

EXPIRED

Application No. G12069
~~G12375~~

Superseded by G-13676

Permit No. _____

Certificate No. _____

Marion Co.

Stream Index, Page No. 2

152

Name David J. Bielenberg
By _____
Address 16425 Herigstad Road NE
Silverton, OR 97381

Date filed April 11, 1990

Priority _____

Action suspended until 10/31/00

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning JUL 17 1997

Date for completion OCT 01 1998

Extended to _____

Date for application of water NOV 11 1999

Extended to _____

PROSECUTION OF WORK

Form "A" filed 8/22/95

Form "B" filed 8/22/95

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

FEES PAID

Date	Amount	Receipt No.
<i>4/11/90</i>	<i>\$201.00</i>	<i>62476</i>
<i>10/2/90</i>	<i>\$320.00</i>	<i>68528</i>

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
------	---------	---------	--------	------

REMARKS

Form 90, 2 reminders sent E-16-95
119 sent 8/22/95

62-15893

C

NOTICE OF COMPLETION OF CONSTRUCTION

DAVID J. BIGLENBERRY, the holder of Permit No. G11781

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 14th day of August, 1995

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development you should so state in order that our records may not be unnecessarily encumbered.

OK JP

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of August, 1995

Signature of Applicant

16425 HARVEST AVE SE SILVERTON, OR 97381

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

NOTICE OF BEGINNING OF CONSTRUCTION

DAVE BIGLENBERRY, the holder of Permit No. G11781

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 1st day of July, 1995

Remarks: The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of August, 1995

Signature of Applicant

16425 HARVEST AVE SE SILVERTON, OR 97381

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

Route Slip



Date _____

TO:	Name	Division/Section	Initial	Date
1.	<i>COO / [unclear]</i>			
2.				
3.				
4.				
5.				

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

FROM: *D. BAER* Phone No. *4*

See Other Side

H & T

2004

PHONE CALL

FOR TUES x FC DATE 2-24 TIME AM P.M.

M DAVE B

OF WROTE LETTER PHONED

PHONE FAX MOBILE (503) - 873 - 2710 RETURNED YOUR CALL

MESSAGE NO ACTION PLEASE CALL

AM # G 12069 WILL CALL AGAIN

Per G @ 13676 = CAME TO SEE YOU

TEMP PERMIT 9:50 AM WANTS TO SEE YOU

SIGNED Permit **Tops** FORM 4003

REED

WE HAVE A REPORT FROM DONN
DATED 7-25-90.

A DRAFT PERMIT WAS SENT
WITH DONN'S CONDITIONS.

ALTHOUGH D. BIELENBERG SIGNED
DRAFT WE SENT A TR WITH
DIFFERENT CONDITIONS LAST APRIL.

NO REPORT FROM G/W FOR
THAT WORDING, I SPoke WITH DONN.
HE DOES NOT RECALL ANY DISCUSSIONS
WITH BROWN ABOUT THE CHANGES. HE
THINKS IT IS OK, THOUGH.

TOM

CLAIM OF BENEFICIAL USE: G-12069

COMPLETENESS CHECKLIST

- | | | | |
|-------------------------------------|--|-------------------------------------|--|
| <input checked="" type="checkbox"/> | 1. Source | <input checked="" type="checkbox"/> | 13. "Beneficial Use"-type title |
| <input checked="" type="checkbox"/> | 2. POD/POA location | <input checked="" type="checkbox"/> | 14. Map on Linen or polyester film |
| <input type="checkbox"/> <u>NO</u> | 3. Conveyances shown | <input checked="" type="checkbox"/> | 15. Permit conditions |
| <input checked="" type="checkbox"/> | 4. POU shown | <input type="checkbox"/> | ___ well access port |
| <input checked="" type="checkbox"/> | 5. Map Scale | <input type="checkbox"/> | ___ overirrigated acres |
| <input checked="" type="checkbox"/> | 6. Township, Range, Section | <input checked="" type="checkbox"/> | ___ measuring device |
| <input checked="" type="checkbox"/> | 7. North arrow | <input checked="" type="checkbox"/> | ___ other <u>SEE ATTACHED MEMO</u> |
| <input checked="" type="checkbox"/> | 8. CWRE stamp & signature on report <i>and</i> map | <input checked="" type="checkbox"/> | 16. Type of use |
| <input checked="" type="checkbox"/> | 9. Disclaimer | <input checked="" type="checkbox"/> | 17. Extent of use |
| <input checked="" type="checkbox"/> | 10. Date of survey | <input checked="" type="checkbox"/> | 18. <u>Rate</u> and <u>duty</u> <u>NO</u> |
| <input checked="" type="checkbox"/> | 11. Point of Beginning | <input checked="" type="checkbox"/> | 19. Time limits |
| <input checked="" type="checkbox"/> | 12. Dimensions/Capacity of
Diversion system | <input checked="" type="checkbox"/> | 20. Crop type |
| _____ | | <input checked="" type="checkbox"/> | 21. System capacity - <u>COMPUTED TO 0.29 CFS</u>
(with computations) |
| _____ | | _____ | _____ |
| _____ | | _____ | _____ |
| _____ | | _____ | _____ |
| _____ | | _____ | _____ |
| _____ | | _____ | _____ |

Reviewer: *Carlynn* Date: 10/31/97

WATER USE
FOR PERMIT

G 12375

Application G 12069

1994	49.92 A.ft
1995	44.06 A.ft
1996	59.52 A.ft
1997	42.0 A.ft

RECEIVED

FEB 11 1998

WATER RESOURCES DEPT.
SALEM, OREGON

David Bielensky
David
Bielensky

DAVE Siglberg

Home Well

G13676

G12375

2001

18.93

2002

37.61

2003-

0

Received
3/1/04

1301 41st St NW • Fargo, ND 58102 • www.nationalag.com
Phone: 1 800.367.7501 • Phone: 701.356.4090 • Fax: 701.356.4091

- Dave
Wille
3/1/04

11/15/91

TO: FISCAL SECTION
FROM: Tom Shook
Authorized Examiner

SUBJECT: Request for transfer of fees or refund check

Please transfer \$ 100 Receipt 80917 from file
6-9321 to file 6-12706 for:
 Examination fee
 X Permit Recording Fee

Please refund \$ to
file , receipt . These funds are
refunded due to:

- Application rejected
- Application withdrawn
- Excess fees collected for application/PON
- Payment of PON
- Protest Filing Fees
- Other:

Trans done - 11-20-91 (MC)

NOV 15 1991

Route Slip



Date 9/10

TO: Name	Division/Section	Initial	Date
1. <u>Donn Miller</u>			
2.			
3.			
4.			
5.			

<input type="checkbox"/> as requested	<input type="checkbox"/> investigate	<input type="checkbox"/> per conversation
<input type="checkbox"/> approval	<input type="checkbox"/> justify	<input type="checkbox"/> prepare reply
<input type="checkbox"/> comment	<input type="checkbox"/> necessary action	<input type="checkbox"/> return with more detail
<input type="checkbox"/> confer	<input type="checkbox"/> initial and return	<input type="checkbox"/> review and circulate
<input type="checkbox"/> for your information	<input type="checkbox"/> note and file	<input type="checkbox"/> signature

Please review your Pmk
'Concern sheet' and let me
know what the current
status is - thanks

FROM: D. BAER Phone No. 264

Z5-097677

See Other Side

STATE OF OREGON
Water Resources Department
725 Summer St. N.E.
Salem, OR 97301

MEMORANDUM

DATE: 2/12/08

TO: File G-12069 (Permit G-15893)
FROM: Donn Miller, Hydrogeologist

SUBJECT: File Summary - 2008

Location: T6S/R1E-17 aa, Mt Angel GWLA
Permittee: David J. Bielenberg
Use: Irrigation of 119.8 acres
Priority Date: 4/11/90
Issuance Date: First permit: 7/25/94, expiring 3/1/96
Second Permit: 7/17/96, expiring 3/1/99
Third permit: 6/18/99, expiring 3/1/04
Fourth Permit: 4/29/05, expiring 10/31/05 **Permit Now Expired.**
Q: 0.89 cfs
Well Log ID: MARI 5654 & MARI 5655
Renewal Criteria: Two kinds are noted in the last permit: Renewal to 10/31/08 if SWL's are above the 2002 reference level or likely to be by 2008 with ASR. **No Permit Renewal is Practical Now.**
Reference Levels: None. Decline triggers have been dropped from the previous permit language.
Renewal Ref. Levels: 2002 level is 200.38 feet below land surface

TRIGGERS. The permit holder has not submitted any water level data since 2005. Water level decline at the well is about 26 feet between 1995 and 2005. The 1995 water level needed to be corrected due to measurement difficulties.

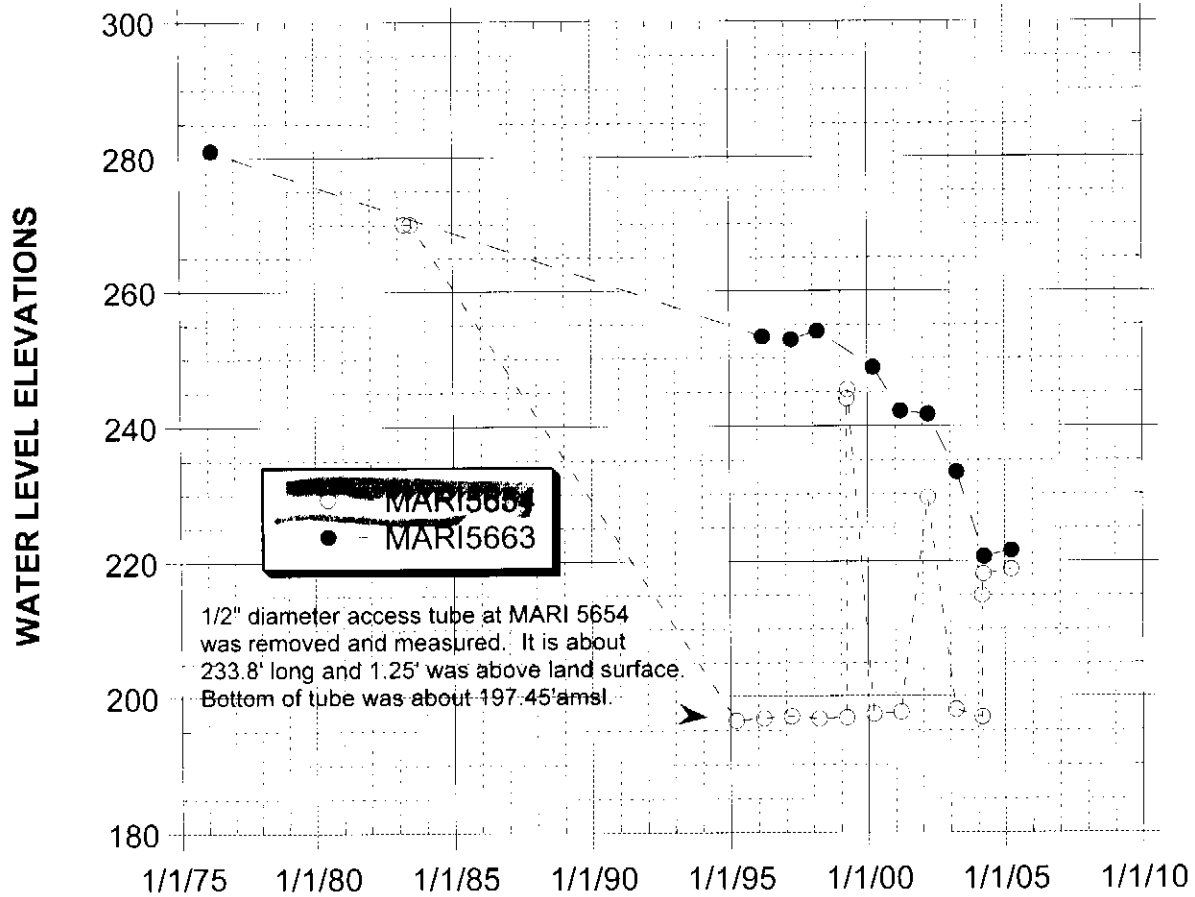
RECOVERY FROM TRIGGERS. For some reason, triggers have disappeared from the last permit so this topic is not relevant.

AREA WATER LEVEL BEHAVIOR. Water levels in well are quite similar to those in the area. Similar declines are found in other neighboring, deep basalt wells.

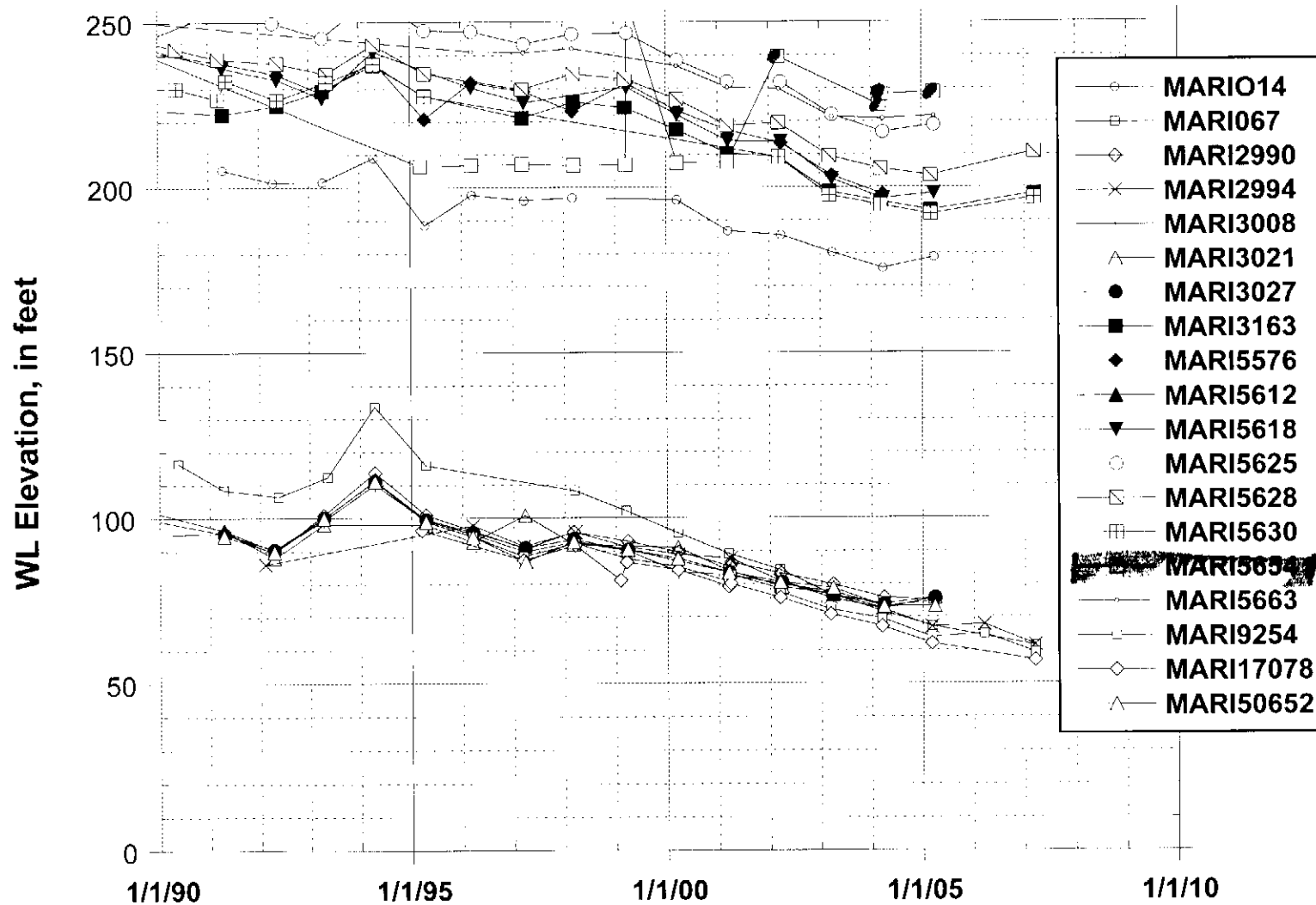
SWL Data:	Date	SWL	Comment
	3/29/83	160'	log, 320' deep, basalt aquifer
	6/28/83	160'	dpng. log, 340' deep, basalt aquifer
	8/4/89	189.81'	OWRD
	7/16/90	183.63'	OWRD
	3/15/95	233.61'	Permittee Submittal, e-tape mmt.
	3/15/96	233.24'	Permittee Submittal, e-tape mmt.
	3/13/97	232.95'	Permittee Submittal, e-tape mmt.
	3/18/98	233.32'	Permittee Submittal, e-tape mmt.
	3/19/99	233.13'	Permittee Submittal, e-tape mmt.
	4/2/99	186.0'	Pump test submittal, e-tape mmt.
	4/12/99	233.33'	OWRD, e-tape mmt. (less sensitive)
	4/12/99	184.63	OWRD, e-tape mmt. (more sensitive)
	3/17/00	232.65'	Permittee Submittal, e-tape mmt.
	3/12/01	232.36'	Permittee Submittal, e-tape mmt
	3/12/02	200.58'	Permittee Submittal, e-tape mmt
	3/xx/03	232'	Permittee Submittal, no calculations
	3/1/04	233.07'	OWRD, e-tape (less sensitive)
	3/1/04	215.12'	OWRD, e-tape mmt (more sensitive)
	3/26/05	211.20'	OWRD, e-tape mmt
	3/xx/06		No Permittee Submittal

Static Water Level Note: The swl's in **bold** are highly similar and suspicious. I conclude that these values reflect the depth to the bottom of the conduit that is used for e-tape measurement. This tube is plastic, 1/2" diameter and probably acts to inhibit e-tape circuit completion between the electrodes. Past investigation (4/99) concluded that a more-conductive water quality at depth in the tube often resulted in deeper values where electrical contact could occur more easily. The data plot from this well with data from MARI 5654 nearby highlights the good data/bad data distinction at this well (MARI 5663). The large number of similar values draws me to make this length conclusion. The 2002 value seems reasonable from trends. On 3/1/04 the 1/2" access tube was removed and measured. It was about 233.8' long and 1.25' was above land surface when installed. The bottom of the stalled tube was about 197.45' above mean sea level if land surface is at 430'. Staining on the plastic tube indicated a water level of about 220' below top of tube.

T6S/R1E-19ab, Kraemer, MARI 5663
T6S/R1E-19aa, Bielenberg, MARI 5654&5655



Mt Angel Wells Under Temporary Permit With Decline Triggers And ASR Features



GW Water Level Input - Standard

Logid	MARI.....5654	Well Tag Log	Csg Diam Field	1.0		TRS	6.00 S. / 1.00 E. - 19 AA		
State Obs Well	.....	Well Tag Field	Max Depth	340		County	MARION	
Use	.....							
Owner Well Name	WELL 3					Quad24	SCOTTSMILLS		
						Lsd Elev	440	LsdAccuracy	10
Owner	.....							
Contact	.....							
Owner	.....							
Comments	.....							
					Call Before Visit	Ph Home	.....	
						Ph Work	.....	
						Ph Cell	.....	
						FAX	.....	
						Call First Phone	.....	
Well Address	.....							

Sow Num	Logid	Source Org	SourceOWRD	Date	Time	MP Hght	Reprtd Wtr Lvl	Verified WL BLS	Export WL BLS	Method
.....	MARI	5654	QWRD	WELL LOG	03/29/1983	.....	160	.....	160.00	REPORTED
.....	MARI	5654	QWRD	WELL LOG	06/28/1983	.....	160	.....	160.00	REPORTED
.....	MARI	5654	QWRD	GWATER	08/04/1989	1.25	.....	189.81	189.81	ETAPE
.....	MARI	5654	QWRD	GWATER	07/16/1990	1.25	.....	183.63	183.63	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/15/1995	87	233.61	.....	233.61	ETAPE
.....	MARI	5654	QWRD	PERMIT COND PRGRM	03/15/1996	87	233.24	.....	233.24	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/13/1997	87	232.95	.....	232.95	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/18/1998	87	233.32	.....	233.32	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/19/1999	87	233.13	.....	233.13	ETAPE
.....	MARI	5654	OWNER	PUMP TEST PRGRM	04/02/1999	.....	186	.....	186.00	ETAPE
.....	MARI	5654	QWRD	GWATER	04/12/1999	1.25	.....	184.53	184.53	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/17/2000	87	232.65	.....	232.65	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/12/2001	87	232.36	.....	232.36	ETAPE
.....	MARI	5654	CWRE	PERMIT COND PRGRM	03/13/2002	87	200.58	.....	200.58	ETAPE
.....	MARI	5654	QWRD	GWATER	03/01/2004	1.25	.....	215.12	215.12	ETAPE
.....	MARI	5654	OWNER	PERMIT COND PRGRM	03/19/2004	0.9	211.9	.....	211.90	ETAPE
.....	MARI	5654	OWNER	PERMIT COND PRGRM	03/26/2005	1.9	211.2	.....	211.20	ETAPE

Jerry S
34
- 5

S 71962

Bielenberg

November 17, 2002

Oregon Department of Water Resources
158 12th St.
Salem, OR 97301-4172

Dear Sirs:

I would like to report water use for 2002 as required for the following permits,

Permit G12375	Podid 48381	IR	G 12069
June 2002	5.956 AF		
July 2002	20.843 AF		
August 2002	0		
September 2002	10.811 AF		
		total 37.61 AF	

Permit G12959	Podid 46171	IS	G 13719
June 2002	3.86 AF		
July 2002	0		
August 2002	1.5 AF		
September 2002	7.59 AF		
		total 12.95 AF	T 8293

Permit 53180	Podid 51389	ST	S 71962
June 2002	4.601 AF		
July 2002	5.751 AF		
		total 10.352 AF	

Sincerely,

David J. Bielenberg
16425 Herigstad Rd. NE
Silverton, OR 97381

RECEIVED

DEC 24 2003

WATER RESOURCES DEPT
SALEM, OREGON

COPY

December 19, 2003

Oregon Department of Water Resources
158 12th St. NE
Salem, OR 97301-4172

Dear Sirs:

My water use for 2003, required to be reported on the following permits, is as follows;

APP G 12069 Permit G12375 -
no use in 2003

APP G 13719 Permit G12959 - *46171*
June 2003 4.73 acre feet
July 2003 17.20 acre feet
August 2003 23.34 acre feet
September 2003 17.83 acre feet
total: 63.12 acre feet

APP 71962 Permit 53180 - *51389*
June 2003 7.36 acre feet
July 2003 9.368 acre feet
total: 16.728 acre feet

Sincerely,



David J. Bielenberg
16425 Herigstad Rd. ne
Silverton, OR 97381

USER ID 28264

App G 12069 /

COPY

RECEIVED

DEC 24 2003

WATER RESOURCES DEPT
SALEM, OREGON

December 19, 2003

Oregon Department of Water Resources
158 12th St. NE
Salem, OR 97301-4172

Dear Sirs:

My water use for 2003, required to be reported on the following permits, is as follows;

App G 12069 Permit G12375 -
no use in 2003

App G 13719 Permit G12959 - 46171
June 2003 4.73 acre feet
July 2003 17.20 acre feet
August 2003 23.34 acre feet
September 2003 17.83 acre feet
total: 63.12 acre feet

Ass'd to MetLife

App 71962 Permit 53180 - 51389
June 2003 7.36 acre feet
July 2003 9.368 acre feet
total: 16.728 acre feet

Sincerely,

David J. Bielenberg
16425 Herigstad Rd. ne
Silverton, OR 97381

51394	61516
"	"
46171	61510
51392	61514
"	"
51389	61511
51393	61515
"	"
51389	61511
51391	61513
51390	61512

0

91	13
95	17
95	17
95	17

USER id 28264



**Oregon Employees
Federal Credit Union**

631 Winter St. NE
P.O. Box 2227
Salem, OR 97301

Mary -

Done

Need to return

Permits 5-53180

and Co-12959

to User ID 28264.

(Permit has been assigned
to Met Life, but Bielby
is the contact.)

(503) 588-0211

- Gary www.orempfcu.org

28264

APP'S

213719

G12069

71902

RECEIVED

DEC 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

December 20, 2005

Oregon Department of Water Resources
725 Summer Street NE Suite A
Salem, OR 97301-1266

Dear Sirs:

I would like to report water use for 2005 as required for the following permits:

Permit #G12375 *→ superseded by P-G 15893*

May 2005	0
June 2005	0
July 2005	13.836 AF
August 2005	0
September 2005	0
October 2005	0

Total 13.836 AF

Permit #G12959 ✓
No use in 2005

Permit #R12178 and #53180 ✓
No use in 2005

Sincerely,



David Bielenberg
16425 Herigstad Rd NE
Silverton, OR 97381
503-873-2710



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 2, 2008

David J. Bielenberg
16425 Herigstad Road NE
Silverton, Oregon 97381

Reference: File G-12069, Permit G-15893

Dear David J. Bielenberg:

This letter is to advise you that the above referenced water permit, has expired and is of no further force or effect. This permit contained conditions pertaining to water levels and declines. Well water levels have not increased, and declines have continued. In addition, a stipulated agreement between you and this Department called for either water levels to return to a specific benchmark, or for an Aquifer Storage and Recovery project to be at a specific operational level, neither of which has occurred.

The Department is notifying you that the above referenced permit will not be renewed, and that the resource cannot support the continued use. Consequently, you must discontinue use of water under permit G-15893.

Should you have any questions, please do not hesitate to contact me.

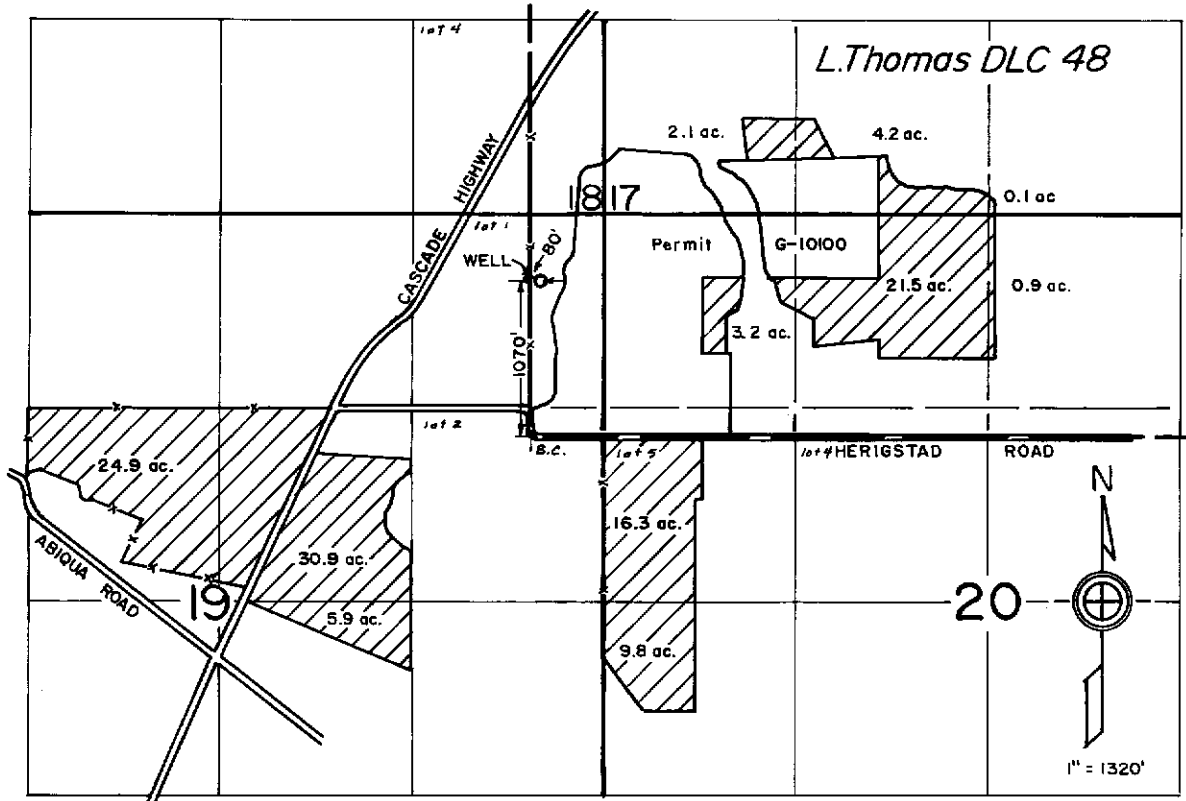
Sincerely,

Jerry Sauter
Water Rights Program Analyst

Cc: Mike McCord, Watermaster District 16
Bill Ferber, NorthWest Regional Manager

Township 6 South, Range 1 East, W.M.

Portions of Sections 17, 18, 19 & 20



FINAL PROOF SURVEY

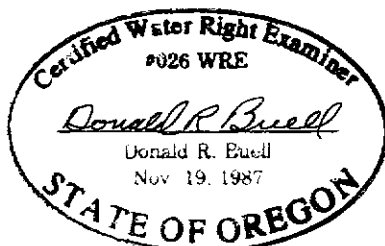
under

Appl. No. G-12069, Per. No. G-12375

in name of

DAVID J. BIELENBERG

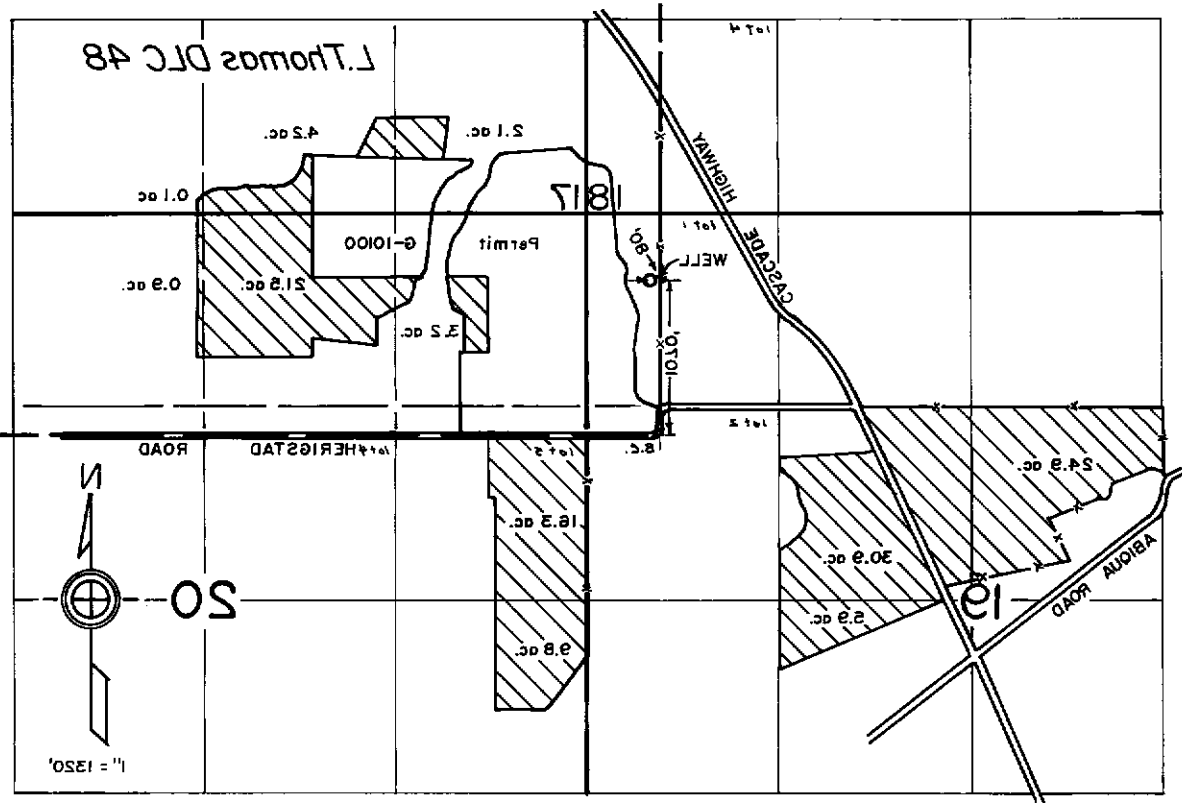
Aug. 7, 1997



RECEIVED
SEP 10 1997
WATER RESOURCES DEPT
SALEM, OREGON

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

Township 6 South, Range 1 East, W.M.
 Portions of Sections 17, 18, 19 & 20



FINAL PROOF SURVEY
 under
 Appl. No. G-12069, Per. No. G-12375
 in name of
 DAVID J. BIELEBERG
 Aug. 7, 1987



RECEIVED
 SEP 24 1987
 SALEM, OREGON
 WATER RESOURCES DEPT.

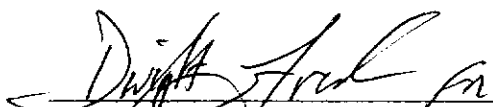
THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

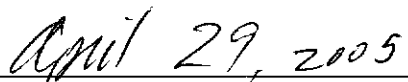
In the Matter of Water Right)
Application G-12069, Permit G-15893) FINAL ORDER
in the name of David J. Bielenberg)
)

Permit G-13676 was issued on June 18, 1999. The permit stated that the permit would expire on March 1, 2004, but could be renewed to March 1, 2009 if several conditions were met and Basin classification restrictions were amended.

The Department finds that renewal can be made with new conditions. Water level declines in the wells have exceeded all permit triggers. New conditions will be required to renew water use under Application G-12069. Water use under Application G-12069 may continue under Permit G-15893 which is attached, and contains these conditions. Permit G-15893 shall expire on October 31, 2005 unless one of the two conditions have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program. If at least one of the conditions have been met, this permit will expire on October 31, 2006. With the conditions included in the attached permit, the Director finds that the resource can probably support the continued use.



Phillip C. Ward
Director



Date

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO .

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

(503)873-2710

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

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE: 0.89 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E,
W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	2.1 ACRES
SE 1/4 SW 1/4	4.2 ACRES
SW 1/4 SE 1/4	0.1 ACRE
SECTION 17	
SW 1/4 NE 1/4	30.9 ACRES
SE 1/4 NW 1/4	24.9 ACRES
NW 1/4 SE 1/4	5.9 ACRES
SECTION 19	
NW 1/4 NE 1/4	0.9 ACRE
NE 1/4 NW 1/4	21.5 ACRES
NW 1/4 NW 1/4	3.2 ACRES
SW 1/4 NW 1/4	16.3 ACRES
NW 1/4 SW 1/4	9.8 ACRES

SECTION 20
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

This permit expires on October 31, 2005, unless one of the following two conditions have been met. If one of the two conditions below have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program, this permit will expire on October 31, 2006.

- (1) Static water levels are above the 2002 reference level described in this permit, or*
- (2) The development of an aquifer storage and recovery (ASR) project has reached the following level:*
 - (a) An ASR feasibility study has been completed by a qualified engineering firm and no fatal flaws are discovered;*
 - (b) Available means of financing the ASR project has been identified;*
 - (c) It is reasonably likely that the ASR system will be operational before the renewed permit expires in 2006; and*
 - (d) The system will recharge the aquifer utilized under this permit.*

If one of the two conditions listed above have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program, the use may be renewed for an additional two-year period if :

- (1) Static water levels are above the 2002 reference level described in this permit, or*
- (2) An ASR project is operational and the Director finds the project is reasonably likely to result in static water levels returning to 2002 levels described in this permit by 2008.*

Actual construction of the well was to have begun within one year from permit issuance, and was to have been completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

The place of use, well location and rate of use have been modified to match the Final Proof Survey and Claim of Beneficial Use submitted on September 30, 1997.

Measurement, recording and reporting conditions:

- A. 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall obtain a static water-level measurement for each well during **March** of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, licensed well constructor, licensed pump installer, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by within **30** days each year.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Failure to provide March static water level measurements will likely result in suspension of water use from the well (s) authorized under this permit, until compliance with the annual measurement requirement is met.

For the purpose of considering subsequent renewals of this permit, the Department will be using the 2002 reference level of 200.58 feet below land surface as the reference static water level.

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 an extension to the 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.

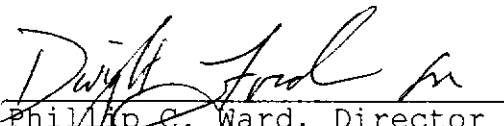
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This permit is issued to extend the period of allowed use authorized by Application G-12069 and to update the conditions imposed on the water use allowed herein. Permit G-13676 expired March 1, 2004 and is of no further force or effect.

Issued April 29, 2005


Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 13, 2005

David J. Bielenberg
16425 Herigstad Road NE
Silverton, Oregon 97381

RE: Continuing Water Use under application G-12069

Dear David J. Bielenberg,

According to our records your permit, G-13676 (application G-12069) expired on March 1, 2004.

This letter is to inform you that we intend to issue you a renewed permit on or about April 29, 2005 unless we hear from you before April 25, 2005. A draft of the permit we intend to issue is attached.

If you have any questions or concerns regarding the attached draft permit, please contact Jerry Sauter in writing or by phone (503-986-0817).

Sincerely,

Jerry Sauter
Water Rights Program Analyst

c: file
Dwight French, WRD

s:\exchange\frenchdw\5yearpermit4-13-05 cover letter

DRAFT

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO .

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

(503) 873-2710

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

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE: 0.89 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E,
W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.1 ACRES

SE 1/4 SW 1/4 4.2 ACRES

SW 1/4 SE 1/4 0.1 ACRE

SECTION 17

SW 1/4 NE 1/4 30.9 ACRES

SE 1/4 NW 1/4 24.9 ACRES

NW 1/4 SE 1/4 5.9 ACRES

SECTION 19

NW 1/4 NE 1/4 0.9 ACRE

NE 1/4 NW 1/4 21.5 ACRES

NW 1/4 NW 1/4 3.2 ACRES

SW 1/4 NW 1/4 16.3 ACRES

NW 1/4 SW 1/4 9.8 ACRES

SECTION 20
TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

This permit expires on October 31, 2005, unless one of the following two conditions have been met. If one of the two conditions below have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program, this permit will expire on October 31, 2006.

- (1) Static water levels are above the 2002 reference level described in this permit, or*
- (2) The development of an aquifer storage and recovery (ASR) project has reached the following level:*
 - (a) An ASR feasibility study has been completed by a qualified engineering firm and no fatal flaws are discovered;*
 - (b) Available means of financing the ASR project has been identified;*
 - (c) It is reasonably likely that the ASR system will be operational before the renewed permit expires in 2006; and*
 - (d) The system will recharge the aquifer utilized under this permit.*

If one of the two conditions listed above have been met, or the Director finds that the resource can probably support the continued use pursuant to an alternative water management program, the use may be renewed for an additional two-year period if :

- (1) Static water levels are above the 2002 reference level described in this permit, or*
- (2) An ASR project is operational and the Director finds the project is reasonably likely to result in static water levels returning to 2002 levels described in this permit by 2008.*

Actual construction of the well was to have begun within one year from permit issuance, and was to have been completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

The place of use, well location and rate of use have been modified to match the Final Proof Survey and Claim of Beneficial Use submitted on September 30, 1997.

Measurement, recording and reporting conditions:

- A. 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall obtain a static water-level measurement for each well during **March** of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, licensed well constructor, licensed pump installer, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by within **30** days each year.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Failure to provide March static water level measurements will likely result in suspension of water use from the well (s) authorized under this permit, until compliance with the annual measurement requirement is met.

For the purpose of considering subsequent renewals of this permit, the Department will be using the 2002 reference level of 200.58 feet below land surface as the reference static water level.

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 an extension to the 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.

This permit is issued to extend the period of allowed use authorized by Application G-12069 and to update the conditions imposed on the water use allowed herein. Permit G-13676 expired March 1, 2004 and is of no further force or effect.

Issued April ,2005

DRAFT

Phillip C. Ward, Director
Water Resources Department

STATE OF OREGON
Water Resources Department
158 12th St. N.E.
Salem, OR 97310

MEMORANDUM

DATE: 3/2/04

TO: File G-12069 (Permit G-13676)
FROM: Donn Miller, Hydrogeologist (371-4938 x 205)
SUBJECT: Information to Assess Permit Extension Request

Location: T6S/R1E-17 aa, Mt Angel GWLA
Permittee: David J. Bielenberg
Use: Irrigation of 119.8 acres
Priority Date: 4/11/90
Issuance Date: Original: 7/25/94(first permit) & Extension: 7/17/96(second permit) and 6/18/99(third permit)

Q: 0.89 cfs
Well Log ID: MARI 5654 & MARI 5655
Reference Level: Permit states 184.91' below land surface

Permit Renewal: The permit may be extended to March 1, 2009, if the Director finds that:

- The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 184.91 feet below land surface; and
- Periodic water level reports and annual report of water used under this permit have been timely submitted.

SWL Data:	Date	SWL	Comment
	3/29/83	160'	log, 320' deep, basalt aquifer
	6/28/83	160'	dpng. log, 340' deep, basalt aquifer
	8/4/89	189.81'	OWRD
	7/16/90	183.63'	OWRD
	3/15/95	233.61'	Permittee Submittal, e-tape mmt.
	3/15/96	233.24'	Permittee Submittal, e-tape mmt.
	3/13/97	232.95'	Permittee Submittal, e-tape mmt.
	3/18/98	233.32'	Permittee Submittal, e-tape mmt.
	3/19/99	233.13'	Permittee Submittal, e-tape mmt.
	4/2/99	186.0'	Pump test submittal, e-tape mmt.
	4/12/99	233.33'	OWRD, e-tape mmt. (less sensitive)
	4/12/99	184.63	OWRD, e-tape mmt. (more sensitive)
	3/17/00	232.65'	Permittee Submittal, e-tape mmt.
	3/12/01	232.36'	Permittee Submittal, e-tape mmt
	3/12/02	200.58'	Permittee Submittal, e-tape mmt
	3/xx/03	232'	Permittee Submittal, no calculations
	3/1/04	233.07'	OWRD, e-tape (less sensitive)
	3/1/04	215.12'	OWRD, e-tape mmt (more sensitive)

Static Water Level Note: The swl's in bold are highly similar and suspicious. I conclude that these values reflect the depth to the bottom of the conduit that is used for e-tape measurement. This tube is plastic, 1/2" diameter and probably acts to inhibit e-tape circuit completion between the electrodes. Past investigation (4/99) concluded that a more-conductive water quality at depth

in the tube often resulted in deeper values where electrical contact could occur more easily. The data plot from this well with data from MARI 5654 nearby highlights the good data/bad data distinction at this well (MARI 5663). The large number of similar values draws me to make this length conclusion. The 2002 value seems reasonable from trends. On 3/1/04 the ½" access tube was removed and measured. It was about 233.8' long and 1.25' was above land surface when installed. The bottom of the stalled tube was about 197.45' above mean sea level if land surface is at 430'. Staining on the plastic tube indicated a water level of about 220' below top of tube.

Comments

At this point, extending/renewing this permit does **not** seem favorable. Looking at the criteria in the permit, I have the following comments.

1. I conclude that **the water level in the well has declined more than 10 feet from the reference level** (184.91' to 215.12' below land surface). I think that a late March 2004 measurement would show some recovery and narrow the gap by only a few feet.
2. **The permittee's request to re-establish the reference level to 233.61' should be denied.** That reference level was based on poor data. The current reference level was back-calculated in 1999, placed in the third permit, and probably still resulted in a permittee-friendly value that was a little deeper than actual. This would narrow any subsequent decline.)
3. **Periodic reports were not always submitted or timely submitted.** The water level submittal for 2003 was late and not substantiated by calculations. Other water level submittals arrived after the April 5 deadline in 2000 and 2002. The reports of water used were reportedly submitted for 2001, 2002, and 2003. My search of the file and related files did not find any. The permittee provided these data at my request on 3/1/04.

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

(503) 873-2710

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W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	2.1 ACRES
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SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. 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.

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The use of water under this permit will expire on March 1, 2004. The permit may be extended to March 1, 2009, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 184.91 feet below land surface;
- b. Periodic water level reports and annual report of water used under this permit have been timely submitted; and

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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 an extension to the 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.

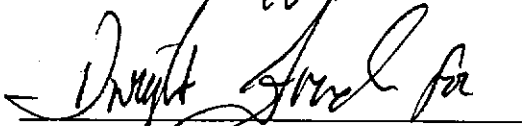
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

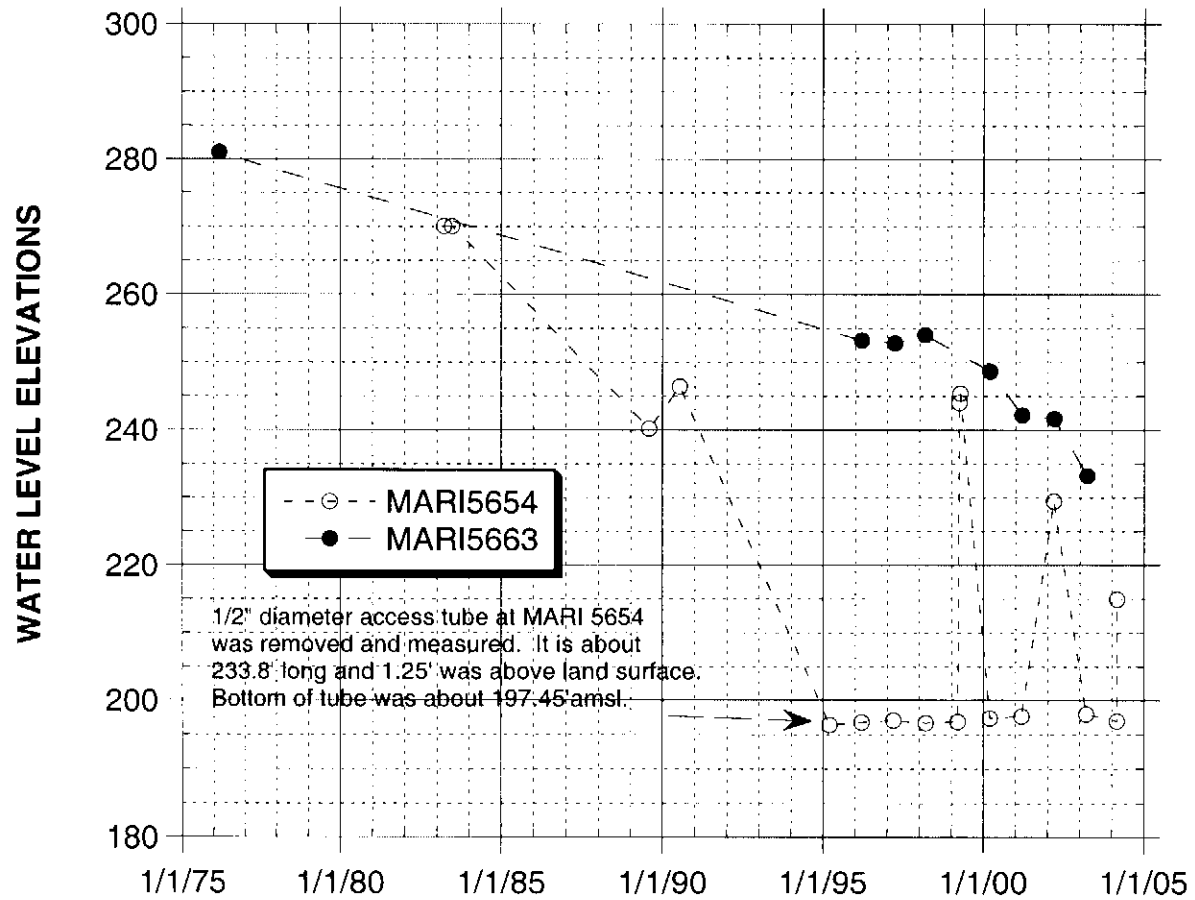
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

This permit is issued to extend the period of allowed use authorized by Permit G-12375 and to update the conditions imposed on the water use allowed herein. Permit G-12375 expired March 1, 1999 and is of no further force or effect.

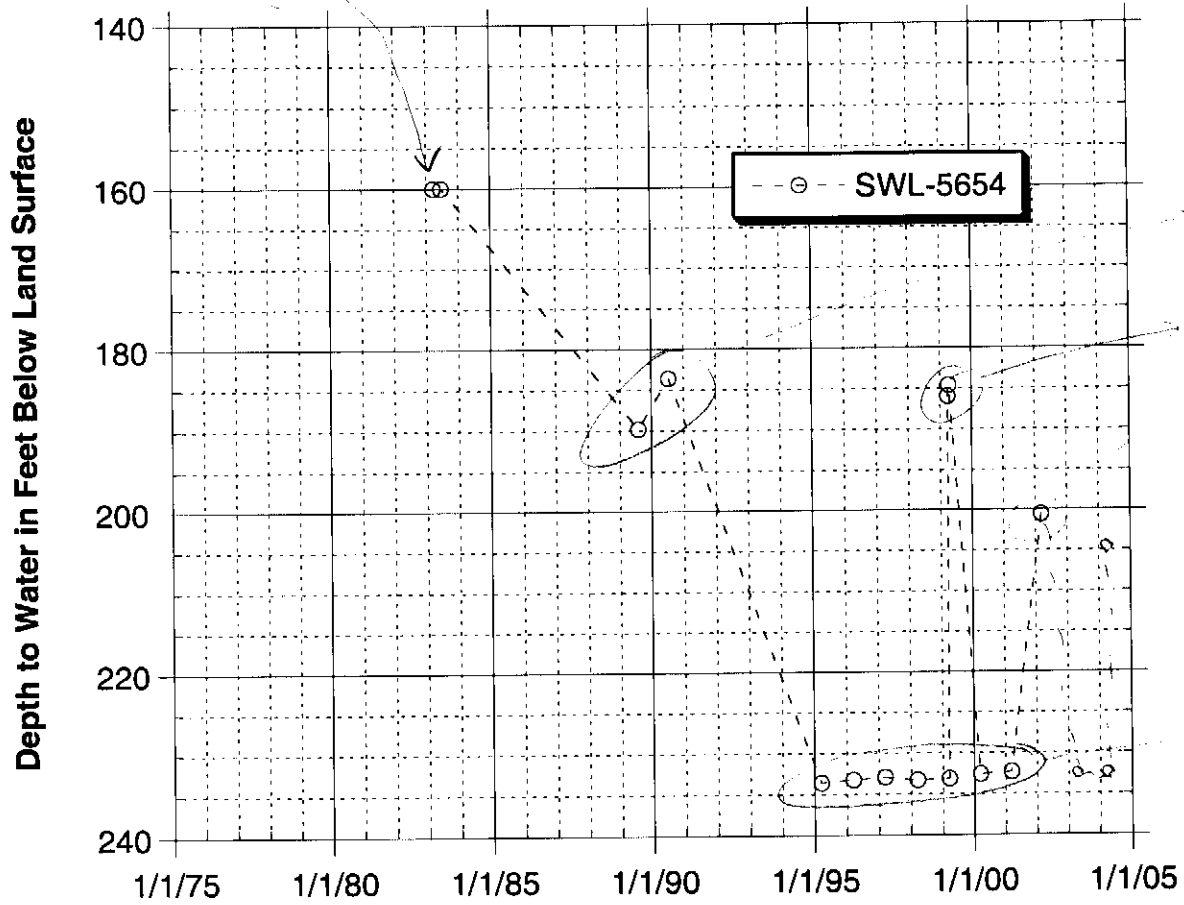
Issued June 18, 1999


Martha O. Pagel, Director
Water Resources Department

T6S/R1E-19ab, Kraemer, MARI 5663
T6S/R1E-19aa, Bielenberg, MARI 5654&5655



**Bielenberg
T6S/R1E-19aa
MARI 5654**



	DATE	SWL-5654	MARI5654	SWL-5663	MARI5663	F	G	H	I	J
0	3/29/1983	160.00	270.00							
1	6/25/1983	160.00	270.00							
2	8/4/1989	189.81	240.19							
3	7/16/1990	183.63	246.37							
4	3/15/1995	233.61	196.39							
5	3/15/1996	233.24	196.76							
6	3/13/1997	232.95	197.05							
7	3/18/1998	233.32	196.68							
8	3/19/1999	233.13	196.87							
9	4/2/1999	186.00	244.00							
10	4/12/1999	184.63	245.37							
11	3/17/2000	232.65	197.35							
12	3/12/2001	232.36	197.64							
13	3/12/2002	200.58	229.42							
14	3/15/2003	232.00	198.00							
15	3/1/2004	233.07	196.93							
16	3/1/2004	215.12	214.88							
17										
18	3/6/1976			59.000	281.00					
19	3/15/1996			86.830	253.17					
20	3/26/1997			87.250	252.75					
21	3/7/1998			86.000	254.00					
22	3/16/2000			91.330	248.67					
23	3/14/2001			97.800	242.20					
24	3/16/2002			98.300	241.70					
25	3/30/2003			106.80	233.20					

Permit	Cert nbr	Pod
G.....13676	.....0	.....1

pod location id	snp id	logid
.....11011	.....24304	.....MARI.5654

wr_id	wr_fam_id	type	status	stage
.....24304	.....24304	.....GW	.....NC	.....CM

Application	Permit	cert_nbr	Pod	Status	Source	Logid	Main aq	Userid lu	Priority	Township	Range	S	QQ	Q	
G.....12069	G.....136761NCGWMARI.5654CRB2826404/11/19906.00S1.00E19NE
Condition type / Action status		.....SWL	.....SWL	Other measured wells not on permit:				swl required		<File.Missing>				
Date of last notice		.....2/9/2004						swl frequency		<File.Missing>				
Impact plan: Submitted / Approved		.....		Logid	Main aq		swl month		<File.Missing>					
Compliance: This yr / Overall		.....				swl duration		<File.Missing>						
Compliance reviewed by		.....				snp_status		AC						
Compliance letter sent		.....				current_view		1						
Month / Yr use began		.....				wr_pod_location		reference level						
Ref level gw		.....233.61				pod location id		ref level date						
Ref lvl det by		.....				.....11011		impact plan						
Trigger activated		.....						supply plan						
Well not drilled as of		.....						limit duration						
App file check / Date		.....						limit date						
Comments															
SEE ORIGINAL PERMIT G-11781 AND G-12375. KCW															
Other conditions															
<File.Missing>															
meter required <File.Missing>															
record water use <File.Missing>															
report water use <File.Missing>															

Redrill Logid	Max Depth	Type Work	Compl Date	Correlated By	Comment
MARI	5655				

Current owner from pump_test_owners file:

name f / i	DAVID J	BIELBERG	name other	.....
contact	.....		email	.....
address1 / 2	16425 HERIGTAD RD NE		phone / fax	.....
city / st / zip	SILVERTON	OR	97381	comment

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right, in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source	Organiz	Source OWRD	Comments
3/29/1983	UNKNOWN	UNKNOWN		160	160	ROBERT FRIESEN	DRILLER		PERMIT COND	
6/25/1983	UNKNOWN	UNKNOWN		160	160	BYRON B STADELI	DRILLER		PERMIT COND	
3/15/1995	UNKNOWN	ETAPE	.87	233.61	233.61	DONALD R BUELL	CWRE		PERMIT COND	
3/13/1997	UNKNOWN	ETAPE	.87	232.95	232.95	DONALD R BUELL	CWRE		PERMIT COND	
3/18/1998	UNKNOWN	ETAPE	.87	232.22	232.22	DONALD R BUELL	CWRE		PERMIT COND	

3/19/1999	UNKNOWN	ETAPE	.87	233.13	233.13	DONALD R BUELL	CWRE	PERMIT COND
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3/17/2000	static	stape	.87	232.65	232.65	Don Buell	CWRE	P.C.
3/12/01	static	stape	.87	232.36	232.36	Don Buell	CWRE	P.C. idle all winter
3/12/02	static	stape	.87	200.58	200.58	Malia Kupites	CWRE	P.C. idle all winter

Water Use Reports

- 2000 Rec. 11/28/00
- 1999 Rec. 11/30/99
- 1998 Rec. 11/30/98
- 1997 Rec. 2/11/98
- 1996
- 1995
- 1994

LSE ~ ~~300~~
430



Permit Cert nbr Pod
Old data:

pod location id snp id logid
164774134119MARI_5663

wr_id wr_fam_id type status stage
2285922859 ..GW.. ..NC.. ..CM..

Application	Permit	cert_nbr	Pod	Status	Source	Logid	Main aq	Userid lu	Priority	Township	Range	S	QQ	Q
G.....12034	G.....15447		2	NC	GW	MARI_5663	CRB	8640	02/26/1990	6.00 S	1.00 E	19	NW	NE
Condition type / Action status		SWL	SWL	Other measured wells not on permit:										
Date of last notice		2/9/2004												
Impact plan: Submitted / Approved				Logid	Main aq									
Compliance: This yr / Overall						snp_status		AC						
Compliance reviewed by						current_view		1						
Compliance letter sent						wr_pod_location		pod location id						
Month / Yr use began								164774						
Ref level gw		86.83		reference level <File.Missing>										
Ref lvl det by		PERMIT		ref level date <File.Missing>										
Trigger activated				impact plan <File.Missing>										
Well not drilled as of				supply plan <File.Missing>										
App file check / Date				limit duration <File.Missing>										
Comments				limit date <File.Missing>										
Other conditions				meter required <File.Missing>										
<File.Missing>				record water use <File.Missing>										
				report water use <File.Missing>										

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment

Current owner from pump_test_owners file:

name f / l	HAROLD A	KRAEMER	name other	KRAEMER FARMS
contact			email	
address1 / 2	13318 DOMINIC RD NE		phone / fax	503-845-2489
city / st / zip	MT.ANGEL	OR	97362	comment

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right. in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source Organiz	Source OWRD	Comments
3/6/1976	UNKNOWN	UNKNOWN		59	59	CHARLES E STADELI	DRILLER	PERMIT COND	
3/15/1996	STATIC	UNKNOWN	1.25	86.833	86.833	EMPLOYEE; RAY STAFFORD	OWNER	PERMIT COND	
3/26/1997	STATIC	UNKNOWN	1	87.25	87.25	EMPLOYEE; RAY STAFFORD	OWNER	PERMIT COND	IDLE 6 MONTHS
3/7/1998	STATIC	ETAPE	1.16	86	86	EMPLOYEE; RAY STAFFORD	OWNER	PERMIT COND	IDLE +6 MONTHS
3/16/2000	STATIC	ETAPE	1.17	91.33	91.33	EMPLOYEE; RAY STAFFORD	OWNER	PERMIT COND	

DATE	STATUS	TYPE	VAL	STRESS	STRESS	EMPLOYEE; RAY STAFFORD	OWNER	PERMIT COND	MONTHS
3/14/2001	STATIC	ETAPE	1.2	97.8	97.8	EMPLOYEE; RAY STAFFORD	OWNER	PERMIT COND	MONTHS

3/10/02

98.3

3/30/03

106.8

LSE ~ 340'

August 9, 2003

1/2

Dwight French
OREGON WATER RESOURCES DEPARTMENT
158 12TH ST N.E.
SALEM, OR 97310
RE: G-12069

RECEIVED

FEB 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

Dane Dwight:

This permit is a temporary permit that expires in March 2004 and is subject to cancellation if static water level decline is 10 feet or more. The reference SWL was changed when the permit was extended to March 1, 2004. The change was based on a measurement by Donn Miller of the Department on April 12, 1999 and his belief that highly pure, difficult to measure water was giving those measuring the SWL errors in their readings.

I realize that I should have challenged this when the permit was extended, but, quite frankly I was so glad to have it extended that I assumed the conditions were the same and did not notice the change in the referenced SWL. Therefore, I now will state my case for a SWL in the 232 foot range.

RECEIVED

FEB 26 2004

WATER RESOURCES DEPT.
SALEM, OREGON

2/2

The SWL data submitted to the Department over the years clearly shows a SWL of about 232 feet. Even though the measurements were done by several different persons with different equipment. Mr. Miller got a similar measurement with some of his equipment.

Mr Miller did not use the 1/2 inch pipe to lower his equipment. This well is not straight and has several ledges that have given various problems in the past so we use the 1/2 inch pipe to lower probes to avoid misleading readings.

In March of this year the readings were not reported because the person asked to do the job didn't get it done (see enclosed letter). However, I personally used a borrowed probe and got a 232 foot reading.

I do not think the Department should change a SWL Reference based on one measurement with one piece of equipment.

Therefore, I request that the Reference SWL on G-12069 be changed back to what it was before the permit was extended.

I also request that a final water right certificate be issued if all conditions have been met

Sincerely,

N. J. Bell

David J. Bieleberg
16425 Henigstad Rd NE
Silverton, OR 97381

MARI 8054
Dm = MARI 8055

12/86

OREGON WATER RESOURCES DEPARTMENT

WATER LEVEL MEASUREMENTS

Measuring Point (MP): airline hole, 1.25' Above LSD

(Need to disassemble airline for E-tape mnt)

Well Depth: 340' Pump HP: ? Sub Use of Well: irr

Date	Tape Reading	Cut	Depth to Water		Meas. By	Flowmeter (FM) Reading	Electric Meter (EM) Reading	Remarks
			Below MP	Below Land Surface				
7-16-90	520 -340	+4.88	184.88	183.63	Dry JK	—	—	well off 2 wks E-tape / good
3-29-83				160	Driller			well Report 320' total depth
6-28-83				160	Driller			well Report deepened to 340'
8-4-89				189.81	JR of WRD			well idle
3-15-95				233.61	Don Buell			<i>NOTE: etape mnts thru AL but not w/gage etc</i> → AL mnt permit cond.
3-15-96				233.34	Don Buell			
3-13-97				232.95	↓			
3-18-98				233.32	↓			
4-2-99				186	owner D.B.			Pump test SWL, etape
4-12-99	710 -480	+4.58	234.58	233.33	DWM	116.701 AF Mec 9623706	681 kWh 01646667	good mnt etape Brit mnt
4-12-99	200 -15	40.78	185.78	184.53	DWM			good mnt etape owb#1
4-12-99	665 -480	+1.03 -0.15	185.88	184.63	DWM	greater sensitivity	Better contacts!	good mnt Brit etape
3-1-04	230	+4.32 +4.44	234.32	233.07	DWM	307.792 AF 9623706	77072 kWh 01646667	limited contact response
3-1-04	215	+1.37	216.37	215.12	DWM			wire loose contact etape response

LSE ~ 457' by altimeter
 FM SERIAL NO. 96 2370 6 MULTIPLIER _____ Gal; Ac-Ft; Cu-Ft
 EM SERIAL NO. _____ MULTIPLIER _____
 → conflicts w/tape

COUNTY Marion OWNER David Biefenberg STATE WELL NUMBER 6S/IE-19222

APP. G-12069 PERMIT _____ CERTIFICATE _____

AL removed & measured
on ground. $\approx 233.8'$ long

Staining says WL $\approx 220'$
on plastic AL

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A; Salem, OR 97301-1271
Phone: 503-986-0900
Fax: 503-986-0902
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Dave Bielenberg

Fax Number: 1.503.873.2710

Date: 4/1/05

Pages: 5, including cover sheet

From: Donna Miller

Phone: 503-986-0845

Comments:

Attached are items that you requested concerning 5-yr permit rule and water level data.

Doug and I are not optimistic that you could obtain a regular permit to replace your 5-yr permit. The water level trends do not speak well of water availability. That said, you are certainly welcome to apply.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

Rule Intro Page

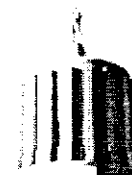
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The Oregon Administrative Rules contain OARs filed through March 15, 2005

WATER RESOURCES DEPARTMENT

DIVISION 502

WILLAMETTE BASIN PROGRAM

690-502-0010

Definitions

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 690-011.

(1) Ground water in the Columbia River Basalt Group aquifers in the Amity Hills/Walnut Hill Ground Water Limited Area is classified for exempt uses and irrigation only. Irrigation use shall be limited to use under a limited license pursuant to ORS 537.143 and for the sole purpose of providing water necessary to establish a crop for which no further irrigation will be required after the crop is established. Irrigation use under this rule shall be further limited to drip or equally efficient irrigation and an annual duty of one acre-foot per acre per year.

(2) The Amity Hills/Walnut Hill Ground Water Limited Area is as described and shown in Exhibit 12.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRD 3-2003, f. & cert. ef. 12-4-03

690-502-0215

→ Five-Year Limited Permits

(1) A holder of a five-year limited permit with a priority date of October 4, 1991, or earlier in the Damascus, Glad Tidings, Kingston, Mount Angel, Parrett Mountain, Stayton-Sublimity, Sherwood-Dammasch-Wilsonville, Chehalem Mountain, Eola Hills or South Salem Hills Ground Water Limited Areas may submit a ground water application and not be subject to the classifications or restrictions established by OAR 690-502-0180 to 690-502-0200.

(2) An application submitted under section (1) of this rule must be for the use, or portion thereof, authorized under the existing five-year limited permit (type of use, location, number of acres, source, rate, duty, season, and other permit specifications).

(3) Any permit issued for an application submitted under section (2) of this rule shall, as applicable, contain the special permit conditions under OAR 690-502-0250 and 690-502-0260.

(4) This rule is of no further force or effect after January 1, 2006.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRD 6-2004, f.& cert. ef. 6-15-04

690-502-0240

Groundwater-Surface Water Hydraulic Connection

These rules are in addition to the requirements of OAR chapter 690, division 009. 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.

Permit Condition Water Level Input

	OWRD Logid	Main aq	Max depth	Corr by	LSD Elev	Userid_lu	To
Well Info:	MARI.....5654	Columbia River Basalt.....	340	DOUG.....	440	28264	
Well Location 950 FEET NORTH & 100 FEET EAST FROM SW CORNER DLC 48, SECTION 19.....							
Owner:				Permits listing well:			
Name	DAVID J.....	BIELBERG.....		pc	permit	cert_nbr	pod
Other Name	.....			G	11781		1
Contact	.....			G	13676		1
Address	16425 HERIGTAD RD NE.....						
City, St, Zip	SILVERTON.....	OR.....	97381.....				
Phone, FAX	.....					
Email	.....					
Comments	.....					

Logid	Source Org	SourceOWRD	Date	Time	MP Hght	Reprtd Wtr Lvl	Verified WL BLS	Export WL BLS	Elev
MARI	5654	OWRD	WELL LOG	03/29/1983		160		160.00	28
MARI	5654	OWRD	WELL LOG	06/28/1983		160		160.00	28
MARI	5654	OWRD	GWATER	08/04/1989	1.25		189.81	189.81	25
MARI	5654	OWRD	GWATER	07/16/1990	1.25		183.63	183.63	25
MARI	5654	CWRE	PERMIT COND	03/15/1995	87	233.61		233.61	20
MARI	5654	OWRD	PERMIT COND	03/15/1996	87	233.24		233.24	20
MARI	5654	CWRE	PERMIT COND	03/13/1997	87	232.95		232.95	20
MARI	5654	CWRE	PERMIT COND	03/18/1998	87	233.32		233.32	20
MARI	5654	CWRE	PERMIT COND	03/19/1999	87	233.13		233.13	20
MARI	5654	OWNER	PUMP TEST	04/02/1999		186		186.00	25
MARI	5654	OWRD	GWATER	04/12/1999	1.25		184.53	184.53	25
MARI	5654	CWRE	PERMIT COND	03/17/2000	87	232.65		232.65	20
MARI	5654	CWRE	PERMIT COND	03/12/2001	87	232.36		232.36	20
MARI	5654	CWRE	PERMIT COND	03/13/2002	87	200.58		200.58	23
MARI	5654	OWRD	GWATER	03/01/2004	1.25		215.12	215.12	22
MARI	5654	OWNER	PERMIT COND	03/19/2004	0.9	211.9		211.90	22
MARI	5654	OWNER	PERMIT COND	03/26/2005	1.9	211.2		211.20	22

erid_lu	Township	Range	S	QQ	Q
28264	6.00 S/	1.00 E-	19	NE	NE

Sort by Logid, Date, Time

Go to Most Recent Record

Create New Record

Go to pc index

Update user id (owner)

all:	trigger			
vert_nbr	pod	pod_l_id	activated	ref level
	1			233.61
	1			184.91

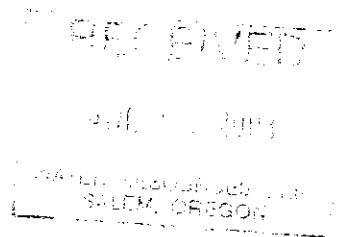
Export	WL				
WL BLS	Elevation	Method	Status	Measured By	Comments
160.00	280.00	REPORTED	UNKNOWN	DRILLER	
160.00	280.00	REPORTED	UNKNOWN	DRILLER	DPN LOG MARI 5655
189.81	250.19	ETAPE	STATIC	JR	IDLE
183.63	256.37	ETAPE	STATIC	DONN MILLER	IDLE 2 WEEKS
233.61	206.39	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
233.24	206.76	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
232.95	207.05	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
233.32	206.68	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
233.13	206.87	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
186.00	254.00	ETAPE	STATIC	OWNER, DB	
184.53	255.47	ETAPE	STATIC	DONN MILLER	QWRD#1
232.65	207.35	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
232.36	207.64	ETAPE	STATIC	DONALD R BUELL	BAD MSMT = BASE OF ARILINE, KCW
200.58	239.42	ETAPE	STATIC	MALIA KUPILLAS	IDLE ALL WINTER
215.12	224.88	ETAPE	STATIC	DONN MILLER	
211.90	228.10	ETAPE	STATIC	DAVID BIELENBERG	IDLE SINCE FALL 2002
211.20	228.80	ETAPE	STATIC	DAVID BIELENBERG	IDLE SINCE FALL 2004

August 9, 2003

Dwight French
Oregon Water Resources Department
158 12th St N.E.
Salem, OR 97310

RE: G-12069

1/2



Dave Dwight:

This permit is a temporary permit that expires in March 2004 and is subject to cancellation if static water level decline is 10 feet or more. The reference SWL was changed when the permit was extended to March 1, 2004. The change was based on a measurement by Donn Miller of the Department on April 12, 1999 and his belief that highly pure, difficult to measure water was giving those measuring the SWL errors in their readings.

I realize that I should have challenged this when the permit was extended, but, quite frankly I was so glad to have it extended that I assumed the conditions were the same and did not notice the change in the referenced SWL. Therefore, I now will state my case for a SWL in the 232 foot range.

RECEIVED

AUG 12 2001

RESOURCES DEPT
EM, OREGON

2/2

The SWL data submitted to the Department over the years clearly shows a SWL of about 232 feet. Even though the measurements were done by several different persons with different equipment. Mr. Miller got a similar measurement with some of his equipment.

Mr Miller did not use the 1/2 inch pipe to lower his equipment. This well is not straight and has several ledges that have given various problems in the past so we use the 1/2 inch pipe to lower probes to avoid misleading readings.

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Therefore, I request that the reference SWL on G-12069 be changed back to what it was before the permit was extended.

I also request that a final water right certificate be issued if all conditions have been met

Sincerely,
N.J. Bell

David J. Biehnberg
16425 Hennigstad Rd NE
Silverson, OR 97381

Stettler Supply Company

1810 Lana Avenue N.E.
Salem, Oregon 97303
(503) 585-5550 • FAX: (503) 581-6799

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CCB# 33228
OWWC# 633

David Bielenberg
16425 Herigtad Rd NE
Silverton, Oregon 97381

To Whom It May Concern:

We have contacted the Oregon Water Resources Department to notify them that we were unable to measure the static water level in your well as requested. They informed us that you would not be penalized for our oversight, but that it should be measured at the proper time in year 2004. We apologize for this situation, but the employee who had possession of your report form and our work order left our company in late spring.

We will keep the form on file to be completed next year, unless we hear otherwise from you.

If I can be of any further assistance, please feel free to call me.

Sincerely,



David Carpenter
Assistant Manager

RECEIVED

AUG 11 2003

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

(503)873-2710

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

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE: 0.89 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E,
W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE
SECTION 17
SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES
SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
 NE 1/4 NW 1/4 21.5 ACRES
 NW 1/4 NW 1/4 3.2 ACRES
 SW 1/4 NW 1/4 16.3 ACRES
 NW 1/4 SW 1/4 9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, licensed well constructor, licensed pump installer, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 2004. The permit may be extended to March 1, 2009, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 184.91 feet below land surface;
- b. Periodic water level reports and annual report of water used under this permit have been timely submitted; and

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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 an extension to the 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.

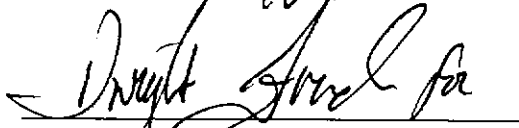
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-12375 and to update the conditions imposed on the water use allowed herein. Permit G-12375 expired March 1, 1999 and is of no further force or effect.

Issued June 18, 1999


Martha O. Pagel, Director
Water Resources Department

CLAIM OF BENEFICIAL USE AND SITE REPORT
UNDER PERMIT G-12375 IN THE NAME OF
DAVID J. BIELENBERG

RECEIVED

INFORMATION:

Dave Bielenberg
16425 Herigstad Road
Silverton, Oregon 97381

SEP 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Telephone: (503) 873-2710

Mr. Bielenberg has irrigated the entire area under the permit in the years of 1995 through 1997.

WELL:

8" casing with airline to measure. Pumping level at approximately 280 feet, determined from log and static water level measurements.

PUMPS:

Main: 50 hp submersible

Booster: Motor: 15 hp GE electric 3,480 rpm, 3 phase
Pump: Cornell centrifugal direct
drive Model 2 1/2 W-15-2, 2 1/2" x
2"

LIFT:

280 feet from well, discharge is + 80 feet to - 120 feet.

EQUIPMENT:

2,610' 6" aluminum mainline
1,890' 5" aluminum mainline
4,400' 3" aluminum lateral
110 Nelson 5 gallon even-flo sprinklers

Mr. Bielenberg stated he ran a maximum of 80 heads at one time.

QUANTITY OF WATER:

65 hp in pumps operating at 50 psi with a total maximum lift of 360' at 80 percent efficiency would yield:

$(65 \times 7.04) \text{ divided by } (80' + 280' + 127) = 0.94 \text{ cfs}$

QUANTITY OF WATER: (cont'd)

80 5 gallon even-flo heads would deliver 400 gpm or
0.89 cfs

Permit allows 1.11 cfs, Mr. Bielenberg will claim 0.89
cfs (400 gpm).

USE:

Irrigation of 119.8 acres of sweet corn, strawberries
and cauliflower.

FLOW METER:

A McCrometer flow meter serial number 96-23706 is
installed in the mainline near the well. It was
reading 300 gpm without the booster pump at the time
of the inspection.

PUMP TEST:

Mr. Bielenberg is aware of the requirement for a pump
test prior to March 31, 1998.

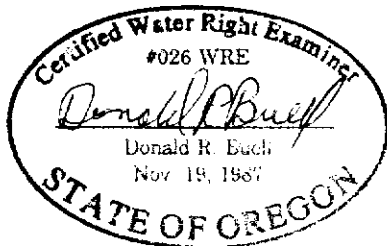
STATIC WATER LEVEL MEASUREMENTS:

Static water level measurements were made by me in
1995, 1996 and 1997.

SURVEY:

Photo chain survey tied to the SW corner DLC 48 (A
Marion County brass cap near a curve in Herigstad
Road).

The final proof survey and inspection of the use as found to be
completed under the terms and conditions of permit G-12375 was
completed by me on August 7, 1997 and September 26, 1997, and the
facts contained in this report and accompanying final proof map
are correct to the best of my knowledge.



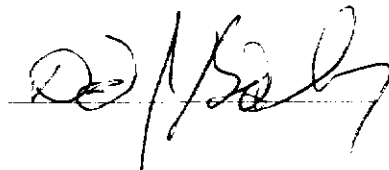
RECEIVED

SEP 30 1997

**WATER RESOURCES DEPT.
SALEM, OREGON**

Donald R. Buch
Certified Water Right Examiner

I, David J. Bielenberg, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my permit G-12375.

A handwritten signature in black ink, appearing to read "D. Bielenberg", is written over a horizontal dashed line.

RECEIVED

SEP 30 1997

**WATER RESOURCES DEPT.
SALEM, OREGON**

MARI 8054
Dpn - MARI 8055

12/86

OREGON WATER RESOURCES DEPARTMENT

WATER LEVEL MEASUREMENTS

Measuring Point (MP): airline hole, 1.25' Above LSD

(Need to disassemble airline for E-tape mnt)

Well Depth: 340' Pump HP: ? Sub Use of Well: irr

Date	Tape Reading	Cut	Depth to Water		Mess. By	Flowmeter (FM) Reading	Electric Meter (EM) Reading	Remarks
			Below MP	Below Land Surface				
7-16-90	520 -340	+4.85	184.88	183.63	Dry / JK	-	-	well off 2 wps E-tape / good
3-29-83				160	Driller			well Report 320' total depth
6-28-83				160	Driller			well Report deep end to 340'
8-4-89				189.81	JR of WRD			well idle
3-15-95				233.61	Don Buell			<p>NOTE: slope</p> <p>mnts thru AL → AL mnt permit cond.</p> <p>but not w/gog e etc</p>
3-15-96				233.34	Don Buell			
3-13-97				232.95				
3-18-98				233.32				
4-2-99				186	owner D.B.			Pump test SW L, etape
4-12-99	710 -480	+4.58	234.58	233.33	DWM	116.701 AF Mec 9623706	681 KWH 01646667	good mnt etape Brit mnt
4-12-99	200 -15	+0.78	185.78	184.53	DWM			good mnt etape owned #1
4-12-99	665 -480	+1.03 -0.15	185.88	184.63	DWM	greater sensitivity	Better Contacts!	good mnt Brit etape
3-1-04	230	+4.32 +4.44	234.32	233.07	DWM	307.792 AF 9623706	77072 KWH 01646667	limited contact exposure
3-1-04	215	+1.32	216.37	215.12	DWM			mbc lower contact etape exposure

LSE ~ 457' by altimeter 503,873,2710
 FM SERIAL NO. 96 2370 6 MULTIPLIER _____ Gal; Ac-Ft; Cu-Ft
 EM SERIAL NO. _____ MULTIPLIER _____
 → contacts w/tape

COUNTY Marion OWNER David Bielenberg STATE WELL NUMBER 6S/1E-1922

APP. G-12069 PERMIT _____ CERTIFICATE _____

DAVID J. BIELENBERG
16425 Herigstad Rd. N.E.
Silverton, OR 97381-9168



JERRY SAUTER
WATER RESOURCES Dept.
725 SUMMER ST NE, Suite A
SALEM, OR
97301

9730181271



August 9, 2003

1/2

Dwight French
Oregon Water Resources Department
158 12th St N.E.
SALEM, OR 97310
RE: G-12069

RECEIVED

FEB 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

Dave Dwight:

This permit is a temporary permit that expires in March 2004 and is subject to cancellation if static water level decline is 10 feet or more. The reference SWL was changed when the permit was extended to March 1, 2004. The change was based on a measurement by Donn Miller of the Department on April 12, 1999 and his belief that highly pure, difficult to measure water was giving those measuring the SWL errors in their readings.

I realize that I should have challenged this when the permit was extended, but, quite frankly I was so glad to have it extended that I assumed the conditions were the same and did not notice the change in the referenced SWL. Therefore, I now will state my case for a SWL in the 232 foot range.

RECEIVED

FEB 26 2004

WATER RESOURCES DEP
SALEM, OREGON

2/2

The SWL data submitted to the Department over the years clearly shows a SWL of about 232 feet. Even though the measurements were done by several different persons with different equipment. Mr. Miller got a similar measurement with some of his equipment.

Mr. Miller did not use the 1/2 inch pipe to lower his equipment. This well is not straight and has several ledges that have given various problems in the past so we use the 1/2 inch pipe to lower probes to avoid misleading readings.

In March of this year the readings were not reported because the person asked to do the job didn't get it done (see enclosed letter). However, I personally used a borehole probe and got a 232 foot reading.

I do not think the Department should change a SWL reference based on one measurement with one piece of equipment.

Therefore, I request that the reference SWL on G-12069 be changed back to what it was before the permit was extended.

I also request that a final water right certificate be issued if all conditions have been met.

Sincerely,

N. J. Bell

David J. Bieleberg
16425 Harigstad Rd NE
Silverton, OR 97381

August 7, 2003

RECEIVED

FEB 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

Dwight French
OREGON WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OR 97310

RE: G-10943

Dave Dwight:

G-10943 is a permit issued in 1983 for use of water from my well on my property on Henigstad Rd in Marion County. A final proof survey was completed in 1986. The final water right certificate has not been issued. I have not been notified of any problems.

I am requesting that the final water right certificate be issued for permit G-10943.

Thank you

Sincerely,

David J. Bielebary

DAVID J. BIELEBARY
16425 HENIGSTAD RD NE
SILVANTON, OR 97381

MEMO

WATER
RESOURCES
DEPARTMENT

DATE: November 17, 1997

TO: Don Knauer

FROM: Cory Engel

RE: time limit concerns & permit G-12375 COBU

G-12375 is the second permit for this application; it follows and replaces G-11781, which was issued on July 25, 1994 and expired on March 1, 1996. Note that for the purposes of this memo, the "extensions" mentioned are separate and distinct from "Extensions of Time."

1. The intent of the COBU is unclear.

It seems that the intent of the COBU is either (A) to request an extension of the permit, (B) to obtain a certificate, or (C) to simply prove up on the use independently from the issue of permit extension or certificate issuance. The objective is not explicitly stated in the COBU.

A. If the objective is to obtain an extension of the permit, it does not make sense to submit a COBU as the means to do so; likewise, the COBU does not address the permit condition requiring submittal of a plan for obtaining an alternative long-term water supply, which is required in order to obtain a permit extension.

B. On the other hand, if the objective is to obtain a water right certificate, clearly we cannot issue one yet, because OAR 690-502-160 has not been amended to allow the use, *and the CWRE should be aware of this* (see permit condition). Furthermore, if OAR 690-502-160 is amended to allow the use, we will not be able issue a certificate until after March 2001 (after the sixth year following the initial March SWL report; see #2 below).

It seems that if the intent of the COBU is to request an extension of the permit or to obtain a certificate, it is inappropriate for it to be submitted at this time. (It is not necessary for a permit extension, and it is premature for certificate issuance.)

C. It may be that there may be a third alternative in addition to (A) and (B) above. It is possible that the COBU is independent of the permit extension/certificate question. That is to say, the intent of the permittee may be to prove up on the use through the COBU, then obtain another permit extension later. The COBU may not be relevant to the issue of whether we issue a permit extension or a certificate, except that in order to obtain a certificate, the COBU must be submitted before 10/1/98. (In support of this possibility, Doug Baer has



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

informed me that if the permittee successfully requests additional permit extensions, the resulting new permits will not contain a condition regarding construction and beneficial use deadlines, because those deadlines have already been met under permits G-11781 and G-12375.)

2. I believe this permit contains incompatible permit conditions.

Permit G-12375 contains these conditions:

The use of water under this permit will expire on March 1, 1999.

A certificate of water right may be issued if...the six year water level decline is less than ten feet from the initial March report.

Six annual March SWL measurements would have to be taken before we could find out whether the six-year decline condition will have been met. The permit does not specify when the referenced six-year period begins; Doug Baer informed me that it began with the issuance of G-11781. The "initial March report" is the one submitted in 1995. (See Norton's 4/2/96 memo.) Therefore, the sixth measurement would have to be taken in March, 2001, over two years after this permit expires.

Therefore, in order for the permit holder to obtain a certificate and comply with the law, he would have to either (a) discontinue use of the water on March 1, 1999 until a certificate is issued (at least two years), or (b) get a second extension (a third permit) which would allow use of water after March 1, 1999 and until a certificate is issued.

Assuming the permit holder wants to legally continue using water after this permit expires on March 1, 1999, to obtain a certificate, he would have to obtain another permit extension.

One of the conditions for a permit extension is to submit a plan indicating the steps for obtaining an alternative long-term water supply. So, in essence, to obtain a certificate, the permit holder would have to demonstrate that he doesn't need water from this source, which makes no sense.

Summary:

Obviously, this is an unusual permit. However, unusual or "non-standard" permits ought to be as clear and understandable as the typical permit containing only standard conditions. Fortunately, because these conditions were included only in permits approving applications that were pending on October 4, 1991, it is not likely that we have any applications still pending that will have these conditions included in their permits. (See OAR 690-502-160(2)(b)(B).)

However, because we are still making determinations about permit extensions, certificate issuance, and COBU's, I think it's important to have a clear understanding of the requirements for permits extensions and certificate issuance, as well as COBU's.

STATE OF OREGON
Water Resources Department
158 12th St. N.E.
Salem, OR 97310

MEMORANDUM

DATE: 4/12/99

TO: Dwight French/File G-12069
FROM: Donn Miller *DM*
SUBJECT: Consideration of A Permit Extension

Based on the available data, I find that the resource can probably support the extended use. The permittee has done a good job of submitting required water level data over the years. There are also water use submittals.

The following items bear on the extension issue. Based on the data, the water level decline in the well has not exceeded the ten feet standard (see extension provision a. in the recent permit). I conclude that the swl's submitted by the CWRE are not correct and need to be adjusted. I have adjusted the swl submittals for 1995-98. See info in next paragraph. My search of the records finds an alternative long-term water supply plan (see extension provision b. in the recent permit). Reporting was timely (see extension provision c. in recent permit). The permittee submitted the results of a pump test (see extension provision d. in recent permit).

On April 12th, I made a site visit to resolve the strange water level data. Access to the static water level by e-tape has been through the ½ inch airline tube. The tube will not hold pressure. Basically the data show values in the 180's and the 230's. I measured values in both areas on my visit! It appears that the difference is a matter of meter sensitivity and distinct water conductivities in the well. My less sensitive e-tape gave a clear, value read in the 230's. When I took that e-tape and exposed more contact area on the electrodes, I was able to obtain a value in the 180's. I conclude that there is a fractionation of highly pure water at shallower depth and more conductive water at deeper depth. On the basis of my measurements and assuming that the difference has been a constant over time, the March reported swl's for 1995-98 need to be corrected to be shallower by 48.7 feet.

The reference level also needs to be corrected to 184.91 feet below land surface.

I would be glad to consult with you regarding my review and comments.

STATE OF OREGON
Water Resources Department
158 12th St. N.E.
Salem, OR 97310

MEMORANDUM

DATE: 2/21/99

TO: File G-12069 (Permit G-12375)
 FROM: Donn Miller, Hydrogeologist (371-4938 x 205)
 SUBJECT: Information to Assess Permit Extension Request

Permittee: David J. Bielenberg
 Use: Irrigation of 119.8 acres
 Priority Date: 4/11/90
 Issuance Date: Original: 7/25/94 & extension: 7/17/96 (for use until 3/1/99)
 Q: 1.5 cfs
 Well Log ID: MARI 5654 & MARI 5655

Pre-use Static Water Level Measurements: Yes, extension states reference level is 233.61'

SWL Data:	Date	SWL	Comment
	3/29/83	160'	log, 320' deep, basalt aquifer
	6/28/83	160'	dpng. log, 340' deep, basalt aquifer
	8/4/89	189.81'	OWRD
	7/16/90	183.63'	OWRD
all appear 48.7' to deep!	3/28/95	233.61'	None Found/Submitted, AL mt, Permittee Submittal
	3/15/96	233.34'	Permittee Submittal
	3/28/97	232.95'	None Found/Submitted, AL mt, Permittee Submittal
	3/28/98	233.32'	None Found/Submitted, AL mt
	4/2/99	186.0	Pump Test Submittal, e tape mt
Pump Test Data:	None Found	184.63	OWRD
Monitoring Plan:	None required		Conducted 4/2/99 + Received 4/5/99
Alternate Long Term Water Supply Plan:			Statements received 4/11/96

Comments

The required water level data is only partially available. The claim of beneficial use received 9/97 states that measurements were made (submitted?) by the CWRE in 1995, 1996, and 1997. Submittal of a static water level on the well in March 1999 would help resolve the sustainability issue, i.e., whether the resource can probably support the extended use. Available data does not appear favorable for a permit extension.

Pump Test Index Data:		<u>pod id</u> 36374	<u>user id</u>	cppn 0..G.....11781	Ower-Supplied Data:	
<u>cri appl</u> G.....12069				<u>pod status</u> 1	<u>log id</u>	
<u>appl</u>	<u>prev pod id</u>	<u>prev user id</u>	<u>pod id</u>	<u>test well EM</u>	<u>comp depth</u>	
<u>permit</u> G.....11781				<u>test year</u>	<u>date drilled</u>	
<u>cert num</u> .....0				<u>action date</u>	<u>well name</u>	
<u>pod num</u> .....1				<u>verified year</u>	<u>qq_abcd</u>	
<u>upd</u>				<u>last update</u>	<u>county</u>	
<u>comments</u>	Transaction Status <input type="checkbox"/> Pending			<u>owner id</u>	<u>sub div</u>	
				<u>res code</u>	<u>tax lot</u>	

Pump Test (Current) Owner:

<u>name f/l</u>	<u>user id</u>
<u>contact title</u>	<u>owner code</u>
<u>other</u>	<u>res code</u>
<u>street</u>	<u>user status</u>
<u>city/st/zip</u>	<u>misc</u>
<u>phone/fax</u>	
<u>last update</u>	
<u>comment</u>	

WRIS Owner (from WRIS water-rights file):

DAVID J..... BIELENBERG.....

16425 HERIGSTAD RD NE.....

SILVERTON..... OR..... 97381.....

cert_perm 0..G.....11781.....

statusC.....

WRIS pt.of.div Info:

priority04/11/1990..... statusC..... useIR..... basin_num2.....

QQ S - T / R NENE.196.00S./.....1.00E..... stream1_name A.WELL.....

legal desc 1070 FEET NORTH & 80 FEET EAST FROM SW CORNER, DLC 48.....

Well Log Info:

logid MARI.....5654..... **Owners Well Name**

x total depth340..... **Logid Comments**

Some

Proposed changes
for third permit

Second Permit
Expired 3/1/99

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE : 1.5 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	2.1 ACRES
SE 1/4 SW 1/4	4.2 ACRES
SW 1/4 SE 1/4	0.1 ACRE

SECTION 17

SW 1/4 NE 1/4	30.9 ACRES
SE 1/4 NW 1/4	24.9 ACRES
NW 1/4 SE 1/4	5.9 ACRES

SECTION 19

NW 1/4 NE 1/4	0.9 ACRE
NE 1/4 NW 1/4	21.5 ACRES
NW 1/4 NW 1/4	3.2 ACRES
SW 1/4 NW 1/4	16.3 ACRES
NW 1/4 SW 1/4	9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

~~A static water level measurement shall be made and submitted before any use of water may commence from the well.~~

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1999. The permit may be extended to March 1, 2002, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be ~~222.61~~ feet below land surface;

NOTE
Basin rules talk 5 years
1999
184.91
~~not a good measured value!~~

licensed well constructor, licensed pump installer

- b. By March 1, 1999, the permittee has submitted a plan to the Commission which shall indicate the steps for obtaining an alternative long-term water supply;
- c. Periodic water level reports and annual report of water used under this permit have been timely submitted; and
- d. The permit holder has submitted the results of a pump test meeting the department's standards, to the Water Resources Department by March 31, 1998.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Actual construction work began on July 1, 1995 and was completed on August 1, 1995. Complete application of water shall be made on or before October 1, 1997.

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.

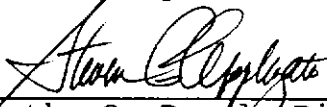
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-~~11701~~¹²³⁷⁵ and to update the conditions imposed on the water use allowed herein. Permit G-~~11701~~ expired March 1, 199~~8~~⁹ and is of no further force or effect. 12375

Issued July 17, 1996

for 
Martha O. Page, Director
Water Resources Department

Second Permit
Expired 3/1/99

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

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SECTION 17

SW 1/4 NE 1/4	30.9 ACRES
SE 1/4 NW 1/4	24.9 ACRES
NW 1/4 SE 1/4	5.9 ACRES

SECTION 19

NW 1/4 NE 1/4	0.9 ACRE
NE 1/4 NW 1/4	21.5 ACRES
NW 1/4 NW 1/4	3.2 ACRES
SW 1/4 NW 1/4	16.3 ACRES
NW 1/4 SW 1/4	9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1999. The permit may be extended to March 1, 2002, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 233.61 feet below land surface;

not a good measured value!

- b. By March 1, 1999, the permittee has submitted a plan to the Commission which shall indicate the steps for obtaining an alternative long-term water supply;
- c. Periodic water level reports and annual report of water used under this permit have been timely submitted; and
- d. The permit holder has submitted the results of a pump test meeting the department's standards, to the Water Resources Department by March 31, 1998.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Actual construction work began on July 1, 1995 and was completed on August 1, 1995. Complete application of water shall be made on or before October 1, 1997.

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.

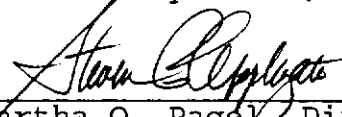
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-11781 and to update the conditions imposed on the water use allowed herein. Permit G-11781 expired March 1, 1996 and is of no further force or effect.

Issued July 17, 1996

for 

Martha O. Pagel Director
Water Resources Department

First Permit
Expired 3/1/96

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

to use the waters of ONE WELL in the ZOLLNER CREEK BASIN for IRRIGATION OF 119.8 ACRES.

This Permit is issued approving Application G-12069. The date of priority is APRIL 11, 1990. The use is limited to not more than 1.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under the permit is as follows:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE
SECTION 17

SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES
SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
NE 1/4 NW 1/4 21.5 ACRES
NW 1/4 NW 1/4 3.2 ACRES
SW 1/4 NW 1/4 16.3 ACRES
NW 1/4 SW 1/4 9.8 ACRES
SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

The well 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 elevations in the well at all times.

Application G-12069 Water Resources Department

PERMIT G-11781

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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1996. The permit may be extended to March 1, 1999, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the initial March report;
- b. Within two years of permit issuance, the permittee has prepared a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply; and
- c. Periodic water level reports have been timely submitted.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;

- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

Actual construction work shall begin on or before July 25, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

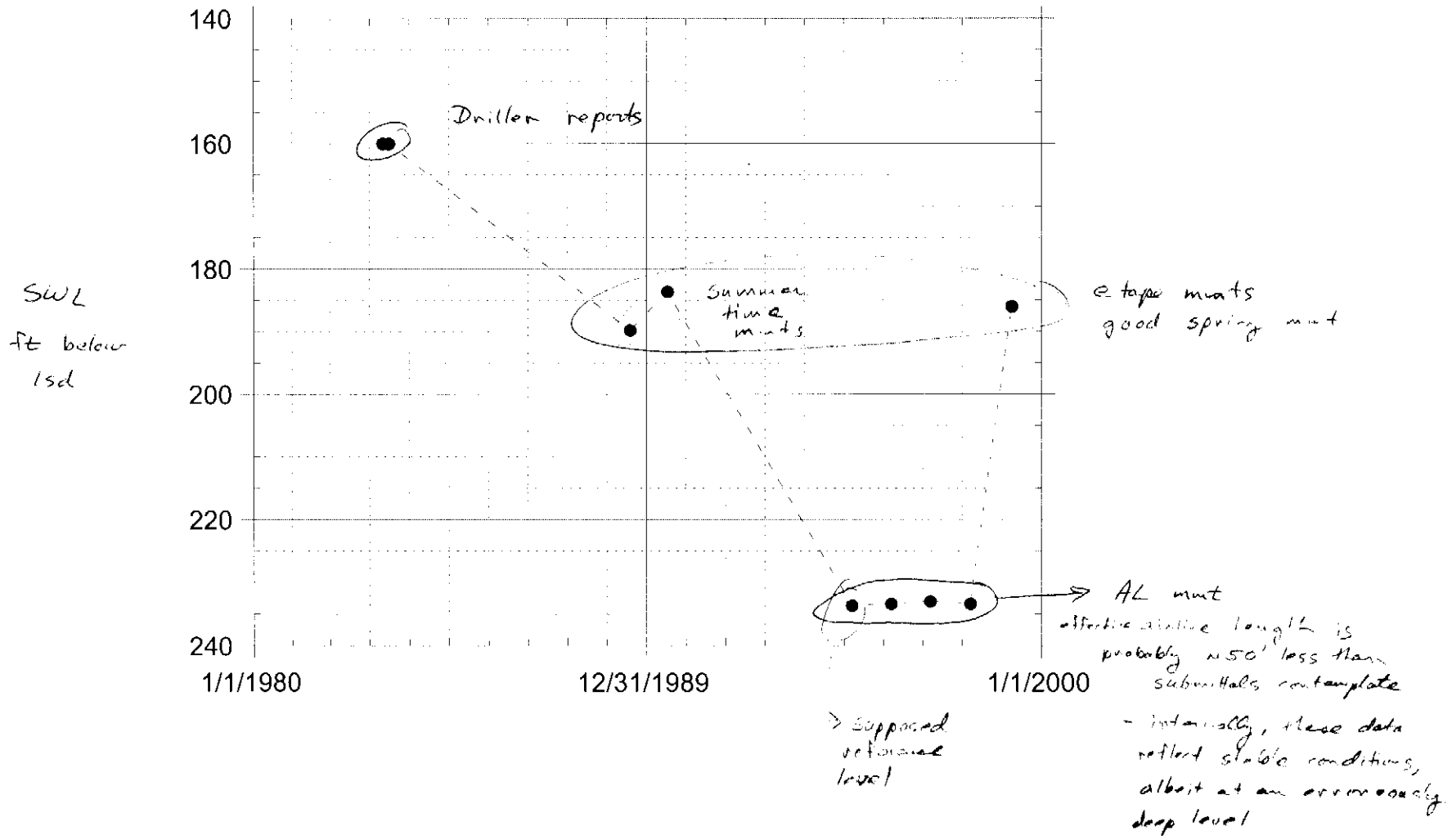
The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, July 25, 1994.


A. REED MARBUT

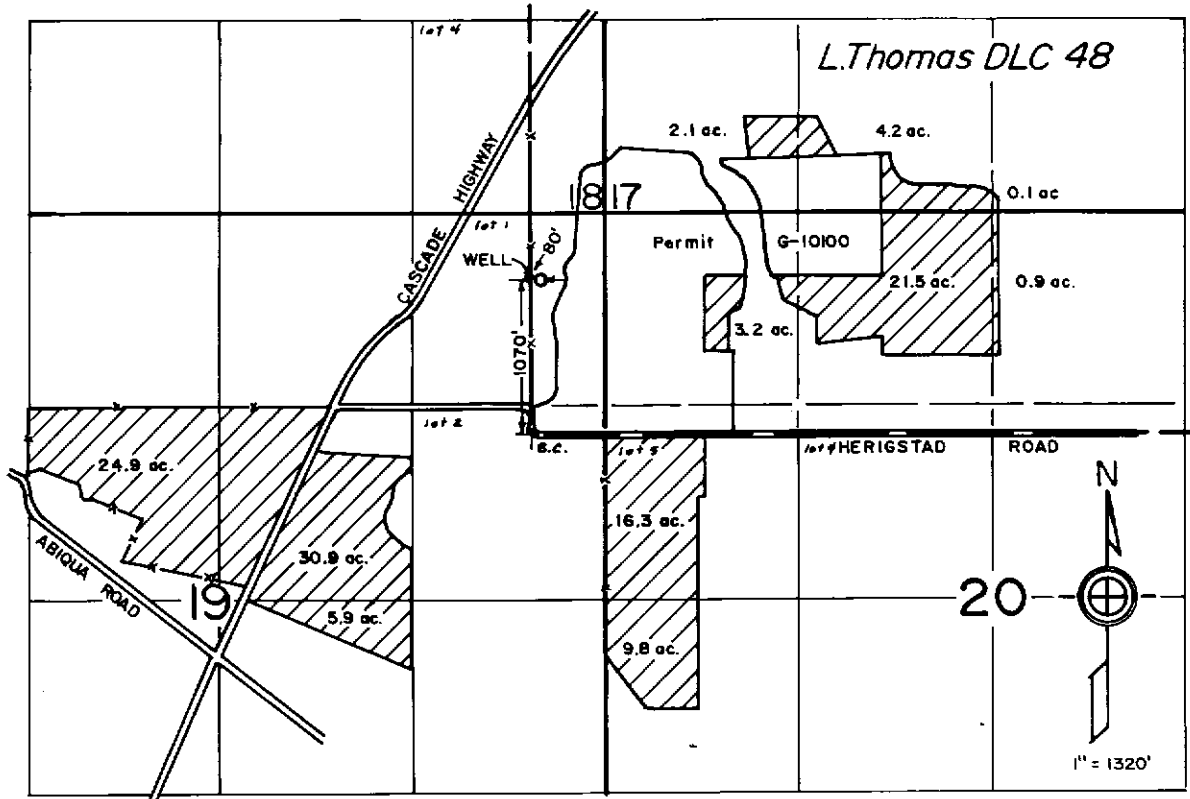
Water Resources Department
d/ Martha O. Pagel
Director

Bielenberg T6S/R1E-19aa



Township 6 South, Range 1 East, W.M.

Portions of Sections 17, 18, 19 & 20



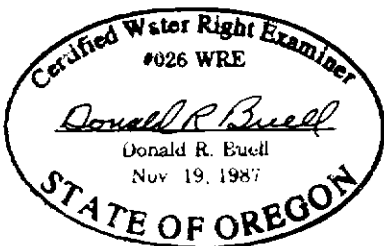
FINAL PROOF SURVEY
 under
 Appl. No. G-12069, Per. No. G-12375
 in name of
 DAVID J. BIELENBERG
 Aug. 7, 1997

*Superseded
 by 13676*

WATER RESOURCES DEPT.
 SALEM, OREGON

SEP 30 1997

RECEIVED



THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

(503)873-2710

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

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE: 0.89 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E,
W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE
SECTION 17
SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES
SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
NE 1/4 NW 1/4 21.5 ACRES
NW 1/4 NW 1/4 3.2 ACRES
SW 1/4 NW 1/4 16.3 ACRES
NW 1/4 SW 1/4 9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, licensed well constructor, licensed pump installer, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 2004. The permit may be extended to March 1, 2009, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 184.91 feet below land surface;
- b. Periodic water level reports and annual report of water used under this permit have been timely submitted; and

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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 an extension to the 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.

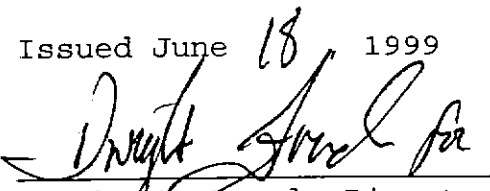
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-12375 and to update the conditions imposed on the water use allowed herein. Permit G-12375 expired March 1, 1999 and is of no further force or effect.

Issued June 18, 1999


Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE : 1.5 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE

SECTION 17

SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES

SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
NE 1/4 NW 1/4 21.5 ACRES
NW 1/4 NW 1/4 3.2 ACRES
SW 1/4 NW 1/4 16.3 ACRES
NW 1/4 SW 1/4 9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1999. The permit may be extended to March 1, 2002, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 233.61 feet below land surface;

- b. By March 1, 1999, the permittee has submitted a plan to the Commission which shall indicate the steps for obtaining an alternative long-term water supply;
- c. Periodic water level reports and annual report of water used under this permit have been timely submitted; and
- d. The permit holder has submitted the results of a pump test meeting the department's standards, to the Water Resources Department by March 31, 1998.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Actual construction work began on July 1, 1995 and was completed on August 1, 1995. Complete application of water shall be made on or before October 1, 1997.

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.

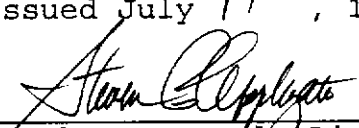
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-11781 and to update the conditions imposed on the water use allowed herein. Permit G-11781 expired March 1, 1996 and is of no further force or effect.

Issued July 17, 1996

for 
Martha O. Page, Director
Water Resources Department



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

July 20, 1999

David J. Bielenberg
16425 Herigstad Road NE
Silverton OR 97381

RE: Permit G-13676

Dear Mr. Bielenberg:

On July 15, 1999, you were in the office and asked me if you could perform the static water-level measurements required on page two of your permit.

I checked with Donn Miller, Department Hydrogeologist, and he said that it would be acceptable for you to make these measurements.

By way of this letter, I am modifying your permit to allow you to make said measurements.

If you have any questions, please do not hesitate to give me a call. I can be reached toll free within Oregon at 1-800-624-3199 ext. 268.

Sincerely,

Dwight French
Acting Administrator
Water Rights Division

cc: Donn Miller, WRD
file

Memo

Oregon Water Resources Department Water Rights Division

To: Donn Miller July 15, 1999
From: Dwight French, Acting Administrator
RE: Dave Bielenberg, 5 year groundwater permit

Mr. Bielenberg stopped by today to see if we could change his recently renewed permit such that he (himself) could perform the required well measurements. This would keep him from having to hire someone to perform this task for him. If this is acceptable, I will write Mr. Bielenberg a letter explaining that it is okay for him to perform the measurements.

File attached for your review.

7/16/99

Dwight -

Mr. Bielenberg's proposal is acceptable. He did a good job on the pump test that he conducted on his well so I'm confident in his ability. His work was better than the CWRE's measurement.

-Donn Miller



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

February 27, 2002

Dear Ground Water Permit Holder:

This letter is to remind you about conditions contained in your permit to use ground water. Please read your permit carefully. If you do not have a copy of your permit a copy may be obtained by contacting the Department at (503) 378-3739 extension. 201.

Among other conditions, your permit requires you to send a water level measurement to the Oregon Water Resources Department each year. These measurements provide the Department the information necessary to manage the ground water resource and to protect senior water users.

If you fail to submit the measurement as required in your permit your use will likely be regulated off for this irrigation season. In addition, because your permit must be reviewed by the Department periodically to determine if it can be renewed, failure to submit annual water level measurements may cause the Department to be unable to renew your permit.

The Department will be monitoring compliance with this water level measurement condition and will take appropriate action as necessary.

A reporting form has been enclosed for your use. If you have any questions about your permit and your need to submit annual measurements, please feel free to give me a call. I can be reached at 503-378-8455 extension 274.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

enclosure

c: file G-12069



Application No. G-12069

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT

APR 11 1989

Application for a Permit to Appropriate Ground Water
DEPT. SALEM, OREGON

Applicant(s) DAVID J. BIELENBERG → pronounced See - Lin - berg
(Please print or type - use dark ink)
Mailing Address: 16425 HERIGSTAD RD. N.E.
SILVERTON OR 97381 873-2710
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): ONE WELL

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: N/A

Elevation difference between streambed and development: _____

NOTE: 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 driller's log with this application, and skip to Section 2 below.

Diameter of well: 10" Depth in feet: 340

Type and size of well casing: STEEL 10" No. of feet: 90'

Estimated depth to water: 160'

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.5 cubic feet per second, OR — gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

PC ✓
4/12/89

1474 III
(SILVER)

MOUNT ANGEL 2.3 MI.

SALEM 16 MI.
SILVERTON 1.8 MI.

500 000
FEET

4984

4986

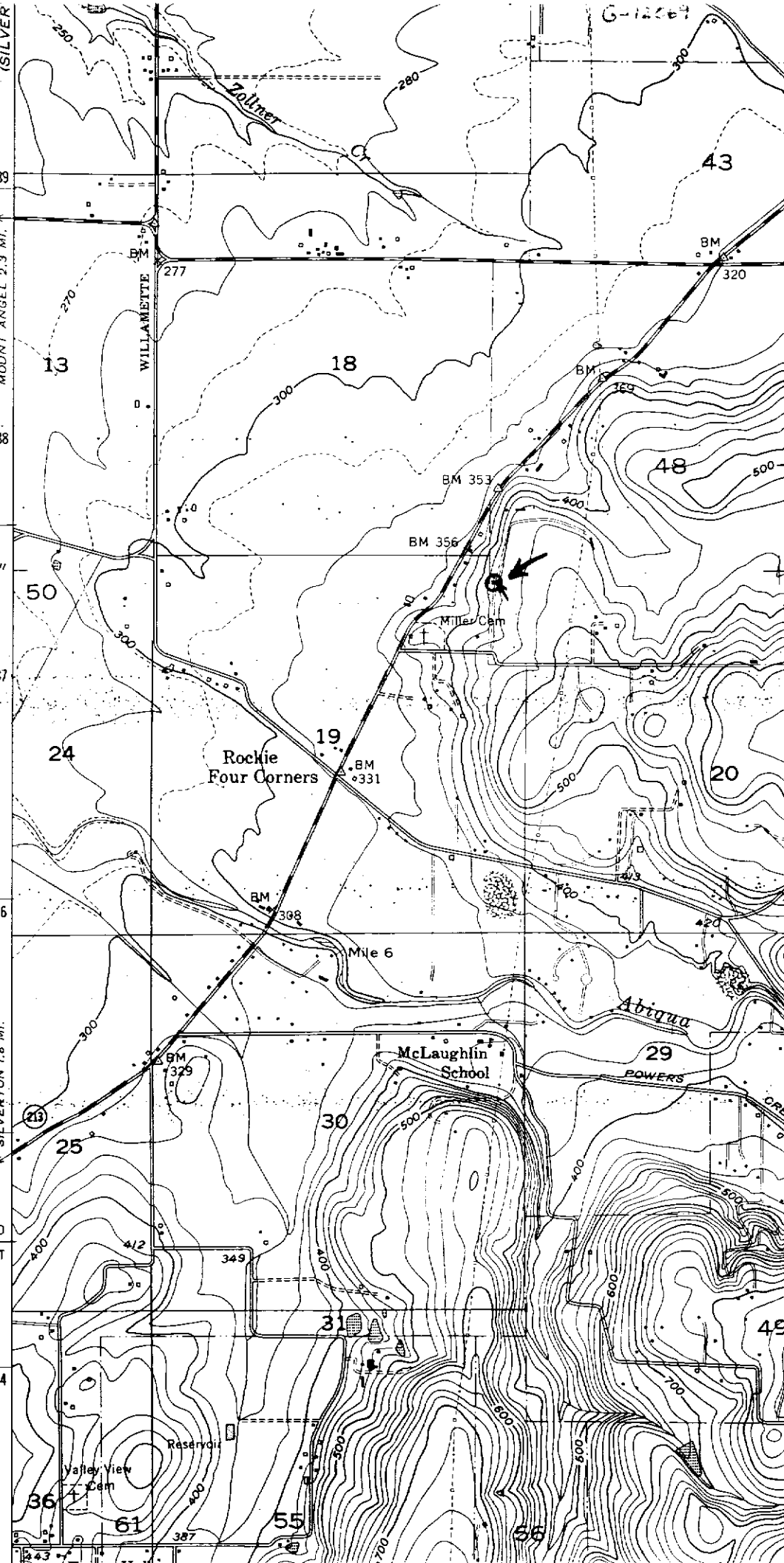
4987

4988

4989

2'30"

LSE @ well \approx 430'



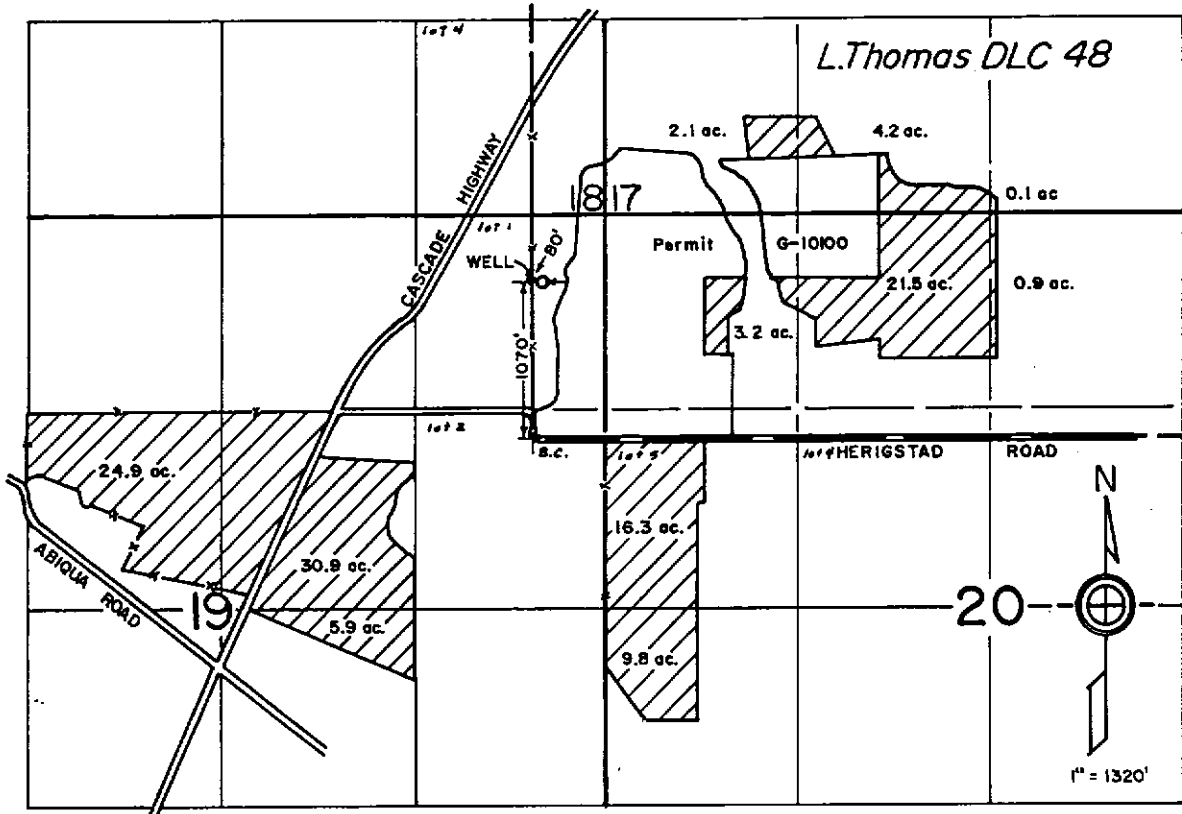
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Township 6 South, Range 1 East, W.M.

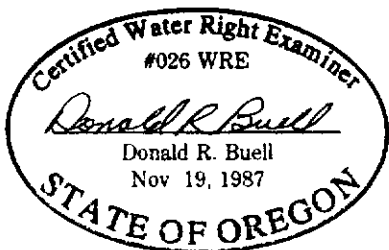
APR 11 1989

Portions of Sections 17, 18, 19 & 20

WATER RESOURCES DEPT.
SALEM, OREGON



Application Map
for
DAVE BIELENBERG



Appl. No. 8-12069

Per. No. _____

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

MARI 5655

JUL 22 1983

RECEIVED
State Permit No. 1990
APR 11 1989

STATE OF OREGON

Application No. B-12069

WATER RESOURCES DEPT.
SALEM, OREGON

Permit No.

(1) OWNER:

Name DAVID BielenBERG
Address 16425 HERIADSTAD RD NE
City SILVERTON State ORE

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air Driven
Rotary Mud Dug
 Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other
Thermal: Withdrawal ReInjection

(5) CASING INSTALLED:

Steel Plastic
Threaded Welded

10" Diam. from +1 ft. to 90 ft. Gauge 250
" Diam. from ft. to ft. Gauge

LINER INSTALLED: NO

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? Yes 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.

(7) SCREENS:

Well screen installed? Yes No

Manufacturer's Name

Type Model No.

Diam. Slot Size Set from ft. to ft.

Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom?

1 gal/min. with ft. drawdown after hrs.

Air test 300 gal/min. with drill stem at 340 ft. 1 hrs.

Bailer test gal/min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes No

Well seal—Material used CEMENT GROUT

Well sealed from land surface to 90 ft.

Diameter of well bore to bottom of seal 14 in.

Diameter of well bore below seal 10 in.

Number of sacks of cement used in well seal 80 sacks

How was cement grout placed? PRESSURE

Was pump installed? NO Type HP Depth ft.

Was a drive shoe used? Yes No Plugs Size: location ft.

Did any strata contain unusable water? Yes No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? Yes No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL: WATER RESOURCES DEPT.

County MARION District SALEM, OREGON

NE 1/4 NE 1/4 Section 19 T. 65 R. 1 E W.M.

Tax Lot # Lot Blk Subdivision

Address at well location: SAME AS MAILING

(11) WATER LEVEL: Completed well.

Depth at which water was first found 175 ft.

Static level 160 ft. below land surface. Date 6-28-83

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10"

Depth drilled 340 ft. Depth of completed well 340 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.

MATERIAL	From	To	SWL
ORIGINAL -	0	320	
BASALT FRACTURED	320		
BLACK		340	
John Rehm of OWRD measured a water level of 199.81' below lsd on 8/4/89. The well was idle.			

Work started June 22 19 83 Completed June 27 19 83

Date well drilling machine moved off of well June 28 19 83

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) Byron B. Stadel Date 6-28, 19 83
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1371

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 WEST COAST DRILLING
(Person, firm or corporation) (Type or print)

Address 229 ACADEMY Mt. Angel ORE

(Signed) Charles E. Stadel
(Water Well Contractor)

Contractor's License No. 519 Date June 28, 19 83

WATER WELL REPORT
STATE OF OREGON

How borer was placed - poured into

RECEIVED

State Well No. OS/10-1700

APR 21 1983

State Permit No. _____

WATER RESOURCES DEPARTMENT Application No. B-12069

SALEM, OREGON

(10) LOCATION OF WELL Permit No. _____

(1) OWNER:

Name David Bielenberg
Address 16425 Herigstad Rd NE
City Silverton State OR

County Marion Driller's well number _____
NE 1/4 NE 1/4 Section 19 T. 65 R. 1E W.M.
Tax Lot # _____ Lot _____ Blk _____ Subdivision _____
Address at well location: Same

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air Driven
Rotary Mud Dug
 Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other
Thermal: Withdrawal Reinjection

(5) CASING INSTALLED:

Steel Plastic
Threaded Welded
8 " Diam. from +1 ft. to 85 ft. Gauge 250
" Diam. from _____ ft. to _____ ft. Gauge _____

LINER INSTALLED:

" Diam. from _____ ft. to _____ ft. Gauge _____

(6) PERFORATIONS:

Perforated? Yes 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.

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot Size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot Size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
_____: _____ gal./min. with _____ ft. drawdown after _____ hrs.
_____: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Air test 300 gal./min. with drill stem at 320 ft. 2 hrs.
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.
Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Special standards: Yes No
Well seal—Material used 6 Bentonite
Well sealed from land surface to 45 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal _____ sacks
How was cement grout placed? 400 lbs Bentonite to 200 gal. water
Was pump installed? NO Type _____ HP _____ Depth _____ ft.
Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of Water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 175 ft.
Static level 160 ft. below land surface. Date 3/29/83
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 8
Depth drilled 320 ft. Depth of completed well 320 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.

MATERIAL	From	To	SWL
Topsoil	0	3	
Red Clay	3	16	1
Brown Clay	16	32	
Black Basalt	32	40	6
Brown Claystone	40	51	0
Blue Claystone	51	85	
Black Basalt	85	165	
Very Broken Basalt	165	195	100 gpm
Brown Sandstone	195	220	
Uvicular Basalt	220	245	50 gpm
Brown Basalt	245	260	
Soft Black Basalt	260	310	50 gpm
Very Soft Black Uvicular Basalt	310	320	100 gpm

Work started 3/18 19 83 Completed 3/28 19 83
Date well drilling machine moved off of well 3/29 19 83

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] Ruth Date 4/1 19 83
(Drilling Machine Operator)

Drilling Machine Operator's License No. 760

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 Frieden Drilling Co. Inc. (Type print)
Address 18075 S. Abiqua Rd NE Silverton (Type print)
[Signed] Ruth (Water Well Contractor)
Contractor's License No. 566 Date 4/1 19 83

WATER LEVEL MEASUREMENTS

Measuring Point (MP): Airline hole, 1.25' Above LSD

(Need to disassemble airline for E-tape mount)

Well Depth: 340' Pump HP: ? Sub Use of Well: Irr

Date	Tape Reading	Cut	Depth to Water		Meas. By	Flowmeter (FM) Reading	Electric Meter (EM) Reading	Remarks
			Below MP	Below Land Surface				
7-16-90	520 -340	+4.88	184.88	183.63	Dry JK	-	-	well off 2wds E-tape / Seal
3-29-83				160	Driller			well Report 320' total depth
6-28-83				160	Driller			well Report deepened to 340'
8-4-89				189.81	JR of WRD			well idle

LSE ~ 440'
 FM SERIAL NO. _____ MULTIPLIER _____ Gal; Ac-Ft; Cu-Ft
 EM SERIAL NO. _____ MULTIPLIER _____

COUNTY Marion OWNER David Bielenberg STATE WELL NUMBER 65/IE-19aa

APP. G-12069 PERMIT _____ CERTIFICATE _____

app: 613719
app: 612069
app: 71962

November 22, 2000

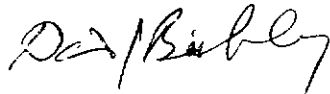
Oregon Water Resources Department
158 12th St. NE
Salem, Oregon 97310-0210

Dear Sirs:

I would like to report water usage for the following permits for the year 2000.

	Permit 53180 and R12178	12.789 acre feet	←	PODID 51389	USE IR
Permit 12596	Permit G12375	70.231 acre feet		PODID 48381	USE IR
	Permit G12959	34.71 acre feet	←	PODID 46171	USE IS

Sincerely,



David J. Bielenberg
16425 Herigstad Rd. NE
Silverton, OR 97381

Permit G13676
PODID 48381
USE IR - not used?

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NOV 28 2000

WATER RESOURCES DEP.
SALEM, OREGON

RECEIVED
DEC 02 1999
WATER RESOURCES DEPT.
SALEM, OREGON

November 30, 1999

Oregon Department of Water Resources
158 12th St. N.E.
Salem, OR 97310-0210

Dear Sirs:

I would like to report water usage for 1999 as required for the following permits.

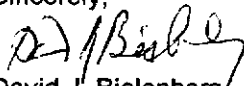
71962 - 71961

Permit 53180 and R12178 --> no water used

Permit G12959 ----> 44.34 acre feet - 6-13719

Permit G12375 ----> 64.71 acre feet - ~~6-12069~~

Sincerely,



David J. Bielenberg
16425 Herigstad Rd. N.E.
Silverton, OR 97381

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

to use the waters of ONE WELL in the ZOLLNER CREEK BASIN for IRRIGATION OF 119.8 ACRES.

This Permit is issued approving Application G-12069. The date of priority is APRIL 11, 1990. The use is limited to not more than 1.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under the permit is as follows:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE
SECTION 17

SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES
SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
NE 1/4 NW 1/4 21.5 ACRES
NW 1/4 NW 1/4 3.2 ACRES
SW 1/4 NW 1/4 16.3 ACRES
NW 1/4 SW 1/4 9.8 ACRES
SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

The well 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 elevations in the well at all times.

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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1996. The permit may be extended to March 1, 1999, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the initial March report;
- b. Within two years of permit issuance, the permittee has prepared a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply; and
- c. Periodic water level reports have been timely submitted.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;

- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

Actual construction work shall begin on or before July 25, 1995 and shall be completed on or before October 1, 1996. Complete application of water shall be made on or before October 1, 1997.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, July 25, 1994.



A. REED MARBUT

Water Resources Department
Martha O. Pagel
Director

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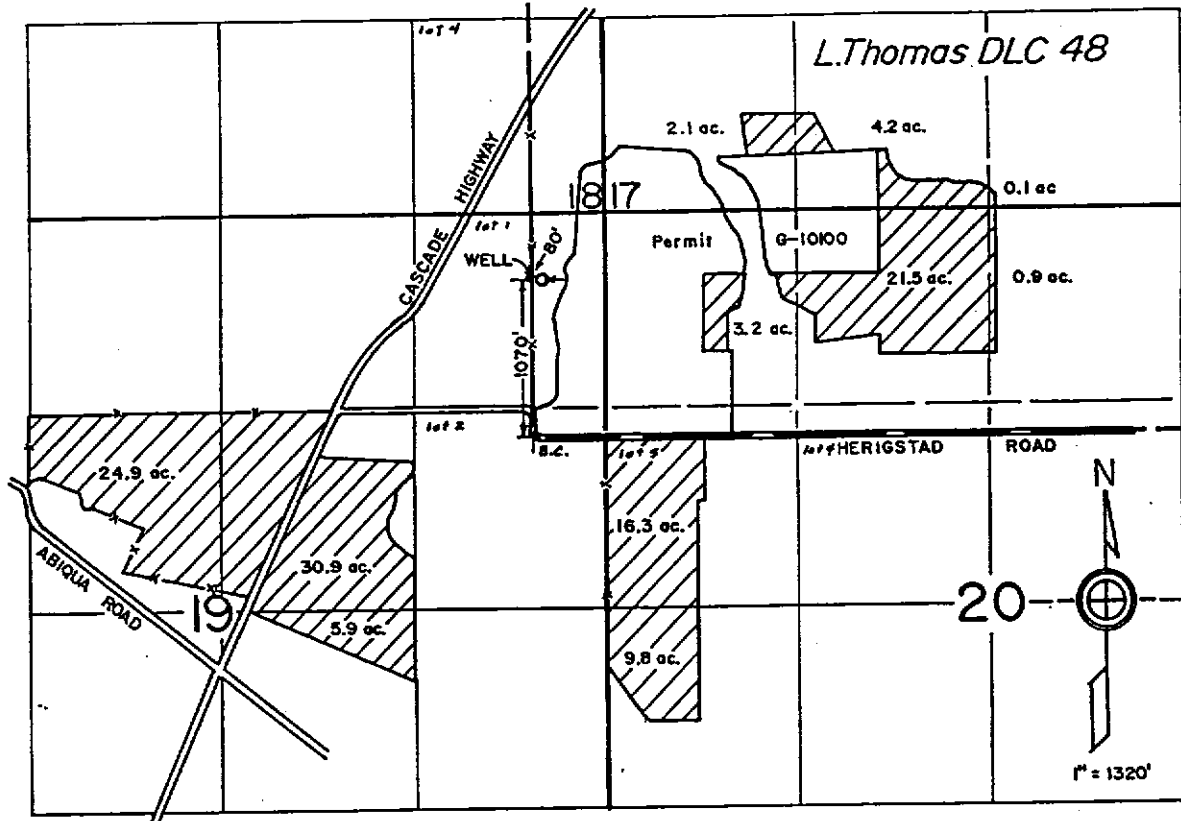
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APR 11 1989

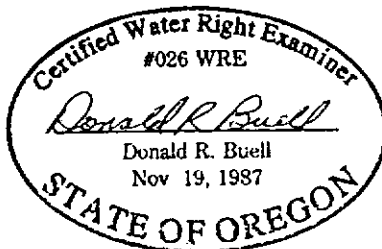
Township 6 South, Range 1 East, W.M.

Portions of Sections 17, 18, 19 & 20

WATER RESOURCES DEPT.
SALEM, OREGON



Application Map
for
DAVE BIELENBERG



Appl. No. B-12069

Per. No. G-11781

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

April 13, 1999

David J. Bielenberg
16425 Herigtad Rd NE
Silverton OR 97381

With regard to the pump test requirements for the following well and its associated water right:

APP. #:G - 12069 PERMIT #: G - 12375 USER-ID: 28264 POD-ID: 36374

The Department has **accepted the pump test results you have submitted**. The department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted. If your permit or certificate includes a condition that requires annual static water level measurements, please continue to make and report these measurements unless otherwise instructed.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext. 289 or Mike Zwart at ext. 207. The Departments toll-free number is 1-800-624-3199.

Sincerely,

R. Craig Kohanek
Pump Test Coordinator

c: Water Rights Section

1/2



Oregon Water Resources Department PUMP TEST COVER SHEET

Well Owner:
 Name David J. Bieleberg
 Address 16425 Herigstad Rd NE
 City, State, Zip Silverton, OR 97381
 County Marion

Well Location:
 Twnshp 6S (N or S), Range 1E (E or W)
 Section 19 1/4, 1/4, 1/4 NW NW NW
 Well Depth 340 Date Drilled 1953
 Owner's Well No. (if any) _____
 POD-ID _____

Water Right Information:
 Application No. G-12069 Permit No. G-12375 Certificate No. _____
 Is this well used for more than one water right? Yes (Y/N) If Yes, fill out numbers below:
 App. No. G-12069 Permit No. G-11781 Cert. No. _____
 App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:
 Test conducted by David Bieleberg Well Owner? Yes (Y/N)
 Company _____ Date of Test 4-2-99
 Address 16425 Herigstad Rd NE
 City, State, Zip Silverton OR 97381

Method of Discharge Measurement Flow Meter required for permit
 Method of Water Level Measurement Electric water level measuring tape
 Depth of Air Line (if used) _____
 Pump Type (Turbine, Submersible, etc.) 50 hp Submersible
 Was pump test conducted during normal use of the well NO (Y/N)

Description of point from which water level was measured Ground level
 Is measuring point above or below ground level? _____
 Distance between measuring point and ground level (correction factor) _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? No (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? No (Y/N)
 If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance _____
 Approximate elevation difference _____
 Is well elevation above or below the surface water body? _____

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>9:10 A.M.</u>	Depth to Water: <u>186 ft</u>	(ft/in)
Time: <u>9:30 A.M.</u>	Depth to Water: <u>186 ft</u>	(ft/in)
Time: <u>9:50 A.M.</u>	Depth to Water: <u>186 ft</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>10:15 AM</u>	Discharge Rate: <u>450 gpm</u>	(gpm)
Time: <u>10:58 AM</u>	Discharge Rate: <u>440 gpm</u>	(gpm)
Time: <u>11:59 AM</u>	Discharge Rate: <u>440 gpm</u>	(gpm)
Time: <u>12:59 PM</u>	Discharge Rate: <u>440 gpm</u>	(gpm)
Time: <u>2:15 PM</u>	Discharge Rate: <u>440 gpm</u>	(gpm)

Pump turned on: Date: 4-2-99 Time: 10:14 AM Pump turned off: Date: 4-2-99 Time: 2:25 PM
 Total pumping time: 4 hours, 14 minutes.

STATE OF OREGON WATER RESOURCE DEPARTMENT PUMP TEST DATA SHEET

APPLICATION NO. G-13069 PERMIT NO. G-12375 P.O.D.-ID _____
 All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
4-2-99	10:16	20			200		4-2-99	2:30	2			187	
	10:18	4			201		4-2-99	2:32	4			187	
	10:20	6			200		4-2-99	2:34	6			187	w. 10/10
	10:22	8			200								
	10:24	10			200								
	10:29	15			200								
	10:34	20			201								
	10:39	25			201								
	10:44	30			202								
	10:59	45			202								
	11:14	60			202								
	11:29	75			202								
	11:44	90			202								
	11:59	105			202								
	12:14	120			203								
	12:29	135			203								
	12:44	150			203								
	12:59	165			203								
	1:14	180			203								
	1:29	195			203								
	1:44	210			203								
	1:59												
	1:30												
	1:45												
	2:00												
	2:15												
	2:30												
	1:59	225			203								
	2:14	240			203								
	2:28	254			203								



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 3, 1998

DAVID BIELENBERG
16425 HERIGSTAD RD NE
SIVERTON, OR 97381

REFERENCE: File G 12069

Dear Mr. Bielenberg:

I received your notice of Beginning Construction on permits 53180 and R 12178. As for your question about extending permit G 12375, if it is necessary to extend that permits time limits you will need to fill out the enclosed form and submit a \$100 fee. You have until 10/1/99 to fully apply the water under permit G 12375.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16

RECEIVED

DEC 02 1998

Nov. 30, 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Dept. of WATER Resources
STATE of OREGON
SALEM, OR 97310

DEAR SIRs:

I would like to report water usage for 1998
AS REQUIRED for the following permits:

Permit 53180 AND R12175 - NO usage

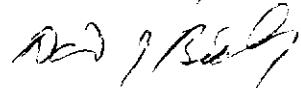
Permit G-12959 - 49.22 ACRE FT. GALLONS

Permit G-12375 - 56.562 ACRE FT. GALLONS

Also, Permit G-12375 is temporary AND CAN
be extended if conditions ARE met. CAN you
tell me if this permit will be extended? IF
you CAN'T when will I know whether the permit
will be extended OR not extended?

Thank you for your consideration.

Sincerely,



DAVID J. BUCHANAN
15125 Harwood Rd. NE
Salem, OR 97321

MEMO

WATER
RESOURCES
DEPARTMENT

DATE: November 17, 1997

TO: Don Knauer

FROM: Cory Engel

RE: COBU requirements for Application G-12069

Due to the large number of special conditions in this permit, this memo is intended to replace item 15 on the attached Claim of Beneficial Use (COBU) Completeness Checklist.

Each special condition will be addressed individually:

- 1. Measuring device--Condition met.** The COBU indicates that a flow meter has been installed.
- 2. Annual water use reports by April 5--Insufficient data to determine whether condition was met.** The COBU reports water use as of the survey date, but does not address the need for a water use report due by 4/5/97. The permit was issued July 17, 1996. Therefore, the first water use report was due by April 5, 1997; no such report is in the file. It is possible that personnel currently responsible for water use reporting may have information that was not included in the file.
- 3. Production from confined Columbia River Basalts only--Condition met,** although it is not addressed by the COBU. According to Karl Wozniak, the Columbia River Basalts at the site range from land surface to approximately 500 feet.
- 4. Reference SWL measurement to be submitted prior to water use--Condition met.** The reference SWL was established by measurement in March 1996, before this permit was issued. (In fact, the reference SWL, 233.61 feet, was referenced elsewhere in the permit.)
- 5. Annual March professional SWL measurements to be submitted by April 5--Insufficient data to determine whether condition was met.** Only one March deadline passed between the time of permit issuance and the time of the final proof (April 5, 1997). The COBU indicates that the CWRE submitted a measurement in 1997, but did not list the data itself, and the original 1997 measurement is not located in the file. It is possible that personnel currently responsible for SWL measurements may have information that was not included in the file.



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

In addition, the permit indicates that a certificate may be issued under the following conditions:

6. Basin classification restrictions must be lifted--Condition not met. OAR 690-160-002(b) remains unchanged. The COBU does not address this condition.

7. The 6-year SWL decline must be less than 10 feet--Condition cannot have been met. The COBU does not address this condition. The condition does not indicate when the referenced 6-year period begins. If the period began when the permit was issued (July 17, 1996), then 6-year period would not end until March of 2003, the theoretical due-date of the sixth SWL measurement. (Also note that unless the permit is extended by meeting certain conditions listed in the permit, the permit will expire on March 1, 1999, over four years before the end of the 6-year period.)

8. SWL measurement reports must be timely submitted--Insufficient data to determine whether condition was met. See #5 above. Note that until or unless the 1997 SWL measurement report is located, it will not be possible to determine whether it was timely submitted.

9. Pump test results must be submitted--Condition not met. The COBU states that the permit holder "is aware of the requirement for a pump test."

10. All Conditions of the permit must be met--Condition not met. As outlined in this memo, not all permit conditions have been met.

11. Plan for alternate long-term water supply required--Condition not met. Note that this plan is required only if the permittee is requesting a permit extension, which they did not do in the COBU.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 10, 1997

DAVID J. BIELENBERG
16452 HERIGSTAD ROAD NE
SILVERTON, OR 97381

REFERENCE: File G-12069

This will acknowledge that your claim of beneficial use and map in the name of DAVID J. BIELENBERG were received on SEPTEMBER 30, 1997. These will be reviewed in the future to insure they are complete and correct.

Please contact me if you have any questions.

Sincerely,

DON KNAUER
Program Representative

DEK:tcb

cc: DONALD R. BUELL, CWRE #26

WATER RESOURCES DEPARTMENT

MEMO

April 2, 1996

TO: Doug Baer, Water Rights

FROM: Marc Norton, Ground Water/Hydrology Section *MAN*

SUBJECT: Groundwater Application G-12069, Permit G-11781

Groundwater Permit G-11781 expired on March 1, 1996. The applicant has requested a second, three-year permit. The following information was pulled from the files and is relevant to the recommendation.

- 1) The well is located in the Mt. Angel Limited Groundwater Area.
- 2) The groundwater level reported on the Water Well Report was 160 feet below land surface on March 29, 1983.
- 3) The groundwater level reported by the applicant as a requirement of the permit was 233.34 feet below land surface on March 15, 1996.
- 4) The groundwater level has declined over 73 feet in 23 years or an average decline of 3.17 feet per year. The water level data are shown on the attached hydrograph.
- 5) Donn Miller in his review of this application in July 1990, recommended the following conditions:
 - a) Use of water from the well shall be void under this permit if the well displays an (A) average decline of 3 or more feet per year, or (B) a water level decline of 15 feet or more in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet...
 - b) The initial water level was 160 feet and that this is the level from which previously cited declines will be referenced.
- 6) Groundwater Permit G-11781 does not contain the conditions as requested in the July 1990 memo. If the conditions that were placed in the permit were met, the applicant could be issued a second, three-year permit:

- a) The water level decline in the well is less than ten feet from the initial March report;
- b) Within two years of permit issuance, the permittee has prepared a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply; and
- c) Periodic water level reports have been timely submitted.

The permit required that a static water level measurement be made and submitted before any use of water may commence from the well. If water was used from the well during the summer of 1994, a static water level was not submitted. If water was not used until the summer of 1995, then the March 1995 measurement would fulfill the requirement.

The permit required that a flowmeter be installed and that annual water use be reported by April 15 of each year. I could not find a report of water use in the department files for 1994 or 1995.

If the conditions outlined in the July 1990 memo are used, the permit should not be extended. However, the conditions that were used in the permit are not specific as to what the initial March water level report is. It may have been referring to the 160 foot water level from the initial Water Well Report or to the initial water level report filed by the applicant.

I recommend the following changes/additions be made to Groundwater Permit G-11781 because the well is located in the Mt. Angel Limited Groundwater Area and the groundwater level has declined over 73 feet in 23 years, an average decline of 3.17 feet per year.

The use of water under this permit will expire on March 1, 1999. The permit may be extended to March 1, 2002, if the Director finds that:

- a. The water level decline in the well is less than 10 feet from the reference water level. The reference groundwater level shall be 233.61 feet below land surface. This is the level from which cited declines will be referenced.
- b. The water user shall submit the results of a pump test meeting the department's standards, to the Water Resources Department by March 31, 1998.

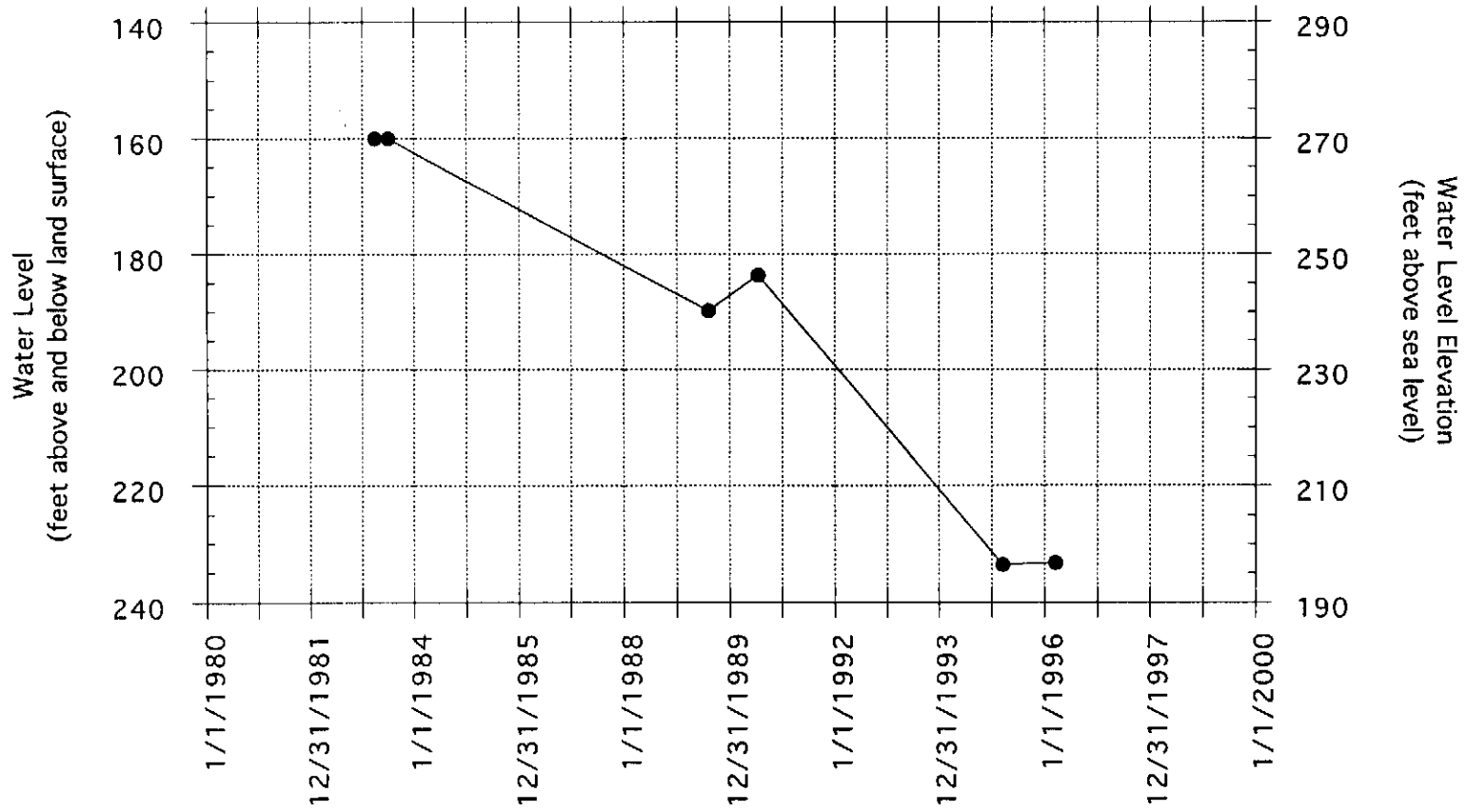
G-12069
April 2, 1995
Page 3

- c. Periodic water level reports and annual report of water used under this permit have been timely submitted; and
- d) By March 1, 1999, the permittee has submitted a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply.

The requirement for measuring and reporting water level measurements shall remain in the permit. If you have any comments or questions concerning the recommendations, please contact me.

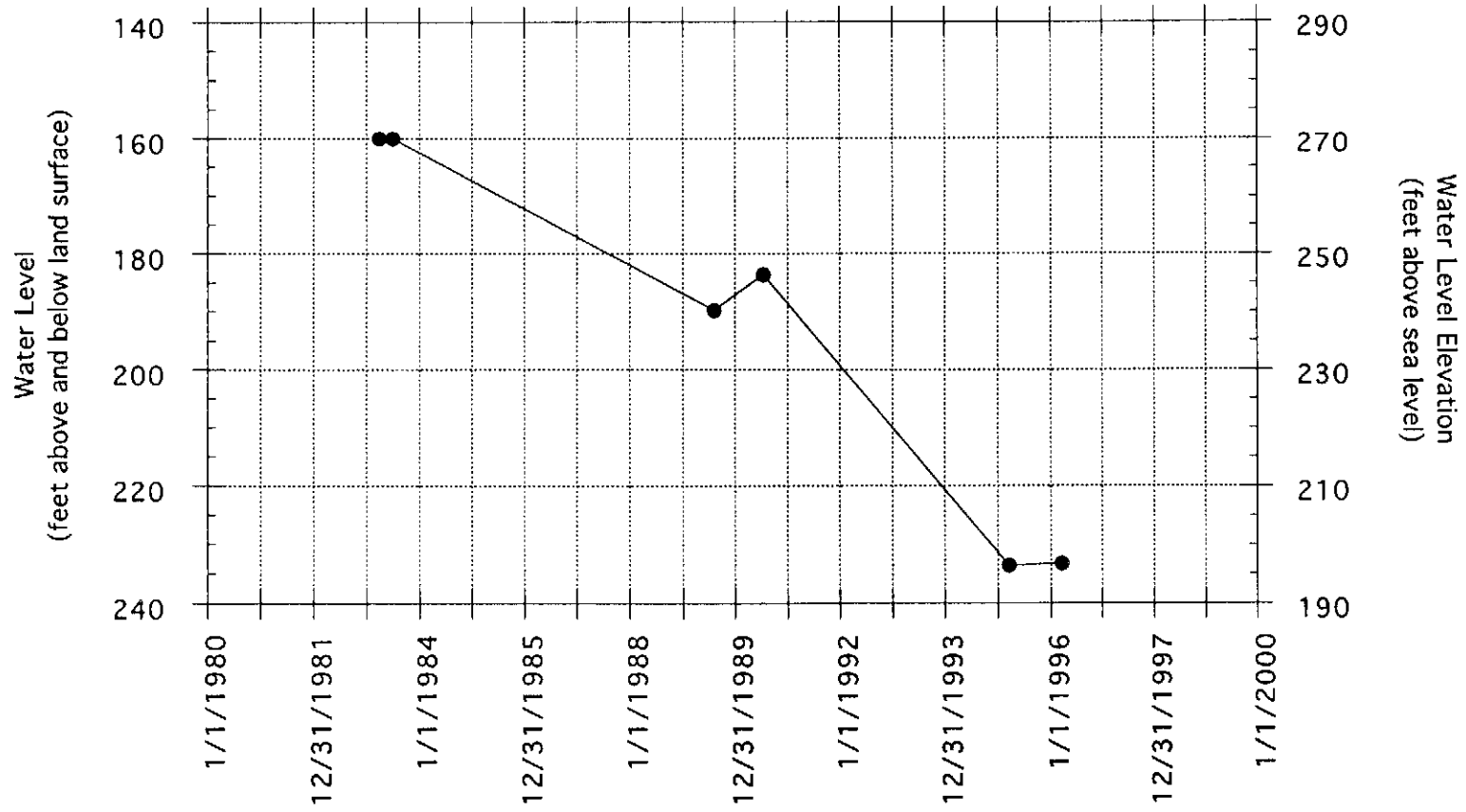
Bielenberg
Lithology: basalt
Aquifer: CRB
Land surface elevation: 430'
Well Depth: 340'

OWRD LOGID MARI5654
06S/01E-19AAA



Bielenberg
Lithology: basalt
Aquifer: CRB
Land surface elevation: 430'
Well Depth: 340'

OWRD LOGID MARI 06S/01E-19AAA



STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE 6-12069

DATE: 7/25/90

FROM: DONN MILLER

SUBJECT: APPLICATION REVIEW FOR SW/GW AND DECLINES

The applicant seeks 1.5 cfs from a basalt well.

Since the appropriation seeks basalt groundwater, the connection with surface water is presumed weak and no special conditions per Division 9 rules are required.

Comments:

WRD water level measurements in 1989-1990 suggest declines. Spring-
to-Spring (WL high) trend is unclear.

I suggest permit conditions •

Please use the following conditions in a permit on this application:

- 1) The water user shall annually report a March static water level in the well to the Water Resources Department. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer. Failure to report this annual measurement shall invalidate use under this permit.
- 2) Use of water from the well shall be void under this permit if the well displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 feet or more in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with a senior priority which provides water for an authorized use.
- 3) The Water Resources Director has determined that the initial water level in the well was 160 feet below land surface on 3/29/83. That is the level from which previously cited declines will be referenced. As much as possible, future levels shall reflect annual high levels which are usually found in the Spring of each year.
- 4) Use of water from any well, as allowed herein, shall not commence until the initial water levels are determined at each well.

Other Condition-

OUT TO DWF 4/25

Michael Ricker, 12:15 PM 4/3/96 , Permit G-12069

7/11

Date: Wed, 3 Apr 1996 12:15:17 -0800
X-Sender: rickermc@mailhub.wrd.state.or.us
To: Doug.L.BAER@wrd.state.or.us
From: Michael.C.RICKER@wrd.state.or.us (Michael Ricker)
Subject: Permit G-12069
X-UIDL: d8863c5b47c5deedcf38810743c77f50

Doug, I have no information regarding Mr. Bielenberg's permit #G-11781. I have not seen a plan regarding alternative long-term water supply sources. It is possible that it was not submitted to RMD staff.

I trust that this helps.


Michael

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

March 25, 1996

To: Fred Lissner

From: Doug Baer 

Subject: Application G-12069, Permit G-11781, Bielenberg

Permit G-11781 was a temporary permit which contained the following condition:

The use of water under this permit will expire on March 1, 1996. The permit may be extended to March 1, 1999, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the initial March report;
- b. Within two years of permit issuance, the permittee has prepared a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply; and
- c. Periodic water level reports have been timely submitted.

The applicant has submitted a request for an extension of Permit G-11781. Approval of the request is subject to applicant's compliance with the condition listed above.

Please indicate whether items a & c have been met. The deadline for submission of a long-term water supply plan as required in item b, has not yet passed. However, if your section has any information regarding said plan please include a statement of the suitability of the plan in your reply.

Thanks for your help.

Doug-
Please look into this
and prepare a new
permit for me to
review.

3/21

The
Dwight

RECEIVED

MAR 20 1996

WATER RESOURCES DEPT.
SALEM, OREGON

March 18, 1996

Dwight French, Manager
Water Right and Adjudication Division
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

Re: File G-12069, Permit G-11781

Under the conditions of my Permit G-11781, it expired on March 1, 1996.

The permit states that it can be extended to March 1, 1999, under certain conditions. Those conditions have been met as follows:

- a. The water level in the well has not declined from the initial March report.
- b. I am a member of the Pudding River Basin Water Resources Development Association. We have been studying a proposed reservoir on Butte Creek since 1991 and have invested a considerable amount of money into the project. It is currently in phase II of the engineering study and looks very promising.
- c. My permit was issued on July 25, 1994. Static water level measurements have been made in March of 1995 and 1996 and reports submitted to Water Resources Department.

I feel that all conditions have been met and respectfully request that Permit G-11781 be extended to March 1, 1999.

Sincerely,



David J. Bielenberg
16425 Herigstad Road NE
Silverton, OR 97381

→ THE ADDRESS REQUIREMENT FOR THIS
TERM WOULD BE THE SAME AS PERMIT
G-11781

RECEIVED

MAR 20 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Second static water level measurement as required by the conditions of permit G-11781 in the name of David J. Bielenberg.

Method of measurement: M-Scope through airline on top of casing.

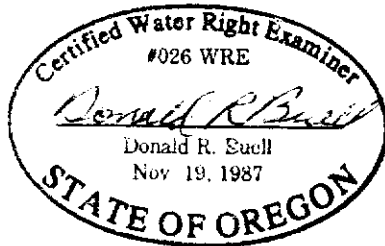
Well is located 1070' N and 80' E from the SW corner of DLC 48. Also described as on the right side of Mr. Bielenberg's driveway, 850 feet from Herigstad Road.

Result of measurement:

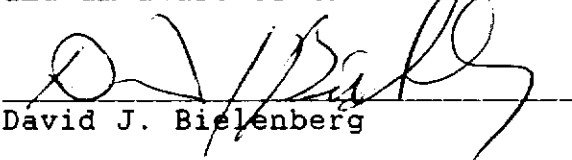
From top of airline to water - 234.11'
From top of airline to ground level - 0.87'
SWL (from ground level) - $234.11' - 0.87' = 233.24'$

Date of measurement: March 15, 1996.

Comments: SWL has risen 0.37 feet since initial measurement.



I have read the above report, and am aware of the results.



David J. Bielenberg

RECEIVED

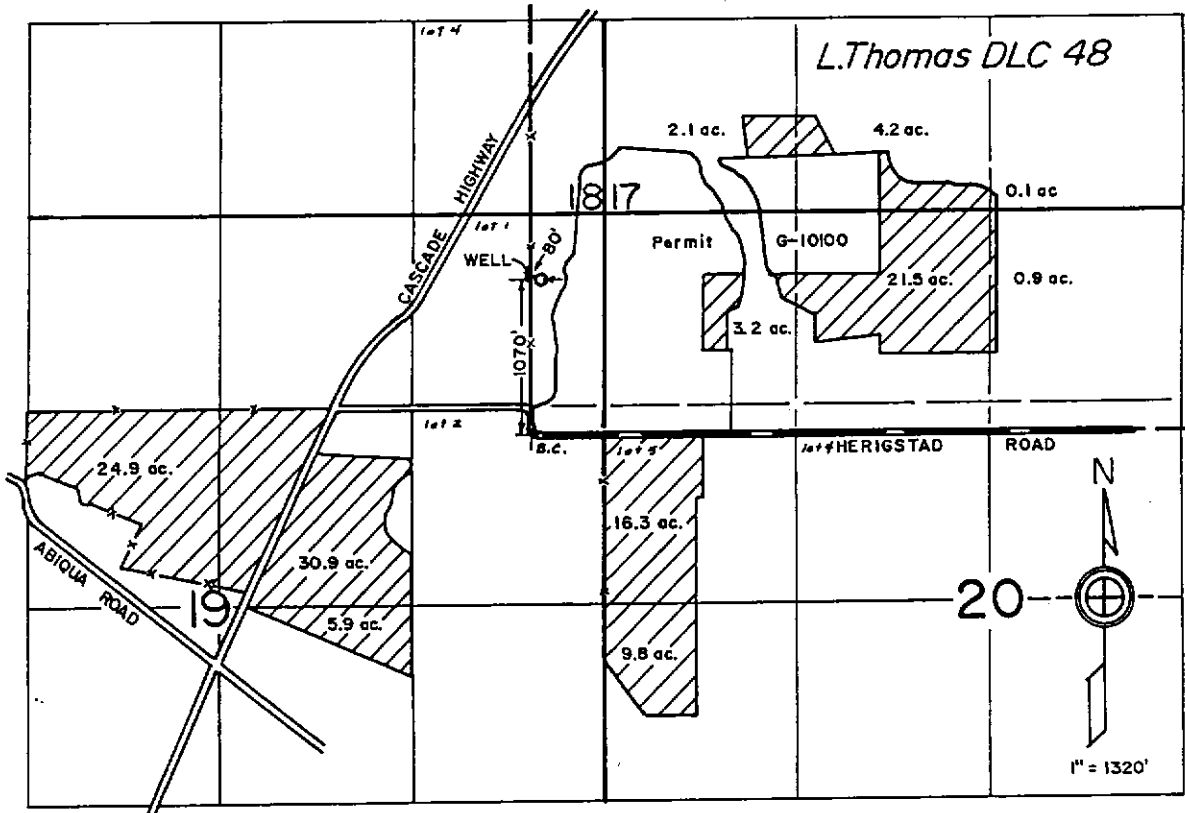
Township 6 South, Range 1 East, W.M.

Portions of Sections 17, 18, 19 & 20

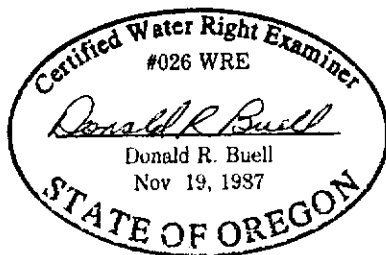
APR 11 1989

1990 Jue

WATER RESOURCES DEPT.
SALEM, OREGON



Application Map
for
DAVE BIELENBERG



Appl. No. G-12069
Per. No. G12375

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

COPY CHECK-OFF SHEET FOR FILES WITH NO PROPOSED FINAL ORDERS

CC: FILE # 6-12069/
WATERMASTER #

REGION:

8

ODF&W: PO BOX 59 / PORTLAND OR 97207

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

See Attached

cc: File # - G-12069 -

Water Watch

~~OFF & AW~~

Watermaster (DAVE JARRETT)

Region Manager NW Region

GAIL Achtermen, Esq

Stoel, Rives, Boley, Jones & Gray

900 SW FIFTH AVE.

PORTLAND, OR 97204-1268

MARK DICKMAN

15829 SCOTTS MILLS HWY NE

SILVERTON OR 97381

DON BUELL, CWRE

TOM PAUL

Caseworker BROWN

Original to applicant

RECNO	STATUS	PERMIT
1	G	119974
2	G	11982
3	G	12069
4	G	12149
5	G	12217
6	G	12218
7	G	12222
8	G	12250
9	G	12273
10	G	12381
11	G	12407
12	G	12576
13	G	12794
14	G	12799
15	G	12800
16	G	12813
17	G	12829
18	G	12855
19	G	12858
20	G	12878
21	G	12913
22	G	12916
23	G	12921
24	G	12941
25	G	12945
26	G	12974
27	G	12975
28	G	12998
29	G	12999
30	G	13000
31	G	13090
32	G	13108
33	G	13142
34	G	13194
35	G	13196
36	G	13269
37	G	13271
38	G	13318
39	G	13330
40	G	13356
41	G	13388
42	G	13404
43	G	13406
44	G	13409
45	G	13412
46	G	13421
47	G	13429
48	G	13458
49	G	13506
50	G	13528
51	G	13529
52	G	13538
53	G	13555
54	G	13573

APP
 Application
 # not permit
 - add permit's names
 " stream basin / trib. info

DRAFT

June 7, 1995

FILE#: G 11781

DAVID J BIELENBERG
16425 HERIGSTAD RD NE
SILVERTON, OR 97381

Dear Permit Holder:


Within the last two years you were issued a permit to appropriate groundwater from this office. As a condition of the permit, you are to obtain a static water level measurement and submit the measurement to this office on a prescribed basis.

The permit condition failed to include licensed well constructors or pump installers licensed by the Construction Contractors Board as authorized individuals to make these measurements. This letter is to clarify that these additional parties are authorized to perform the water level measurements.

When your project is completed and the claim of beneficial use is submitted, the condition will be corrected when the resulting water right certificate is issued.

Please feel free to contact this office or our field staff if you have any questions in regard to this change in your permit conditions.

Sincerely,


Steven P. Applegate
Acting Administrator
Water Right/Adjudication Division

SPA/dpc
Enc: Permit Condition

cc: File
Region Managers
Watermasters

x:\exchange\castle\gw2.ltr



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

WATER WELL REPORT
STATE OF OREGON

*# How banner
was placed
poured
civ*

RECEIVED

State Well No. OS/10-170a

APR 21 1983

State Permit No.

WATER RESOURCES DEPARTMENT Application No. B-12069

SALEM, OREGON

Permit No.

(1) OWNER:

Name David Bielenberg
Address 16425 Herigstad Rd NE
City Silverton State OR

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air Driven Domestic Industrial Municipal
Rotary Mud Dug Irrigation Test Well Other
 Bored Thermal Withdrawal Reinjection

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel Plastic
Threaded Welded
8 " Diam. from +1 ft. to 85 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? Yes No
Type of perforator used

Size of perforations	in. by	in.
.....
.....
.....

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name Model No.
Type
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
: gal./min. with ft. drawdown after hrs.
"
Air test 300 gal./min. with drill stem at 320 ft. 2 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
perature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes No
Well seal—Material used 6 Bentonite
Well sealed from land surface to 45 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal sacks
How was cement grout placed? 400 lbs bentonite to 200 gal. water
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? Yes No Plugs Size: location ft.
Did any strata contain unusable water? Yes No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? Yes No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL

County Marion Driller's well number
NE 1/4 NE 1/4 Section 19 T. 65 R. 1E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location: Same

(11) WATER LEVEL: Completed well.

Depth at which water was first found 175 ft.
Static level 160 ft. below land surface. Date 3/29/83
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8
Depth drilled 320 ft. Depth of completed well 320 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.

MATERIAL	From	To	SWL
Topsoil	0	3	
Red Clay	3	16	1
Brown Clay	16	32	
Black Basalt	32	40	6
Brown Claystone	40	51	0
Blue Claystone	51	85	
Black Basalt	85	165	
Very Broken Basalt	165	195	100 gpm
Brown Sandstone	195	220	
Uisicular Basalt	220	245	50 gpm
Brown Basalt	245	260	
Soft Black Basalt	260	310	50 gpm
Very Soft Black Uisicular Basalt	310	320	100 gpm

Work started 3/18 19 83 Completed 3/28 19 83
Date well drilling machine moved off of well 3/29 19 83

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) Rick Date 4/1, 19 83
(Drilling Machine Operator)

Drilling Machine Operator's License No. 760

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 Frieden Drilling Co. Inc.
(Person, firm or corporation) (Type or print)
Address 18075 S. Abiqua Rd NE Silverton
(Signed) Rick
(Water Well Contractor)
Contractor's License No. 566 Date 4/1, 19 83

JUL 22 1983

State Well No.

RECEIVED

State Permit No.

APR 11 1983

Permit No.

(1) OWNER:

Name DAVID BIELENBERG
Address 16435 HERIGSTAD RD NE
City SILVERTON ORE State ORE

(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 Air Driven Domestic Industrial Municipal
Rotary Mud Dug Irrigation Test Well Other
 Bored Thermal: Withdrawal Reinjection

(5) CASING INSTALLED:

Steel Plastic
Threaded Welded

10" Diam. from +1 ft. to 90 ft. Gauge 250
" Diam. from ft. to ft. Gauge

(6) LINER INSTALLED: NO

" Diam. from ft. to ft. Gauge

(6) PERFORATIONS:

Perforated? Yes 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.

(7) SCREENS:

Well screen installed? Yes No

Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom?
" gal./min. with ft. drawdown after hrs.

Air test 300 gal./min. with drill stem at 340 ft. 1 hrs.

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes No

Well seal—Material used CEMENT GROUT
Well sealed from land surface to 90 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 80 sacks
How was cement grout placed? PRESSURE

Was pump installed? NO Type HP Depth ft.

Was a drive shoe used? Yes No Plugs Size: location ft.

Did any strata contain unusable water? Yes No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? Yes No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL WATER RESOURCES DEPT. SALEM, OREGON

County MARION District SALEM
NE 1/4 NE 1/4 Section 19 T. 6S R. 1E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location: SAME AS MAILING

(11) WATER LEVEL: Completed well.

Depth at which water was first found 175 ft.
Static level 160 ft. below land surface. Date 6-28-83
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10"

Depth drilled 340 ft. Depth of completed well 340 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.

MATERIAL	From	To	SWL
ORIGINAL -	0	320	
BASALT FRACTURED	320		
BLICK		340	

Work started June 22 1983 Completed June 27 1983

Date well drilling machine moved off of well June 28 1983

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) Byron B. Stadel Date 6-28, 1983
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1371

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 WEST COAST DRILLING
(Person, firm or corporation) (Type or print)

Address 220 ACADEMY DR. ANGEL ORE

(Signed) Charles E. Stadel
(Water Well Contractor)

Contractor's License No. 519 Date June 28, 1983

April 23, 1993

David J. Bielenberg
16425 Herigstad Toad NE
Silverton, OR 97381

WATER
RESOURCES
DEPARTMENT

Reference: File Number G-12069

This letter informs you of the current status of your application for a water use permit and accompanies our Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within sixty days of the date of mailing of this Report or by the date prescribed below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

p. 2

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, it must specify the particular public interest standards which apply from the Oregon Revised Statutes (ORS 537.170) and the Oregon Administrative Rules (OAR 690-111-195) and state facts showing how such standards would be violated.

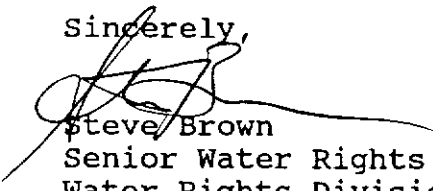
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before June 23, 1993, or the Department may presume there is no opposition to any of the analyses set out in the technical review report.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

Again, please accept our apology for the delay in transmitting this information and Report to you. If you have any questions please feel free to telephone me or any of the Department's Water Rights Section staff. Our telephone number is 378-3739 in Salem or you may call toll free from within the state to 1-800-624-3199.

Sincerely,


Steve Brown
Senior Water Rights Specialist
Water Rights Division

Enclosures

cc: WaterWatch of Oregon,
Gail Achterman, Esq.
Mark Dickman
Don Buell
Dave Jarrett, Watermaster
Regional Manager

Report Date: April 23, 1993

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: June 23, 1993.

APPLICATION FILE NUMBER - G 12069

Applicant name/address/county/phone:

David J. Bielenberg
16425 Herigstad Rd. NE
Silverton, OR 97381
MARION Co. 503-845-6472

Date application received for filing and/or tentative date of priority: April 11, 1990.

SOURCES: One well in the Zollner Creek Basin

Purpose and/or use: irrigation of 119.8 acres

Flow: 1.5 cfs

Point of Diversion Location:

NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM SW CORNER, DLC 48.

Place of use:

SW 1/4 SW 1/4	2.1 ACRES
SE 1/4 SW 1/4	4.2 ACRES
SW 1/4 SE 1/4	0.1 ACRE
SECTION 17	

SW 1/4 NE 1/4	30.9 ACRES
SE 1/4 NW 1/4	24.9 ACRES
NW 1/4 SE 1/4	5.9 ACRES
SECTION 19	

NW 1/4 NE 1/4	0.9 ACRE
NE 1/4 NW 1/4	21.5 ACRES
NW 1/4 NW 1/4	3.2 ACRES
SW 1/4 NW 1/4	16.3 ACRES
NW 1/4 SW 1/4	9.8 ACRES
SECTION 20	

TOWNSHIP 6 SOUTH, RANGE 1 EAST, W.M.

GROUND WATER AVAILABILITY

This is an application for use of GROUNDWATER.

 x The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

 x There are existing rights from wells described by the application (see proposed permit conditions).

 x There are existing water rights appurtenant to some of the lands described in the application (see proposed permit conditions).

PROPOSED PERMIT CONDITIONS

Application: G-12047

The following conditions will apply to water use under the permit, and will appear in the permit.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: March 1 through October 31 of each year.
3. Rate (cfs or gpm) and/or Volume (acre/feet or gallons) of use: ~~1.87~~^{1.15} cfs.
4. The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.
5. The well 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.
6. The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.
7. Water use development requirements:
 - A) Begin construction by (one year from issuance of permit).
 - B) Complete construction by October 1, 1995.
 - C) Completely apply the water to beneficial use by October 1, 1995.

8. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
9. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
10. A static water level measurement shall be made and submitted before any use of water may commence from the well.
11. The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.
12. The use of water under this permit will expire on March 1, 1996. The permit may be extended to March 1, 1999, if the Director finds that:
 - a. The water level decline in the well is less than ten feet from the initial March report;
 - b. Within two years of permit issuance, the permittee has prepared a plan for the Commission which shall indicate the steps for obtaining an alternative long-term water supply; and
 - c. Periodic water level reports have been timely submitted.
13. A certificate of water right may be issued if:
 - a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
 - b. The six year water level decline is less than ten feet from the initial March report;
 - c. Periodic water level reports have been timely submitted;
 - d. 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; and
 - e. All terms of the permit have been met.
14. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or revocation of the permit.
15. The 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.
16. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
17. The Commission finds that the proposed use(s) of water described by this permit, as conditioned, would not impair or be detrimental to the public interest.

18. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

February 28, 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

WATER
RESOURCES
DEPARTMENT

Re: Denial of Objections to Application File Number
G-12069 for David J. Bielenberg

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Number G-12069 submitted by David J. Bielenberg. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on application #G-12069 did include consideration of the elements specified in OAR 690-11-160 (1) as is documented by the information contained in the records of the Department including the Application File.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition.



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.

You have alleged that the proposed use is likely to impair the public interest because the proposed conditions relating to permit renewal and certificate issuance are contrary to the public interest in protecting the resource and is contrary to the Department's own rules. You have not set forth facts that establish that the proposed use would impair the public interest.

You have alleged that a public interest determination is impossible because essential information appears to be missing from the File.

There is adequate information available to complete a public interest review without first conducting a pump test.

proposed condition 17 will be deleted, should a permit be issued for this application.

WaterWatch
February 28, 1994
Application # G-12069
Page 3

Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080). Send your protest by regular mail or deliver it in person.

Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before MAR 31 1994. Your protest must be in proper form and accompanied by a fee of \$25.00.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: David J. Bielenberg

PUBLIC INTEREST REVIEW

The proposed water use described in Application # G-12069 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 1.5 CFS from the (a)
well tributary to/within the Zellner Cr BASIN
for the purpose(s) of IRR of 119.8 AC.
The Technical Review Report limits the proposed use to To the Normal IRR SEASON.

The proposed use described in Application # G-12069 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

If satisfactory-

Water use Application # G-12069 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

211
DB

If unsatisfactory-

Water use Application # _____ received an Unsatisfactory Report of Technical Review.

The Technical Review conducted according to OAR 690-11-160 on the water use application revealed that the proposed water use:

- a)-is prohibited by statute or scenic waterway criteria;
- b)-is not a classified use under the applicable basin program and an application for the use has not been filed under ORS 536.295 and OAR 690, Division 82;
- c)-cannot be modified to be consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-would conflict with (an) existing water right(s), or
- e)-water is not available from the source to support the proposed water use.

As the result of the above finding based on the Technical Review conducted on this water use Application, the Director concluded that the proposed water use would impair or be detrimental to the public interest.

**PUBLIC INTEREST REVIEW
CHECKLIST**

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application # G-12064, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

DP There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

Comment: Permit Conditioned to protect existing Rights

II. Land use matters.

DP The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

Comment: Application filed prior to 8/6/90

DB

Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

Comment: _____

DB

There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

Comment: _____

DB

If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

Comment: _____

NA

An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

Comment: _____

III. Identified environmental concerns.

DB

The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

Comment: _____

IV. The character and extent of other natural resources which are present in the water source basin.

DB

The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

Comment: _____

DB

There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

Comment: _____

V. Riparian characteristics.

DB

There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

Comment: _____

VI. Recreational use and potential of the water source and its basin area.

DB

There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

Comment: _____

VII. Agricultural potential of the area.

DB

There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

Comment: _____

VIII. Designated historic, cultural, or natural resource protection areas.

DB

There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

Comment: _____

IX. Identified health or safety requirements.

DB

There nothing in the record to indicate any identified health and safety requirements.

Comment: _____

**PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).


The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record

of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application # G-12069:

WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.


A. Reed Marbut, Administrator
Water Rights/Adjudication Division

Signed this 25 day of July, 1954, in the office of the Director.

Application No. G-12069

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT

APR 11 1989 ^{1992fw}

Application for a Permit to Appropriate Groundwater DEPT.
SALEM, OREGON

Applicant(s) DAVID J. BIELENBERG
(Please print or type - use dark ink)

Mailing Address: 16425 HERIGSTAD RD. N.E.
SILVERTON OR 97381 873-2710
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): ONE WELL

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: N/A

Elevation difference between streambed and development: _____

NOTE: 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 driller's log with this application, and skip to Section 2 below.

Diameter of well: 10" Depth in feet: 340

Type and size of well casing: STEEL 10" No. of feet: 90'

Estimated depth to water: 160'

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.5 cubic feet per second, OR — gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

PC ✓
4/12/89

3. **INTENDED USE(s) OF WATER:** IRRIGATION

If for more than one use, give the quantity of water from each source for each use; —

If for **DOMESTIC** use, state the number of households to be supplied; —

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)
—

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; —

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation 119.8 ACRES
Other (describe) —

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

PORTABLE 6" AND 5" MAINLINE
3" HAND LINES FOR SPRINKLERS
HARD HOSE TRAVELER WITH BIG GUN SPRINKLER

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin BEGUN

Proposed date construction work will be completed 10-1-92

Proposed date water use will be completed 10-1-93

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 X Applicant CWRE Other (Identify in REMARKS section)

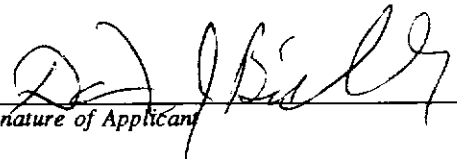
7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO . If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: Adjacent landowners of property involved in application:

<u>Lois Toft</u>	<u>DAVID JORDAN</u>
<u>16244 Herigstad Rd NE</u>	<u>16584 Herigstad Rd NE</u>
<u>Silverton, OR 97381</u>	<u>Silverton, OR 97381</u>
<u>Dale Melsenheimer</u>	<u>CHARLES BYRAM</u>
<u>17135 Herigstad Rd NE</u>	<u>16905 Herigstad Rd NE</u>
<u>Silverton, OR 97381</u>	<u>Silverton, OR 97381</u>

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.


Signature of Applicant

4/11/90
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 14th day of April, 1990, at 11:15 o'clock, A M.

APPLICATION NO: 9-12069

Stephen C. Brown
Water Resources Department
3850 Fortland Rd.
Salem, OR 97310

Reference File No. **G-12069**

Dear Mr. Brown:

Enclosed please find the documentation you requested in your letter of October 24, 1970.

I hope this will allow you to issue my permit.

Thank you.

Sincerely,



David J. Bielenberg
16425 Henigstad Rd. N.E.
Silverton, OR 97381



HIGHWAY DIVISION

APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

30881

GENERAL LOCATION			PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)		
HIGHWAY NAME Cascade			<input type="checkbox"/> POLE LINE	TYPE	
HIGHWAY NUMBER 160	COUNTY Marion		<input type="checkbox"/> BURIED CABLE	TYPE	
BETWEEN OR NEAR LANDMARKS N. Aviqa Rd. AND Herigstad Rd.			<input checked="" type="checkbox"/> PIPE LINE	TYPE Irrigation	
HWY. REFERENCE MAP NUMBER	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> NON-COMMERCIAL SIGN		
APPLICANT NAME AND ADDRESS David Bielenberg 16425 Herigstad Rd. Silverton, OR. 97381			<input type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW.		
BOND REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		REFERENCE: OAR 734-55-035 (2)	AMOUNT OF BOND \$ 5,000.00		
INSURANCE REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		REFERENCE: OAR 734-55-035 (1)	SPECIFIED COMP. DATE 6-10-91		

DETAIL LOCATION OF FACILITY

(For more space use back of application or attach additional sheets)

MILE POINT	MILE TO POINT	ENGINEERS STATION	ENGINEERS TO STATION	SIDE OF HIGHWAY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		* OPEN CUT	SPAN LENGTH
					CENTER LINE	R/W LINE	DEPTH	SIZE AND KIND		
26.07		153+73		90		R/W-R/W	30"min	12" Steel casing		

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS/FACILITIES

SPECIAL PROVISIONS (For more space use back of application or attach additional sheets)

*1—OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED? YES [OAR 734-55-040 (10)] NO [OAR 734-55-040 (9)]

2—TRAFFIC CONTROL REQUIRED? YES [OAR 734-55-025 (6)] NO

3. For additional special provisions see page 2.

When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached; and the terms of Oregon Administrative Rule, Chapter 734, Division 55, which by this reference made a part of this permit.		DISTRICT MAINTENANCE SUPERVISOR <i>X John W. Crossman</i>	DATE COMPLETE APPLICATION RECEIVED 6/22/90
APPLICANT <i>X David Bielenberg</i>	APPLICATION DATE 6-28-90	REGION ENGINEER <i>X</i>	DATE
TITLE		UTILITY PERMIT SUPERVISOR <i>X</i>	APPROVAL DATE 7-10-90

AUG 20 1981
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, OR 97310

Dear Sirs:

This letter is to advise you that David J. Bielenberg has permission to use water from his well on land owned by the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "David Jordan". The signature is written in black ink and is positioned above the typed name and address.

DAVID JORDAN
16584 HERIGSTAD RD. N.E.
SILVERTON, OR 97381

Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, OR 97310

Dear Sirs:

This letter is to advise you that David J. Bielenberg has permission to use water from his well on land owned by the undersigned.

Sincerely,

Charles R Byram
16905 Herigstad Rd. 71E.
Silverton Or. 97381

4-5-91

Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, OR 97310

Dear Sins:

This letter is to advise you that David J. Bielenberg has permission to use water from his well on land owned by the undersigned.

Sincerely,

Lois E. Toff
16244 Hexigstad Rd NE
Silverton, OR
3/25/91

Oregon Water Resources Department
3850 Portland Rd. N.E.
Salem, OR 97310

Dear Sirs:

This letter is to advise you that David J. Bielenberg has permission to use water from his well on land owned by the undersigned.

Sincerely,

Dale S. Messenheimer

17135 Herigstad Rd

Silverton, Ore 97381

3/25/91

Resolved

CONCERN SHEET

PLEASE DON'T ISSUE PERMIT !!!!!!!

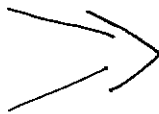
I have serious concerns about this application. I will remove this sheet when those concerns are properly addressed. Until then, please continue processing but do not issue a permit on the application. See me if you have questions.

NATURE OF CONCERN: Possible basalt well water level decline
Ground Water section will investigate.

Date: May 2, 1990

Down Miller
Hydrogeologist
Ground Water Section

5/26/94



The basalt well conditions of OAR 690-502-160 and newer field data resolve my concerns on this application.

- Down Miller

WaterWatch

O F O R E G O N

FACSIMILE TRANSMITTAL COVER SHEET

Date: 6/23/93

To: Water Rights Section

Fax Number: 1-378-8130

From: Karen Russell

Fax Number: 503-227-6847

Total Pages Being Sent, including this page: 7

**If there are any problems receiving this transmission,
please telephone WaterWatch immediately at 503-295-4039.**

Re: Technical Reports for: 69804; 6-12152, 6-12276, 6-12141,

Message: 6-12047, 6-12069, 6-12034, 6-12039, 6-12091,
6-12137, 6-12090, 6-12895, 6-12636, 6-12718

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE
INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY
CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND
EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE
READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU
ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION,
OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.
IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN
THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW. THANK
YOU.**

WaterWatch

O F O R E G O N

By FAX 378-8130 and Regular Mail

June 23, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Technical Reports for:
69804, Southwest Lincoln Co. Water District,
Municipal Uses, Lincoln Co.
G-12152, Schumacher, Irrigation, Marion Co.

WaterWatch supports the proposed rejection of the above referenced applications. We request notification and copies of any objections that are filed for these technical reports, copies of the Department's response to objections and an opportunity to file a formal protest if the Department decides to recommend issuance of any of these applications.

Thank you. Please call if you have any questions.

Sincerely,



Karen Russell
Legal Affairs Coordinator

WaterWatch

O F O R E G O N

By FAX 378-8130 and Regular Mail

June 23, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Reports for:
G-12276, Kraemer's Nursery, Irrig. & Agricultural
G-12141, Kraemer Farms, Irrig. & Suppl. Irrig.
G-12069, Bielenberg, Irrig.
G-12047, Dickman Farms, Irrig. & Suppl. Irrig.
G-12034, Kraemer Farms, Irrig.
G-12039, Dickman Farms, Irrig. & Suppl. Irrig.
G-12091, Hammelman, Irrig.
G-12137, Berning, Irrig.
G-12090, Kraemer Farms, Suppl. Irrig.
G-12895, Ammon Farms & Nursery, Suppl. Irrig. & Agricultural
G-12636, Bochler, Irrig.
G-12718, Teeney, Irrig.
Marion County, Mt. Angel Ground Water Limited Area

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The technical reports are defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The deficiencies are identical to those outline in WaterWatch's objections to the technical report for G-12395 which is hereby incorporated into this objection letter.

◆ **The proposed uses are not in the public interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.170(5) including ORS 537.170(5)(a), (b), (c), (e), (f), (g). See also ORS 537.525, 537.620.

1. **The uses as proposed are not in the public interest because the water use measurement and reporting requirement is not sufficient.**

The measurement and reporting conditions proposed for these uses are not sufficient for two reasons. First, they limit the Department's discretion as to the frequency of

Water Resources Department
Page 2

reporting. We suggest the reporting requirement be amended to include language that would require annual reporting or more frequent reporting as may be required by the Director. Second, the reporting requirement should require the permittee to submit information relating to the rate and duty of water use, the place of water use and other relevant information. Such a condition are essential is the State is to achieve the statutory policies and goals for the management and protection of ground water supplies in Oregon. See ORS 537.170(5)(c), 537.170(5)(g), 536.220(1), 536.220(2)(a), 537.525, 537.620. See also OAR 690-410-010.

These applications cumulatively propose to withdraw a total of 17 cfs from a ground water area that has already been recognized by the Department as "limited". The measurement and reporting requirements will generate critical information on the extent and location of actual water use and what is happening to this already critical water resource. It also gives the Department information vital to management and enforcement efforts, it provides information necessary to "clean up" the Department's water right records and helps with future water use planning. See Testimony of Martha O. Pagel, Before the Senate Joint Committee on Water Policy, 2/2/93, pgs. 1-5.

2. The uses as proposed are likely to impair the public interest because the proposed conditions relating to permit renewal and certificate issuance are contrary to the public interest in protecting the resource and are contrary to the Department's own rules.

We support, in general, many of the proposed conditions for these applications. However, there are several conditions that are not completely consistent with the Department's rules and the public's interest in commenting on permit/certificate renewals.

All of the above referenced applications except for G12636 and G-12718 contain a condition that limit the term of the permit to a 3 year period (until March 1996) with an opportunity to renew the permit for an additional 3 years (March 1999) if certain conditions are met. All these same applications contain a condition which allows an applicant to obtain a certificate if certain other conditions are met.

The Ground Water Act of 1955 calls for management of the resource in a way that will insure the preservation of the public welfare and the public interest in the resource. ORS 537.525. Beneficial use of resource, "within the capacity of available sources" is the "basis, measure and extent of the right to appropriate ground water." ORS 537.525(3). The Willamette Basin Program designated the proposed source for these applications as the Mt. Angel Groundwater Limited Area. The Basin rules allow permits to be issued for "a period not to exceed five years." OAR 690-502-160(2)(a)(B). Permits may be extended "for

Water Resources Department
Page 3

additional five-year periods if the Director finds that the groundwater resource can probably support the extended use." The rules also require that these permits contain special permit conditions referenced in OAR 690-502-160(3)&(4). These conditions include among other things that the permit conditions specify the "limits on acceptable amounts of depletion and interference with other users" and that use of water will be "controlled or shut off" if the limits specified "to protect the resource from depletion, and prior appropriators from interference, are exceeded." OAR 690-502-160(3)(b) & (c) and (4)(b) & (c).

These rules only allow water use on a temporary basis for a maximum of five year intervals. The proposed conditions, however, do not contain such a limitation. These conditions allow an applicant to obtain a water right permit for an additional 5 years of water levels have not declined more than 10 feet, water level reports have been timely and a report has been submitted to the WRC on "steps for obtaining an alternative long term source of supply." These conditions also allow a permittee to obtain a water right certificate for an unrestricted amount of time as long as the basin classification is changed, the six year water level has not declined beyond ten feet, the water level reports have been timely submitted, a pump test is run and the terms of the permit have been met.

To be consistent with the rules and the statute, these conditions should require a public interest review during the permit renewal, the certification, and certificate renewal process to ensure that the resource can sustain the extended use. The permit should also require that any certificate issued be restricted to allow use only for a period not greater than five years and that extensions for additional five-years periods are subject to the same review. The permit should only be extended upon a finding that the resource can support an additional five years of pumping. If it cannot, then the permit/certificate renewal should be denied.

There does not appear to be any proposed condition that sets the "limits on acceptable depletion" as required under OAR 690-502-160(3)(b) and (4)(b). In addition, these technical reports fail to contain a condition that specifies that use will be controlled or shut off if such limits are exceeded. OAR 690-502-160(3)(c) and (4)(c).

It is unclear what public process will be used for permit/certificate renewal. However, any process used must include public notice and an opportunity to comment. By this objection letter we request notice and opportunity to comment any proposed permit renewal.

Finally, it is unclear why the more stringent permit conditions were not added to G-12718 and G-12636. These proposed uses appear to draw from the Ground Water Limited Area and must contain the more stringent permitting requirements.

Water Resources Department
Page 4

3. **G-12895 is not within the basin classification and must be rejected.**

Applications submitted before October 4 1991 are subject to old basin classifications. Applications submitted after this date must be for exempt uses only. OAR 690-502-160(b). G-12895 was filed in April of 1992 and requests water for irrigation and agricultural use. If the proposed use is within the Mt. Angel Ground Water Limited Area, then the use is not an allowable use since it was submitted after October 4, 1991 and the application must be rejected.

4. **A public interest determination for all of the above-referenced applications is impossible because essential information appears to be missing from the applications.**

All of the above-referenced applications contain a condition which requires require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination an should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests "annually or as deemed needed by the Director".

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Water Resources Department
Page 5

Conclusion

We are open to discussion with the Department and the applicants on the issues raised in this objection letter. We are committed to working with the Department to cure the problems with the contents of this and other technical reports.

Sincerely,



Karen A. Russell
Legal Affairs Coordinator

WaterWatch

O F O R E G O N

RECEIVED

JUN 24 1993

WATER RESOURCES DEPT.
SALEM, OREGON

By FAX 378-8130 and Regular Mail

June 23, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Reports for:
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G-12141, Kraemer Farms, Irrig. & Suppl. Irrig.
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Conclusion

We are open to discussion with the Department and the applicants on the issues raised in this objection letter. We are committed to working with the Department to cure the problems with the contents of this and other technical reports.

Sincerely,



Karen A. Russell
Legal Affairs Coordinator

C 12069

W W DENIAC

TR

MR - Lange

15

You have alleged that the proposed use are likely to impair the public interest ~~and~~ because the proposed conditions relating to permit renewal and certificate issuance are contrary to the public interest in protecting the resource and are ^{is} contrary to the Department's own rules. You have not set forth facts that establish that the proposed you^{use} would impair the public interest

PIDI. There is adequate information available to complete a public interest review without first conducting a pump test

Condition

Proposed condition number 17 will be deleted, should ^a permit be issued for this application.

TECHNICAL REVIEW CHECKLIST

Application: G-12069

Review Date: 3/29/93

- S indicates information was completed or adequately addressed.
- U indicates information is needed, or incomplete, or inadequately addressed
- N/A indicates Not Applicable

SUMMARY	
<u>S</u>	Completeness
<u>S</u>	Land Use
<u>S</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability

N/A

The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

S

No oath is required because application was filed before June 5, 1992.

Application fees:

Examination fee:	\$ 200 -
Recording fee:	\$ 320 -
TOTAL REQUIRED	\$ 520 -
TOTAL SUBMITTED	\$ 520 -
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>
AMOUNT OVERPAID	
refund due applicant	\$ <u> </u>

S

Proposed dates of beginning and completion of construction, and complete application of water.

S

A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

S

A CWRE map is not required for applications filed before November 9, 1987.

S A written copy of the legal description of the property on which the water is to be used.

S A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

N/A No statement of ownership was required for applications filed before August, 1990.

N/A The report from watermaster has been received.

S The proposed use is not restricted or prohibited by statute.

S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S irrigation use(s) is/are classified use(s) under the Willamette Basin Program, OAR 690 - 002.

S The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of Macon

N/A The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).

N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

S The report from groundwater section has been received.

For reservoir applications:

N/A Plans, specifications and supporting information for the dam and impoundment area.

RECEIVED

APR 11 1989

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 9-12069
Permit No.

To ft

FORM No. 762-SPECIAL WARRANTY DEED (Individual or Corporate)

REGISTRATION

REEL PAGE
680 391

19-6-1E

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That

Marietta K. Holland, a widow

hereinafter called grantor,

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Lois E. Toft, a widow

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 Marion, State of Oregon, described as follows, to-wit: Commencing in the center of the northeast quarter of section 19, T. 6S., R. 1 E. of the W. M., Marion County, Oregon; thence east 31.85 chains to the center of the county road leading from Silverton to Marquam; thence South 25 degrees 15' West along the center of said road 29.34 chains to the center of a road that crosses the aforesaid road; thence North 52 degrees 10' West along the center of last said road 25.05 chains; thence North 10.40 chains to the beginning, containing 62 1/2 acres, more or less, all situated in the county of Marion and the State of Oregon.

Also that certain water right appurtenant to the said lands and particularly described in deeds recorded in Vol. 125 at page 122 and Vol. 125 at page 121 all of Marion County, Records of Deeds, to which said records reference is hereby made for a more complete and adequate description thereof.

63529-000-206 | 190422 | 2450 00

58-549

ALL

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.

And the grantor hereby covenants to and with the said grantee and grantee's heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 12,500.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols " " if not applicable, should be deleted. See ORS 91.030.)

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 9th day of March, 1989; 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.

Marietta K. Holland

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.

STATE OF OREGON,

County of Clatsamas }
March 9, 1989

STATE OF OREGON, County of Marion) ss.
1989

Personally appeared

and who, being duly sworn,

each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Personally appeared (the above named) *Marietta K. Holland*

and acknowledged the foregoing instrument to be voluntarily signed and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before *[Signature]*
Notary Public for Oregon
My commission expires 9-7-90

Before me: (OFFICIAL SEAL)
Notary Public for Oregon
My commission expires: (If executed by a corporation, affix corporate seal)

Marietta K. Holland
4017 S. E. Vineyard, #235
Milwaukie, Oregon 97267
GRANTOR'S NAME AND ADDRESS

Lois E. Toft
16244 Herizstad Rd., N.E.
Silverton, Oregon 97381
GRANTEE'S NAME AND ADDRESS

After recording return to:
Lois E. Toft
16244 Herizstad Rd., N.E.
Silverton, Oregon 97381
NAME ADDRESS ZIP

Until a change is recorded all tax statements shall be sent to the following address:
16244 Herizstad Rd., N.E.
Silverton, Oregon 97381
Lois E. Toft
NAME, ADDRESS, ZIP

680-

STATE OF OREGON,

County of Marion) ss.
I certify that the within instru-

STATE OF OREGON

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:
Fee \$ 11.00
Hand Returned

REEL PAGE
680 391

MAR 28 3 03 PM '89

ALAN H. DAVIDSON
MARION COUNTY CLERK
BY *[Signature]* DEPUTY

MAR 28 1989

10391

Vol 652 p 292

RECEIVED

LAND SALE CONTRACT APR 11 1989

1990 J.W.

WATER RESOURCES DEPT. SALEM, OREGON

THIS AGREEMENT made and entered into of March, 1969, by and between H. H. Whitman and V. Whitman, husband and wife, as tenants by the entirety, Seller, and Harold L. Toft and Lois E. Toft, husband and wife, as tenants by the entirety, Buyer, WITNESSETH:

I.

That for and in consideration of the covenants and agreements herein contained and the purchase price hereunder to be paid, Seller does hereby agree to sell and Buyer does hereby agree to purchase the following described real property to-wit:

196-1E
1007 1002 19 6-1E

Beginning at a steel shaft 19.96 chains South 89° 42' West from the quarter section corner on the East line of section 19 in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; thence South 27' West 7.19 chains to a stone; thence North 67° 8' West 18.93 chains to the center of the County Road; thence North 26° 30' East along the center of said County Road 12.555 chains; thence South 27° 8' East 12.98 chains to an iron bar; thence South West 6.347 chains to the point of beginning, in Section 19, Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon.

ALSO: Beginning at a point which is 19.96 chains South 89° 42' West and North 27' East 12.557 chains from the quarter section corner on the East line of Section 19, Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; and running thence from said beginning point North 74° 15' West 10.39 chains to the center of a County road; thence North 26° 30' East along the center of said road 4.30 chains; thence East 7.95 chains; thence South 27' West 7.118 chains to the place of beginning, in Section 19, Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon.

ALSO: Beginning 19.96 chains South 89° 42' West and 6.347 chains North 27' East from the quarter section corner on the East line of Section 19 in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; thence North 67° 8' West 12.98 chains to the center of the County Road; thence North 26° 30' East along the center of said road 4.46 chains; thence South 74° 15' East 10.39 chains; thence South 27' West 6.21 chains to the point of beginning, in Section 19, Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon.

SUBJECT HOWEVER to Volume 232, Page 218 and Volume 234, Pages 375, Deed Records for Marion County, Oregon.

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ALSO:
Commencing at the quarter section corner between Sections 19 and 20 in Township 6 South, Range 1 East of the Willamette Meridian; thence West 20.00 chains, more or less, to the East line of the tract of land conveyed to Clifford Fick and Kate Fick, husband and wife, by deed recorded December 26, 1944 in Volume 314, Page 5 Deed Records; thence North along the East line of said tract 19 1/2 chains, more or less, to the North line of the John Patterson Donation Land Claim in said Township and Range; thence East along the North line of said Claim 13.14 chains, more or less, to the most northerly Northeast corner of said Claim; thence South 2 1/2 chains to a reentrant angle in said Donation Land Claim; thence East 6.86 chains, more or less, along a Northerly line of said Donation Land Claim to the most Easterly Northeast corner of said Claim; thence South along the East line of said Claim 17.00 chains, more or less, to the point of beginning, being situated in Section 19, Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon

Subject to rights and rights of way of various parties for Water from Spring.

II.

for and in consideration of the purchase price of \$10,000.00 (Ten Thousand Dollars) for the house and its immediate lot, all of which sum is being paid down in full, and \$25,000.00 (Twenty-five Thousand Dollars) for the balance of the premises, including the improvements thereon, \$5,000.00 (Five Thousand Dollars) of which is paid down prior to the execution of this contract, receipt of which is hereby acknowledged. The balance of \$20,000.00 (Twenty Thousand Dollars) of said purchase price for the farm, not including the house, Buyer agrees to pay as follows: \$1,000.00 (One Thousand Dollars) on or before the 15th day of March of each year, commencing with the 15th day of March, 1971. That the unpaid portion of said purchase price shall bear interest at the rate of 6% (six percent) per annum, compounded annually, which interest shall be paid annually on the 15th day of March of each year, commencing with the 15th day of March 1970, said interest to run from the 15th day of March, 1969; the unpaid portion of the purchase price may be paid at any time except that in no event shall more than 20% be paid in the first tax year of this contract, unless Buyer shall pay the contract in full.

III.

That while Buyer is paying in full the agreed price for

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WATER RESOURCES DEPT. SALEM, OREGON

Beginning at an iron pipe which marks the quarter corner of Section 20, in Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon; and running thence North 00° 32' East, along the West line of said Section 20, a distance of 1139.27 feet to a point in the center line of County Road No. 659; thence South 89° 50' East, along the said centerline 1319.34 feet to the Northeast corner of Parcel No. 3, described in that certain deed to Robert C. Broberg and Nancy Broberg, recorded in Volume 556, Page 435, Marion County Deed Records; thence South along the East line of the said Broberg Tract, 2999.83 feet to an iron pipe in the North line of Market Road No. 77; thence Northwesterly along said North line on a 2° curve to the left (the chord of which bears North 78° 23' West 69.75 feet) an arc distance of 69.75 feet to an iron pipe at a point of tangent; thence North 79° 05' West, continuing along the North line of said Market Road, 1163.48 feet to an iron pipe; thence on a 00° 11' curve to the right (the chord of which bears North 79° 02' West 121.76 feet) an arc distance of 121.76 feet to an iron pipe in the West line of said Section 20; thence North 00° 01' East, along said West line 1600.90 feet to the point of beginning.

SAVE AND EXCEPT: Beginning at a point in the centerline of County Road No. 659, which point is 1139.27 feet North 00° 32' East and 693.21 feet South 89° 50' East from the quarter corner on the West line of Section 20, Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon, said point of beginning being in the North line of that certain tract of land conveyed to Edward H. and Norah B. Horner by deed recorded in Volume 611, Page 436, Marion County Deed Records; and running thence South 89° 50' East along said centerline 626.13 feet to the Northeast corner of the aforesaid Horner Tract; thence South along the East line of said Horner Tract, 412.42 feet to an iron rod; thence North 89° 50' West 626.13 feet to an iron rod; thence North 417.42 feet to the point of beginning.

ALSO SAVE AND EXCEPT: Beginning at an iron pipe which marks the quarter corner on the West line of said Section 20 and running thence South 0° 0' West along the said West line 1600.90 feet to a point in the North right of way line of Market Road No. 77 and the true point of beginning; thence North 0° 01' East along said West line 857.69 feet to an iron rod on the West line of that property described in that deed to Edward H. and Norah B. Horner, recorded in Book 611, Page 436, Marion County Record of Deeds; thence South 89° 50' East 1329.15 feet to an iron rod on the East line of said Horner property; thence South along said East line 1111.21 feet to an iron pipe in the North right of way line of said Market Road; thence Northwesterly, along said right of way line of a 2° curve to the left (the chord of which bears North 78° 23' West 69.75 feet) an arc distance of 69.75 feet to an iron pipe at a point of tangent; thence continuing along said right of way line North 79° 05' West 1163.48 feet to an iron pipe; thence on a 00° 11' curve to the right (the chord of which bears North 79° 03' West 121.76 feet) an arc distance of 121.76 feet to an iron pipe and the true point of beginning.

25126
STATE OF OREGON }
 } ss.
Co. nty of Marion }

I hereby certify that
the within was received
and duly recorded by me
in Marion County records:

Reel 180 Page 636

AUG 17 9 24 AM '79
EDWIN P. MURCAN
MARION COUNTY CLERK

BY W. M. M. DEPUTY

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WARRANTY DEED

WATER RESOURCE
SALEM, OREG

KNOW ALL MEN BY THESE PRESENTS, That ADNE E. HERIGSTAD, who is the same person as A.E. HERIGSTAD, and ALMA HERIGSTAD, husband and wife as Tenants by the entirety, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by DALE L. MEISENHEIMER and BALLY L. MEISENHEIMER, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

Parcel 1.

Beginning at a point which is 36.53 chains East of the Southwest corner of the D.L.C. of L.L. Thomas and wife; thence North 16.83 chains; thence East 11.89 chains to the East line of land owned by the grantors herein; thence South along said East line 16.83 chains; thence West 11.89 chains to the place of beginning. All situated in aforesaid D.L.C. Township 6 South, Range 1 East of the Willamette Meridian, Marion County, State of Oregon.

Save and Except: Beginning at a point which is 48.42 chains East of the Southwest corner of the Donation Land Claim of L.L. Thomas and wife; thence North 30 feet; thence West 8.636 chains; thence South 30 feet; thence East 8.636 chains to the place of beginning.

Parcel 2.

Beginning at a point which is West 1316.38 feet and North 30 feet from the Southeast corner of the Donation Land Claim of L.L. Thomas and wife; thence North 1080.78 feet; thence East 10.00 feet; thence South 1080.78 feet; thence West 10.00 feet to the place of beginning.

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety and their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The True and Actual consideration paid for this transfer, stated in terms of dollars is 326,800.00.

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

IN WITNESS WHEREOF, the grantor has executed this instrument on the 21st day of June, 1969.

[Handwritten signatures]

Page 1

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KNOW ALL MEN BY THESE PRESENTS, That PAULINE ANN KRAMER, JANICE NOLLER and JOYCE MAC KENZIE

ER RESOURCES DEPT.
SALEM, OREGON

hereinafter called the grantor, for the consideration hereinafter stated, CHARLES R. BYRAM and SHIRLEY L. BYRAM, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Marion and State of Oregon, described as follows, to-wit:

Beginning at a point which is East 1388.00 feet and North 00°53' West 581.08 feet from the Southwest corner of the Lauren Thomas Donation Land Claim No. 48 in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; thence North 84°18' East 1036.50 feet to a point on the West line of the D. L. Weisenheimer Tract as described in Volume 735, Page 757, Deed Records for said County and State; thence North 426.78 feet along the West line of said Tract to the Northwest corner thereof; thence West 1231.87 feet; thence South 529.77 feet; thence East 200.00 feet to the point of beginning.

"TOGETHER WITH a 30.00 foot road easement and being described as follows:

Beginning in the center of County Road No. 659, at a point which is 1388.00 feet East of the Southwest corner of the Lauren Thomas Donation Land Claim No. 48 in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; thence North 0°53' West 581.08 feet; thence West 30.00 feet; thence South 0°53' East 581.08 feet; thence East 30.00 feet to the place of beginning.

ALSO a 20.00 foot easement described as follows:

Beginning at a point which is East 1388.00 feet and North 00°53' West 581.08 feet from the Southwest corner of the Lauren Thomas Donation Land Claim No. 48 in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; thence North 84°18' East 100.00 feet; thence South 00°53' East 20.07 feet; thence South 84°18' West 100.00 feet; thence North 00°53' West 20.07 feet to the place of beginning."

Application No. B-12069
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Beginning at the Southwest corner of the Lauren Thomas Donation Land Claim No. 48 in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; East 1388.00 feet, along the center line of County Road No. 659; thence North 00°53' West 581.08 feet; thence West 200.00 feet; thence North 529.77 feet; thence East 1231.87 feet to the Northwest corner of a tract of land to D. L. Meisenheimer by deed recorded in Volume 735, Page 757, Deed Records for said County and State; thence East 784.74 feet along the North

Continued

line of said tract to the most Easterly Southeast corner of the C. A. Herigstad land as described by deed recorded in Volume 542, Page 156, Deed Records for said County and State; thence North 1067.22 feet to the Northeast corner of said C. A. Herigstad land, thence West, along the North line of said C. A. Herigstad land, 3195.72 feet to the Northwest corner thereof; thence South, along the West line of C. A. Herigstad land, 2178.00 feet to the point of beginning.

No. 114

Application No. *6-10943*
Permit No. **G10100**

Application No. *B-12069*
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAVID J. BIELENBERG
16425 HERIGSTAD ROAD NE
SILVERTON, OREGON 97381

503-873-2710

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12069

SOURCE OF WATER: ONE WELL WITHIN THE ZOLLNER CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 119.8 ACRES

RATE OF USE : 1.5 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 11, 1990

POINT OF DIVERSION LOCATIONS: NE 1/4 NE 1/4, SECTION 19, T 6 S, R 1 E, W.M.; 1070 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF DLC 48

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 2.1 ACRES
SE 1/4 SW 1/4 4.2 ACRES
SW 1/4 SE 1/4 0.1 ACRE

SECTION 17

SW 1/4 NE 1/4 30.9 ACRES
SE 1/4 NW 1/4 24.9 ACRES
NW 1/4 SE 1/4 5.9 ACRES

SECTION 19

NW 1/4 NE 1/4 0.9 ACRE
NE 1/4 NW 1/4 21.5 ACRES
NW 1/4 NW 1/4 3.2 ACRES
SW 1/4 NW 1/4 16.3 ACRES
NW 1/4 SW 1/4 9.8 ACRES

SECTION 20

TOWNSHIP 6 SOUTH, RANGE 1 EAST, 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.

The source of water allowed herein is limited to a confined aquifer within the Columbia River Basalts.

The permittee/appropriator shall install a meter or other suitable measuring device approved by the Director and submit an annual report of water used under this permit to the Department by April 5 of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurements to the Department. The measurement shall be verified by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. The water user shall report the above referenced static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 5 of each year.

The use of water under this permit will expire on March 1, 1999. The permit may be extended to March 1, 2002, if the Director finds that:

- a. The water level decline in the well is less than ten feet from the reference water level. The reference groundwater level from which cited declines will be referenced shall be 233.61 feet below land surface;
- b. By March 1, 1999, the permittee has submitted a plan to the Commission which shall indicate the steps for obtaining an alternative long-term water supply;

- c. Periodic water level reports and annual report of water used under this permit have been timely submitted; and
- d. The permit holder has submitted the results of a pump test meeting the department's standards, to the Water Resources Department by March 31, 1998.

A certificate of water right may be issued if:

- a. Basin classification restrictions described by OAR 690-502 are amended to allow the additional use;
- b. The six year water level decline is less than ten feet from the initial March report;
- c. Periodic water level reports have been timely submitted;
- d. 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; and
- e. All terms of the permit have been met.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Actual construction work began on July 1, 1995 and was completed on August 1, 1995. Complete application of water shall be made on or before October 1, 1997.

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.

This permit is issued to extend the period of allowed use authorized by Permit G-11781 and to update the conditions imposed on the water use allowed herein. Permit G-11781 expired March 1, 1996 and is of no further force or effect.

Issued April , 1996

Martha O. Pagel, Director
Water Resources Department