

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-2600
(503) 986-0900
www.wrd.state.or.us

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

WATER RESOURCES DEPT
SALEM, OREGON

Applicant Information

NAME DJ EDWARDS FAMILY, LLC; DEL EDWARDS, MANAGING MEMBER		PHONE (HM) 503-551-6850	
PHONE (WK)	CELL	FAX	
ADDRESS 32633 COOPER DR. NE			
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

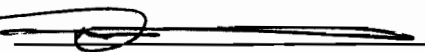
AGENT / BUSINESS NAME BILL SABOL (CONTACT PERSON FOR LESSEE : BERRIES NW, LLC)		PHONE 503-559-6034	FAX
ADDRESS PO BOX 98			CELL
CITY ST PAUL	STATE OR	ZIP 97137	E-MAIL WDSABOL@LIVE.COM

Note: Attach multiple copies as needed

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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.



Del Edwards, managing member Date: 12-9-2011

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>647541</u>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No

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

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

None

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
POA #4	South Santiam	+/- 4500'	+/- 6'
POA #5	South Santiam	+/- 2800'	+/- 3'
POA#729	South Santiam	+/- 3700'	+/- 3'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).
No additional information. The well logs are attached.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

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Source (aquifer), if known: sands and gravels

Total maximum rate requested: 600 gpm (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

5-1754

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
POA #4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Linn-58218	<input type="checkbox"/>	12" 14"	2 to 9' 20 to 40'	from 19' to 59'	0' to 19'	9' on 3/7/08	gravels and sands	60'	driller's rate = 1200; operates @ 600	82
POA #5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Linn-58250	<input type="checkbox"/>	12" 14"	2 to 20' 20 to 60'	from 20 to 60'	0-20'	13' on 4/18/08	gravels and sands	60'	driller's rate 1000; operates @ 600	82
#729	<input type="checkbox"/>	<input checked="" type="checkbox"/>	State permit #G-729	<input type="checkbox"/>	10"	0 to 25'	from 10' to 25'	depth not given on well log	12' on 4/11/58	gravels and sands	25'	unknown; well not in operation	82
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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

- * Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
- ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
- *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 to October 31	244

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 21.5 Acres Supplemental: 72.5 Acres

List the Permit or Certificate number of the underlying primary water right(s): GR-772; GR-773; GR-774

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 244

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: n/a
If the use is **mining**, describe what is being mined and the method(s) of extraction: n/a

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Two Existing Pumps

Other means (describe): n/a

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

There are 3 wells, 2 of which are plumbed into the system at this time (POA #4 and #5); POA #729 will plumbed into the system prior to the 2012 irrigation system. The buried mainline is 6" diameter PVC about 4250' in length. POA's #4 and #5 have totalizing electronic meters. The mainline operates at pressure of 50 psi. There are 11 irrigation zones. When irrigating, 2 zones are operated at the same time. Each zone has an electronic valve with a lateral that is 1-1/2" pvc pipe. The drip tubes have emitters set at 18" intervals with each emitter flowing 0.46 gph. The operating pressure of the drip tubes is 30 psi.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) drip

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

First, the irrigation is a drip system with emitters set directly at the base of the blueberry bushes;

Second, the system is highly monitored with totalizing meters, electronic valves, water sets for specific lengths of time to prevent water runoff waste. The fields have electronic moisture sensors to control when irrigation is necessary.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: n/a Acreage inundated by reservoir: n/a

Use(s): n/a

Volume of Reservoir (acre-feet): n/a Dam height (feet, if excavated, write "zero"): n/a

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): n/a

USE OF STORED GROUND WATER	PERIOD OF USE
N/A	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Completed

Date construction will be completed: completed

Date beneficial water use will begin: completed

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SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

none

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: remarks

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Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$ 2,650⁰⁰
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other _____

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
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Applicant(s): DEL EDWARDS (DJ EDWARDS FAMILY LLC)

MAR 20 2012

Mailing Address: 32633 COOPER DR. NE

**WATER RESOURCES DEPT
 SALEM, OREGON**

City: ALBANY

State: OR

Zip Code: 97321

Daytime Phone: 503-551-6850

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>9S</u>	<u>3W</u>	<u>31</u>	<u>nese/sese</u>	<u>900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farming irrigation</u>
<u>"</u>	<u>"</u>	<u>32</u>	<u>nsw/swsw</u>	<u>_____</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>"</u>
<u>10S</u>	<u>3W</u>	<u>6</u>	<u>nene/sene</u>	<u>_____</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>"</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>_____</u>

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

Linn County--Tax Lot 900 on Assessor's Map 9-3W-31

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 240
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

Owner has abandoned 2 wells for 2 new wells for the irrigation of farm.



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

See bottom of Page 3. →

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
non		<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
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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

AG use only. NO other use is authorized

Name: Olivia Glantz Title: Planner

Signature: [Signature] Phone: 541-967-3816 Date: 3/19/12

Government Entity: Linn County

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



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A. Land and Location

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 240 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Owner has abandoned 2 wells for 2 new wells for the irrigation of farm.

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

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

Table with 3 columns: Type of Land-Use Approval Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Land-Use Approval. The first row contains handwritten 'no' in the first column and checkboxes for 'Obtained', 'Denied', 'Being Pursued', and 'Not Being Pursued' in the third column.

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

AG use only. NO other use is authorized

Name: Olivia Blantz Title: Planner
Signature: [Handwritten Signature] Phone: 541-967-3816 Date: 3/19/12
Government Entity: Linn County

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

Receipt for Request for Land Use Information

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

DJ Edwards Family LLC
32633 Cooper Drive NE
Albany, OR 97321

Grantor's Name and Address
DJ Edwards Family LLC
32633 Cooper Drive NE
Albany, OR 97321

Grantee's Name and Address
After recording return to:
DJ Edwards Family LLC
32633 Cooper Drive NE
Albany, OR 97321

Until a change is requested all
tax statements shall be sent to
The following address:
DJ Edwards Family LLC
32633 Cooper Drive NE
Albany, OR 97321

Escrow No. 02-605995

BUYER:

"Consolidation" Bargain and Sale Deed

KNOW ALL MEN BY THESE PRESENTS, That D.J. Edwards Family L.L.C., hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto D.J. Edwards Family L.L.C., hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, situated in the County of Linn, State of Oregon, described as follows, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **Lot Line Adjustment**

However, the actual consideration consists of or includes other property or value given or promised which is the whole / part of the consideration.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

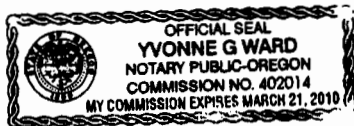
In Witness Whereof, the grantor has executed this instrument this 26 day of September, 2007; if a corporate grantor, it has caused its name to be signed and its seal if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Delbert J. Edwards, Trustee-Manager

Trudy A. Edwards
Trudy A. Edwards, Trustee-Manager

State of Oregon
County of Linn

This instrument was acknowledged before me on Sept 26, 2007 by Delbert J. Edwards and Trudy A. Edwards, Trustees of the Delbert J. and Trudy A. Edwards Revocable Trust Dated June 15, 2004 as Managers of the D.J. Edwards Family L.L.C.



(Notary Public for Oregon)

My commission expires 3/21/10

RECEIVED

MAR 20 2012

WATER RESOURCES DEPT
SALEM, OREGON

LINN COUNTY, OREGON 2007-23249
D-BS
Clt#1 Str#7 M. FISHER 09/28/2007 11:30:20 AM
\$10.00 \$11.00 \$10.00 \$31.00



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

Steve Druckenmiller - County Clerk



After Recording Return To: AmeriTitle
024635L 9-30-31 TL# 900

677541

EXHIBIT A

AREA "A"

The East half of the Southeast quarter of Section 31 and the West half of the Southwest quarter of Section 32, in Township 9 South, Range 3 West of the Willamette Meridian.

Also the Northeast quarter of the Northeast quarter and Lot 3 of Section 6, in Township 10 South, Range 3 West of the Willamette Meridian.

Save and except: 42 acres conveyed to Ferdinand Kandt by deed recorded in Volume 137, Page 406 of the Linn County Deed Records, Linn County, Oregon.

Also excepting: right-of-way conveyed to Oregon Electric Railroad Company.

Also excepting: an easement granted to Howard and Gerald Truax as described in Volume 157, Page 157 of the Linn County Deed Records, Linn County, Oregon.

Also excepting: the following described property

Beginning at the Northeast corner of Samuel T. Jones Donation Land Claim No. 73, in Township 10 South, Range 3 West of the Willamette Meridian; thence North a distance of 187 feet; thence West to the East side of the right-of-way conveyed to the Oregon Electric Railway Company; thence South 10°39'30" East following said East right-of-way line to the center of the County Road 302; thence East to the place of beginning a distance of approximately 342.7 feet.

Also excepting: All that portion lying West of the West right-of-way of the Oregon Electric Railway Company in the East half of the Southeast quarter of Section 31, in Township 9 South, Range 3 West of the Willamette Meridian containing approximately 26.3 acres more or less.

Also subject to the rights of the United States of America to Bonneville Project; as shown by final judgement of Condemnation recorded in Volume 154, Page 248 of the Linn County Deed Records, Linn County, Oregon.

RECEIVED

MAR 20 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

677541