YES	6.9
12	169	SILVER CR > PUDDING R - AT MOUTH	YES	108.0
Stor	169	SILVER CR > PUDDING R - AT MOUTH	YES	84000.0

NO = both over & fish

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 181

Time: 11:58

Date: 10/04/2000

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	484.00	206.00	26800.00	.00	1500.00	25300.00
2	30000.00	3530.00	202.00	26300.00	.00	1500.00	24800.00
3	28500.00	4600.00	189.00	23700.00	.00	1500.00	22200.00
4	25400.00	4420.00	182.00	20800.00	.00	1500.00	19300.00
5	20700.00	2170.00	187.00	18300.00	.00	1500.00	16800.00
6	11000.00	1260.00	379.00	9360.00	.00	1500.00	7860.00
7	6280.00	1640.00	394.00	4240.00	.00	1500.00	2740.00
8	4890.00	1460.00	363.00	3070.00	.00	1500.00	1570.00
9	4930.00	1090.00	338.00	3500.00	.00	1500.00	2000.00
10	5990.00	355.00	140.00	5490.00	.00	1500.00	3990.00
11	12700.00	376.00	162.00	12200.00	.00	1500.00	10700.00
12	24800.00	430.00	203.00	24200.00	.00	1500.00	22700.00
Stor	19700000	1310000	176000	18200000	0	1080000	17200000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R > COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 181

Time: 11:58

Date: 10/04/2000

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	217.00	.00	333.00	99.50	4.39	23.60	10.10	2.50	690.00
2	3250.00	.00	333.00	99.50	4.39	23.60	10.10	2.50	3730.00
3	4310.00	6.44	333.00	99.50	4.39	23.60	10.10	2.50	4790.00
4	4090.00	42.80	333.00	99.50	4.39	23.60	10.10	2.50	4600.00
5	1600.00	292.00	329.00	99.50	4.39	23.60	8.39	2.50	2360.00
6	13.00	585.00	907.00	99.30	4.24	23.60	8.39	2.50	1640.00
7	.10	999.00	904.00	94.00	4.24	23.60	8.39	2.50	2040.00
8	.05	784.00	904.00	94.00	4.24	22.20	8.39	2.50	1820.00
9	.06	388.00	901.00	99.20	4.24	22.20	8.39	2.50	1430.00
10	.15	27.70	331.00	99.30	4.24	22.20	8.39	2.50	495.00
11	66.00	.00	333.00	99.30	4.39	23.60	10.10	2.50	539.00
12	160.00	.00	333.00	99.50	4.39	23.60	10.10	2.50	633.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: MOLALLA R > WILLAMETTE R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 69796

Time: 11:58

Date: 10/04/2000

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1870.00	22.20	29.80	1820.00	.00	500.00	1320.00
2	2010.00	21.10	28.40	1960.00	.00	500.00	1460.00
3	1830.00	8.36	23.10	1800.00	.00	500.00	1300.00
4	1530.00	11.30	17.50	1500.00	.00	500.00	1000.00
5	927.00	46.80	15.20	865.00	.00	500.00	365.00
6	431.00	79.30	15.70	336.00	.00	500.00	-164.00
7	204.00	136.00	23.70	44.40	.00	200.00	-156.00
8	139.00	111.00	19.00	8.61	.00	100.00	-91.40
9	134.00	48.40	9.83	75.80	.00	150.00	-74.20
10	188.00	11.20	1.20	176.00	.00	450.00	-274.00
11	637.00	14.00	12.10	611.00	.00	500.00	111.00
12	1700.00	22.40	28.50	1650.00	.00	500.00	1150.00
Stor	1320000	31900	13400	1280000	0	293000	999000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: MOLALLA R > WILLAMETTE R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 69796

Time: 11:58

Date: 10/04/2000

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	44.00	.00	4.55	1.79	.33	.95	.38	.00	52.00
2	41.50	.00	4.55	1.79	.33	.95	.38	.00	49.60
3	22.20	1.27	4.55	1.79	.33	.95	.38	.00	31.40
4	15.50	5.30	4.55	1.79	.33	.95	.38	.00	28.80
5	7.81	46.20	4.55	1.79	.33	.95	.38	.00	62.00
6	1.52	76.50	13.70	1.79	.18	.95	.38	.00	95.00
7	.00	143.00	13.70	1.79	.18	.95	.38	.00	160.00
8	.00	113.00	13.70	1.79	.18	.95	.38	.00	130.00
9	.00	41.20	13.70	1.79	.18	.95	.38	.00	58.20
10	.00	4.55	4.55	1.79	.18	.95	.38	.00	12.40
11	18.10	.00	4.55	1.79	.33	.95	.38	.00	26.10
12	42.80	.00	4.55	1.79	.33	.95	.38	.00	50.80

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: PUDDING R > MOLALLA R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 69998

Time: 11:58

Date: 10/04/2000

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1120.00	17.70	30.40	1070.00	.00	80.00	992.00
2	1260.00	17.10	29.00	1210.00	.00	80.00	1130.00
3	1080.00	3.55	23.70	1050.00	.00	80.00	973.00
4	834.00	6.38	18.20	809.00	.00	80.00	729.00
5	448.00	28.00	15.80	404.00	.00	80.00	324.00
6	231.00	58.10	16.30	157.00	.00	60.00	96.60
7	111.00	96.00	23.90	-8.88	.00	50.00	-58.90
8	71.60	77.70	19.40	-25.50	.00	40.00	-65.50
9	67.90	41.80	10.50	15.60	.00	40.00	-24.40
10	91.50	5.46	2.03	84.00	.00	60.00	24.00
11	364.00	8.81	12.80	342.00	.00	80.00	262.00
12	1010.00	17.00	29.00	964.00	.00	80.00	884.00
Stor	748000	22600	13800	712000	0	48500	667000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: PUDDING R > MOLALLA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 69998

Time: 11:58

Date: 10/04/2000

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	43.60	.00	2.45	.33	1.18	.31	.30	.00	48.20
2	41.50	.00	2.45	.33	1.18	.31	.30	.00	46.10
3	22.00	.74	2.45	.33	1.18	.31	.30	.00	27.30
4	15.40	4.60	2.45	.33	1.18	.31	.30	.00	24.50
5	7.75	31.50	2.45	.33	1.18	.31	.30	.00	43.80
6	1.51	63.50	7.36	.33	1.03	.31	.30	.00	74.40
7	.00	111.00	7.36	.33	1.03	.31	.30	.00	120.00
8	.00	87.80	7.36	.33	1.03	.31	.30	.00	97.10
9	.00	43.00	7.36	.33	1.03	.31	.30	.00	52.30
10	.00	3.06	2.45	.33	1.03	.31	.30	.00	7.49
11	17.10	.00	2.45	.33	1.18	.31	.30	.00	21.70
12	41.40	.00	2.45	.33	1.18	.31	.30	.00	46.00

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: PUDDING R > MOLALLA R - AT MOUTH
 Basin: WILLAMETTE
 Watershed ID Number: 69998
 Time: 11:58

Date: 10/04/2000

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	.00	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00	.00

DETAILED REPORT OF ISWRs

Stream: PUDDING R > MOLALLA R - AT MOUTH
 Basin: WILLAMETTE
 Watershed ID Number: 69998
 Time: 11:58

Date: 10/04/2000

-----ISWRs-----								
APP #	69998A	73532A	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	80.00	36.00	.00	.00	.00	.00	.00	80.00
2	80.00	36.00	.00	.00	.00	.00	.00	80.00
3	80.00	36.00	.00	.00	.00	.00	.00	80.00
4	80.00	36.00	.00	.00	.00	.00	.00	80.00
5	80.00	36.00	.00	.00	.00	.00	.00	80.00
6	60.00	36.00	.00	.00	.00	.00	.00	60.00
7	50.00	36.00	.00	.00	.00	.00	.00	50.00
8	40.00	36.00	.00	.00	.00	.00	.00	40.00
9	40.00	36.00	.00	.00	.00	.00	.00	40.00
10	60.00	36.00	.00	.00	.00	.00	.00	60.00
11	80.00	36.00	.00	.00	.00	.00	.00	80.00
12	80.00	36.00	.00	.00	.00	.00	.00	80.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: PUDDING R > MOLALLA R - AB MILL CR

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 151

Time: 11:58

Date: 10/04/2000

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1040.00	36.70	28.60	975.00	.00	36.00	939.00
2	1180.00	35.70	27.20	1120.00	.00	36.00	1080.00
3	1010.00	16.20	22.00	972.00	.00	36.00	936.00
4	787.00	18.80	16.40	752.00	.00	36.00	716.00
5	425.00	38.90	13.00	373.00	.00	36.00	337.00
6	224.00	62.60	11.80	150.00	.00	36.00	114.00
7	109.00	97.70	17.40	-6.16	.00	36.00	-42.20
8	71.00	80.80	13.90	-23.70	.00	36.00	-59.70
9	67.30	47.50	7.03	12.70	.00	36.00	-23.30
10	91.60	18.00	.69	72.90	.00	36.00	36.90
11	363.00	24.40	11.40	327.00	.00	36.00	291.00
12	957.00	35.60	27.20	894.00	.00	36.00	858.00
Stor	706000	30700	11800	663000	0	25900	640000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: PUDDING R > MOLALLA R - AB MILL CR

Basin: WILLAMETTE

Watershed ID Number: 151

Time: 11:58

Date: 10/04/2000

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	49.30	.00	15.00	.33	.03	.27	.30	.00	65.30
2	47.00	.00	15.00	.33	.03	.27	.30	.00	62.90
3	21.60	.67	15.00	.33	.03	.27	.30	.00	38.20
4	15.20	4.15	15.00	.33	.03	.27	.30	.00	35.30
5	7.71	28.30	15.00	.33	.03	.27	.30	.00	51.90
6	1.50	57.10	15.00	.33	.03	.27	.30	.00	74.50
7	.00	99.20	15.00	.33	.03	.27	.30	.00	115.00
8	.00	78.80	15.00	.33	.03	.27	.30	.00	94.70
9	.00	38.60	15.00	.33	.03	.27	.30	.00	54.60
10	.00	2.75	15.00	.33	.03	.27	.30	.00	18.70
11	19.80	.00	15.00	.33	.03	.27	.30	.00	35.80
12	46.90	.00	15.00	.33	.03	.27	.30	.00	62.90

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: PUDDING R > MOLALLA R - AB MILL CR

Basin: WILLAMETTE

Watershed ID Number: 151

Time: 11:58

Date: 10/04/2000

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	.00	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00	.00

DETAILED REPORT OF ISWRs

Stream: PUDDING R > MOLALLA R - AB MILL CR

Basin: WILLAMETTE

Watershed ID Number: 151

Time: 11:58

Date: 10/04/2000

-----ISWRs-----								
APP #	151A	73532B	73533A	73534A	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.	Cert.				
1	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
2	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
3	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
4	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
5	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
6	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
7	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
8	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
9	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
10	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
11	35.00	36.00	16.00	11.00	.00	.00	.00	36.00
12	35.00	36.00	16.00	11.00	.00	.00	.00	36.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: PUDDING R > MOLALLA R - AB HOWELL PRAIRIE

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 152

Time: 11:58

Date: 10/04/2000

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	603.00	12.70	1.08	589.00	.00	10.00	579.00
2	649.00	11.60	.95	636.00	.00	10.00	626.00
3	587.00	2.84	1.00	583.00	.00	10.00	573.00
4	451.00	3.96	.89	446.00	.00	10.00	436.00
5	235.00	12.60	1.14	221.00	.00	10.00	211.00
6	111.00	27.20	1.96	81.80	.00	10.00	71.80
7	43.60	42.30	2.94	-1.60	.00	10.00	-11.60
8	24.70	35.00	2.33	-12.70	.00	10.00	-22.70
9	22.70	20.80	1.27	.68	.00	10.00	-9.32
10	38.90	3.60	.08	35.20	.00	10.00	25.20
11	233.00	7.44	.46	225.00	.00	10.00	215.00
12	608.00	12.20	1.04	595.00	.00	10.00	585.00
Stor	385000	11500	907	373000	0	7190	366000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: PUDDING R > MOLALLA R - AB HOWELL PRAIRIE

Basin: WILLAMETTE

Watershed ID Number: 152

Time: 11:58

Date: 10/04/2000

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	11.20	.00	2.25	.07	.03	.19	.08	.00	13.80
2	9.91	.00	2.25	.07	.03	.19	.08	.00	12.50
3	.97	.24	2.25	.07	.03	.19	.08	.00	3.84
4	.72	1.51	2.25	.07	.03	.19	.08	.00	4.85
5	.28	10.80	2.25	.07	.03	.19	.08	.00	13.70
6	.09	22.00	6.75	.07	.03	.19	.08	.00	29.20
7	.00	38.10	6.75	.07	.03	.19	.08	.00	45.20
8	.00	30.20	6.75	.07	.03	.19	.08	.00	37.40
9	.00	14.90	6.75	.07	.03	.19	.08	.00	22.00
10	.00	1.06	2.25	.07	.03	.19	.08	.00	3.68
11	5.28	.00	2.25	.07	.03	.19	.08	.00	7.90
12	10.70	.00	2.25	.07	.03	.19	.08	.00	13.30

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: PUDDING R > MOLALLA R - AB HOWELL PRAIRIE
 Basin: WILLAMETTE
 Watershed ID Number: 152
 Time: 11:58

Date: 10/04/2000

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	.00	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00	.00

DETAILED REPORT OF ISWRs

Stream: PUDDING R > MOLALLA R - AB HOWELL PRAIRIE
 Basin: WILLAMETTE
 Watershed ID Number: 152
 Time: 11:58

Date: 10/04/2000

-----ISWRs-----								
APP #	152A	73535A	73536A	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.					
1	10.00	6.70	5.00	.00	.00	.00	.00	10.00
2	10.00	6.70	5.00	.00	.00	.00	.00	10.00
3	10.00	6.70	5.00	.00	.00	.00	.00	10.00
4	10.00	6.70	5.00	.00	.00	.00	.00	10.00
5	10.00	6.70	5.00	.00	.00	.00	.00	10.00
6	10.00	6.70	5.00	.00	.00	.00	.00	10.00
7	10.00	6.70	5.00	.00	.00	.00	.00	10.00
8	10.00	6.70	5.00	.00	.00	.00	.00	10.00
9	10.00	6.70	5.00	.00	.00	.00	.00	10.00
10	10.00	6.70	5.00	.00	.00	.00	.00	10.00
11	10.00	6.70	5.00	.00	.00	.00	.00	10.00
12	10.00	6.70	5.00	.00	.00	.00	.00	10.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: SILVER CR > PUDDING R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 80

Watershed ID Number: 169

Time: 11:58

Date: 10/04/2000

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	179.00	7.41	.06	172.00	.00	60.00	112.00
2	173.00	6.99	.06	166.00	.00	60.00	106.00
3	173.00	.86	.05	172.00	.00	60.00	112.00
4	135.00	1.01	.03	134.00	.00	60.00	74.00
5	75.90	2.15	.01	73.70	.00	60.00	13.70
6	36.90	5.00	.00	31.90	.00	50.00	-18.10
7	16.70	6.99	.00	9.71	.00	23.00	-13.30
8	8.57	6.03	.00	2.54	.00	23.00	-20.50
9	11.00	4.14	.00	6.86	.00	23.00	-16.10
10	13.70	.96	.00	12.70	.00	60.00	-47.30
11	71.50	4.53	.03	66.90	.00	60.00	6.95
12	176.00	8.09	.07	168.00	.00	60.00	108.00
Stor	120000	3240	18	117000	0	35900	84100

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: SILVER CR > PUDDING R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 169

Time: 11:58

Date: 10/04/2000

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	6.64	.00	.75	.00	.00	.08	.00	.00	7.47
2	6.21	.00	.75	.00	.00	.08	.00	.00	7.05
3	.05	.03	.75	.00	.00	.08	.00	.00	.91
4	.03	.18	.75	.00	.00	.08	.00	.00	1.04
5	.01	1.32	.75	.00	.00	.08	.00	.00	2.16
6	.00	2.67	2.25	.00	.00	.08	.00	.00	5.00
7	.00	4.66	2.25	.00	.00	.08	.00	.00	6.99
8	.00	3.70	2.25	.00	.00	.08	.00	.00	6.03
9	.00	1.81	2.25	.00	.00	.08	.00	.00	4.14
10	.00	.13	.75	.00	.00	.08	.00	.00	.96
11	3.72	.00	.75	.00	.00	.08	.00	.00	4.55
12	7.32	.00	.75	.00	.00	.08	.00	.00	8.15

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: SILVER CR > PUDDING R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 169

Time: 11:58

Date: 10/04/2000

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	.00	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00	.00

DETAILED REPORT OF ISWRs

Stream: SILVER CR > PUDDING R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 169

Time: 11:58

Date: 10/04/2000

-----ISWRs-----								
APP #	169A	73537A	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	60.00	3.60	.00	.00	.00	.00	.00	60.00
2	60.00	3.60	.00	.00	.00	.00	.00	60.00
3	60.00	3.60	.00	.00	.00	.00	.00	60.00
4	60.00	3.60	.00	.00	.00	.00	.00	60.00
5	60.00	3.60	.00	.00	.00	.00	.00	60.00
6	50.00	3.60	.00	.00	.00	.00	.00	50.00
7	23.00	3.60	.00	.00	.00	.00	.00	23.00
8	23.00	3.60	.00	.00	.00	.00	.00	23.00
9	23.00	3.60	.00	.00	.00	.00	.00	23.00
10	60.00	3.60	.00	.00	.00	.00	.00	60.00
11	60.00	3.60	.00	.00	.00	.00	.00	60.00
12	60.00	3.60	.00	.00	.00	.00	.00	60.00

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt	Lot	DLC	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
T 817	S 15822	50165	Cncl'd															3.700	0.300				
6/14/1944																		IR cncl'd	IR cncl'd				
T 818	S 18707	35284	Cncl'd																9.700				
3/28/1949																			IR cncl'd				
T 825	S 18707	58748																4.500	IR				
3/28/1949																							
GR 1056	GI1018			14.500																			
5/31/1947				IR																			
T 1162	S 14789	36495	Cncl'd			27.600					4.800							2.400					
3/7/1941						IR cncl'd					IR cncl'd							IR cncl'd					
G 1199	G 1060	30814			1.000																		
8/15/1958					IR																		
T 2158	S 10395	41623	Cncl'd				16.000																
10/10/1931							IR cncl'd																
T 2158	S 10395	44019	Cncl'd				16.000																
10/19/1971							IR cncl'd																
T 2355	S 15822	53637																2.900	1.100				
6/14/1944																		IR	IR				
G 2661	G 2467	34272																14.400				2.500	
																		IR				IR	

DC

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
<input type="checkbox"/> <input type="checkbox"/>
Status

 < Supplemental indicator

Application Permit Certificate Status	NE				NW				SW				SE				Govt Lot DLC	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
T 2787 S 18707 36033 3/28/1949															5.200 IR			
T 3479 G 3410 49801 8/18/1966	21.100 IR																	
8/18/1966	9.500 IR (s)																	
T 3555 S 10395 47318 Cncl 10/19/1931					16.000 IR cncl													
G 3627 G 3410 39788 Cncl 8/18/1966	22.300 IR cncl																	
8/18/1966	14.500 IR (s) cncl																	
G 4149 G 3901 40007 12/5/1967											3.200 IR							
12/5/1967											6.200 IR (s)							
GR 4210 GI4103 PartCncl 10/31/1946		10.800 IR			40.000 IR													
G 4810 G 4533 39544 3/10/1969								20.900 IR	5.800 IR									
G 5296 G 5128 46696 8/26/1970														1.800 IR				

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
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Status

 < Supplemental indicator

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
T 5746	S 10395	61986	Cncl'd						4.000 IR cncl'd				0.100 IR cncl'd								
10/19/1931																					
T 6114	S 10395	62205											0.100 IR								
10/19/1931																					
T 6114	S 10395	64754								4.000 IR											
10/19/1931																					
T 6114	S 14789	62206							8.600 IR												
3/7/1941																					
T 6114	S 14789	64755								6.600 IR											
3/7/1941																					
T 6114	S 31662	62207											5.400 IR								
6/23/1966																					
T 6114	S 31662	64756							10.600 IR												
6/23/1966																					
G 6116	G 5790	46601	Cncl'd							7.000 IR cncl'd			8.500 IR cncl'd								
5/10/1973																					
G 6432	G 6039	49286	Cncl'd			12.500 IR cncl'd					1.700 IR cncl'd	1.400 IR cncl'd					7.900 IR cncl'd				
2/15/1974																					
G 6432	G 6039	58485				10.200 IR											6.100 IR				
2/15/1974																					

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
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Status	

 < Supplemental indicator

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot	DLC		
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
G 6582	G 6173	61374								2.900 IR			0.400 IR										
6/25/1974																							
T 6712	CC5790									7.000 IR			8.500 IR										
5/10/1973																							
G 7146	G 6698	46482										1.400 IR (s)	0.100 IR (s)	23.300 IR (s)	24.600 IR (s)								
10/29/1975																							
G 7634	G 7071	55200								4.400 IR		7.700 IR (s)											
1/6/1977																							
										9.400 IR (s)		0.100 IR											
1/6/1977																							
T 7658	CC8415								17.500 IR														
10/17/1978																							
G 8972	G 8415	56546	Cncl'd						17.600 IR cncl'd														
10/17/1978																							
G 11434	G 10533	56555										1.400 IR (s)			13.300 IR (s)								
8/30/1985																							
G 11480	G 10596	61117						38.800 IR															
1/22/1986																							
G 11656	G 10754		Cncl'd			5.000 IR cncl'd																	
5/10/1987																							
G 11668	G 10769	65140			15.700 IR	20.400 IR				4.100 IR		0.600 IR						0.700 IR					
6/25/1987																							

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
Status	

 < Supplemental indicator

Application Permit Certificate Status	NE				NW				SW				SE				Govt Lot DLC	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
G 12191 G 11132 7/26/1990 58						36.800 IR (s)												
G 12288 G 11276 11/7/1990			2.800 IR															
11/7/1990			10.200 IR (s)										6.100 IR (s)					
G 12462 G 11501 4/1/1991 Cncl				6.800 IR cncl														
G 12878 G 11737 4/17/1992						3.400 IR				4.700 IR								
4/17/1992					19.200 IR (s)	10.600 IR (s)				8.300 IR (s)								
S 14380 S 10395 11307 10/19/1931 Cncl										7.000 IR cncl								
G 15121 4/6/2000 <i>Subject file</i>													10.450 IR					
4/6/2000													10.450 NU					
S 18068 S 13734 14232 5/16/1939						0.400 IR				0 PW								
S 19193 S 14789 14517 3/7/1941 Cncl			27.600 IR cncl					20.000 IR cncl						2.400 IR cncl				

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
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Status

 < Supplemental indicator

Application Permit Certificate Status	NE				NW				SW				SE				Govt Lot DLC
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S 19193 S 14789 39847 Cncl'd 3/7/1941						15.200 IR cncl'd											
S 19193 S 14789 43788 Cncl'd 3/7/1941			22.600 IR cncl'd					3.300 IR cncl'd									
S 19193 S 14789 61058 3/7/1941			1.500 IR														
S 19867 S 15444 15152 3/17/1943	0 DS																
S 20282 S 15822 17159 Cncl'd 6/14/1944													6.600 IR cncl'd	1.400 IR cncl'd			
S 20356 S 15878 15637 Cncl'd 7/27/1944			6.300 IR cncl'd					1.300 IR cncl'd						2.400 IR cncl'd			
S 20605 S 16123 15787 12/14/1944										6.200 IR							
S 21227 S 16764 22151 Cncl'd 10/16/1945		10.800 IR cncl'd															
S 21227 S 16764 59992 10/16/1945		10.800 IR															
R 21334 R 831 22150 12/21/1945		0 IR															

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
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Status

 < Supplemental indicator

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot	DLC	
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
S 22389	S 17702	20476									9.400 IR	8.600 IR										
4/1/1947																						
S 23682	S 18707	22171	Cncl'd															10.400 IR cncl'd				
3/28/1949																						
R 37905	R 3091	33096											0 IR									
8/3/1962																						
S 37906	S 28241	33097											2.800 IR									
8/3/1962																						
S 38021	S 28164	37341	Cncl'd															5.200 IR (s) cncl'd				
8/31/1962																						
S 38021	S 28164	47428	Cncl'd															5.200 IR (s) cncl'd				
8/31/1962																						
S 38021	S 28164	74156																5.200 IR (s)				
8/31/1962																						
S 42383	S 31662	36118	Cncl'd							10.600 IR cncl'd			5.400 IR cncl'd									
6/23/1966																						
R 43062	R 4902	36016										0 IR	0 IR									
11/25/1966																						
S 43063	S 32175	36017												15.400 IR	24.600 IR							
11/25/1966																						

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
Status

 < Supplemental indicator

Application Permit Certificate Status	NE				NW				SW				SE				Govt Lot DLC	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
R 53292 R 6736 60351 6/23/1975														0 IR	0 IR			
S 53293 S 42496 60352 6/23/1975														9.600 IR	1.100 IR (s)			
6/23/1975									10.300 IR					2.900 IR (s)	3.900 IR			
R 53731 R 6391 46487 10/29/1975									0 IR									
S 53732 S 39930 46488 10/29/1975											15.400 IR (s)							
10/29/1975									1.400 IR	0.100 IR	7.900 IR	24.600 IR (s)						
R 77468 R 102271 71059 1/1/1993														0 RC	0 RC			
P 79365 12/30/1994				0 LV										0 LV				
P 79452 12/8/1994	0 LV																	

NC

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
<input type="checkbox"/>	<input type="checkbox"/>
Status	

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The table below provides details for **Record ID 7139**.

Segment ID	22K-MOLA26.3
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Molalla River
Waterbody Boundaries	North Fork Molalla to Table Rock Fork
Parameter	Temperature
Criteria	Rearing 64 F (17.8 C)
Season	Summer
Listing Status	303(d) List
Basis for Consideration for Listing	BLM data
Supporting Data	Several BLM sites: in 1993 below Table Rock Fork, 7 day ave. max Temperature was 68.0°F and above North Fork 62.2°F; in 1994 above North Fork was 75.6°F; in 1996 above North Fork 73.0°F; below Table Rock Fork at Horse Creek Bridge 69.4°F. All by one exceed temperature standard (64).
Rationale for not Listing	Not Applicable
Change from 1996 List	Addition

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The table below provides details for **Record ID 6345**.

Segment ID	22K-MOLA0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Molalla River
Waterbody Boundaries	Mouth to North Fork Molalla
Parameter	Flow Modification
Criteria	
Season	
Listing Status	303(d) List
Basis for Consideration for Listing	USGS (1990); IWR (ODFW); WRD Data; ODFW (1990); NPS Assessment - segment 54: moderate, data (DEQ, 1988)
Supporting Data	Spring Chinook populations are declining and are a stock of concern with low flows and high temperatures identified as concerns (ODFW, 92); IWR (62322) is often not met at USGS gage (14200000).
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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The table below provides details for Record ID 6089.

Segment ID	22K-MOLA0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Molalla River
Waterbody Boundaries	Mouth to North Fork Molalla
Parameter	Bacteria
Criteria	Water Contact Recreation (fecal coliform-96 Std)
Season	Fall-Winter-Spring
Listing Status	303(d) List
Basis for Consideration for Listing	DEQ Data; d1 in 305(b) Report (DEQ, 1994)
Supporting Data	DEQ Data (2 Sites: 402314, 402029; RM 2.5, 3.5): 21% (3 of 14), 11% (4 of 37) FWS values respectively exceeded fecal coliform standard (400) with maximum values of 1100, 1100 between WY 1986 - 1995.
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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The table below provides details for Record ID 5969.

Segment ID	22K-MOLA0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Molalla River
Waterbody Boundaries	Mouth to North Fork Molalla
Parameter	Temperature
Criteria	Rearing 64 F (17.8 C)
Season	Summer
Listing Status	303(d) List
Basis for Consideration for Listing	DEQ Data (Temperature Issue Paper, 1994); NPS Assessment - segment 54: moderate, data (DEQ, 1988)
Supporting Data	DEQ Data (Site 402029; RM 3.5): 89% (32 of 36) Summer values exceeded temperature standard (64) with exceedences each year and a maximum of 81.5 in WY 1986 - 1990.
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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The table below provides details for Record ID 7251.

Segment ID	22K-MOSF0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Molalla River, South Fork
Waterbody Boundaries	Table Rock Fork to Headwaters
Parameter	Temperature
Criteria	Rearing 64 F (17.8 C)
Season	Summer
Listing Status	303(d) List
Basis for Consideration for Listing	BLM data
Supporting Data	BLM site: in 1996 above Table Rock Fork, 7 day ave. max Temperature was 67.6°F, exceed temperature standard (64).
Rationale for not Listing	Not Applicable
Change from 1996 List	Addition

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The table below provides details for **Record ID 6884**.

Segment ID	22K-PUDD0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Pudding River
Waterbody Boundaries	Mouth to Little Pudding River
Parameter	Bacteria
Criteria	Water Contact Recreation (fecal coliform-96 Std)
Season	Summer
Listing Status	303(d) List
Basis for Consideration for Listing	DEQ Data; d1 in 305(b) Report (DEQ, 1994); E&S(1995); NPS Assessment - segment 58: severe, data (DEQ, 1988)
Supporting Data	DEQ Data (4 Sites: 402594, 404207, 402317, 402319; RM 8.1 - 26.9): 8% (3 of 39); 7% (1 of 14); 9% (2 of 22); 20% (3 of 15) Summer values exceeded fecal coliform standard (400) with maximum values of 460, 460, 460, 1100 respectively between 1987 - 1995.
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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The table below provides details for **Record ID 6797**.

Segment ID	22K-PUDD0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Pudding River
Waterbody Boundaries	Mouth to Little Pudding River
Parameter	Toxics
Criteria	Water - Pesticides (DDT)
Season	
Listing Status	303(d) List
Basis for Consideration for Listing	USGS (1995)
Supporting Data	USGS Data: (Site 14202000, at Aurora): 2 of 4 values, at or above detection, with an average of 0.0015 ug/l exceeded DDT standard (0.001 ug/l - fresh water chronic criteria, .024 ng/l water and fish ingestion criteria) between 5/25 - 11/9/94 (USGS, 1995).
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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The table below provides details for Record ID 6091.

Segment ID	22K-PUDD0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Pudding River
Waterbody Boundaries	Mouth to Little Pudding River
Parameter	Bacteria
Criteria	Water Contact Recreation (fecal coliform-96 Std)
Season	Fall-Winter-Spring
Listing Status	303(d) List
Basis for Consideration for Listing	DEQ Data; d1 in 305(b) Report (DEQ, 1994); E&S(1995); NPS Assessment - segment 58: severe, data (DEQ, 1988)
Supporting Data	DEQ Data (4 Sites: 402594, 404207, 402317, 402319; RM 8.1 - 26.9): 38% (22 of 58); 37% (8 of 23); 24% (9 of 37); 26% (6 of 23) FWS values exceeded fecal coliform standard (400) with maximum values of 2400, 1600, 1600, 1600 respectively between WY 86 - 95.
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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 [LORRP](#)

The table below provides details for **Record ID 5970**.

Segment ID	22K-PUDD0
Basin Name	Willamette
Sub Basin Name	Molalla / Pudding
Waterbody Name	Pudding River
Waterbody Boundaries	Mouth to Little Pudding River
Parameter	Temperature
Criteria	Rearing 64 F (17.8 C)
Season	Summer
Listing Status	303(d) List
Basis for Consideration for Listing	USGS Data; DEQ Data (Temperature Issue Paper, 1994); NPS Assessment - segment 58: moderate, data (DEQ, 1988)
Supporting Data	USGS Data (Site at Aurora): 7 day average of daily maximums of 73.5/70.2 with 41/112 days exceeding temp standard (64) in 93/94 respectively; DEQ (402594; RM 8.1): 87% (48 of 55) Summer values exceeded standard with exceedences each year between 86 - 95.
Rationale for not Listing	Not Applicable
Change from 1996 List	No Change

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//////////////////////////////////////
 / ATTENTION /
 / WATER RIGHTS SECTION!!! /
 //////////////////////////////////////

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
-----	-----	-----
G 15121	UNN STR > BRUSH CR	WTHDRWN SEO V7 P73
G 15121	UNN STR > BRUSH CR	WTHDRWN SEO V7 P73
G 15121	DRIFT CR > PUDDING R	WTHDRWN SEO V7 P227
G 15121	DRIFT CR > PUDDING R	WTHDRWN SEO V7 P227
G 15125	KAISER CR > ROCK CR	WTHDRWN SEO V7 P229
G 15125	KAISER CR > ROCK CR	WTHDRWN SEO V7 P229
R 84398	UNN STR > BEAVER CR	WTHDRWN SEO V7 P75
R 84398	UNN STR > BEAVER CR	WTHDRWN SEO V7 P75

Analysis for Application: G15121

Location: 7.00 S-1.00 W-9-nese

Uses: IR 10.450 (P) , NU 10.450 (P)

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
16	NW

Records Found: 1

WAB

GAGE	BASIN	WA_	WAB_SHORT	BAS_WAB
152	2	01041120000000000000000000000000	0104112	20104112000000000000000000000000
169	2	01041122000000000000000000000000	01041122	20104112200000000000000000000000

Records Found: 2

County

COUNTY	FIPS
Marion	41047

Records Found: 1

Groundwater Limited Records Found: 0

Mailing List for IR Copies

Application #G-15121

IR Date: November 24, 2000

Original mailed to:

Applicant: TIMOTHY ROY PETERS RAINTREE TROPICAL, 212 ROCK ST, SILVERTON, OREGON 97381

Copies sent to:

1. WRD - File # G-15121
2. WRD - Water Availability: Ken Stahr

Copies Mailed
By: <u>JF</u>
(SUPPORT STAFF)
on: <u>11/24/00</u>
(DATE)

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 16
4. ODFW District Biologist: North Willamette District #3 - Greg Robard
5. DEQ Western Region Office - John Blanchard
6. DOA (Salem): Steve Applegate
7. DOA (N.Salem/Keizer): Mike Wolf

copies to send to for Div 33

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

ID# LKS

COPYSHIT.ER

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-15121

Applicant: TIMOTHY ROY PETERS RAINTREE TROPICAL

County: MARION

Watermaster: District 16

Priority Date: April 6, 2000

Source: TWO WELLS IN PUDDING RIVER BASIN

Use: IRRIGATION OF 10.45 ACRES AND NURSERY USE

Quantity: 28.0 GALLONS PER MINUTE

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 14 BRUSH CR

Point of Diversion Location: NWSW, SECTION 10, T 7S, R1W, W.M.; 272.5 FEET SOUTH &
578.8 FEET EAST FROM W1/4 CORNER, SECTION 10 NESE, SECTION 9, T 7S, R1W, W.M.;
520.8 FEET SOUTH & 1123.7 FEET WEST FROM E1/4 CORNER, SECTION 9

Place of Use: NESE 10.45 ACRES NESE 10.45 ACRES, SECTION 9, TOWNSHIP 7 SOUTH,
RANGE 1 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 8, 2000

PUBLIC NOTICE DATE: Tuesday, December 12, 2000

30 DAY COMMENT DEADLINE DATE: Thursday, January 11, 2001

TO: Water Rights Section

December 26, 2000

FROM: Ground Water/Hydrology Section Marc A. Norton
Reviewer's Name

SUBJECT: Application G- 15121

GROUND WATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a ground water source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed ground water use from well #2

- a. ___ will, or have the potential for substantial interference with the nearest
- b. will not surface water source, namely UnNamed trib to Brushy; or
- c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) _____;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
- d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUND WATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that ground water for the proposed use from well #2

- a. ___ will, or likely be available in the amounts requested without injury to prior rights
- b. ___ will not and/or within the capacity of the resource; or
- c. will if properly conditioned, avoid injury to existing rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7B, 7E;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

- 4. a. ___ THE PERMIT should allow ground water production from no deeper than _____ ft. below land surface;
- b. ___ The permit should allow ground water production from no shallower than _____ ft. below land surface;
- c. ___ The permit should allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: This review supersedes the April 27, 2000 review. The changes were made because the owner modified the application dropping well #1 from it. Well should not have an impact to stream

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. review of the well log;
 - b. field inspection by _____;
 - c. report of CWRE _____;
 - d. other: (specify) _____
6. THE WELL construction deficiency:
- a. constitutes a health threat under Division 200 rules;
 - b. commingles water from more than one ground water reservoir;
 - c. permits the loss of artesian head;
 - d. permits the de-watering of one or more ground water reservoirs;
 - e. other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. was, or constructed according to the standards in effect at the time of
 - b. was not original construction or most recent modification.
 - c. I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.
(Signature)

INTEROFFICE MEMORANDUM
Water Rights Section

TO: Fred Lissner

FROM: Dwight French, x268

DWF

12-7, ~~1999~~ ²⁰⁰⁰

RE: GW File Number G-15121

Please have someone on your staff review the memo file attached:

Marc Norton of your staff appears to be the most recent GW person to look at this file.

Please route to Laveras when finished.

Thanks.

MEMO

DATE: December 7, 2000
TO: DWIGHT FRENCH
FROM: LAURA SNEDAKER, ext. 331
SUBJECT: File G-15121 for Timothy Peters, Raintree Tropical

Please forward the attached file to the Groundwater Section for some additional review. The Department has received a request to amend the application to eliminate one of the wells from the application. The applicant, based upon a conversation with Marc Norton, would like to remove Well #1, requested for 20.0 GPM. Instead, he would like to use a total of 28.0 GPM from Well #2. This amendment request needs to be reviewed by the Groundwater/Hydrology Section to determine whether any modifications to the Division 9 review are necessary.

Also, I need to find out whether both wells appropriate water from the same groundwater aquifer. The Department may not be able to allow the amendment to increase the amount of water to be appropriated from Well #2 unless it is from the same source as Well #1.

Thank you.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # G-15121

ROUTED TO: W.R.

TOWNSHIP/

RANGE-SECTION: 7S/1W-9410

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Marie A. Nolan

TO: Water Rights Section

April 27, 2000

FROM: Ground Water/Hydrology Section Marc A. Norton
Reviewer's Name

SUBJECT: Application G- 15121

GROUND WATER/SURFACE WATER CONSIDERATIONS

1. PER THE W. Namette Basin rules, one or more of the proposed POA's is/~~is~~ within 1/4 ~~1/2~~ mile of a surface water source (UnNamed Trib to Brush) and taps a ground water source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed ground water use

- a. will, or have the potential for substantial interference with the nearest
- b. will not surface water source, namely UnNamed Trib to Brush; or
- c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
- d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUND WATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that ground water for the proposed use

- a. will, or likely be available in the amounts requested without injury to prior rights
- b. will not and/or within the capacity of the resource; or
- c. will if properly conditioned, avoid injury to existing rights or to the ground water resource:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or

- 4. a. THE PERMIT should allow ground water production from no deeper than _____ ft. below land surface;
- b. The permit should allow ground water production from no shallower than _____ ft. below land surface;
- c. The permit should allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

see attached

REMARKS: _____

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one ground water reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more ground water reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL a. ___ was, or constructed according to the standards in effect at the time of
b. ___ was not original construction or most recent modification.
c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.
(Signature)

TO: Water Rights Section April 27, 2000
 FROM: Ground Water/Hydrology Section Marc A Norton
 SUBJECT: Application G- 15121 Reviewer's Name

GROUND WATER/SURFACE WATER CONSIDERATIONS

1. PER THE W. Namette Basin rules, one or more of the proposed POA's is/~~is~~ within 1/4 ~~1/2~~ mile of a surface water source (UnNamed Trib to Brook) and taps a ground water source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed ground water use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely UnNamed Trib to Brook; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUND WATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that ground water for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7B, 7I;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or

4.
 - a. THE PERMIT should allow ground water production from no deeper than _____ ft. below land surface;
 - b. The permit should allow ground water production from no shallower than _____ ft. below land surface;
 - c. The permit should allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

G-15121

612

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY ODFW

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 1/24 21 day Deadline Date: 1/22/00 Application # 615121

Applicant's Name: PETERS

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

NO / YES Species: _____ Status: Sensitive, Threatened, Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2),
IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO / YES
A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]
B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?
NO / YES [690-33-330(3)]

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?
NO / YES [690-33-330(4)]

If YES, please explain: _____

ODFW RECOMMENDATION:

- Approval with fishery conditions.
- Approval without fishery conditions.
- Denial.

ODFW Representative: Name: A. P. Robert Date: 11/29/00

WRD Contact: Brendalee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: brendalee.s.wilson@wrdd.state.or.us

X-Sender: nortonma@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.0
Date: Thu, 28 Dec 2000 15:54:49 -0800
To: Laura K Snedaker <Laura.K.SNEDAKER@wrđ.state.or.us>
From: Marc Norton <Marc.A.NORTON@wrđ.state.or.us>
Subject: Re: G-15121 (Peters)

Laura,

I believe so. I would have to go back and look at the file to give you a positive on this. Let me know if you need more.

Marc

At 09:27 AM 12/28/2000 -0800, you wrote:

Marc:

One last question on the Peters application, G-15121. Does well #1 and Well #2 appropriate groundwater from the same aquifer source?

Laura

TO: Laura

From: Marc

Subject: Same aquifer

4/9/2000

I believe that the wells are in separate water bearing zones within the Columbia River Basalt. Based on the difference in water level elevation, ^{well construction.} I have determined that the wells are in separate aquifers.

Marc

NOTE:

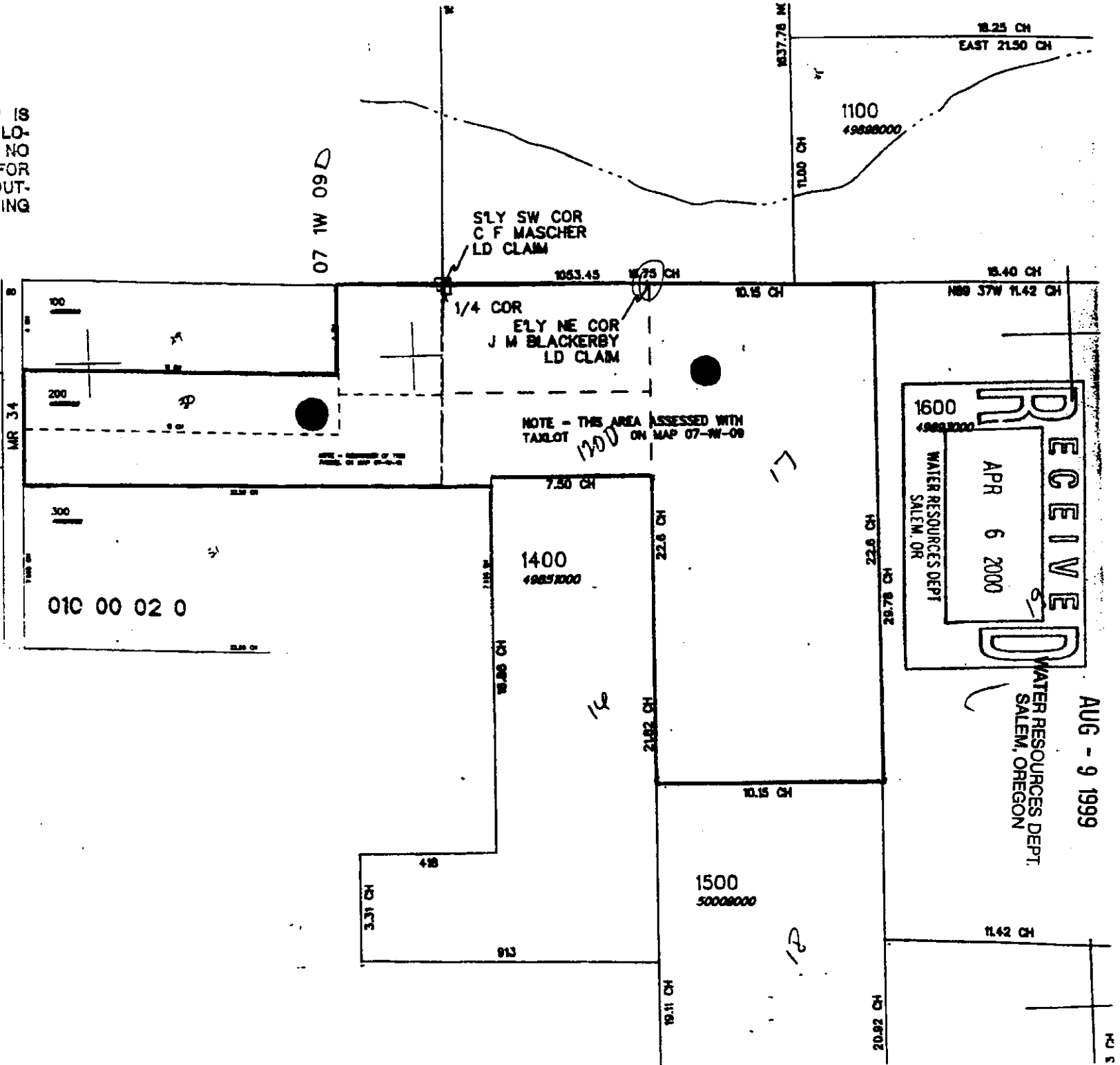
BECAUSE THE WELLS ARE IN
DIFFERENT AQUIFERS, WATER FROM
WELL 1 CAN'T COME OUT OF WELL 2.
SEE MARC'S NOTE BELOW.

Cory

TITLE COMPANY
BY OF ACCESSOR'S MAP IS
D SCHEDULE TO ASSIST IN LO-
SUBJECT PROPERTY. NO
THIS ASSUMED BY KEY FOR
ANCIES IN THIS MAP AS OUT-
AND THE ACCOMPANYING
DESCRIPTION.



APPROXIMATE
PORTAL NO. 150.815121



RECEIVED
APR 6 2000
WATER RESOURCES DEPT
SALEM, OR

AUG - 9 1999
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED



RECEIVED

AUG - 9 1999

WATER RESOURCES DEPT
SALEM, OREGON

Beginning at a point which is 9.91 chains East of the quarter section corner between Sections 9 and 10 in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, State of Oregon; thence South 22.6 chains; thence East 10.15 chains; thence North 22.6 chains; thence West 10.15 chains to the place of beginning.

TRACT II: Beginning on the East boundary line of the Donation Land Claim of J.M. Blackerby and wife at a point 9.91 chains East and 4.78 chains South of the quarter section corner between Sections 9 and 10 of Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; and from thence running South along the East boundary line of said Donation Land Claim, 3.88-2/3 chains; thence West parallel with the North boundary line of the said Donation Land Claim, 7.50 chains; thence South 0.44-1/2 chains; thence West parallel with the North boundary line of the South one-half of said Section 9, 22.50 chains to the West boundary line of the Northeast quarter of the Southeast quarter of said Section 9; thence North 2.555 chains, along the West boundary line of the Northeast quarter of the Southeast quarter of said Section 9; thence East 15.11 chains, parallel with the North boundary line of the South one-half of said Section 9; thence North 1° West 1.775 chains; thence East 14.92 chains to the place of beginning.

TRACT III:

Beginning at the most Easterly Northeast corner of the J.M. Blackerby Donation Land Claim, in Section 10, Township 7 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence South 4.78 chains along the East line of said Donation Land Claim; thence West 14.92 chains; thence South 1° East 1.775 chains; thence West 15.11 chains to the West boundary line of the Northeast quarter of the Southeast quarter of Section 9, in said Township and Range; thence North 2.555 chains along said West boundary line; thence East 15 chains; thence North 1° West 4 chains; thence East 15 chains to the point of beginning.

Robert B. Finlay
Robert B. Finlay

David J. Finlay
David J. Finlay

Jerry Edward Finlay
Jerry Edward Finlay

Jimmy A. Finlay
Jimmy A. Finlay

Randy W. Love
Randy W. Love

Katherine A. Nickerson
Katherine A. Nickerson

Judith M. Love
Judith M. Love

PhoneTools



Phone:

Fax:

Message :

for your review
per our phone discussion yesterday
Thanx Tim Peters

From:
Preferred Customer

To: Laura K. Snedaker
Laura K. Snedaker

Date: 12/6/00

Page(s): 2

12/6/00

Laura K. Snedaker
Senior Water Rights Examiner
Water Rights Section
Oregon Water Resources Dept.
158 12th St NE Salem, OR 97310

Dear Ms Snedaker:

Please except this letter as my formal request to modify water rights application G-15121. After discussing well location and surface water interference with Mark Norton I realize there is probable interference with surface water from one of our wells. The well involved is the one located to the east on the higher elevation. It is estimated to produce 20gpm on our application. Since Mark Norton felt the lower well does not represent a potential interference, please remove the well to the east from our application and leave the well not in conflict as the sole well remaining. Please assume the total 28gpm applied for to be derived from the lower well currently listed at 8gpm. I hope this request is clear. If you have any questions regarding this please let me know.

Sincerely,

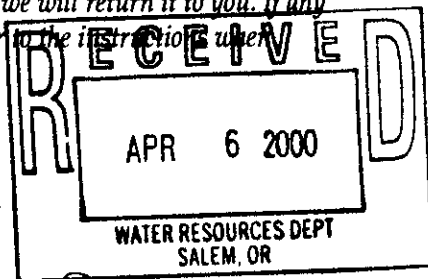
Tim Peters
212 Rock St.
Silverton, OR 97381
503 873-2644



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 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. Thank you.



1. APPLICANT INFORMATION

A. Individuals

Applicant: Timothy Roy Peters
First Last

Co-applicant: _____
First Last

Mailing address: 212 Rock St
Silverton OR 97381
City State Zip

Phone: 503 873 2644 503 873 6987
Home Work Other

*Fax: 503 873 8923 *E-Mail address: Raintree@teleport.com

B. Organizations

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

Name of organization: Raintree Tropical

Name and title of person applying: Timothy R. Peters Owner

Mailing address of organization: 212 Rock St
Silverton OR 97381
City State Zip

Phone: 503 873 2644
Day Evening

*Fax: 503 873 2644 *E-Mail address: Raintree@teleport.com

*Optional information

For Department Use		
App. No. <u>G15121</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

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

- Yes (Skip to section 3 "Ground water Development.")
- 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.

List the names and mailing addresses of all affected landowners.*

**If more than 25 landowners are involved, a list is not required. See instructions.*

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 2 B. Name of nearest surface water body: unnamed Pond - see map

C. Distance from well(s) to nearest stream or lake: 1) 472
2) 1300' 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) water is 135' lower than well head
2) water is 40' lower than well head 3) _____ 4) _____

E. Well Characteristics

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

Well(s) will be constructed by: _____

Address: _____

Completion date: _____

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	6 1/2	6" steel	190			184			366
2	6	5" steel	20			90			191

F. Artesian Flows

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

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		Nursery	20	2,000,000 gal	20 gpm
2		Nursery	8 1/2	1,000,000 gal	8 1/2 gpm

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 28 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: All Year as needed
 (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, please give the total number of acres where water will be applied or used: 10.5
 (This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 1) 5 HP submersible 2) 3 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 2" Length 2000'
- Other (describe) _____

C. Application/Distribution Method

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

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

- Flood
- Drip
- Hand lines
- Siphon tubes or gated pipe with furrows
- Other, describe hand water individual plants
- High-pressure sprinkler
- Water cannons
- Wheel lines
- Low pressure sprinkler
- Center pivot system

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Anything that can be drip irrigated will be, some plants will be hand watered, some greenhouse plants do better with overhead sprinkling, we will attempt to collect & use some rain water as well.

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 Summer 1999

Proposed date construction will be completed 2002-2003

Proposed date beneficial water use will begin 2005

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.

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.

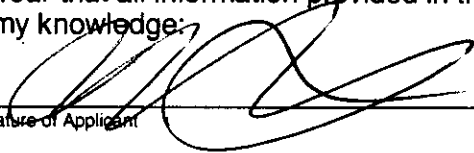
9. SIGNATURE

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

Signature of Applicant



Date

4/6/00

Signature of Co-applicant

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.



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

RECEIVED

AUG - 9 1999

WATER RESOURCES DEPT.
SALEM, OREGON

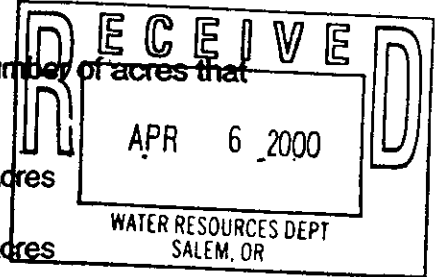
1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 10.5 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. Nursery Stock Full season Partial season (from: YEARS 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:

4 acre-feet

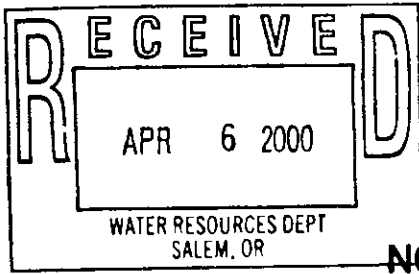
(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

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. G 15121

Permit No.



RECEIVED

AUG - 9 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

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 choose 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.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130



Oregon Water Resources Department Land Use Information Form

RECEIVED

AUG - 9 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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: Timothy & Sarah Peters

Address: 212 Rock St

City: Silverton State: OR Zip: 97381 Day Phone: 503 873-6987

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)		
R21267	EFU - EXCLUSIVE FARM USE /	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
R21266	EFU PRIMARY AGRICULTURE	<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

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

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): Nursery, Irrigation, Agriculture, Domestic, Landscaping

Briefly describe: we specialize in unusual plants & Palms - cold hardy as well as greenhouse grown Orchids & Palms & Protea

Application No. G15121

D. Source

Permit No. _____

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

262 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); CHAPTER 136. 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: VICKI KIRSHER Date: 06 APR 00
 Title: ASSOC. PLANNER Phone: (503) 588-5038
 Signature: *Vicki Kirsher*

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.)

Mark Norton

RECEIVED

DEC 08 2000

WATER RESOURCES DEPT
SALEM, OREGON

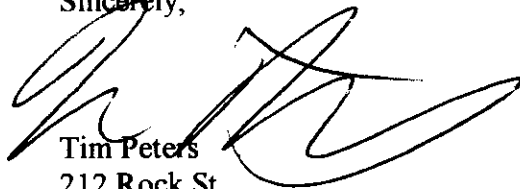
12/6/00

Laura K. Snedaker
Senior Water Rights Examiner
Water Rights Section
Oregon Water Resources Dept.
158 12th St NE Salem, OR 97310

Dear Ms Snedaker:

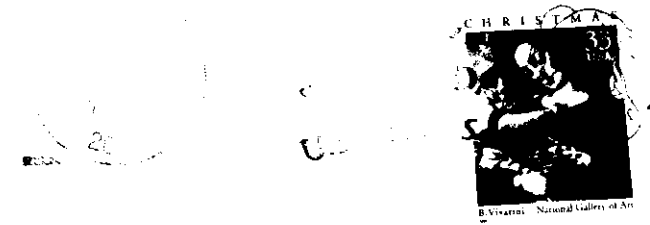
Please except this letter as my formal request to modify water rights application G-15121. After discussing well location and surface water interference with Mark Norton I realize there is probable interference with surface water from one of our wells. The well involved is the one located to the east on the higher elevation. It is estimated to produce 20gpm on our application. Since Mark Norton felt the lower well does not represent a potential interference, please remove the well to the east from our application and leave the well not in conflict as the sole well remaining. Please assume the total 28gpm applied for to be derived from the lower well currently listed at 8gpm. I hope this request is clear. If you have any questions regarding this please let me know.

Sincerely,



Tim Peters
212 Rock St.
Silverton, OR 97381
503 873-2644

212 Arch St
Silverton OR 97381



J 15/21

Lynn L. Snodden
Senior Water Rights Examiner
Oregon Water Resources Dept.
158 12th St NE
Salem OR 97311



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

November 24, 2000

TIMOTHY ROY PETERS
RAINTREE TROPICAL
212 ROCK ST.
SILVERTON, OREGON 97381

PHONE: (503) 873-2644

Reference: File G-15121

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the unfavorable 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 prohibited by law or rule.
2. The Department has determined, based upon OAR 690-09, that the proposed groundwater use **will** have the potential for substantial interference with the nearest surface water source, namely an Unnamed Tributary to Brush Creek. Therefore limitations to the surface water source must also be applied to this application.
3. The use of water from TWO WELLS, IN THE PUDDING RIVER BASIN, for IRRIGATION AND AGRICULTURAL USE FOR NURSERY OPERATIONS ON 10.45 ACRES is **not a classified use** under OAR 690-502-120 (1d) of the Willamette Basin Program. Under the Willamette Basin Program, groundwater that has been found to be in hydraulic connection (substantial interference) is classified the same as the surface water source. The unnamed stream, tributary to Brush Creek, has been withdrawn from further appropriation by State Engineers Order dated September 22, 1950.
4. The Department finds, that the amount of water requested by the applicant, 28.0 Gallons per Minute (GPM) for Nursery Operations on 10.45 acres is an acceptable rate.



5. In the Molalla and Pudding River Basins, surface water **is not available** for further appropriation June 1 through October 31.

Summary of Allowable Water Use

Because item #'s 2, 3, and 5 above are unfavorable, the use of 28.0 GPM of water from TWO WELLS, IN THE PUDDING RIVER BASIN, for NURSERY OPERATIONS ON 10.45 ACRES is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, December 8, 2000**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

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 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.
3. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.

- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

5. The tentative priority date for this application is April 6, 2000.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application is in an area that is currently developing an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Mike Wolf, (503) 986-4711 at the ODA to learn more about the plan and how it may affect your proposed water use.

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 Melville, (503) 229-6691 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 331

if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,



Laura K. Snedaker
Senior Water Rights Examiner

cc: Regional Manager, Watermaster District 16, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15121
wid 02-169
pou 02-169
gw A

well #1
 MAR 1
 53324

RECEIVED
 AUG - 9 1998
 APR 6 2000

G15121

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

WATER RESOURCES DEPT.
 SALEM, OREGON

WATER RESOURCES DEPT WELL I.D. # L-27144
 SALEM, OR START CARD # 111459

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

(1) OWNER: Well Number _____
 Name TIM & SARAH PETERS
 Address 212 ROCK ST.
 City SILVERTON State OR Zip 97381

(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 366 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
10"	0	190'	CEMENT	12'	190'	60 sacks
6 1/2"	190	366	BENTONITE	0'	12'	12 bags

How was seal placed: Method A B C D E
 Other BENTONITE PLACED DRY
 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	190'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4.5"	-185	366'	160#	<input type="checkbox"/>	<input checked="" type="checkbox"/>	screwed	<input type="checkbox"/>

Final location of shoe(s) 190'

(7) PERFORATIONS/SCREENS:

Perforations Method SAW CUT
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Telephone size	Casing	Liner
346	366	1/16x2"	180			<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Pump Bailor Air Flowing
 Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		364'	1 hr.

Temperature of water 56° Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County MARION Latitude _____ Longitude _____
 Township 7S N or S Range 1W E or W. WM.
 Section 9 1/4 SE 1/4
 Tax Lot 200 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 3408 CASCADE HWY.
SILVERTON, OR 97381

(10) STATIC WATER LEVEL:
184 ft. below land surface. Date 8-26-98
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 89

From	To	Estimated Flow Rate	SWL
89	94	1 g.p.m.	N/A
143	148	1 g.p.m.	91'
148	157	3 g.p.m.	91'
307	362	35 g.p.m.	184'

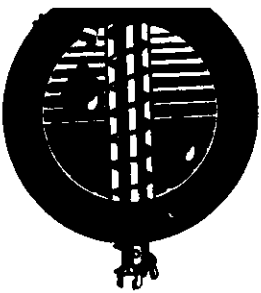
(12) WELL LOG:
 Ground Elevation _____

Material	From	To	SWL
CLAY RED & BOULDERS	0	3	
CLAY RED	3	7	
BASALT RED GREY DECOMPOSED	7	11	
BASALT GREY VERY WEATHERED SOFT	11	26	
BASALT GREY HARD	26	29	
BASALT GREY BRN RED VERY WEATHERED	29	41	
CLAY GREY BRN GRITTY SOFT	41	52	
BASALT GREY VESIC. WEATH. BRN	52	63	
CLAY BROWN	63	65	
BASALT GREY VESIC. SOFT BRN	65	68	
BASALT GREY BRN. FRACT. WEATH.	68	75	
CLAY GREY BROWN GRITTY	75	81	
CLAY WHITE HARD	81	84	
BASALT BRN. BROKN. VESICULAR	84	89	
BASALT VESIC. MULTI-CLRD. SOFT	89	94	
BASALT GREY BRN. SOME VESI-	94		
CULES MED. SOFT WEATHERED SOME FRACTURES		107	

Date started 8-21-98 Completed 8-26-98 cont'd

(unbonded) Water Well Constructor Certification:
 I certify that the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials and workmanship reported are true to the best of my knowledge and belief.
Westerberg Drilling, Inc.
34728 S. Kropp Rd.
Medalla, OR 97038 WWC Number 1487
 Signed [Signature] Date 8-31-98

(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.
 WWC Number 688



36728 S. Kropf Rd., Molalla, OR 97038 • Phone: (503) 829-2526 FAX (503) 829-7514

TIM & SARAH PETERS
212 ROCK ST.
SILVERTON, OR 97381

MARION T7S RIW SEC 9 SE $\frac{1}{4}$
TAX LOT# 200
3408 CASCADE HWY. SILVERTON, OR 97381

MATERIAL:

	FROM:	TO:
CONT'D. FROM PREVIOUS PAGE	107	143
BASALT GREY BROWN MICRO FRACTURED MED.	143	148
BASALT MULTI-COLORED VESICULAR SOFT CLAYEY	148	157
BASALT GREY RED VESICULAR MED. FRACTURED	157	163
BASALT GREY HARD	163	171
BASALT GREY HARD FRACTURED	171	183
BASALT BLACK HARD	183	199
BASALT GREY HARD	199	203
BASALT GREY HARD FRACTURED WITH GREEN STAINING ON JOINTS	203	307
BASALT GREY HARD WITH INTERMEDIATE FRACTURES	307	318
BASALT TAN BROWN WHITE GREY VESICULAR SOFT	318	332
BASALT GREY BROWN FRACTURED WEATHERED	332	346
BASALT GREY FRACTURED WITH GREEN STAINING ON JOINTS	346	349
BASALT GREY BROKEN	349	362
BASALT GREY FRACTURED WITH BROWN WEATHERING ON JOINTS	362	366
BASALT GREY FRACTURED WITH GREEN STAINING ON JOINTS		

RECEIVED

AUG - 9 1999

WATER RESOURCES DEPT.
SALEM, OREGON

RAINTREE TROPICAL
TIM PETERS
212 ROCK ST.
SILVERTON, OR 97381

24-680³¹⁹⁹
1230
0176852192

1156

F/I

Date 11/16/01

Pay to the
Order of

Oregon Water Resources Dept

\$ 175⁰⁰

One Hundred Seventy five and 00/100

Dollars



Security Features
Included
Check on Back.

WELLS
FARGO

Wells Fargo Bank
301 Westfield Street
Silverton, OR 97381
www.wellsfargo.com

Memo

615121

⑆ 230068001 ⑆ 0176852192 ⑆ 1156

RECEIVED

NOV 09 2001

WATER RESOURCES DEPT
SALEM, OREGON

Rainbow Tropical
212 Rock St
Silverton OR 97381



E
P

Water Resource Dept.
Commerce Building
158 12th St NE
Salem OR 97301-4172

301+4172



Aug 11/21/04

FILE# 6

15121

9

14988

TIMOTHY ROY PETERS
RAINTREE TROPICAL
212 ROCK ST
SILVERTON, OR

97381

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **49515**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-9130 (FAX)

INVOICE # _____

RECEIVED FROM: Raintree Tropical
BY: Tim Peters

APPLICATION	G15121
PERMIT	
TRANSFER	

CASH: CHECK: # 24-680 OTHER: (IDENTIFY)

TOTAL DUE: \$ 175.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

6611

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$ <u>175.00</u>
0205 TRANSFER	\$	0206	\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIPT # **49515**

DATED: 11/9/01 BY: C. Vance

Distribution: White Copy, Customer; Yellow Copy, Fiscal; Blue Copy, File; Red Copy, Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **36737**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Raintree Tropical

9-15-21

BY: _____

CASH: CHECK: # 291-119 OTHER: (IDENTIFY) \$ 400.00

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

**RECEIVED
OVER THE COUNTER**

CASH ACCT. _____
VOUCHER # _____

PCA AND OBJECT CLASS

MISCELLANEOUS

- 0407 COPY & TAPE FEES
- 0410 RESEARCH FEES
- 0408 MISC REVENUE: (IDENTIFY) _____
- TC162 DEPOSIT LIAB. (IDENTIFY) _____

PCA# 66611

\$
\$
\$
\$

WATER RIGHTS:

- 0201 SURFACE WATER
- 0203 GROUND WATER
- 0205 TRANSFER
- WELL CONSTRUCTION**
- 0218 WELL DRILL CONSTRUCTOR
- LANDOWNER'S PERMIT

\$
\$ <u>400.00</u>
\$
\$
\$

- 0202
- 0204
- 0206
- 0219
- 0220

\$
\$
\$
\$
\$
\$

OTHER (IDENTIFY) _____

- 0211 WELL CONST START FEE
- 0210 MONITORING WELLS

\$
\$

OTHER (IDENTIFY) _____

1302 LOTTERY PROCEEDS

- 0233 POWER LICENSE FEE (FWWRD)
- 0231 HYDRO LICENSE FEE (FWWRD)

HRDRO APPLICATION

RECEIPT # **36737**

DATED: 4/16/00 BY Christina Curran

NEW APPLICATION ROUTE SLIP

RECEIPTING USA

DATA CENTER 4/14/2000 jam

GROUNDWATER YES NO

(Powerbuilder) col

FILES _____

400 EXAM
0 REC

Warc



Oregon Water Resources Department Land Use Information Form

RECEIVED

AUG - 9 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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: Timothy & Sarah Peters
Address: 212 Rock St
City: Silverton State: OR Zip: 97381 Day Phone: 503 873-6987

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)		
R21267	EFU - EXCLUSIVE FARM USE /	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
R21266	EFU PRIMARY AGRICULTURE	<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

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

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): Nursery, Irrigation, Agriculture & domestic / landscaping
Briefly describe: we specialize in unusual plants & Palms - cold hardy
as well as greenhouse grown Orchids & Palms & Protea

Application No. G15121

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

262 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

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); CHAPTER 136. 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: VICKI KIRSHER Date: 06 APR 00
 Title: ASSOC. PLANNER Phone: (503) 588-5038
 Signature: *Vicki Kirsher*

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.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

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

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

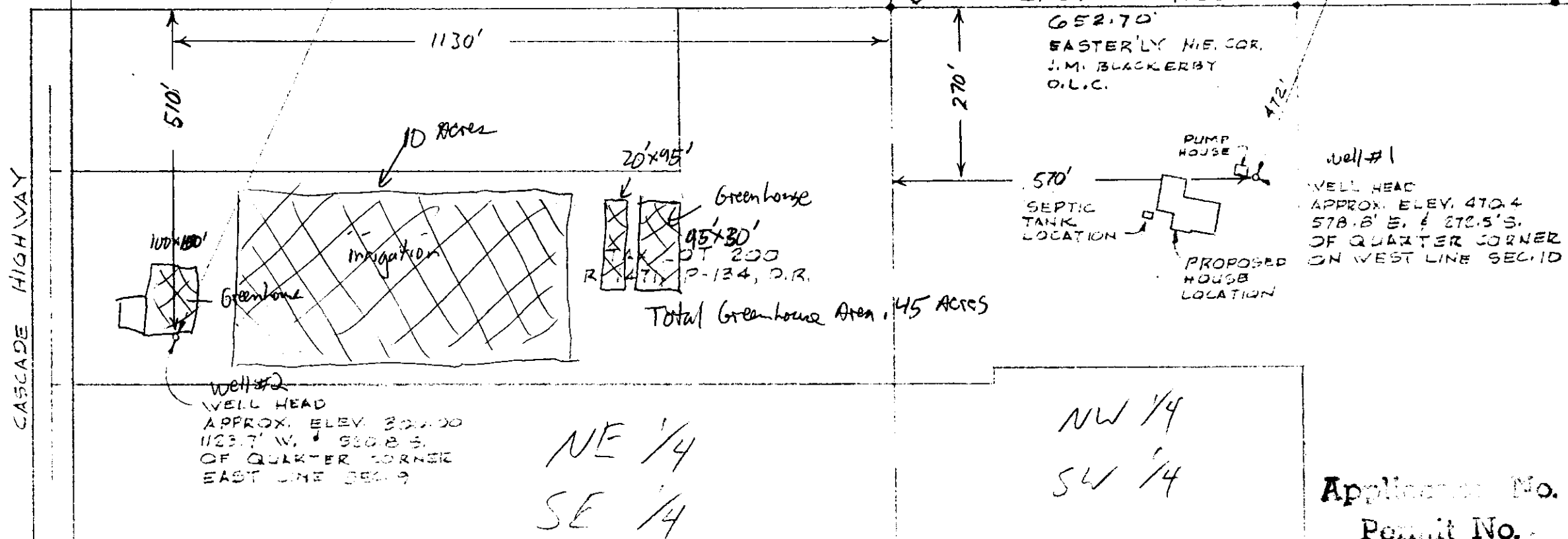


RECEIVED
 APR 6 2000
 WATER RESOURCES DEPT
 SALEM, OR

T7S RIW

APPROX. ELEV. 260.0

APPROX. LOCATION OF CREEK



NE 1/4
 SE 1/4

NW 1/4
 SW 1/4

Application No. G15121
 Permit No.

For legal description
 attached

RECEIVED
 APR 6 2000
 WATER RESOURCES DEPT
 SALEM, OR



T75 RIW

APROX. ELEV.
260.0

APPROX. LOCATION OF CREEK

APPROX. ELEV.
337.6

TAX LOT 1200

CONC. SPILLWAY
POND

SEC. 9
SEC. 10

EAST 1054.20'

652.70'
EASTERLY N.E. COR.
J.M. BLACKBURN
O.L.C.

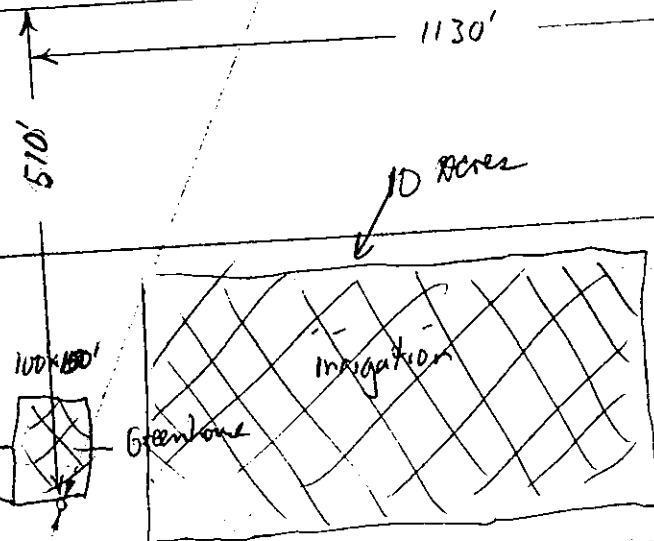
1/4 CORNER

270'

Well #1
WELL HEAD
APPROX. ELEV. 470.4
578.8' E. & 272.5' S.
OF QUARTER CORNER
ON WEST LINE SEC. 10

570'
SEPTIC TANK LOCATION
PUMP HOUSE
PROPOSED HOUSE LOCATION

CASCADE HIGHWAY



20'x95'
Greenhouse
95'x30'
TAX LOT 200
P-134, P.R.
Total Greenhouse Area, 45 ACRES

Well #2
WELL HEAD
APPROX. ELEV. 307.00
1123.7' W. & 520.8' S.
OF QUARTER CORNER
EAST LINE SEC. 9

NE 1/4
SE 1/4

NW 1/4
SW 1/4

Application No. G15121
Permit No. -

Local Description

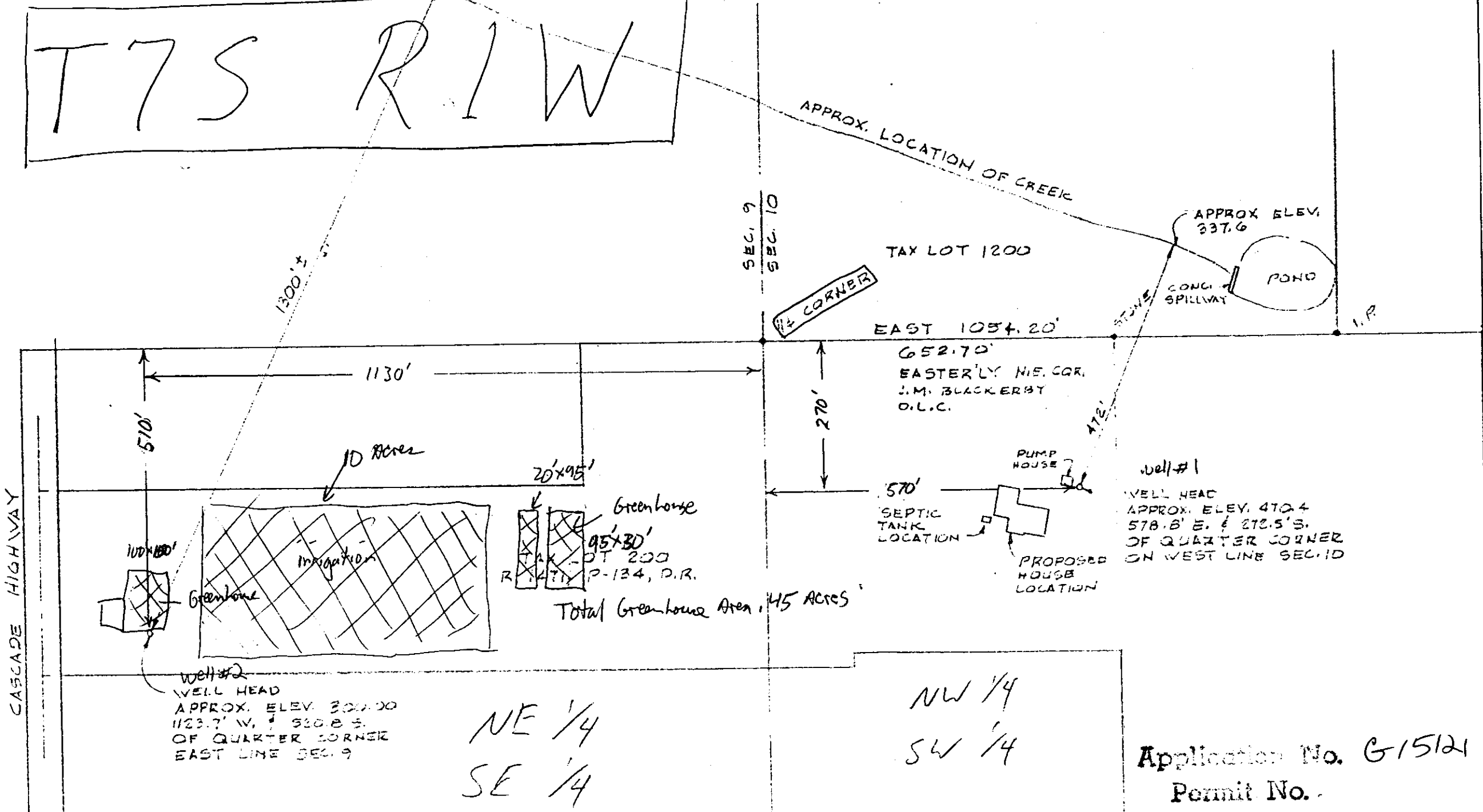
RECEIVED
 APR 6 2000
 WATER RESOURCES DEPT
 SALEM, OR

T7S RIW

APPROX. ELEV. 200.0

APPROX. LOCATION OF CREEK

APPROX ELEV. 337.6



NE 1/4
 SE 1/4

NW 1/4
 SW 1/4

Application No. G15121
 Permit No. -

For legal description attached