

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Application for a Permit to Use Ground Water



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725 Summer Street NE, Suite A
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME DAVID BIRKY			PHONE (HM)		
PHONE (WK)		CELL 541-990-4260		FAX	
ADDRESS 30315 NIXON DR					
CITY HALSEY		STATE OR	ZIP 97348	E-MAIL* DRBIRKY@GMAIL.COM	

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 TRIMMER ENGINEERING INC.			PHONE 541-754-2819		FAX
ADDRESS 3924 NW WALNUT PLACE					CELL
CITY CORVALLIS	STATE OR	ZIP 97330	E-MAIL* TRIMMERW@GMAIL.COM		

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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.

Applicant Signature

David Birky
Print Name and title if applicable

Date

3-27-14

Applicant Signature

Print Name and title if applicable

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For Department Use			APR 04 2014
App. No. 6-17829	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*).

David Birky, 30315 Nixon Dr, Halsey, OR 97348

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

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
1	Muddy Creek	5000 ft	16 ft.
2	Muddy Creek	>1 mile	

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*).

Well log from L03046 (Linn 50541)

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Surface

Total maximum rate requested: 380 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.

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)
#1	☐	☒	L03046	☐	6"	?	40.75 - 49'	18'	13.5' 8-16-96	Brown sand & gravel	60'	48	30
#2	☒	☐		☐	8"	?	?	?		Surface			140
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* 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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APR 04 2014 Revised 2/1/2012

Ground Water/5

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 to October 31	170

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: 72.3 Acres

Supplemental: NA Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 170

- If the use is **municipal or quasi-municipal**, attach **Form M**

- If the use is **domestic**, indicate the number of households: _____

If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

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): 5 & 20 HP submersible pumps

☐ Other means (describe): _____

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

The wells are at the edges of the field so all infrastructure is on the property. The water will be distributed in buried PVC pipelines.

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.

Irrigation scheduling will be used to determine the crop water demand and the irrigation system will be operated only when water is needed. The length of set will be adjusted to meet the needs of each tree. The volume of water applied at each tree will be less when the trees are young and will increase each year as the trees grow. Using less-than-full irrigation will be considered to reduce the water requirements. Backflow protection equipment will be installed on each well to prevent irrigation water from running back into the aquifer.

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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: Pond Acreage inundated by reservoir: 0.17 acres

Use(s): Irrigation

Volume of Reservoir (acre-feet): 0.5 Dam height (feet, if excavated, write "zero"): 6 ft.

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): 1 acre-foot

USE OF STORED GROUND WATER	PERIOD OF USE
Irrigation	March 1 to October 31

SECTION 8: PROJECT SCHEDULE

Date construction will begin: 6/2014

Date construction will be completed: 12/2014

Date beneficial water use will begin: 4/2015

SECTION 9: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

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SECTION 10: REMARKS

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

If the proposed new well has insufficient capacity to meet the proposed full irrigation rate one of two options will be considered: The first alternative is to drill another well to add capacity. The second alternative is to determine if the resulting reduced irrigation rate would be sufficient to provide adequate irrigation to establish the filbert orchard and provide the needed yield or quality improvements to the crop.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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 jurisdiction(s) 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. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying 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 the 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 the WRD. If no land-use information is received from you within that 30-day period, the 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 the WRD's Customer Service Group at 503-986-0801.

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61-17829

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: DAVID BIRKY
First Last

Mailing Address: 30315 NIXON DR

HAUSEY OR 97348 Daytime Phone: 541-996-4260
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
145	4W	15	SUNW SEUNW	300	EFU	☒ Diverted	☒ Conveyed	☒ Used	EFU
↓	↓	↓	NUNW	↓	↓	☐ Diverted	☐ Conveyed	☐ Used	↓
↓	↓	↓	NESW	↓	↓	☐ Diverted	☐ Conveyed	☐ Used	↓
↓	↓	↓	SUNW	↓	↓	☐ Diverted	☐ Conveyed	☐ Used	↓
145	4W	15	SEUNW	300					

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

LINN

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: 380 ☐ 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:

DRILL A WELL TO IRRIGATE FILBERTS WITH A DRIP IRRIGATION SYSTEM.

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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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

PDK-0086

Name: Alyssa Boles Title: Planner
 Signature: Alyssa Boles Phone: 541-967-3816 Date: 4/1/14
 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

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Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: APR 04 2014
 Revised 2/8/2010 Land Use Information Form - Page 3 of 3 SALEM, OR FS

6-17829

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

WELL I.D.# 103046 SEP - 5 1996
LINN 50541

WATER RESOURCES DEPT. (START CARD) # 87093

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

(1) OWNER: Well Number _____
Name David Birkey
Address 30315 Nixon Dr
City Halsey State OR Zip 97348

(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 60 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
10"	0	18'	cement	0	18'	9sacks
6"	18'	60'				

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"	+12"	49'	.25	☒	☒	☐
			06"	☐	☐	☐	☐
Liner:				☐	☐	☐	☐
				☐	☐	☐	☐

Final location of shoe(s) 49' 06"

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Acetylene torch
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
40'	49'	3/8	44	6"		☒	☐
09"	06"	x12"				☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☒ Bailer ☐ Air ☐ Flowing
Yield gal/min 48gpm Drawdown 15' Drill stem at _____ Time 1 hr.

Temperature of water 54 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 Linn Latitude _____ Longitude _____
Township 14 S N or S Range 4 W E or W. WM.
Section 15 SE 1/4 SW 1/4
Tax Lot 300 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
13' 06" ft. below land surface. Date 8-16-96
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 35

From	To	Estimated Flow Rate	SWL
35'	48'	48 gpm	13' 06"

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Top soil	0	3	
Brown clay	3	17	
Brown clay & some gravel	17	20	
Brown clay	20	24	
Brown clay & gravel	24	31	
Dirty brown sand & gravel	31	35	
Brown sand & gravel	35	48	13' 06"
Dark gray clay	48	60	

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Date started 8-14-96 Completed 8-16-96

(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 _____ WWC Number _____ Date _____

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

Signed [Signature] WWC Number 1378 Date 8-19-96

61-7829



Walter Trimmer <trimmerw@gmail.com>

water right question

5 messages

Ivan Gall <ivan.k.gall@state.or.us>
To: "trimmerw@gmail.com" <trimmerw@gmail.com>
Cc: Joshua Hackett <joshua.a.hackett@state.or.us>

Wed, Dec 4, 2013 at 9:31 AM

Hi Walt,

Please email the info (well location and number of acres) to Josh Hackett.

He can take a quick look and let you know if we see any issues with a proposed groundwater application in that area.

Regards - Ivan

Ivan Gall - Manager

Groundwater Section

Oregon Water Resources Department

725 Summer St. NE, Suite A

Salem, OR 97301-1271

503.986.0847 503.986.0902 FAX

ivan.k.gall@wrdd.state.or.us

*I've included these emails
to help the evaluation
process, if they can*

*Walt Trimmer
April 2, 2014*

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SALEM, OR

Walter Trimmer <trimmerw@gmail.com>
To: joshua.a.hackett@wrdd.state.or.us

Thu, Dec 5, 2013 at 9:28 AM

Josh,

Ivan Gall asked me to send you the details about a groundwater right for irrigation that I am working on. The location is near Halsey in Linn County at T14S R4W, WM, SW 1/4 of section 15, Tax lot 300. (It's on Nixon drive where it crosses RR tracks.) We are looking at irrigating up to 74 acres of filbert trees with drip irrigation. There is an existing well on the property, Linn 50541 that puts out about 50 gpm.

What I was interested in is will there be any hydraulic connection issues for wells in that immediate area that would be a consideration in a water rights application?

Since the existing well is not that high in capacity I am thinking that there will need to be multiple wells to supply the needed water. I also think that the nominal rate of 1 cfs per 80 acres will be too difficult to meet so we would apply for a reduced rate and aim for about 150 gpm of supply. Do you have any insights on this plan based of the

G-17029

other wells in nearby area?

Thanks

Walt Trimmer, CWRE

[Quoted text hidden]

—

Walt Trimmer, PE, PhD

Trimmer Engineering Inc
3924 NW Walnut Place
Corvallis, OR 97330 USA
cell 541-740-2901
Phone 541-754-2819

Joshua Hackett <joshua.a.hackett@state.or.us>
To: Walter Trimmer <trimmerw@gmail.com>

Thu, Dec 5, 2013 at 11:40 AM

Walt,

LINN 50541 produces from the shallow alluvial aquifer system and is hydraulically connected to Muddy Creek and Little Muddy Creek. It is likely that any new well drilled will also be hydraulically connected to those creeks. The Department's Division 9 rules (OAR 690-009) deal with wells that are hydraulically connected to surface water sources. There are certain standards depending on the distance between the well and the hydraulically connected creek. If the well is less than one mile from the closest reach of the hydraulically connected stream, the maximum allowable rate on a new groundwater permit is 1% of the minimum perennial streamflow or instream water right. In this case the minimum perennial streamflow in Muddy Creek is 14.90 cfs, so any water right that has a well within one mile of Muddy Creek will be limited to a maximum rate of 0.149 cfs (66.87 gpm). The rules for a well located greater than one mile from the surface water source are much less stringent, and your request of 0.334 cfs (150 gpm) could possibly be approved. However, I cannot guarantee it. It looks like there may be some areas on the property that are greater than one mile from Muddy Creek and Little Muddy Creek. If you absolutely need the full 150 gpm, I would suggest submitting an application with proposed well locations that are greater than one mile from both of those creeks. Feel free to call or send an email if you have any questions or need any clarification.

Cheers,

Josh

Josh Hackett

Hydrogeologist

Oregon Water Resources Dept

725 Summer St NE Suite A

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SALEM, OR

G-17829

Salem, OR 97301

503-986-0846

From: Walter Trimmer [mailto:trimmerw@gmail.com]
Sent: Thursday, December 05, 2013 9:28 AM
To: Joshua Hackett
Subject: Fwd: water right question

[Quoted text hidden]

Walter Trimmer <trimmerw@gmail.com>
To: Joshua Hackett <joshua.a.hackett@state.or.us>

Thu, Dec 5, 2013 at 1:04 PM

Josh,

Do Camas Creek and Lake Creek also count?

[Quoted text hidden]

Joshua Hackett <joshua.a.hackett@state.or.us>
To: Walter Trimmer <trimmerw@gmail.com>

Thu, Dec 5, 2013 at 1:11 PM

We only evaluate hydraulic connection with perennial streams. According to USGS topographic maps, those streams are intermittent locally, so they do not count.

Josh

Josh Hackett

Hydrogeologist

Oregon Water Resources Dept

725 Summer St NE Suite A

Salem, OR 97301

503-986-0846

From: Walter Trimmer [mailto:trimmerw@gmail.com]
Sent: Thursday, December 05, 2013 1:04 PM
To: Joshua Hackett
Subject: Re: water right question

[Quoted text hidden]

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

G-17829

OK

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That JOE MILLER and LOTTIE MILLER, Husband and Wife, and LELAND KROPF and CHRISTINA KROPF, Husband and Wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto DAVID BIRKY and RACHEL BIRKY, Husband and Wife, as tenants by the entirety, 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 anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

All that portion of the following described tract of land which lies East of the East right-of-way line of the Oregon Electric Railway Company as described in Book 98, page 393, in Book 98, page 399, and in Book 104, page 231, of Deed Records for Linn County, Oregon.

Beginning at the Southeast corner of the Southwest quarter of Section 15 in Township 14 South of Range 4 West of the Willamette Meridian, Linn County, Oregon; running North 53.33 1/3 chains; thence West 60 chains; thence South 53.33 1/3 chains; thence East 60 chains to the place of beginning.

INCLUDING Attachment "A"

RECEIVED BY OWRD

APR 04 2014

SALEM, OR

[IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE]

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

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

In Witness Whereof, the grantor has executed this instrument this 3-day of December, 1986; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 194.570)

STATE OF OREGON,

County of Linn

ss.

The foregoing instrument was acknowledged before me this December 3, 1986, by

Joe Miller, Lottie Miller,

Leland Kropf and Christina

Kropf

Notary Public for Oregon

(SEAL)

My commission expires: 1-19-89

State of Oregon

The foregoing instrument was acknowledged before me this September 30, 1987, by Joe Miller and Lottie Miller, president, and by Leland Kropf and Christina Kropf, secretary of the corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires: 1/19/89

(SEAL)

(If executed by a corporation, affix corporate seal)

Joe and Lottie Miller
Leland and Christina Kropf

STATE OF OREGON,

County of

ss.

6-17829