



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

**Extension of Time
 Progress Report Form
 For Checkpoints**

Leonard & Ann Marie
 7588 Crosby Rd. NE
 Woodburn, OR 97071

DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Leonard and Ann Marie Wanner

Application G-14815
 Permit G-13777

Report Due no later than October 1, 2013

Progress Report Form for 2013

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-13777

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2008 and October 1, 2013	FINANCIAL INVESTMENT
		RECEIVED BY OWRD
		SEP 19 2013
		SALEM, OR

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date = 40.0 (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature Leonard & Ann Marie Wanner

Date Sept 17 - 2013

RECEIVED BY OWRD

SEP 19 2013

SALEM, OR

STATE OF OREGON

COUNTY OF UNION

S/B Marion

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER
7588 CROSBY ROAD NE
WOODBURN, OREGON 97071

PHONE: (503) 981-9395

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 30 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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 2.0 ACRES
SECTION 35
TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

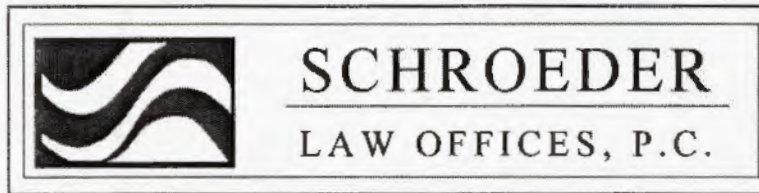
Application G-14815 Water Resources Department

PERMIT G-13777

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure
Licensed in Oregon
& Nevada

William F. Schroeder
(1928 - 2015)



Sarah R. Liljefelt
Licensed in Oregon, California
& Utah

Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

James Browitt
Of Counsel
Licensed in Idaho & Washington

June 14, 2017

*Estimate of
Time to Scan
and put in WRIS*

VIA U.S. AND ELECTRONIC MAIL

Oregon Water Resources Department
Attn: Diana Enright
725 Summer Street N.E., Suite A
Salem, OR 97301-4172
Email: Diana.M.Enright@oregon.gov

RE: Public Records Request (Internal Ref. No. 1358)

Dear Ms. Enright:

Our office makes the following request for public records under the INSPECTION OF PUBLIC RECORDS LAW, ORS 192.410 – 192.505. The requestor is willing to pay up to a maximum of \$100 in fees for the requested materials; however, please advise if the cost may exceed that amount. ORS 192.440(4)(c). Otherwise, if there are any fees that occur during duplication of these materials, please enclose an invoice and our bookkeeper will pay upon receipt.

Please make the following files and any associated documents available for review and inspection by our office:

- 1) The water right file for Permit G-13777 (Application G-14815);
- 2) A copy of any pump test submitted for Permit G-13777 (Application G-14815), if not already in the water right file; and
- 3) Copies of any and all static water level reports submitted for Permit G-13777 (Application G-14815), if not already in the water right file.

*NOUB
EXIST
DONE*

We would prefer that OWRD make the responsive documents available online for download, but please contact paralegal Tara Jackson at our office at (503) 281-4100 if the documents will need to be copied so that we may arrange a time for someone from our office to come to OWRD to copy the materials.

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

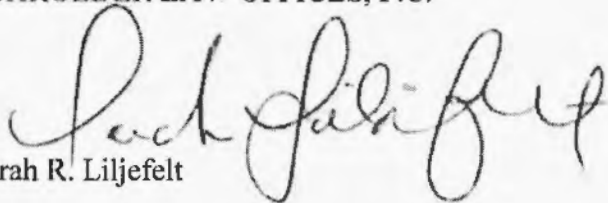
10615 Double R Boulevard, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

Oregon Water Resources Department
June 14, 2017
Page 2 of 2

Thank you for your assistance with this matter. Should you have any questions, please contact our office at (503) 281-4100.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.


Sarah R. Liljefelt

SRL:lmf

cc: Client

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14815

Final Order
Extension of Time for Permit Number G-13777

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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.

Application History

Permit G-13777 was issued by the Department on December 21, 1999. The permit called for complete application of water to beneficial use by October 1, 2004. On September 15, 2008 Leonard and Ann Marie Wanner submitted to the Department an Application for Extension of Time for Permit G-13777. In accordance with OAR 690-315-0050(2), on June 23, 2009 the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2018. The protest period closed August 7, 2009 in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2013**. *A form will be enclosed with your Final Order.*

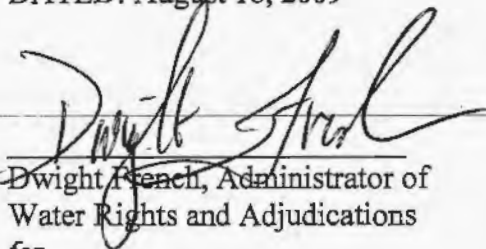
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-14815, Permit G-13777, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2018.

DATED: August 18, 2009



Dwight French, Administrator of
Water Rights and Adjudications

for

Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

**Oregon Water Resources Department
Water Rights Division**



Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13777, Water Right Application G-14815) PROPOSED FINAL ORDER
in the name of Leonard and Ann Marie Wanner.)

Permit Information

Application File G-14815 Permit G-13777

Basin: 2 – Willamette / Watermaster District 16

Date of Priority: July 30, 1998

Authorized Use of Water

Source of Water: One well in the Case Creek Basin

Purpose of Use: Irrigation of 40 Acres

Maximum Rate: 0.505 Cubic Feet per Second (cfs), being 0.5 cfs for
irrigation and 0.005 cfs for domestic use.

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-13777, water right Application G-14815.

A copy of Permit G-13777 is enclosed as Attachment 1.

Proposed Final Order: Permit G-13777

Page 1 of 12

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2008 to October 1, 2018.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second

gpm – gallons per minute

AUTHORITY

Generally, see **ORS 537.630** and **OAR Chapter 690 Division 315**.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under **ORS 539.010(5)** and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-13777 was granted by the Department on December 21, 1999. The permit authorizes the use of up to 0.505 cfs, being 0.5 cfs for irrigation of 40 acres and 0.005 cfs for domestic use of water from one well in the Case Creek Basin. The permit specified complete application of water was to be made on or before October 1, 2004.
2. One prior permit extension has been granted for Permit G-13777. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2004 to October 1, 2008.
3. The permit holder submitted an "Application for Extension of Time" to the Department on September 18, 2008 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13777 be extended from October 1, 2008 to October 1, 2018.
4. Notification of the Application for Extension of Time for Permit G-13777 was published in the Department's Public Notice dated September 23, 2008. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On September 18, 2008 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the well began prior to the December 21, 1999 deadline specified in the permit.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. As of September 18, 2008 the remaining work to be completed consists applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2018, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13777 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the December 21, 1999 deadline specified in the permit.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-13777.
 - c. During the most recent extension period, being from October 1, 2004 to October 1, 2008, the following was accomplished:
 - Installation of water meter and pump; and
 - Static water level measurements were submitted.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-13777 on December 21, 1999, no water has been appropriated from the well.

- b. Delay of full beneficial use of water under Permit G-13777 was due in part to continuing health issues faced by the permit holder.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

- 11. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

- 12. Financial investments made toward developing the beneficial water use.
 - a. As of September 15, 2008 the permit holder has invested approximately \$9,997 which is approximately 50 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$10,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

- 13. As of September 15, 2008 the permit holder has invested approximately \$9,997 which is approximately 50 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$10,000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

- 14. The Department has found good faith of the appropriator under Permit G-13777.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- 15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13777; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such

application for a new water right is submitted. The point of appropriation for Permit G-13777, located within the Case Creek Basin, is not located within a limited or critical ground water area. Case Creek is not located within or above any state or federal scenic waterway, is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Case Creek is not listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of September 18, 2008 the permit holder has invested approximately \$9,997
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. Permit G-13777 contains a condition that states the use of water from the well shall be controlled or shut off if annual water level measurements reveal any of the following events:
 1. An average water level decline of three or more feet per year for five consecutive years; or
 2. A water level decline of 15 or more feet in fewer than five consecutive years; or
 3. A water level decline of 25 or more feet; or
 4. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.
19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

21. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-13777, in that the permit holders are faced with on-going health issues that have restricted their ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2018⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-13777.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-13777 from October 1, 2008 to October 1, 2018.

Subject to the following conditions:

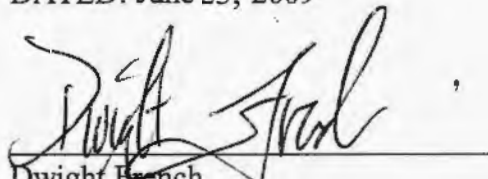
CONDITIONS

1. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2013. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: June 23, 2009


Dwight French
Administrator
Water Rights & Adjudications Division

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

Mailing List for Extension PFO Copies

PFO Date: June 23, 2009

Copies Mailed

**Application G-14815
Permit G-13777**

By: JS
On: 6/23/09

Original mailed to Applicant:

Leonard and Ann Marie Wanner
7588 Crosby Road
Woodburn, OR 97071

Copies sent to:

1. WRD - App. File G-14815/ Permit G-13777

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)

3. PFO: WRD – Watermaster District 16 – Mike McCord, Salem

Done by JA Date 6/23/09

CASEWORKER: SBK

STATE OF OREGON

COUNTY OF ~~UNION~~ ← S/B Marion

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER
7588 CROSBY ROAD NE
WOODBURN, OREGON 97071

PHONE: (503)981-9395

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 30 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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 2.0 ACRES
SECTION 35
TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

Application G-14815 Water Resources Department

PERMIT G-13777

NW 1/4 NW 1/4 25.7 ACRES & DOMESTIC USE
SW 1/4 NW 1/4 7.6 ACRES
SECTION 2

SE 1/4 NE 1/4 4.7 ACRES
SECTION 3

TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or

- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

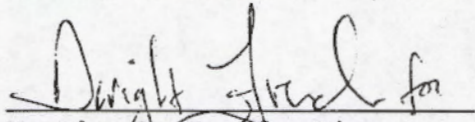
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 21st, 1999


Martha O. Pagel, Director
Water Resources Department

Application G-14815
Basin 2

Water Resources Department
Volume 18A Case Creek & Misc.
MGMT.CODE 7BG 7BR 7CG 7CR

PERMIT G-13777
District 16

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 14815 Permit: G- 13777 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: Leonard and Ann Marie Wanner

Permit Holder's Mailing Address: 7588 Crosby Rd NE, Woodburn, OR 97071 email

Phone Number: 503-981-9395

POD Location: Township 5S Range 2W Section 2 $\frac{1}{4}$ NWNW

Drainage Basin: 2 County: Marion Watermaster District: 16 Watermaster: Mike McCord

Date Permit was issued: 12/21/1999

Priority Date: 7/30/1998

Date of PN: 9/23/2008

Source: A Well within the Case Creek Basin

Use: Irrigation of 40.0 acres and Domestic Use

"Q": .505 cfs, being 0.5 cfs for Irrigation, and 0.005 for Domestic Use

Orig "A" Date: 12/21/1999

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2004

Extension request rec'd: 9/18/2008

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2008

Request Number (1, 2, 3...): 2nd

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2018

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	install meter prior to water use - installed Oct 2008
<input checked="" type="checkbox"/>	<input type="checkbox"/>	initial SWL measurement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 consecutive SWL measurements - all 7 measurements are completed
<input type="checkbox"/>	<input type="checkbox"/>	decline triggers
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: **\$9,997** Estimated Remaining Cost: **\$10,000**

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0.0 cfs gpm af of the total permitted quantity of water on 0.0 acres

No GW review needed. Dwight

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. Case Creek
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/>

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request
No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: 2013)
- Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water right examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water right examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Application # G-14815

Permit # G-13777

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

- ◆ **WRIG...**
Money Received on: 9-18-08
- ◆ **Extension Specialist...**
 Added to tracking spreadsheet

After fee is received and app is added to spreadsheet, route to...

- ◆ **Jonnine Skaug...**
 Publish on Public Notice (initial 30-day comment): Date of notice 9/23/08ms
- Update WRIS Database
- In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- In the "Ext Filed" field... Enter the date the Extension Application was received.

STATE OF OREGON WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **94199** INVOICE # _____

RECEIVED FROM: LEONARDO & ANN MARIE WANNER APPLICATION G-14815
BY: _____ PERMIT G-13777
TRANSFER _____

CASH: CHECK.# 1776 OTHER: (IDENTIFY) _____
TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS PCA 4611

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) **RECEIVED OVER THE COUNTER** \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 350.00

WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE 0202 \$ _____
0203 GROUND WATER	0204 \$ _____
0205 TRANSFER	\$ _____
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE 0219 \$ _____
LANDOWNER'S PERMIT	0220 \$ _____
OTHER (IDENTIFY) _____	

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **94199** DATED: 9/18/08 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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

September 23, 2008

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-14815 (PERMIT # G-13777)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Ann Reece at (503) 986-0827. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".



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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per
 OAR 690-315-0020(2).

**RECEIVED
 OVER THE COUNTER**

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

I, Leonard J. Warner or Marie M. Warner
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

7588 Crosby Rd. N.E. Woodburn, Or. 97071
ADDRESS CITY STATE ZIP

503-981-9395
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G - 14815
 Permit Number G - 13777
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2004, be extended to October 1, 2018.

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2008, be extended to October 1, 2018.

RECEIVED
SEP 18 2008
 Last Revised 10/11/2007
 WATER RESOURCES DEPT
 SALEM, OREGON

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] yes



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 4-27-1998

Details of construction: Well constructed

RECEIVED

SEP 18 2008

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] _____

A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
	2-29-08	2001-2008 - SWL measurements have been submitted to OWRD
	Oct 2008	purchased and installed water meter

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1998	Well was constructed	\$10,000.00

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
12-21-1999	The permit was signed - find date above signature on last page of permit.	
12-21-1999	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	no work accomplished during this time frame due to poor health of the permit holder. (see previous extension PFO)	
10/1/2004	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME.</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
N/A		

Total Cost for Chart-C

RECEIVED

* If exact cost is not known, you must provide your best estimate.

B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2004	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	installed pump in well; tested pump	\$8,801.98
	installed water meter	\$845.00
	applied for extension	350.00
10/1/2008	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
NA		
Total Cost of Chart-D		

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: _____
(The total combined cost from CHART-C and CHART-D)

5. Provide the maximum rate, or duty, of water diverted for beneficial use under this permit, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water volume totals.

Maximum rate used to date = 0 cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: 0

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
	apply water to full beneficial use	
Year: 2018	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		<u>10,000</u>

8. Estimated remaining cost to complete the project: _____
 (The total cost from CHART-E)

RECEIVED

SEP 18 2008

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

RECEIVED

D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

Permit holder has experienced on-going health problems. Trying the sell or lease the farm; Uncertainty in time lines for lease or sale of land + applying water to full beneficial use.

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

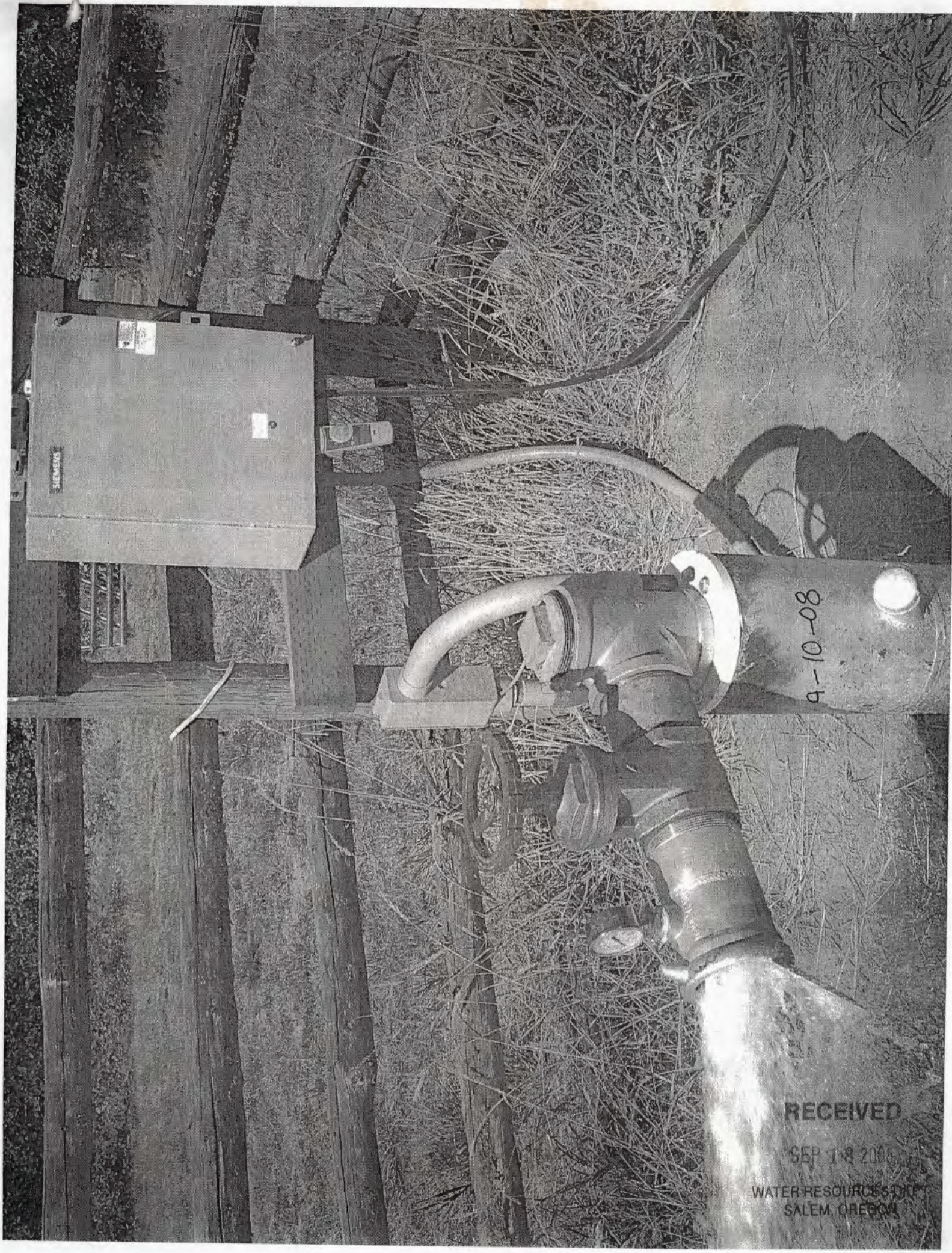
11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

RECEIVED

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

SEP 18 2008
WATER RESOURCES DEPT
SALEM, OREGON

Signature Leonard J. Warner Date 9/18/08



9-10-08

RECEIVED

SEP 18 2008

WATER RESOURCE GROUP
SALEM, OREGON

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2004, to October 1, 2008.

AUTHORITY

ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. Permit #G-13777 was granted by the Water Resources Department on December 21, 1999. The permit authorizes the use of up to 0.505 cfs of water from one well, within the Case Creek Basin, being 0.5 cfs for irrigation of 40.0 acres and 0.005 cfs for domestic use. The permit specified that complete application of water was to be made on or before October 1, 2004.
2. The permit holder submitted an "Application for Extension of Time" to the Department on May 19, 2004, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13777 be extended from October 1, 2004, to October 1, 2008. This is the first permit extension requested for Permit #G-13777.
3. Notification of the permit holder's extension of time request for Permit #G-13777 was published on the Department's Public Notice dated June 8, 2004. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction and/or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

4. Delay in the development of this project was not caused by any other governmental requirements.

Start of Construction [OAR 690-315-0040(1)(b)]

5. Construction of the well and water system began within the time specified in the permit, being December 21, 2000.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

6. As of May 19, 2004, the permit holder had invested a total of \$1,100 into the project, consisting of construction of the well. An additional \$10,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0040(3)]

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

-
- ¹ ORS 537.230 applies to surface water permits only.
 - ² ORS 537.248 applies to reservoir permits only.
 - ³ ORS 537.630 applies to ground water permits only.
 - ⁴ ORS 539.010(5) applies to surface water permits only.

Amount of Construction

7. The following construction was completed within the time allowed in the permit or previous extension:
- a. During the original development timeframe under Permit #G-13777, being from December 21, 1999, to October 1, 2004, the permit holder constructed the well.

Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:
- a. Since the issuance of Permit #G-13777 on December 21, 1999, no water has been appropriated from the well.
 - b. Delay of full beneficial use of water under Permit #G-13777 was due to the permit holder's ill health delaying completion of the project.

Compliance with Conditions

9. The water right permit holder's conformance with the permit or previous extension conditions.
- a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

10. Financial investments made toward developing the beneficial water use.
- a. As of May 19, 2004, the permit holder had invested approximately 10 percent of the total projected cost for complete development of this project. A total of \$1,100 has been invested into the project, consisting of construction of the well. An additional \$10,000 investment is anticipated for the completion of this project.

The Market and Present Demands for Water [OAR 690-315-0040(4)]

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.

- a. The Department determined on September 9, 1998, that this use of ground water will, have the potential for substantial interference with the nearest surface water source, namely Case Creek. Conditions were, therefore, placed upon Permit #G-13777 in order to avoid injury to existing rights or to the ground water resource.
 - b. The permitted point of appropriation (the well), authorized under Permit #G-13777, is not located within the boundaries of any designated ground water limited area.
 - c. The permitted point of appropriation, authorized under Permit #G-13777, is not located within or above the designated boundaries of any state scenic waterway.
12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
- a. The permitted point of appropriation, authorized under Permit #G-13777, is located within an area of the Case Creek Basin which has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish. Additionally, Case Creek has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream.
 - b. The permitted point of appropriation, authorized under Permit #G-13777, is not located within a designated reach of any federal wild and scenic river.
13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- a. The permitted well is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.
14. Economic investment in the project to date.
- a. As of May 19, 2004, the permit holder had invested approximately 10 percent of the total projected cost for complete development of this project. A total of \$1,100 has been invested into the project, consisting of construction of the well. An additional \$10,000 investment is anticipated for the completion of this project.

15. Other economic interests dependent on completion of the project.
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

17. Use and income from the permitted water development will result in reasonable returns upon the investment made to date.

Duration of Extension [OAR 690-315-0040(1)(c)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of May 19, 2004, the remaining work to be completed consists of complete application of water to beneficial use.
19. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused by the permit holder's ill health delaying completion of the project.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2008, to accomplish the application of water to beneficial use under the terms of Permit #G-13777 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.530.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).

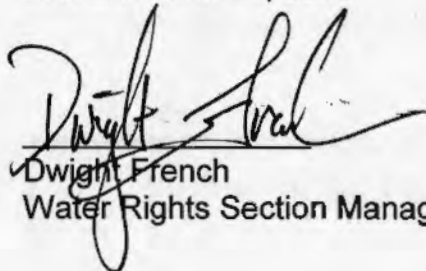
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be accomplished by October 1, 2008⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete application of water to beneficial use under Permit #G-13777 from October 1, 2004, to October 1, 2008.

DATED: June 21, 2005


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, August 5, 2005**, being 45 days from the date

⁵ Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submitted a timely request for a contested case hearing.

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds. His telephone number is (503)986-0820.

If you have other questions about the Department, or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0801.

Address any correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

snp_id	pod location id	wur_id	Priority	Logid	Main aq	User
24405	11199		07/30/1998	MARI 52993	Basin-Fill Sediments	29

Primary water right relationships (from wr_v_summary):

Application	Permit	Certificate	Claim	pod_nbr	source type	pod type	wr_type
G 14815	G 13777			1	WE	GW	GW

Detailed water right relationships by snap_id:

Applications	Permits	Certificates	Claims	gw_cert_nbr	Transfers
G 14815	G 13777				

Condition type / Action status SWL SWL pod_name _____
source A WELL

Impact plan Submitted / Approved _____ Owner's site name _____
Compliance: This yr / Overall _____ Well not drilled as of _____

Compliance reviewed by _____ Date of Mailing _____ Other msd wells not _____
Compliance letter sent _____ Last Notice user_id comments Logid Ma _____
Month / Yr use began _____ 02/14/2006 29037 _____
Ref level gw _____ 25.6 02/20/2007 29037 _____
Ref lvl det by CRAIG KOHANEK 02/19/2008 29037 _____
Trigger activated _____
App file check / Date _____

Comments HASN'T BEEN PUMPED SINCE DRILLED 03/2002

Other N
conditions _____

Log Cnty / Num	Start Crd	Type Work	Frst Wtr	C Dpth	Compl Date	Owner on log
MARI 52993	104117	← GRID Data →	103.00	124.00	4/30/1998	C by LEONARD WANNER
MARI 52993	104117	ORIGINAL HOLE	103	124	4/30/1998	SMW LEONARD WANNER

Max Depth 124

Current owner from_owners file:

name f / l LEONARD WANNER phone home / cell _____
name_other _____ phone company / fax _____
name company WANNER ANN MARIE email _____
street 1 / 2 7588 CROSBY RD NE owner _____
city / st / zip WOODBURN OR 97071 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.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source	Organiz	So
03/19/1999	STATIC	ETAPE	2.5		16.63	MARC NORTON	OWRD		GW
03/20/2001	STATIC	ETAPE	.83	25.6	25.6	JAMES BUTSCH	OWNER		PE
03/25/2002	STATIC	ETAPE	1	17.9	17.9	FRANK BEAUDRY	PUMP INSTALLER		PE
03/04/2003	STATIC	ETAPE	1	21.25	21.25	PERRY MCPHERSON	PUMP INSTALLER		PE
03/26/2004	STATIC	ETAPE	2	19	19	DANIEL HARVEY	CONSULTANT		PE
02/23/2005	STATIC	ETAPE	1	25	25	MIKE W LEE	CONSULTANT		PE
03/23/2006	UNKNOWN	ETAPE	1	18.46	18.46	MARK STADELI	OWNER		PE
04/13/2007	STATIC	ETAPE	1	19	19	MARK STADELI	CONSULTANT		PE
02/29/2008	STATIC	ETAPE	1	19	19	UNKNOWN	OWNER		PE

Printed by: [illegible]

Final Order
Extension of Time for Permit Number G-13777

Appeal Rights

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.

Application History

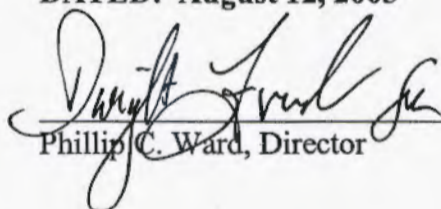
On MAY 19, 2004, LEONARD and ANN MARIE WANNER submitted an application to the Department for an extension of time for permit number G-13777. The Department issued permit number G-13777 on DECEMBER 21, 1999. The permit called for complete application of water to beneficial use by OCTOBER 1, 2004. In accordance with OAR 690-315-0050(2), on JUNE 21, 2005, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to OCTOBER 1, 2008. The protest period closed AUGUST 5, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application Number G-14815, Permit Number G-13777, therefore, is approved. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2008.

DATED: August 12, 2005


Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **67417**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Leonard J. Warner
BY: _____

APPLICATION	G 148
PERMIT	
TRANSFER	

CASH: CHECK: # 2366 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 250.

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	\$ _____	0202	RECORD F	\$ _____
0203 GROUND WATER	EXAM FEE	\$ _____	0204	LICENSE F	\$ _____
0205 TRANSFER	EXAM FEE	\$ _____			

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$ _____	0219	LICENSE F	\$ _____
LANDOWNER'S PERMIT			0220	LICENSE F	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **67417**

DATED: 5/19/04 BY: L. Albin

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

Yes

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

No

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

Not applicable

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

Not completed due to ill health

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

N/A

RECEIVED
MAY 19 2004
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:
Completed the well. Lacking only electrical and pump.

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:
None

B) Number of Acres Irrigated (if an irrigation permit):
None

5. Cost of project to date \$1,100 . Estimated remaining cost to complete the project \$10,000.

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.
N/A

RECEIVED

MAY 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

Unexpected medical costs.

- C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

N/A

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

Ill health

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Leonard J. Wannier, Ann Marie Wannier
Signature

5/18/04
Date

MAIL COMPLETED APPLICATION *and* STATUTORY FEE OF \$250 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
725 NE SUMMER STREET, SUITE A
SALEM, OREGON 97301-1271

revised: November 25, 2003

RECEIVED

MAY 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

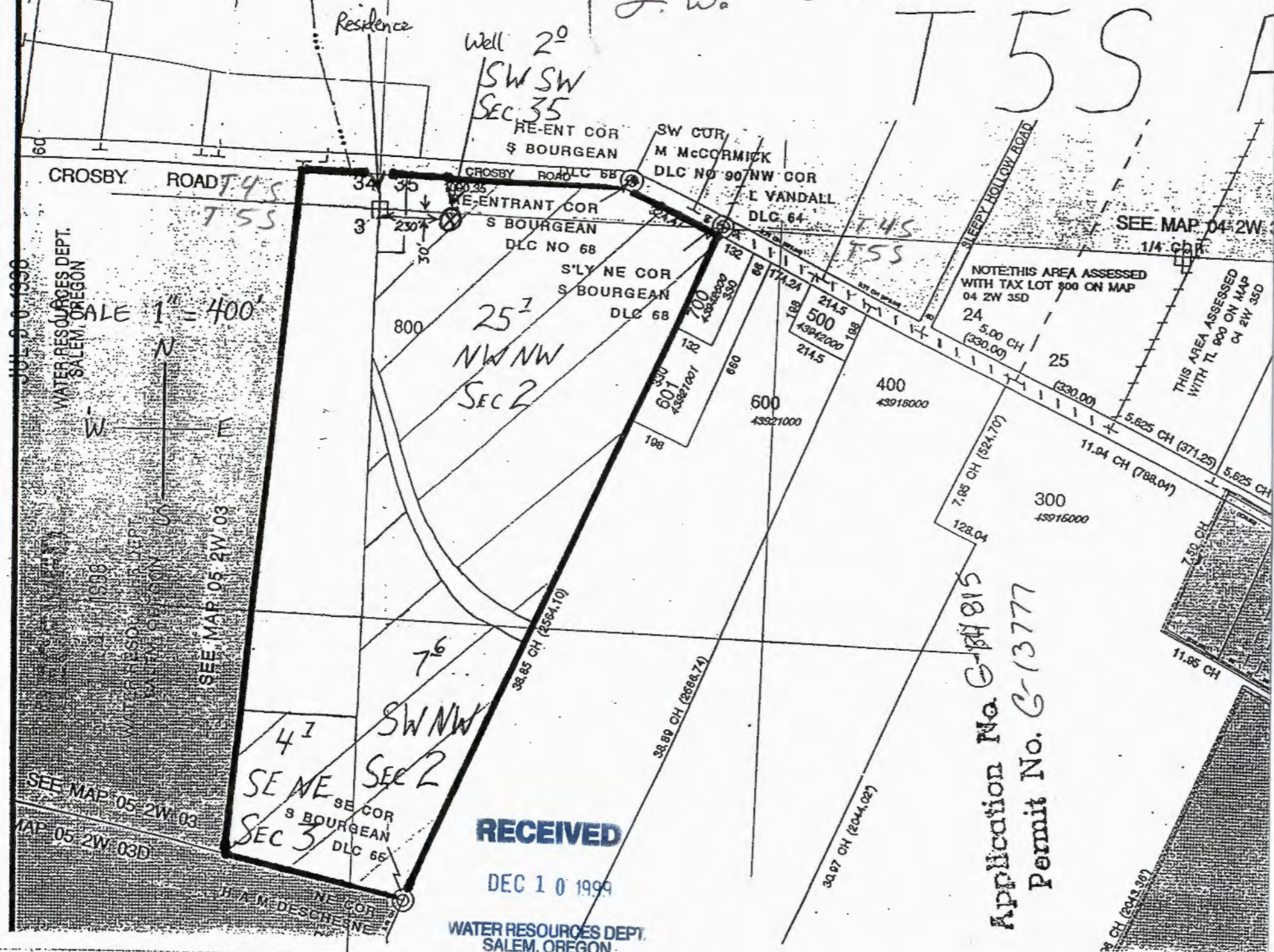
MAY 19 2004

WATER RESOURCES DEPT
SALEM, OREGON

T 5 S A

Well 2^o
SW SW
SEC 35

Residence



CROSBY ROAD T 4 S
T 5 S

WATER RESOURCES DEPT.
SALEM, OREGON

SCALE 1" = 400'

SEE MAP 05 2W 03

4¹ SE NE SEC 3
S BOURGEAN
DLC 66

25¹ NW NW
SEC 2

RECEIVED

DEC 1 0 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-14815
Permit No. G-1377

SEE MAP 04 2W
1/4 CH

NOTE: THIS AREA ASSESSED
WITH TAX LOT 800 ON MAP
04 2W 35D

THIS AREA ASSESSED
WITH TL 800 ON MAP
04 2W 35D

11.04 CH (788.04)

7.86 CH (521.70)

38.89 CH (2686.74)

38.85 CH (2684.10)

30.97 CH (2044.02)

3.8 CH (264.30)

11.95 CH

7.80 CH

300
43915000

400
43918000

600
43921000

601
43921001

500
43942000

700
43942000

800

25

5.00 CH (330.00)

24

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

5.00 CH (330.00)

25

Application # G-14815 / Permit # G-13777

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

- ◆ **WRIG...**
Money Received on: \$ 250.⁰⁰ on 5-19-04
- ◆ **Lisa Juul...**
Extension Completeness: OK
(If **NOT** complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$250 fee submitted, route to...

- ◆ **Jonnine Fuss...**
 Publish on Public Notice (initial 30-day comment): 6/8/04 J
- Update "cdatewext.DB" Database:**
 - In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
 - In the "Ext Filed" field... Enter the date the Extension Application was received.

At the close of the Initial 30-day Comment Period...

- ◆ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

- ◆ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented **and** paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-14815 / Permit #: G-13777

Permittee's Name: Leonard & Ann Marie Wanner

Permittee's Mailing Address: 7588 Crosby Rd. NE, Woodburn, OR 9705

POD Location: Township 5-S Range 2-W Section 2 $\frac{1}{4}$ NW NW

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

1. Has the applicant submitted the appropriate fee? Yes / No \$250.⁰⁰ on 5-19-04
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**
2. Has the applicant completely filled out the Extension Application form? Yes / No
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
3. Date Permit was issued: 12-21-99 Priority Date: 7-30-98
4. Source: One Well in the Case Creek Basin
5. Use: Irrigation of 40.⁰⁰ AC & Domestic
6. "Q": 0.⁵⁰⁵ cfs (being: 0.5 cfs for Irrigation & 0.005 cfs for Domestic)
7. Orig "A" Date: 12-21-2000 Orig "B" Date: -N/A- Orig "C" Date: 10-1-2004
8. Conditions of Permit:
 - May be required to install meter & keep water use records.
 - Shall obtain March SWL measurements.....
9. Extension request received: 5-19-04 Request Number (...1st 2nd, 3rd): 1st
10. Last Authorized "B" Date: -N/A- Last Authorized "C" Date: 10-1-2004
11. Proposed "B" Date: _____ Proposed C Date: 10-1-2008
12. Amount Invested to date: \$1,100.⁰⁰ Estimated Total Cost: \$11,100.⁰⁰
(***Estimated Remaining Cost: \$10,000.⁰⁰)

✓13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No ***If "No"..... What permit terms and/or conditions have not been met?

• A Date met → Constr. of well began 4-27-98
— See Well log "MARI 52993"

✓14. Work on the water development project completed to date includes: _____
Construction of well

✓15. The work remaining to be completed consists of: _____
• complete application of water to beneficial use

✓16. Progress in perfecting the permit is being held up by: _____
• ill health

✓17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes / No

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- a. The amount of construction completed within the time allowed in the permit or previous extension;
- b. The amount of beneficial use made of the water during the permit or previous extension time limits;
- c. Water right permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 10 % of the construction.
- Permit holder has beneficially used 0 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes / No
—If No, reasons why not? _____
- Permit holder has invested approximately 10 % of the total estimated cost to complete the project.
- Other: _____

✓18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
- b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- d. Economic investment in the project to date;
- e. Other economic interests dependent on completion of the project; and
- f. Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? yes
- within or above a state scenic waterway? no
- within a ground water limited/critical area? no
- within or above a segment that has been identified as a federal wild and scenic river? no
- within an area that ODFW has identified as an ST&E Area? yes
- within an area that ODFW has identified as a low Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? no
- Other: _____

19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

"Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" *cannot* be found. → Denial of Extension Request

20. Conditions to be included in Extension PFO (if applicable)? Yes No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints

Other: _____

21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____

Reviewer's Name: Jonathan A. [Signature]

Protest Deadline Date: _____

Date: _____

pod location id	Logid	Main aq	Userid lu	Priority
11199	MARI 52993	Basin-Fill Sediments	29037	07/30/1998

wr_id	wr_fam_id	type	status	stage	snp status	curr view
24405	24405	GW	NC	CM	AC	1

Application	Permit	cert_nbr	Pod	Transfers	Orders (vol/page)	Status	Source	snp id	Township	Range	S	QQ	Q
G 14815	G 13777		1			NC	GW	24405	5.00 S	2.00 W	2	NW	NW
Condition type / Action status		SWL	SWL							swl required	Y		
Date of last notice		2/14/2005								swl frequency	ANN		
Impact plan: Submitted / Approved										swl month	MAR		
Compliance: This yr / Overall										swl duration	7 YR		
Compliance reviewed by										decline trigger	3/15/25/25		
Compliance letter sent										decl trig shutoff	Y		
Month / Yr use began										reference level	25.6		
Ref level gw		25.60								ref level date	3/20/2001		
Ref lvl det by		CRAIG KOHANEK								impact plan	N		
Trigger activated										supply plan	N		
Well not drilled as of										limit duration	N		
App file check / Date										limit date			
Comments HASN'T BEEN PUMPED SINCE DRILLED 03/2002													
Other conditions N													

Other measured wells not on permit:

Logid	Main aq

Redrill Logid	Compl Depth	Type Work	Compl Date	Correlated By	Comment
MARI	52993	ORIGINAL HOLE		MAN	

Current owner from pump_test_owners file:

name f / l	LEONARD WANNER	name other	WANNER, ANN MARIE
contact		email	
address 1 / 2	7588 CROSBY RD NE	phone / fax	
city / st / zip	WOODBURN OR 97071	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
4/30/1998	UNKNOWN	REPORTED		28	28	DRILLER	OWRD	WELL LOG	Water Well Report
3/19/1999	STATIC	ETAPE	2.5		16.63	MARC NORTON	OWRD	GWATER	
3/20/2001	STATIC	ETAPE	.83	25.6	25.6	JAMES BUTSCH	OWNER	PERMIT COND	IDLE 3 YRS
3/25/2002	STATIC	ETAPE	1	17.9	17.9	FRANK BEAUDRY	PUMP INSTALLER	PERMIT COND	IDLE 4 YRS
3/4/2003	STATIC	ETAPE	1	21.25	21.25	PERRY MCPHERSON	PUMP INSTALLER	PERMIT COND	IDLE 5 YRS
3/26/2004	STATIC	ETAPE	2	19	19	DANIEL HARVEY	CONSULTANT	PERMIT COND	

MAY - 6 1998

Mar 52993

ID Tag L 22900

STATE OF OREGON WATER WELL REPORT WATER RESOURCES DEPT. SALEM, OREGON (as required by ORS 537.785)

(START CARD) # 104117

(1) OWNER: Leonard Wanner, Crosby road, Woodburn, OR 97071, Well Number: 122900

(2) TYPE OF WORK: New Well, Deepen, Recondition, Abandon

(3) DRILL METHOD: Rotary Air, Rotary Mud, Cable, Other

(4) PROPOSED USE: Domestic, Community, Industrial, Irrigation, Thermal, Injection, Other

(5) BORE HOLE CONSTRUCTION: special construction approval, Depth of Completed Well 124 ft., Explosives used

Table with columns: HOLE Diameter, SEAL Material, Amount sacks or pounds. Rows include 12 inch chips and 8 inch cement.

How was seal placed: Method A, B, C, D, E. Other chips poured. Backfill placed from 118 ft. to 123 ft. Material 3/4 pea gravel.

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Rows for Casing and Liner.

Final location of sheets: 8" 117'

(7) PERFORATIONS/SCREENS: Perforations, Screens, Method, Type, Material

Table for perforations/screens with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour. Pump, Bailer, Air, Artesian. Yield 250 gal/min, Drawdown n/a, Drill stem at 97', Time 1 hr.

Temperature of water 55, Depth Artesian Flow Found, Was a water analysis done?, Did any strata contain water not suitable for intended use?

(9) LOCATION OF WELL by legal description: County Marion, Township 5S, Range 2W, Section 2, NW 1/4 NW 1/4, Tax Lot 800, Street Address 7588 Crosby RD, Woodburn OR 97071

(10) STATIC WATER LEVEL: 28' ft. below land surface, Date 4-30-98, Artesian pressure lb. per square inch.

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Rows for 103 and 116.

(12) WELL LOG: Table with columns: Material, From, To, SWL. Rows for soil types like clay brown sticky, sand fine black, etc.

Date started 4-27-98, Completed 4-30-98

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Signed [Signature], WWC Number 1709, Date 5-4-98

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. Signed [Signature], WWC Number 1358, Date 5-5-98



Oregon

John A. Kitzhaber, M.D., Governor

November 10, 1999

Water Resources

Commerce Div.
158 12th Street
Salem, OR 97310-0
(503) 378-3
FAX (503) 378-

Leonard Wanner
Ann Marie Wanner
7588 Crosby Road N.E.
Woodburn, Oregon 97071

RE: Application Map for G-14815

Dear Mr. and Mrs. Wanner:

As we discussed by telephone, the map you submitted on November 5, 1999, is still deficient -- it adds up to over 50 acres of irrigation. Your application is for 40 acres. Following our conversation I put together the enclosed map which is the Department's interpretation of your water right request. The acres to be irrigated are generally described by cross-hatching and each quarter-quarter section includes the number of acres to be irrigated. We understand that where the actual 40 acres of irrigation occurs may vary slightly on your property.

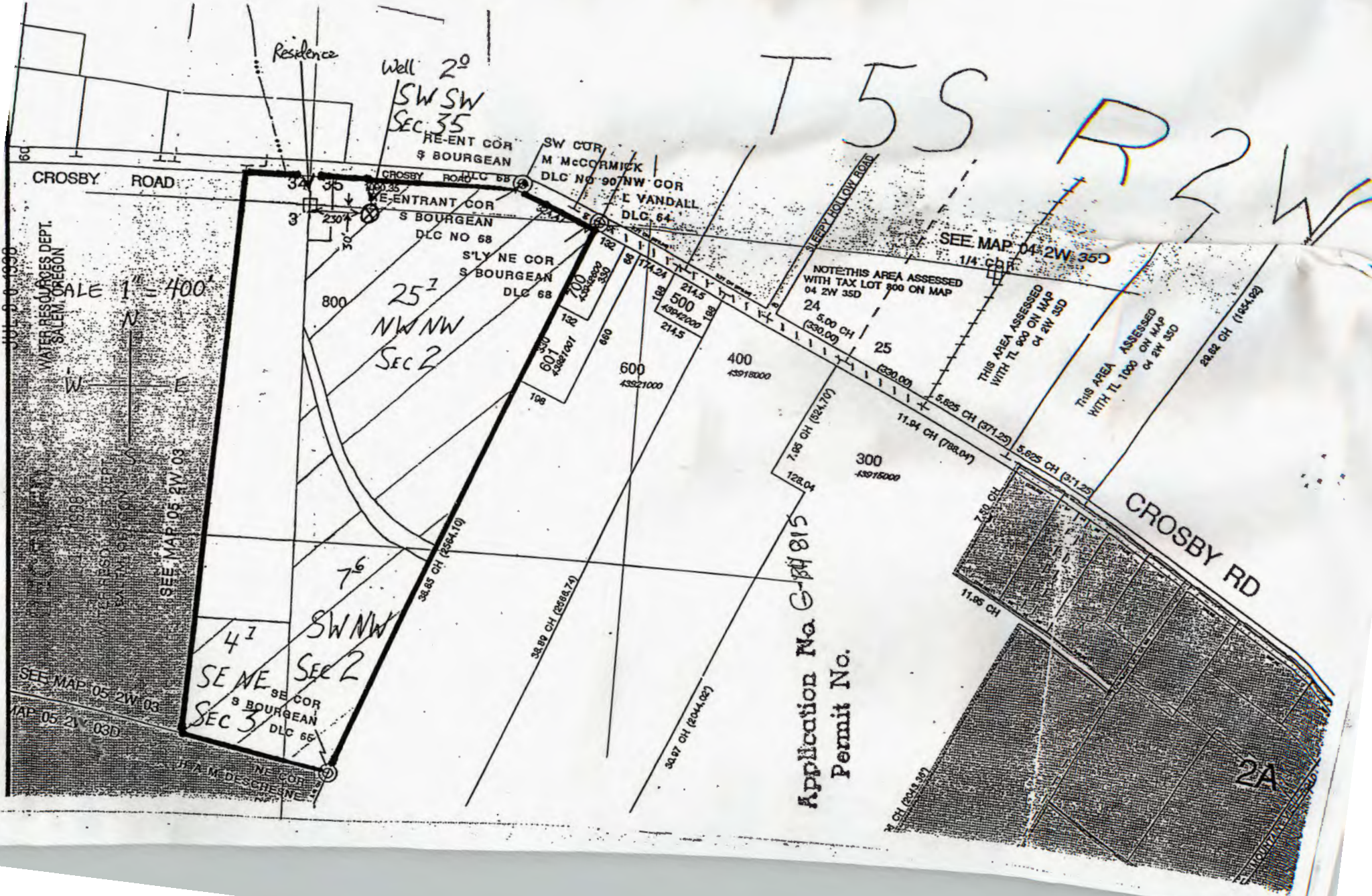
If you agree with this map please initial it (both of you) and send it back with a note indicating you agree. Once I receive the map from you we can proceed with permit issuance.

Sincerely,

Adam Sussman

Protect Program Coordinator

enclosure



T5S R2W

Residence

Well 2°
SW SW
SEC 35

JUL 9 1998
 WATER RESOURCES DEPT.
 SALEM, OREGON

SCALE 1" = 400'

SEE MAP 05 2W 03
 SEE MAP 05 2W 03D

SEE MAP 05 2W 03
 MAP 05 2W 03D

CROSBY ROAD

RE-ENT COR
& BOURGEAN

SW COR
M MCCORMICK
DLC NO 90 NW COR

E-ENTRANT COR
L VANDALL
DLC 64

S BOURGEAN
DLC NO 68

S'LY NE COR
S BOURGEAN
DLC 68

25⁷
NW NW
SEC 2

SEE MAP 04 2W 35D
1/4 CH

NOTE: THIS AREA ASSESSED
WITH TAX LOT 900 ON MAP
04 2W 35D

THIS AREA ASSESSED
WITH TL 800 ON MAP
04 2W 35D

THIS AREA ASSESSED
WITH TL 1000 ON MAP
04 2W 35D

CROSBY RD

Application No. G-141815
Permit No.

2A

SE COR
S BOURGEAN
DLC 66

4¹
SE NE
SEC 3

SW NW
SEC 2

32.89 CH (2586.74)

34.67 CH (2044.02)

7.06 CH (284.10)

11.94 CH (788.04)

5.825 CH (211.25)

2.80 CH

11.85 CH

28.92 CH (1034.92)

300
43915000

400
43918000

600
43921000

601
43921001

602
43921002

500
43922000

214.5
43922000

214.5

800

3

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

(503) 981-9395

Visit March 19th

9/9, 1998

TO: Water Rights Section

FROM: Ground Water/Hydrology Section

Marc A Norton

Reviewer's Name

SUBJECT: Application G- 14815

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely Cass Creek; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B, 7C;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

14815

"Spada?"

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

- a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

6. THE WELL construction deficiency:

- a. constitutes a health threat under Division 200 rules;
- b. commingles water from more than one groundwater reservoir;
- c. permits the loss of artesian head;
- d. permits the de-watering of one or more groundwater reservoirs;
- e. other: (specify) _____

7. THE WELL construction deficiency is described as follows: _____

8. THE WELL

- a. was, or constructed according to the standards in effect at the time of
- b. was not original construction or most recent modification.
- c. I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

(Signature)

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

_____, 199__.

(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # 6-14815

ROUTED TO: W.P.

TOWNSHIP/

RANGE-SECTION: 6.55/2W-2

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mark A. Norton

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
FROM: Marc Norton
SUBJECT: Groundwater Application G- 14815

Date 9/9/88

Applicant(s) seek 250 gpm (_____ cfs) from one well in the Willamette basin
Applicants Name: Wanner sub basin
Proposed Use: Irrigation Champoeg sub basin

Pertinent 7 & 1/2 minute Quads St Paul

Well 1 WRD# 52993 T 5S R 3W S 2 QQ BB County Marion

Legal Description _____
Well is 450 ft from Cape Creek (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation 175 ft River/Stream elevation 155 ft.
Well Elevation - River/Stream elevation +20 ft.
Well depth 124 ft SWL 28 ft on 4/30/98
Sealed to 20 ft Depth first water found 103 ft
Cased to 117 ft Perforations/screens _____ ft
Lined to _____ ft Perforations/screens _____ ft
Well test and types 250 Gpm Air test
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES/NO
Potential to cause substantial interference? YES

Well _____ WRD# _____ T _____ R _____ S _____ QQ _____ County _____

Legal Description _____
Well is _____ ft from _____ (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation _____ ft River/Stream elevation _____ ft.
Well Elevation - River/Stream elevation _____ ft.
Well depth _____ ft SWL _____ ft on _____
Sealed to _____ ft Depth first water found _____ ft
Cased to _____ ft Perforations/screens _____ ft
Lined to _____ ft Perforations/screens _____ ft
Well test and types _____
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES/NO
Potential to cause substantial interference? _____

Comments: The well shall be continuously cased and sealed to a depth of 170 feet

Other wells in section obtain water from less than 100 feet

References Used: _____

SEE G-14805

STATE OF OREGON

MAY - 6 1998

Mar 52993

ID Tag L 22900

WATER WELL REPORT WATER RESOURCES DEPT. SALEM, OREGON

(START CARD) # 104117

(1) OWNER: Leonard Wanner, Well Number: 22900, Address: Crosby road, City: Woodburn, State: OR, Zip: 97071

(2) TYPE OF WORK: New Well, Deepen, Recondition, Abandon

(3) DRILL METHOD: Rotary Air, Rotary Mud, Cable, Other

(4) PROPOSED USE: Domestic, Community, Industrial, Irrigation, Thermal, Injection, Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval, Depth of Completed Well 124 ft., Explosives used

Table with columns: HOLE Diameter, SEAL Material, Amount sacks or pounds. Includes entries for 12 inch diameter with 3/8 chips cement seal.

How was seal placed: Method A, B, C, D, E. Other: chips poured. Backfill placed from 118 ft. to 123 ft. Material: 3/4 pea gravel.

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes casing and liner details.

Final location of sheets: 8" 117'

(7) PERFORATIONS/SCREENS: Perforations, Screens, Method, Type, Material

Table for perforations/screens with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour. Pump, Bailer, Air, Flowing Artesian. Yield gal/min, Drawdown, Drill stem at, Time.

Temperature of water 55, Depth Artesian Flow Found, Was a water analysis done?, Did any strata contain water not suitable for intended use?, Salty, Muddy, Odor, Colored, Other.

(9) LOCATION OF WELL by legal description: County Marion, Township 5S, Range 2W, Section 2, NW 1/4 NW 1/4, Tax Lot 800, Street Address of Well 7588 Crosby RD, Woodburn OR 97071

(10) STATIC WATER LEVEL: 28' ft. below land surface, Date 4-30-98, Artesian pressure lb. per square inch.

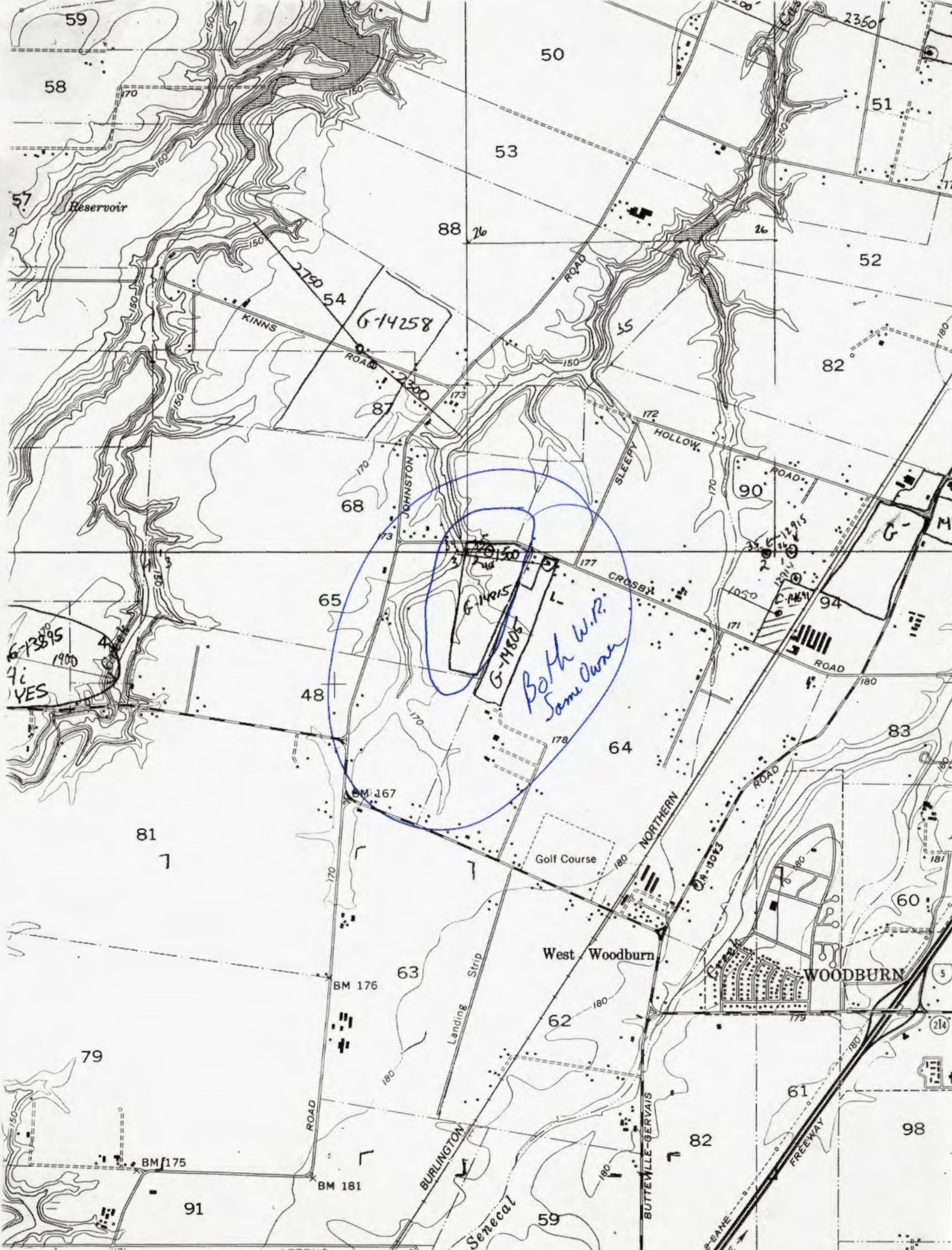
(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Includes data for zones 103-116.

(12) WELL LOG: Table with columns: Material, From, To, SWL. Includes detailed log of soil and rock layers from 0 to 124 feet.

Date started 4-27-98, Completed 4-30-98

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

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



Reservoir

G-14258

G-14015

G-14007

Both W.P.
Same Owner

G-14005
4i
YES

WOODBURN

West Woodburn

BURLINGTON

Seneca

BUTTEME-GERVAIS

PEABODY
C.
FREEWAY

KINNS ROAD

ROAD

SLEEPER HOLLOW ROAD

ROAD

ROAD

NORTHERN ROAD

ROAD

Landing Strip

BM 176

BM 181

81

1

79

91

50

53

88

54

68

65

48

63

62

59

52

82

90

94

83

60

61

82

98

2350'

51

26

173

177

180

172

171

180

180

181

214

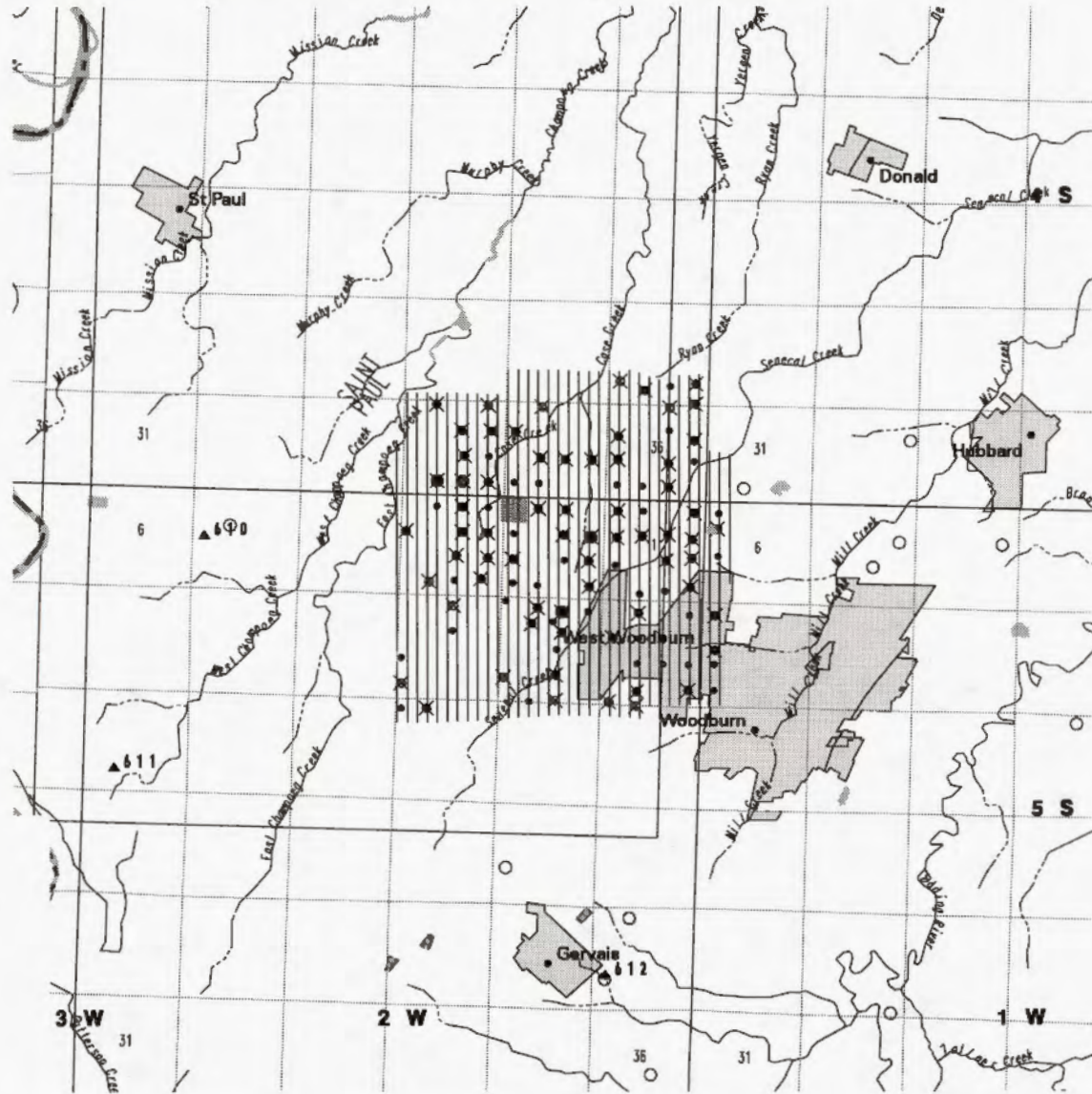
5

180

180

Wells in the vicinity of application G 14815

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14815

DO	148
ID	16
IM	4
IR	138
LV	2
MO	30
MU	12

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14815

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	3877	G 3645	4.00S 2.00W25SWSW IR	0.4600	C
1	G	3877	G 3645	4.00S 2.00W25SWSW IR	0.6700	C
1	G	5585	G 5443	4.00S 2.00W25SWSW IR	0.5900	C
1	G	5585	G 5443	4.00S 2.00W25SWSW IR	0.8200	C
1	G	7718	G 7168	4.00S 2.00W25SWSW IS	0.8100	C
2	GR	361	GR 347	4.00S 2.00W25SESW IR	70.0000	G
3	GR	3620	GR 3315	4.00S 2.00W25SESE IR	250.0000	G
4	GR	337	GR 322	4.00S 2.00W34NENW IR	320.0000	G
5	GR	1201	GR 1161	4.00S 2.00W36NENE IR	500.0000	G
6	G	8785	G 8087	4.00S 2.00W34NENE IR	0.3500	C
7	G	2201	G 2033	4.00S 2.00W35NENW IR	0.7000	C
7	G	4017	G 3768	4.00S 2.00W35NENW IR	0.3300	C
8	GR	1378	GR 1335	4.00S 2.00W36NWNE IR	280.0000	G
9	G	2178	G 2008	4.00S 2.00W34SWNE IR	0.6300	C
10	G	11269	G 10380	4.00S 2.00W36SENE IR	0.4200	C
10	G	13166	G 11757	4.00S 2.00W36SENE AG	1.1700	C
10	G	13166	G 11757	4.00S 2.00W36SENE IC	1.1700	C
11	G	7092	G 6560	4.00S 2.00W34SENE IR	0.0600	C
11	G	7092	G 6560	4.00S 2.00W34SENE IR	0.1900	C
11	GR	631	GR 599	4.00S 2.00W34SENE IR	150.0000	G
12	GR	1067	GR 1029	4.00S 2.00W35SWNW IR	270.0000	G
13	GR	1202	GR 1162	4.00S 2.00W36SWNW IR	700.0000	G
14	GR	1976	GR 1907	4.00S 2.00W34NWSE IR	100.0000	G
15	G	1362	G 1238	4.00S 2.00W36NWSE IR	0.5100	C
16	G	1923	G 1767	4.00S 2.00W35NESW IR	0.5200	C
16	G	3327	G 3127	4.00S 2.00W35NESW IR	0.2200	C
16	G	4251	G 3819	4.00S 2.00W35NESW IR	0.0800	C
17	G	12264	G 11262	4.00S 2.00W35NWSE IR	1.0000	C
18	G	12866	G 11736	4.00S 2.00W36NWSW IR	0.0970	C
19	G	152	G 101	4.00S 2.00W35NESE IR	0.0400	C
19	G	152	G 101	4.00S 2.00W35NESE IS	0.0100	C
19	G	2121	G 1963	4.00S 2.00W35NESE IR	0.1100	C
19	G	2121	G 1963	4.00S 2.00W35NESE IS	0.0100	C
20	G	13330	G 11721	4.00S 2.00W34SESW IR	170.0000	G
20	G	13330	G 11721	4.00S 2.00W34SESW IR	500.0000	G
20	GR	73	GR 62	4.00S 2.00W34SESW IR	400.0000	G
21	G	13330	G 11721	4.00S 2.00W34SWSE IR	170.0000	G
21	G	13330	G 11721	4.00S 2.00W34SWSE IR	500.0000	G
22	G	2925	G 2715	4.00S 2.00W34SESE IR	0.6600	C
23	G	13390	G 12302	4.00S 2.00W36SWSE AG	0.4400	C
23	G	13390	G 12302	4.00S 2.00W36SWSE IR	0.4400	C
24	G	451	G 319	5.00S 2.00W 3NWNE IR	0.9300	C
25	G	13255	G 11875	5.00S 2.00W 2NENW IR	0.4200	C
26	GR	1204	GR 1164	5.00S 2.00W 2NWNE IR	150.0000	G
26	GR	2881	GR 4100	5.00S 2.00W 2NWNE IR	150.0000	G
27	G	12915	G 11617	5.00S 2.00W 1NWNW IR	52.0000	G
27	G	12915	G 11617	5.00S 2.00W 1NWNW NU	80.0000	G
27	G	12914	G 12173	5.00S 2.00W 1NWNW AG	0.0940	C
27	G	12914	G 12173	5.00S 2.00W 1NWNW IR	0.0058	C
28	G	3982	G 3739	5.00S 2.00W 1NENE IR	1.1100	C
29	GR	2009	GR 1937	5.00S 2.00W 3SWNW IR	30.0000	G
30	G	4210	G 3974	5.00S 2.00W 3SWNE IR	0.8000	C
31	GR	2662	GR 2524	5.00S 2.00W 3SENE IR	315.0000	G
32	G	2146	G 1980	5.00S 2.00W 2SWNE IR	0.1400	C
33	GR	1012	GR 978	5.00S 2.00W 1SENW IR	395.0000	G
34	G	11455	G 10564	5.00S 2.00W 1SWNE IR	1.3900	C

35	G	13388	G	11708	5.00S	2.00W	2SENE	IR	80.0000	G
35	GR	2171	GR	2080	5.00S	2.00W	2SENE	IR	34.0000	G
36	GR	924	GR	897	5.00S	2.00W	1SWNW	IR	600.0000	G
37	G	2217	G	2041	5.00S	2.00W	1SENE	IR	0.1500	C
38	G	2139	G	1988	5.00S	2.00W	3NWSE	IR	0.1100	C
39	G	2257	G	2074	5.00S	2.00W	3NESE	IR	0.1900	C
39	G	5400	G	5325	5.00S	2.00W	3NESE	IR	0.1800	C
40	G	211	G	130	5.00S	2.00W	2NWSW	IR	0.0200	C
40	G	12329	G	11202	5.00S	2.00W	2NWSW	IR	0.1200	C
40	GR	3370	GR	3117	5.00S	2.00W	2NWSW	IR	160.0000	G
41	G	10121	G	9208	5.00S	2.00W	1NWSE	IR	0.5500	C
41	GR	2661	GR	2523	5.00S	2.00W	1NWSE	IR	100.0000	G
42	G	2038	G	1849	5.00S	2.00W	1NESE	IR	0.0800	C
42	G	5910	G	5622	5.00S	2.00W	1NESE	IR	0.0800	C
42	GR	2108	GR	2026	5.00S	2.00W	1NESE	IR	60.0000	G
43	G	10763	G	9826	5.00S	2.00W	2NESE	IR	0.0500	C
43	GR	703	GR	658	5.00S	2.00W	2NESE	IR	118.0000	G
44	G	3647	G	3426	5.00S	2.00W	3SESE	IR	0.1600	C
45	G	3559	G	3357	5.00S	2.00W	3SESW	IR	1.2700	C
46	G	3099	G	2893	5.00S	2.00W	1SESE	MU	1.6700	C
47	G	533	G	430	5.00S	2.00W	2SESE	IR	0.2400	C
48	G	6918	G	5688	5.00S	2.00W	10NWNE	IR	2.0000	C
48	G	8241	G	7801	5.00S	2.00W	10NWNE	IR	0.5000	C
48	G	11301	G	10419	5.00S	2.00W	10NWNE	IR	0.3800	C
49	GR	2421	GR	2301	5.00S	2.00W	11NENW	IR	60.0000	G
50	G	13083	G	11840	5.00S	2.00W	11NWNE	NU	0.5000	C
51	G	527	G	428	5.00S	2.00W	12NENW	IR	0.0800	C
51	GR	2001	GR	1931	5.00S	2.00W	12NENW	IR	160.0000	G
52	G	3755	G	3545	5.00S	2.00W	11SENW	IR	0.6000	C
53	G	12342	G	11241	5.00S	2.00W	11SWNE	NU	0.1400	C
54	G	13519	G	11922	5.00S	2.00W	12SWNW	MU	4.6100	C
55	G	12613	G	11936	5.00S	2.00W	11SWSE	IR	1.1800	C
55	GR	3471	GR	3208	5.00S	2.00W	11SWSE	IR	150.0000	G
55	GR	3832	GR	3493	5.00S	2.00W	11SWSE	IR	100.0000	G
56	G	7192	G	6623	5.00S	2.00W	11SWSW	IR	0.7400	C
57	T	6484	CG	2487	5.00S	2.00W	10SWSW	IR	1.6800	C
57	G	2656	G	2487	5.00S	2.00W	10SWSW	IR	1.6800	C
57	G	12414	G	11398	5.00S	2.00W	10SWSW	IR	1.3100	C
58	G	5331	G	5281	5.00S	2.00W	12SESW	IR	0.3800	C
58	G	5331	G	5281	5.00S	2.00W	12SESW	IS	0.4900	C
58	G	10337	G	9338	5.00S	2.00W	12SESW	IR	1.0200	C
58	GR	53	GR	45	5.00S	2.00W	12SESW	IR	300.0000	G
58	GR	2660	GR	2522	5.00S	2.00W	12SESW	IR	60.0000	G
59	G	3269	G	3065	5.00S	2.00W	12SESE	IR	0.3200	C
60	G	11838	G	11054	5.00S	2.00W	14NWNE	IR	0.9300	C
61	G	4286	G	4035	5.00S	2.00W	13NWNW	IR	0.9000	C
62	G	7517	G	6991	5.00S	2.00W	13NENW	IR	0.0100	C
63	G	3615	G	3398	5.00S	2.00W	15NENW	IR	1.2000	C
64	G	1254	G	1012	5.00S	1.00W	6SWNW	FI	0.4500	C
64	G	8455	G	7592	5.00S	1.00W	6SWNW	FI	0.6700	C
65	GR	861	GR	834	5.00S	1.00W	7NWNW	IR	600.0000	G
66	G	2769	G	2593	5.00S	1.00W	7SWNW	MU	0.1100	C
66	G	2769	G	2593	5.00S	1.00W	7SWNW	MU	1.0000	C
66	G	13460	G	12029	5.00S	1.00W	7SWNW	MU	1.3400	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14815


\$RECNO APPLICATION PERMIT LOC-QQ CONDITION-CODE

1	G	13330	G	11721	4.00S	2.00W34SESW	4GG
1	G	13330	G	11721	4.00S	2.00W34SESW	4GG
1	GR	73	GR	62	4.00S	2.00W34SESW	
2	G	13330	G	11721	4.00S	2.00W34SWSE	4GG
2	G	13330	G	11721	4.00S	2.00W34SWSE	4GG
3	G	13872	G	12409	4.00S	1.00W32SENE	7BG
3	G	13872	G	12409	4.00S	1.00W32SENE	7BR
3	G	13872	G	12409	4.00S	1.00W32SENE	7CG
3	G	13872	G	12409	4.00S	1.00W32SENE	7CR
3	GR	100	GR	131	4.00S	1.00W32SENE	
4	G	13166	G	11757	4.00S	1.00W31SESW	4IG
4	G	13166	G	11757	4.00S	1.00W31SESW	4IR
5	G	12945	G	11715	5.00S	2.00W 5SENE	4GG
6	G	13388	G	11708	5.00S	2.00W 2SENE	4GG
6	GR	2171	GR	2080	5.00S	2.00W 2SENE	
7	G	13083	G	11840	5.00S	2.00W11NWN	4KG
8	G	12921	G	11618	5.00S	2.00W23NWSW	4GG
9	G	11501	G	10599	5.00S	2.00W25NENW	3C
9	G	11501	G	10599	5.00S	2.00W25NENW	3C
10	G	12794	G	11613	5.00S	2.00W25NWSW	4GG
10	GR	2553	GR	2412	5.00S	2.00W25NWSW	
11	G	12725	G	11428	5.00S	2.00W36NWSE	
11	GR	1073	GR	1035	5.00S	2.00W36NWSE	
12	G	12203	G	11643	5.00S	1.00W 5SENE	3CW
13	G	14072	G	12874	5.00S	1.00W 4SENE	7BG
13	G	14072	G	12874	5.00S	1.00W 4SENE	7BR
14	G	12813	G	11678	5.00S	1.00W 5NWSE	4GG
15	G	12799	G	11614	5.00S	1.00W15NWN	4GG
15	GR	771	GR	746	5.00S	1.00W15NWN	
16	G	13382	G	11758	5.00S	1.00W29SESE	4IG
16	G	13382	G	11758	5.00S	1.00W29SESE	4IR
16	G	13382	G	11758	5.00S	1.00W29SESE	4KG

APPLICATION G 14815 FALLS WITHIN THESE QUAD(S)

SAINT PAUL

NOTE for EXTENSION TEAM

Date: December 2, 2004
From: Lisa Juul, Permit Extension Review 
Regarding: Appl #G-14815 (Permit #G-13777) held by Leonard Wanner

Mr. Wanner called today and requested that we telephone him once the Extension of Time PFO and FO for Permit #G-13777 are signed and ready to be mailed out.

So, call him before mailing out each of these documents to let him know they are on their way.

Thank you.

(NOTE: His phone number is indicated on Page 1 of the Extension of Time application.)

phone # 503-981-9395.

COPY

STATE OF OREGON

COUNTY OF ~~UNION~~ MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER
7588 CROSBY ROAD NE
WOODBURN, OREGON 97071

PHONE: (503)981-9395

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES ~~φ~~ DOMESTIC USE

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 ~~φ~~ DO Season?

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 30 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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 2.0 ACRES ~~φ~~ Domestic?
SECTION 35
TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

NW 1/4 NW 1/4 25.7 ACRES & DOMESTIC USE
SW 1/4 NW 1/4 7.6 ACRES
SECTION 2

SE 1/4 NE 1/4 4.7 ACRES
SECTION 3
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or

- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

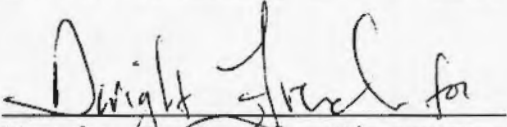
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 21ST, 1999


Martha O. Pagel, Director
Water Resources Department

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14815

ROUTED TO: W.P.

TOWNSHIP/

RANGE-SECTION: 6.55/2W-2

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mark A. Norton

TO: Water Rights Section

9/9, 1998

FROM: Ground Water/Hydrology Section

Marc A Norton

Reviewer's Name

SUBJECT: Application G- 14815

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely Cass Creek; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B, 7C;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

WATER RESOURCES DEPARTMENT

MEMO

January 4, 1999

TO: Water Rights Section
FROM: Marc Norton, Ground Water/Hydrology Section
SUBJECT: Ground Water Application G-14815

MAN

The conclusions in the review on Application G-14815 concerning one or more of the proposed points of appropriation being a ground water source hydraulically connected to the surface water stands. I have determined that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Northwest Regional Office
7118 NE Vandenberg Ave.
Corvallis, OR 97330-9446
(541) 757-4186
FAX (541) 757-4252

RECEIVED

NOV 06 1998

WATER RESOURCES DEPT.
SALEM, OREGON



November 4, 1998

Anita Huffman
Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: Application G-14815
Leonard and Ann Marie Wanner
Marion County
Well near Case Creek; 0.5 cfs for Irrigation

The Department of Fish and Wildlife (ODFW) recently reviewed the above referenced water use permit application. Case Creek provides habitat to cutthroat trout..

The WRD has previously determined that the proposed well will substantially interfere with Case Creek. Because one or more species of game fish are present in Case Creek, ODFW will require the applicant to ensure that the well is engineered and constructed in such a manner that it will not interfere Case Creek. Thank you for the opportunity to comment on this project.

Sincerely,

Nancy C. Leibowitz
Habitat Conservation Biologist

cc: Jill Zamowitz, HCD
Applicant



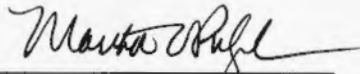
State of Oregon
Water Resources Department

In the matter of Water Right Application G-14815)
in the name of Leonard and Ann Marie Wanner)
Applicant and Protestant) **Final Order Incorporating
Settlement Agreement**

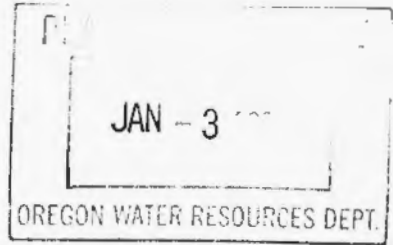
Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will ensure the preservation of the public health, safety and welfare. As conditioned, the proposed use is allowed in the basin program, water is available, the proposed use will not injure other water rights and the proposed use complies with rules of the Water Resources Commission.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G-14815 is approved and the accompanying water use permit shall issue.

DATED *Dec. 21st*, 1999



Martha O. Pagel, Director
Oregon Water Resources Department



RECEIVED

NOV 05 1999

State of Oregon
Water Resources Department

WATER RESOURCES DEPT.
SALEM, OREGON

In the matter of Water Right Application G-14815)
in the name of Leonard and Ann Marie Wanner)
Applicant and Protestant)

Settlement Agreement

The Oregon Water Resources Department (Department), by and through Martha O. Pagel, Director and Leonard and Ann Marie Wanner (Applicant and Protestant) do hereby agree and stipulate as follows:

Stipulated Facts

1. On July 30, 1998, Leonard and Ann Marie Wanner submitted an application to the Department for a water use permit. The application requests the use of 250 gallons per minute for the irrigation of 40 acres and domestic use for one household.

2. On March 2, 1999, under the provisions of ORS 537.621 the Department issued a Proposed Final Order (PFO) proposing to deny the application. In its PFO the Department determined that the proposed use is allowable in the Willamette Basin Program, the proposed use will not injure other water rights, and the proposed use complies with rules of the Water Resources Commission. However, the Department also determined that the proposed well develops a semi-confined aquifer within 1/4 mile of Case Creek and therefore is presumed to have the potential to substantially interfere with surface water. (OAR Chapter 690, Division 09) Where a ground water source is presumed to substantially interfere with surface water, surface water considerations are taken into account. In this case, the major considerations are surface water classifications and surface water availability.

In the Willamette Basin, by rule, surface water classifications apply to unconfined alluvial ground water sources within 1/4 mile of surface water. (OAR 690-502-160(B)(e)) The proposed source is not a unconfined alluvium and therefore the surface water classification does not apply by rule but is a public interest consideration. Tributaries of the Willamette River are not classified for irrigation during the months of July and August. Additionally, based on information provided by the Watermaster, Case Creek is over-appropriated July through October of each year (OAR 690-300-010(57), OAR 690-400-010(11)).

3. On April 15, 1999, the Applicant submitted a protest and request for hearing. The Applicant also requested an administrative hold until November 19, 1999, to provide time to demonstrate that Case Creek along Applicant's property is dry during the months of concern, July and through October of each year.

NOV 05 1999

WATER RESOURCES DEPT
SALEM, OREGON

4. Under OAR 690-09-040(2) appropriators can overcome the presumption of hydraulic connection and substantial interference by providing satisfactory information to the contrary.

5. The Assistant Watermaster for Marion County visited the Applicant's property in June, July and September of 1999. At each site visit the Assistant Watermaster found no streamflow in the subject surface water source.

6. The Applicant has overcome the presumption of substantial interference with the surface waters of Case Creek during the months of concern, July through October of each year.

7. Ground water is available for the proposed use.

8. On October 18, 1999, applicant submitted their check in the amount of \$175.00 to cover permit recording fees.

Terms of the Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Settlement Agreement and Final Order Incorporating Settlement Agreement.

2. The issues raised in the Protest by Applicant have been resolved and the attached draft permit, in all aspects, meets to the satisfaction of the parties and hereby is incorporated into this agreement by reference.

3. The parties agree to entry of the Final Order Incorporating Settlement Agreement and to issuance of the attached draft permit.

Leonard Wanner
Leonard Wanner

11/4/99
Dated

Ann Marie Wanner
Ann Marie Wanner

11/4/99
Dated

Daryl Stal
On Behalf of the Water
Resources Department

12-16-99
Dated

RECEIVED

NOV 05 1999

DRAFT

This is not a permit!!!
STATE OF OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

DRAFT

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER
7588 CROSBY RD. NE
WOODBURN, OREGON 97071

PHONE: (503) 981-9395

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 50 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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:

NW NW Section 2 domestic use
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

Application G-14815 Water Resources Department

PERMIT DRAFT

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Application G-14815 Water Resources Department
Basin 2 Volume 18A Case Creek & Misc.
LKS MGMT.CODE 7BG 7BR 7CG 7CR

PERMIT DRAFT
District 16



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 25, 1999

Leonard Wanner
Ann Marie Wanner
7588 Crosby Road N.E.
Woodburn, Oregon 97071

RE: Addendum to Settlement Agreement For Application G-14815

Dear Mr. and Mrs. Wanner:

Thank you for sending back the signed Settlement Agreement. I need to tell you that the Department will not sign the addendum you provided and therefore we still have no settlement. The items listed in addendum #3 would require the Department to agree to things over which it has no control. Also, the information provided in addendum #2 is not sufficient to meet the Department's minimum requirements for map information. For example, you indicate that there will be 10 acres of irrigation in section 35, but your map only contains approximately 2 acres of property in section 35.

Here is my suggestion to resolve this matter and issue a permit. I have revised the Settlement Agreement to indicate that you have paid the required recording fees. I have also revised the draft permit to show that you have located the residence for domestic use. Please sign and return the attached version of the Settlement Agreement (without an addendum) to my attention. With the Settlement Agreement you still need to provide a map that fairly accurately describes the place of use for irrigation - how many acres are to be irrigated in each quarter/quarter section of each section shown on your map. Please put the information directly on the map. I am providing a copy of the Department's rules for map standards for your information. Please return the signed agreement and map promptly.

If you or your legal counsel have any questions feel free to contact me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

State of Oregon
Water Resources Department

In the matter of Water Right Application G-14815)
in the name of Leonard and Ann Marie Wanner)
Applicant and Protestant) **Settlement Agreement**

The Oregon Water Resources Department (Department), by and through Martha O. Pagel, Director and Leonard and Ann Marie Wanner (Applicant and Protestant) do hereby agree and stipulate as follows:

Stipulated Facts

1. On July 30, 1998, Leonard and Ann Marie Wanner submitted an application to the Department for a water use permit. The application requests the use of 250 gallons per minute for the irrigation of 40 acres and domestic use for one household.

2. On March 2, 1999, under the provisions of ORS 537.621 the Department issued a Proposed Final Order (PFO) proposing to deny the application. In its PFO the Department determined that the proposed use is allowable in the Willamette Basin Program, the proposed use will not injure other water rights, and the proposed use complies with rules of the Water Resources Commission. However, the Department also determined that the proposed well develops a semi-confined aquifer within 1/4 mile of Case Creek and therefore is presumed to have the potential to substantially interfere with surface water. (OAR Chapter 690, Division 09) Where a ground water source is presumed to substantially interfere with surface water, surface water considerations are taken into account. In this case, the major considerations are surface water classifications and surface water availability.

In the Willamette Basin, by rule, surface water classifications apply to unconfined alluvial ground water sources within 1/4 mile of surface water. (OAR 690-502-160(B)(e)) The proposed source is not a unconfined alluvium and therefore the surface water classification does not apply by rule but is a public interest consideration. Tributaries of the Willamette River are not classified for irrigation during the months of July and August. Additionally, based on information provided by the Watermaster, Case Creek is over-appropriated July through October of each year (OAR 690-300-010(57), OAR 690-400-010(11)).

3. On April 15, 1999, the Applicant submitted a protest and request for hearing. The Applicant also requested an administrative hold until November 19, 1999, to provide time to demonstrate that Case Creek along Applicant's property is dry during the months of concern, July and through October of each year.

4. Under OAR 690-09-040(2) appropriators can overcome the presumption of hydraulic connection and substantial interference by providing satisfactory information to the contrary.

5. The Assistant Watermaster for Marion County visited the Applicant's property in June, July and September of 1999. At each site visit the Assistant Watermaster found no streamflow in the subject surface water source.

6. The Applicant has overcome the presumption of substantial interference with the surface waters of Case Creek during the months of concern, July through October of each year.

7. Ground water is available for the proposed use.

8. On October 18, 1999, applicant submitted their check in the amount of \$175.00 to cover permit recording fees.

Terms of the Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Settlement Agreement and Final Order Incorporating Settlement Agreement.

2. The issues raised in the Protest by Applicant have been resolved and the attached draft permit, in all aspects, meets to the satisfaction of the parties and hereby is incorporated into this agreement by reference.

3. The parties agree to entry of the Final Order Incorporating Settlement Agreement and to issuance of the attached draft permit.

Leonard Wanner

Dated

Ann Marie Wanner

Dated

On Behalf of the Water
Resources Department

Dated

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER
7588 CROSBY RD. NE
WOODBURN, OREGON 97071

PHONE: (503) 981-9395

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 50 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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:

NW NW Section 2 domestic use
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

Application G-14815 Water Resources Department

PERMIT DRAFT

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Application G-14815
Basin 2
LKS

Water Resources Department
Volume 18A Case Creek & Misc.
MGMT.CODE 7BG 7BR 7CG 7CR

PERMIT DRAFT
District 16

State of Oregon
Water Resources Department

In the matter of Water Right Application G-14815)	Final Order Incorporating
in the name of Leonard and Ann Marie Wanner)	Settlement Agreement
<i>Applicant and Protestant</i>)	

Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will ensure the preservation of the public health, safety and welfare. As conditioned, the proposed use is allowed in the basin program, water is available, the proposed use will not injure other water rights and the proposed use complies with rules of the Water Resources Commission.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G-14815 is approved and the accompanying water use permit shall issue.

DATED _____, 1999

Martha O. Pagel, Director
Oregon Water Resources Department

RECEIVED

OCT 18 1999

State of Oregon
Water Resources Department

WATER RESOURCES DEPT.
SALEM, OREGON

In the matter of Water Right Application G-14815)
in the name of Leonard and Ann Marie Wanner)
Applicant and Protestant)

Settlement Agreement

The Oregon Water Resources Department (Department), by and through Martha O. Pagel, Director and Leonard and Ann Marie Wanner (Applicant and Protestant) do hereby agree and stipulate as follows:

Stipulated Facts

1. On July 30, 1998, Leonard and Ann Marie Wanner submitted an application to the Department for a water use permit. The application requests the use of 250 gallons per minute for the irrigation of 40 acres and domestic use for one household.

2. On March 2, 1999, under the provisions of ORS 537.621 the Department issued a Proposed Final Order (PFO) proposing to deny the application. In its PFO the Department determined that the proposed use is allowable in the Willamette Basin Program, the proposed use will not injure other water rights, and the proposed use complies with rules of the Water Resources Commission. However, the Department also determined that the proposed well develops a semi-confined aquifer within 1/4 mile of Case Creek and therefore is presumed to have the potential to substantially interfere with surface water. (OAR Chapter 690, Division 09) Where a ground water source is presumed to substantially interfere with surface water, surface water considerations are taken into account. In this case, the major considerations are surface water classifications and surface water availability.

In the Willamette Basin, by rule, surface water classifications apply to unconfined alluvial ground water sources within 1/4 mile of surface water. (OAR 690-502-160(B)(e)) The proposed source is not a unconfined alluvium and therefore the surface water classification does not apply by rule but is a public interest consideration. Tributaries of the Willamette River are not classified for irrigation during the months of July and August. Additionally, based on information provided by the Watermaster, Case Creek is over-appropriated July through October of each year (OAR 690-300-010(57), OAR 690-400-010(11)).

3. On April 15, 1999, the Applicant submitted a protest and request for hearing. The Applicant also requested an administrative hold until November 19, 1999, to provide time to demonstrate that Case Creek along Applicant's property is dry during the months of concern, July and through October of each year.

4. Under OAR 690-09-040(2) appropriators can overcome the presumption of hydraulic connection and substantial interference by providing satisfactory information to the contrary.

5. The Assistant Watermaster for Marion County visited the Applicant's property in June, July and September of 1999. At each site visit the Assistant Watermaster found no streamflow in the subject surface water source.

6. The Applicant has overcome the presumption of substantial interference with the surface waters of Case Creek during the months of concern, July through October of each year.

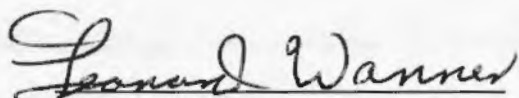
7. Ground water is available for the proposed use.

Terms of the Agreement

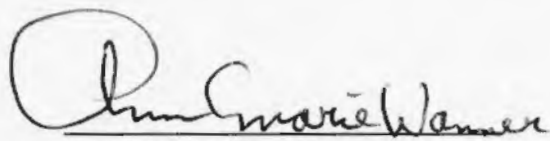
1. The parties to this Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Settlement Agreement and Final Order Incorporating Settlement Agreement.

2. The issues raised in the Protest by Applicant have been resolved and the attached draft permit, in all aspects, meets to the satisfaction of the parties and hereby is incorporated into this agreement by reference.

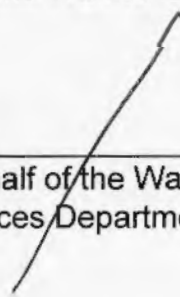
3. The parties agree to entry of the Final Order Incorporating Settlement Agreement and to issuance of the attached draft permit.

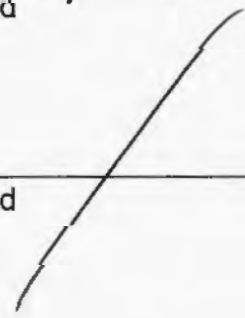

Leonard Wanner

10-14-99
Dated


Ann Marie Wanner

10-14-99
Dated


On Behalf of the Water Resources Department


Dated

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

ADDENDUM TO SETTLEMENT AGREEMENT

This Addendum to the Settlement Agreement is made between the Oregon Water Resources Department, by and through Martha O. Pagel, Director, and Leonard and Ann Marie Wanner, applicant-protestant, who hereby further agree and stipulate as follows:

1. This Addendum serves as a supplement to the provisions of the Settlement Agreement by which the pending application for a water use permit has been approved.
2. The attached application map shows the location of a well which will be used for irrigation purposes, as well as emergency domestic use. The residence is located on or near the Section corner between Sections 34, 35, 2, and 3 in Township 5 South, Range 2 West, of the Willamette Meridian. The area to be irrigated includes a total of 40 acres on the higher ground located in Sections 2 and 35, generally to the East and South of the residence. An estimated 10 acres is located in Section 35, and an estimated 30 acres is located in the Northwest corner of Section 2.
3. Approved water rights shall stay with the real property in the event that the property is sold or conveyed. The purchaser or successor in interest shall have the responsibility to monitor the usage of the well water after the date of sale or transfer, if any.
4. Applicant has submitted their check in the amount of \$175.00 to cover permit recording fees.

DATED this 14th day of October, 1999.

Leonard Wanner
Leonard Wanner, Applicant

Ann Marie Wanner
Ann Marie Wanner, Applicant

Oregon Water Resources Department

By: _____
Authorized Representative

Not accepted by Dept 10/19/99

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER

7588 CROSBY RD. NE

PHONE: (503) 981-9395

WOODBURN, OREGON 97071

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 50 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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:

TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Application G-14815 Water Resources Department

PERMIT DRAFT

OCT 18 1999

PAGE 2

WATER RESOURCES DEPT.
SALEM, OREGON

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

Application G-14815 Water Resources Department **RECEIVED** PERMIT DRAFT

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

OCT 18 1999

PAGE 4

WATER RESOURCES DEPT.
SALEM, OREGON

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

RECEIVED

OCT 18 1999

WATER RESOURCES DEPT.
SALEM, OREGON

PAGE 5

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Application G-14815 Water Resources Department
Basin 2 Volume 18A Case Creek & Misc.
LKS MGMT.CODE 7BG 7BR 7CG 7CR

PERMIT DRAFT
District 16



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 4, 1999

Leonard Wanner
Ann Marie Wanner
7588 Crosby Road N.E.
Woodburn, Oregon 97071

RE: Settlement Agreement For Application G-14815

Dear Mr. and Mrs. Wanner:

Based on the information collected by the Department we can now move forward with your permit. Attached is a Settlement Agreement and Draft Permit for your application. This is the standard document we use to resolve a protested water right application. Please read over the material carefully and call if you have any questions. In order to issue a permit like the Draft Permit enclosed the following things must be provided. A permit cannot be issued without the following items.

- Please return the entire Settlement Agreement packet after you sign and date page 2.
- You must submit permit recording fees of \$175.00.
- You must provide an application map that meets the required standards. I am sending your original map back to you. Specifically, all of the map needs to be in ink. Also, you need to identify the number of acres to be irrigated by township, range, section and quarter-quarter section. For example, X acres in the NE 1/4 NE 1/4 section 3, etc. etc. From your map it looks as if the place of irrigation could fall in section 34, 35, 3 and 2, and would include Township 5 South and maybe Township 4 South. Please be specific. Finally, please draw an indication on the map (small box representing a house) as to where the domestic use will occur.

Please return the agreement and requested information to my attention as soon as possible. You can call me at 1-800-624-3199 ext 262 if you have any questions.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

State of Oregon
Water Resources Department

In the matter of Water Right Application G-14815)
in the name of Leonard and Ann Marie Wanner)
Applicant and Protestant)

Settlement Agreement

The Oregon Water Resources Department (Department), by and through Martha O. Pagel, Director and Leonard and Ann Marie Wanner (Applicant and Protestant) do hereby agree and stipulate as follows:

Stipulated Facts

1. On July 30, 1998, Leonard and Ann Marie Wanner submitted an application to the Department for a water use permit. The application requests the use of 250 gallons per minute for the irrigation of 40 acres and domestic use for one household.

2. On March 2, 1999, under the provisions of ORS 537.621 the Department issued a Proposed Final Order (PFO) proposing to deny the application. In its PFO the Department determined that the proposed use is allowable in the Willamette Basin Program, the proposed use will not injure other water rights, and the proposed use complies with rules of the Water Resources Commission. However, the Department also determined that the proposed well develops a semi-confined aquifer within 1/4 mile of Case Creek and therefore is presumed to have the potential to substantially interfere with surface water. (OAR Chapter 690, Division 09) Where a ground water source is presumed to substantially interfere with surface water, surface water considerations are taken into account. In this case, the major considerations are surface water classifications and surface water availability.

In the Willamette Basin, by rule, surface water classifications apply to unconfined alluvial ground water sources within 1/4 mile of surface water. (OAR 690-502-160(B)(e)) The proposed source is not a unconfined alluvium and therefore the surface water classification does not apply by rule but is a public interest consideration. Tributaries of the Willamette River are not classified for irrigation during the months of July and August. Additionally, based on information provided by the Watermaster, Case Creek is over-appropriated July through October of each year (OAR 690-300-010(57), OAR 690-400-010(11)).

3. On April 15, 1999, the Applicant submitted a protest and request for hearing. The Applicant also requested an administrative hold until November 19, 1999, to provide time to demonstrate that Case Creek along Applicant's property is dry during the months of concern, July and through October of each year.

4. Under OAR 690-09-040(2) appropriators can overcome the presumption of hydraulic connection and substantial interference by providing satisfactory information to the contrary.

5. The Assistant Watermaster for Marion County visited the Applicant's property in June, July and September of 1999. At each site visit the Assistant Watermaster found no streamflow in the subject surface water source.

6. The Applicant has overcome the presumption of substantial interference with the surface waters of Case Creek during the months of concern, July through October of each year.

7. Ground water is available for the proposed use.

Terms of the Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Settlement Agreement and Final Order Incorporating Settlement Agreement.

2. The issues raised in the Protest by Applicant have been resolved and the attached draft permit, in all aspects, meets to the satisfaction of the parties and hereby is incorporated into this agreement by reference.

3. The parties agree to entry of the Final Order Incorporating Settlement Agreement and to issuance of the attached draft permit.

Leonard Wanner

Dated

Ann Marie Wanner

Dated

On Behalf of the Water
Resources Department

Dated

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEONARD AND ANN MARIE WANNER

7588 CROSBY RD. NE

PHONE: (503) 981-9395

WOODBURN, OREGON 97071

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

APPLICATION FILE NUMBER: G-14815

SOURCE OF WATER: A WELL IN THE CASE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 40.0 ACRES

MAXIMUM RATE: 0.505 CUBIC FOOT PER SECOND (CFS), BEING 0.5 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 30, 1998

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 2, T5S, R2W, W.M.; 50 FEET SOUTH AND 230 FEET EAST FROM NW CORNER, SECTION 2

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:

TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

Application G-14815 Water Resources Department

PERMIT DRAFT

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.
- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Application G-14815
Basin 2
LKS

Water Resources Department
Volume 18A Case Creek & Misc.
MGMT.CODE 7BG 7BR 7CG 7CR

PERMIT DRAFT
District 16

State of Oregon
Water Resources Department

In the matter of Water Right Application G-14815)
in the name of Leonard and Ann Marie Wanner)
Applicant and Protestant) **Final Order Incorporating
Settlement Agreement**

Based on the attached Settlement Agreement, which is incorporated herein and which includes the draft permit attached thereto, I find that the proposed use will ensure the preservation of the public health, safety and welfare. As conditioned, the proposed use is allowed in the basin program, water is available, the proposed use will not injure other water rights and the proposed use complies with rules of the Water Resources Commission.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G-14815 is approved and the accompanying water use permit shall issue.

DATED _____, 1999

Martha O. Pagel, Director
Oregon Water Resources Department

FO CHECKLIST

FILE # G-14815
PFO WEEK # 188

PFO TO FO CONVERSION

REVIEW DATE: 10/1/99
INITIALS: LKS

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

- 1. Y/N Were comments or protests received? If so, **from whom** and **when**?
Applicant 4-15-99
- 2. On the PFO CC list, verify names and mailing addresses of **ALL** commentors (regardless of comment date, **affected landowners**, and **those who paid the \$10 feet**).
- 3. Y/N/NA Have affected land owners been notified?
- 4. Y/N Is the file lacking a signed oath of accuracy for the application?
- 5. Y/N/NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit block on the front of the file.
- 6. Y/N Is water use prohibited for one or more months of the normal use period?
- 7. ~~Y/N~~ If #6 = "Y", is short season letter on file? Note: If short season letter is lacking, see item #10 below.
Give applicant 60 days to submit required information.
- 8. Verify Payment of recording fees (*circle the appropriate option*)
 - (1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO.**
 - (2) Issue FO w/o permit if fees are lacking.
- 9. Y/N Is further processing possible? If not state reason: needed more
- 10. ~~___~~ Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\...FO\TOOLS if possible)
- 11. ~~___~~ Assign permit numbers to files with oaths, fees, and no protests or other issues.
- 12. Y/N Do the PFO conclusions require modification? Why? _____
(If YES, circle FOMOD and one other type below)

250
150

400 - Paid
175 - manual

575

FO Type: (circle types)	DENIAL	<input checked="" type="checkbox"/> FO w/o PERMIT	FO & PERMIT	<input checked="" type="checkbox"/> FOMOD
<div style="font-size: 2em; font-family: cursive;">L \$175.00</div>				MGMT CODES

Once created, modify FO as needed to:

- 13. ___ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
- 14. ___ Include or exclude permit conditions and management codes.
- 15. ___ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

- 16. ___ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK___ & delete duplicates.
- 17. ___ Print final draft of document and submit to team leader for review
- 18. Y/N Team leader review completed m:\groups\wr\fo\forms\FO Check List.wpd

X-Sender: nelsongl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.3 (32)
Date: Tue, 07 Sep 1999 09:48:59 -0700
To: Adam.P.SUSSMAN@wrđ.state.or.us
From: Greg Nelson <Greg.L.NELSON@wrđ.state.or.us>
Subject: Wanner Water Right Application

On Friday, September 3, 1999, at 1100 hours I performed a site visit of the Wanner property. The purpose of the site inspection was to document whether or not there was flow in Crosby Creek as it traversed the Wanner property from south to north.

There appeared to be no inflow to the Wanner property at the south boundary (photo #11). Not far below the south property boundary I found a stagnant pool of water (which I have observed in previous visits). The creek bed was dry directly north, or downstream of the small, stagnant pool (photo #13).

On my previous site inspection I observed a small tributary entering Crosby Creek from the southeast. Whereas on the previous visit there was flow in the tributary attributed to irrigation on the adjacent property; on this occasion there was no flow (photo #12).

I observed a dry creek bed, below the small, shallow, stagnant pool. In other words, below the stagnant pool, there was no indication of water in the stream channel as I walked the channel from south to north (photo #14). There was no flow leaving the property at the north boundary (photo #15).

Greg Nelson, Resource Management Division
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210
(503) 378-8455, ext. 285
(503) 378-8130 (FAX)
1-800-624-3199, ext. 285 (Toll free in Oregon)

X-Sender: nelsongl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.3 (32)
Date: Fri, 30 Jul 1999 15:23:43 -0700
To: Adam.P.SUSSMAN@wrd.state.or.us
From: Greg Nelson <Greg.L.NELSON@wrd.state.or.us>
Subject: Leonard Wanner water right application
Cc: Greg.L.NELSON@wrd.state.or.us

On Wednesday, July 28, 1999, I again performed a site inspection of the Wanner property. There is no flow off the property (to the north) and no inflow (from the south) on what I term the major stream segment flowing through the property. However, there now is flow entering the property from a side tributary which was not flowing when I visited the property in June. This tributary enters the "main stem" close to the southern terminus of the property, and flows southeast to northwest.

Mr. Wanner explained that this trib started flowing once the adjacent property owner began irrigating regularly. The flow is slight, and pools where it enters the "main stem." There was no visible standing (or flowing) water in the "main stem" watercourse much below the confluence.

Greg Nelson, Resource Management Division
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210
(503) 378-8455, ext. 285
(503) 378-8130 (FAX)
1-800-624-3199, ext. 285 (Toll free in Oregon)

G-14815

File

X-Sender: nelsongl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.3 (32)
Date: Tue, 29 Jun 1999 15:24:32 -0700
To: Adam.P.SUSSMAN@wrd.state.or.us
From: Greg Nelson <Greg.L.NELSON@wrd.state.or.us>
Subject: Leonard Wanner water right application #G-14815

On Monday, June 28, 1999, I performed a site visit of the Wanner property. The purpose of the site visit was to visually inspect the condition of the creek. I arrived about 0930 and proceeded to walk the creek on their property.

I found ponded water in the watercourse at the southern (or up-stream) edge of the property where the watercourse enters their property. However, there was no discernable "streamflow." As I walked towards the north (downstream) edge of the property where the watercourse exits the property, ponding became less. By the time I reached the north boundary, I found no ponding and no streamflow. The watercourse was "muddy" where water was not ponded. This suggests to me that the watercourse is an intermittent stream; at least in the upper reaches such as on the Wanner property.

I drove downstream to observe Case Creek at the Broadacres Road bridge. My observations: slough-like conditions with significant algae/slime on the water surface. The algae/slime was not moving. This suggested to me no discernable surface flow.

I anticipate next performing another site visit the third or fourth week of July to assess stream conditions then.

Greg Nelson, Resource Management Division
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210
(503) 378-8455, ext. 285
(503) 378-8130 (FAX)
1-800-624-3199, ext. 285 (Toll free in Oregon)

To: Adam Sussman
From: Greg Nelson <Greg.L.NELSON@wrд.state.or.us>
Subject: Leonard Wanner water right application #G-14815
Cc:
Bcc:
Attached:

On Monday, June 28, 1999, I performed a site visit of the Wanner property. The purpose of the site visit was to visually inspect the condition of the creek. I arrived about 0930 and proceeded to walk the creek on their property.

I found ponded water in the watercourse at the southern (or up-stream) edge of the property where the watercourse enters their property. However, there was no discernable "streamflow." As I walked towards the north (downstream) edge of the property where the watercourse exits the property, ponding became less. By the time I reached the north boundary, I found no ponding and no streamflow. The watercourse was "muddy" where water was not ponded. This suggests to me that the watercourse is an intermittent stream; at least in the upper reaches such as on the Wanner property.

I drove downstream to observe Case Creek at the Broadacres Road bridge. My observations: slough-like conditions with significant algae/slime on the water surface. The algae/slime was not moving. This suggested to me no discernable surface flow.

I anticipate next performing another site visit the third or fourth week of July to assess stream conditions then.

OK
Entertainment Card
Alfies 503-538-9407

730

Dont see where measure is stuff plate at Grand's Bridge
Plate on bridge support - high above water

Acad + Bridge

REW downstream bridge = big eddy
cleaned further downstream

Upstream = big, slow, wide

5.21... Lockmanote Buena Vista - stuff plate likely submerged or gone

WATNER

plaster

12 # 13 = upper end of property
water pooled = no flow

up # down

14 # 15 lower end of property
up # down

crack bottom moist = no pooling
definitely no flow

CASE CR @ Broadacres Bridge = slough like no discernible flow
Case CR.
#16 upstream of Broadacres Bridge aka bridge

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
FROM: Marc Norton
SUBJECT: Groundwater Application G- 14815

Date 9/9/88

Applicant(s) seek 250 gpm (_____ cfs) from one well in the Willamette basin
Applicants Name: Wanner sub basin
Proposed Use: Irrigation Champoeg sub basin

Pertinent 7 & 1/2 minute Quads St Paul

Well 1 WRD# 52993 T 5S R 2W S 2 0088 County Marion

Legal Description _____
Well is 450 ft from Cave Creek (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation 175 ft River/Stream elevation 155 ft.
Well Elevation - River/Stream elevation ± 20 ft.
Well depth 124 ft SWL 28 ft on 4/30/98
Sealed to 20 ft Depth first water found 103 ft
Cased to 117 ft Perforations/screens _____ ft
Lined to _____ ft Perforations/screens _____ ft
Well test and types 250 Gpm Air-test
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES/NO
Potential to cause substantial interference? YES

Well _____ WRD# _____ T _____ R _____ S _____ 00 County _____

Legal Description _____
Well is _____ ft from _____ (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation _____ ft River/Stream elevation _____ ft.
Well Elevation - River/Stream elevation _____ ft.
Well depth _____ ft SWL _____ ft on _____
Sealed to _____ ft Depth first water found _____ ft
Cased to _____ ft Perforations/screens _____ ft
Lined to _____ ft Perforations/screens _____ ft
Well test and types _____
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO
Potential to cause substantial interference? _____

Comments: The well shall be continuously cased and sealed to a depth of 170 feet

Other wells in section obtain water from less than 100 feet /
References Used: _____

SEE G-14805

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

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

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

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

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

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

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

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

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

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

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



Oregon

John A. Kitzhaber, M.D., Governor

April 30, 1999

Water Resources Department

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

Anthony Kreitzberg
Garrett, Hermann, Robertson, Paulus, Jennings & Comstock, P.C.
P.O. Box 749
Salem, Oregon 97308-0749

RE: Water Right Application G-14815 (Wanner)

Dear Mr. Kreitzberg:

On April 15, 1999, the Department received your protest, request for hearing, and request for administrative hold on the above referenced application. The Department shall place the application on inactive status until November 19, 1999. ORS 537.627(2). Please let me know if you would like to proceed with the application at anytime before November 19, 1999. This administrative hold should provide ample opportunity to collect the type of information outlined in my April 8, 1999, letter (attached). If satisfactory evidence is collected I would see no need for a contested case hearing.

Please let me know if I can be of any further assistance. I can be reached at 503-378-8455 ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

enclosure

cc: Bill Ferber



**GARRETT, HEMANN
ROBERTSON,
PAULUS
JENNINGS &
COMSTOCK, P.C.**

ATTORNEYS AT LAW

ELAINE J. CIAFARONE*
MARK B. COMSTOCK
PAUL A. DAKOPOLOS
TAMMY M. DENTINGER
JAMES O. GARRETT
JOHN L. HEMANN
GEORGE M. JENNINGS
ANTHONY R. KREITZBERG**
WILLIAM G. PAULUS***
JOHN E. POLLINO**
JOSEPH D. ROBERTSON
KATHARINE M. SMITH
CHESS TRETHERY
PAUL J. WEDDLE
THOMAS J. WETTLAUFER
BRUCE A. ZAGAR

COUNSEL TO THE FIRM
J. WALLACE GUTZLER
KIM E. HOYT

*LL.M. IN TAXATION
**ADMITTED IN OREGON
AND WASHINGTON
***INACTIVE



RECEIVED

APR 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON

April 15, 1999

SENT VIA FACSIMILE - 378-8130 - AND HAND DELIVERY

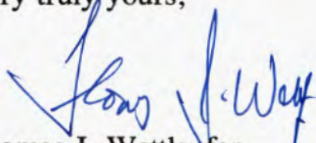
ADAM SUSSMAN
Protest Program Coordinator
Oregon Water Resources Department
158 - 12th Street N.E.
Salem, OR 97310-0210

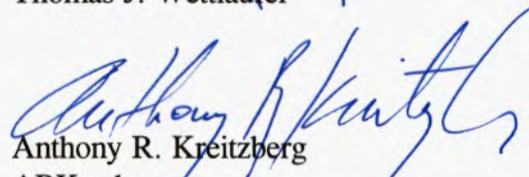
RE: Leonard and Ann Marie Wanner
Application No. G-14815
Our File No. 92588001

Dear Mr. Sussman:

Attached is the Protest to Proposed Final Order regarding Application No. G-14815 executed by the applicants, Leonard and Ann Marie Wanner. Thank you for your assistance in this matter.

Very truly yours,


Thomas J. Wettlaufer


Anthony R. Kreitzberg
ARK:sch

WILLAMETTE PROFESSIONAL
CENTER
1011 COMMERCIAL ST. NE
SUITE 210

MAILING ADDRESS
POST OFFICE BOX 749
SALEM, OREGON 97308-0749

(503) 581-1501
1-800-581-1501
1-800-801-9477
FAX
(503) 581-5891

WWW.GARRETTLAW.COM

Enclosure(s)

c: Mr. and Mrs. Leonard Wanner

entered PB HW

92588001\nt:\wpdocs\92588001\susada-ltr.doc\sch
(041599:1131)

PROTEST TO PROPOSED FINAL ORDER

Any person may protest a Proposed Final Order. Applicants are not required to pay a fee, but non-applicant protestants must include a \$200 fee as part of their protest. The protest must be submitted to the Water Resources Department, 158 12th St. NE, Salem, OR 97310, within 45 days after publication of the notice of the proposed final order in the weekly notice published by the Department. Each person submitting a protest must raise all reasonably ascertainable issues and reasonably available arguments supporting their position. Failure to raise a reasonably ascertainable issue or provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes judicial review based on that issue.

Application No.: G-14815 Applicant's Name: Leonard and Ann Marie Wanner

Protestant's name: Leonard and Ann Marie Wanner (Applicants)

Protestant's Address: 7588 Crosby Road N.E.

City: Woodburn State: OR Zip Code: 97071

Telephone number: (503) 981-9395

Describe your interest in the proposed final order. If you claim to represent the public interest, provide a precise statement of the public interest represented. We are the Applicants.

RECEIVED

APR 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Describe in detail how the proposed order will impair or be detrimental to your interest. The proposed final order will prevent us from developing the proposed well to be used for irrigation of 40 acres and domestic use for one household.

Describe in detail how the proposed final order is deficient or in error, and how to correct it. _____

Please see Exhibit A attached.

Cite any legal authority that supports your protest. Please see Exhibit A attached.

I certify that to the best of my knowledge the information I have provided is accurate, true and correct.

Leonard Wanner
Protestant's signature

Date 4/15/99

Applicant only: The Department will schedule a contested case hearing if the applicant files a protest within the protest period and requests a hearing, or if another person files a protest and the applicant submits the information required in OAR 690-310-170 and requests a hearing within 30 days after the close of the protest period.
I am the applicant and I: request a hearing. do not request a hearing.

RECEIVED

APR 15 1999

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

PROTEST TO PROPOSED FINAL ORDER

Describe in detail how the proposed final order is deficient or in error, how to correct it, and cite any legal authority that supports your protest.

The proposed final order states under its Findings of Fact that "the proposed ground water use will have the potential for **substantial interference** with the nearest surface water source, namely **Case Creek**. Therefore, surface water laws, rules and other limitations apply to the proposed use."

The proposed irrigation well is approximately 500 feet from Case Creek. Pursuant to OAR 690-009-0040(2) all wells located a horizontal distance less than one-fourth mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. Department staff may provide reasonable assistance to the applicant or appropriator in acquiring the satisfactory information.

Applicants hereby request a contested case hearing wherein the Applicants intend to provide satisfactory information and evidence to demonstrate that the proposed well will have no potential for substantial interference with the nearest surface water source, namely Case Creek. The applicant further requests that the Water Resources Department not schedule the contested case hearing on this application until November 19, 1999, so that the Applicants can either hire a professional to conduct an aquifer test that will demonstrate that the well is not hydraulically connected to the surface water, or hire a licensed professional to demonstrate that the well may be connected to Case Creek but that Case Creek along the Applicants' property is dry during the months of concern (July 1 through October 31).

The Applicants request the Water Resources Department to provide a delayed contested case hearing and authorize the Department to extend the 180 day period set forth in ORS 537.627(1) as provided by ORS 527.627(2).

The Applicants are entitled to a ground water use permit if the Applicants can establish that either the proposed well produces water from a confined aquifer or, alternatively, if the Applicants can demonstrate that, even if the well is in an unconfined aquifer that is hydraulically connected to the surface water, the surface water impacts are mitigated through storage releases because the creek is dry during the summer months of July 1 through October 31. OAR 690-009-0040 and OAR 690-502-0160(2)(e).



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 8, 1999

Leonard and Ann Marie Wanner
7588 Crosby Road NE
Woodburn, Oregon 97071

RE: G-14815

Dear Mr. and Mrs. Wanner:

This letter is to follow-up our meeting of March 12, 1999. The week after our meeting Marc Norton made a site visit. Marc confirmed that the proposed irrigation well is approximately 500 feet from Case Creek. Given the location and the construction of the well, and the laws and rules we are bound to follow, the Department is not able to change its determination described in the Proposed Final Order. I would like to explain the basis of the Department's determination and then provide you some options.

It is a known fact that wells can impact surface water flows. Wells that develop ground water from unconsolidated material (sands and gravels) and are located near a creek are almost certain to be capturing ground water that is headed towards a stream. In some cases, these types of wells can actually pull water backward directly from the stream. With this understanding the Water Resources Commission has developed rules to put surface water and this "hydraulically connected ground water" on even footing.

The first step in any review of a ground water application is to determine whether the well is hydraulically connected to surface water. The rules tell the reviewer that if the well gets water from unconsolidated material (sands and gravels) and if the well is within 1/4 mile of a surface water body, the reviewer **MUST** conclude the well is hydraulically connected and has the potential to "substantially interfere" with surface water. The rules are enclosed and I have highlighted the relevant sections. (Attachment 1).

In the Willamette Basin a determination of hydraulic connection with potential for substantial interference makes the proposed use subject to surface water classifications and surface water availability. (See Attachment 2). Classifications are sort-of like zoning for streams. Tributaries of the Willamette River, including Case Creek and the streams below Case Creek are not classified for irrigation use during July and August of each year. (See Attachment 3) Also, the Department has determined that surface water availability is limited during the months of July through October. In other words, your proposed irrigation well is subject to surface water rules and considerations and the surface water rules do not allow irrigation use in August and September and, in July through October there is not enough surface water to allow new uses.



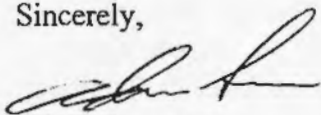
At this point you have many options. A few are listed for your consideration.

- 1) You can protest the Department's proposed decision and request a hearing by submitting a protest by April 16, 1999. A hearing will be scheduled and will be conducted based on the facts and the relevant laws.
- 2) You can protest and request a "time-out from processing" and then hire a professional to conduct an aquifer test that *might* demonstrate that the well is not hydraulically connected to surface water. If you plan to do this please contact Marc Norton first.
- 3) You can protest and request a "time-out from processing" to demonstrate the well is connected to a stream but that stream is dry during the months of concern (July through September or October).

You have indicated to me that Case Creek is dry during the summer months. Under OAR 690-502-160(2)(e), you may demonstrate the well is not hydraulically connected to surface water. Certainly one way to do that would be by demonstrating the creek in question is dry. If you choose this route the Department must rely on credible factual information to determine the creek is dry and the use can be conditionally allowed. A report from a licensed professional is the type of information we are seeking. The report must include numerous observations made throughout the season of concern (July through September or October). I would suggest the report also include photographs documenting the observations. Finally, I would suggest you coordinate some observations with the Department's watermaster throughout the summer. The watermaster is Bill Ferber and can be reached at (503) 378-8455 ext. 375.

Gathering information does not guarantee an outcome. However, if the creek is dry as you have described, option 3 is probably your best alternative. I know this is important to you and it is probably difficult to understand the Department's rationale. Please contact me at (503) 378-8455 ext. 262 to discuss this letter.

Sincerely,



Adam Sussman
Protest Program Coordinator

enclosure

cc: Marc Norton
Bill Ferber

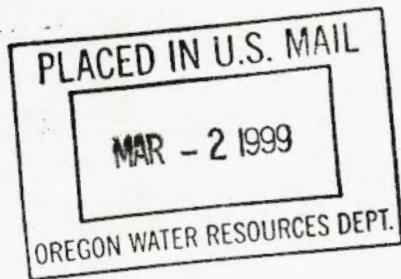


11/19/99 Adam

G-14815

Leonard and Ann Marie Wanner

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14815

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be denied.

Application History

On July 30, 1998, LEONARD AND ANN MARIE WANNER submitted an application to the Department for the following water use permit:

- Amount of Water: 250.0 GALLONS PER MINUTE (GPM)
- Use of Water: IRRIGATION OF 40.0 ACRES AND DOMESTIC USE FOR ONE HOUSEHOLD
- Source of Water: A WELL IN THE CHAMPOEG CREEK BASIN
- Area of Proposed Use: MARION County within SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

On 9/29/98, the Department mailed the applicant notice of its Initial Review, determining that "the use of 0.5 Cubic Foot per Second (224.0 Gallons per Minute) from a well in Champoeg Creek Basin, for Irrigation of 40.0 acres is not allowable, and it appears unlikely that you will be issued a permit. The use of 0.005 CFS from a well in Champoeg Creek Basin for Domestic Use may be allowed year-round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 10/13/98, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Written comments were received within 30 days from the Oregon Department of Fish and Wildlife.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available

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

Findings of Fact

On September 9, 1998, the Department's Groundwater/Hydrology Section determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely **Case Creek**. Therefore, surface water laws, rules and other limitations apply to the proposed use.

Within two weeks of the issuance of the Initial Review, the Department received verbal comments from the applicant objecting to the finding that the well has the potential for substantial interference with Case Creek.

On January 4, 1999, the Department's Groundwater/Hydrology Section re-reviewed the proposed well and its potential for substantial interference with Case Creek and found that their original findings stand.

The Willamette Basin Program **does** allow the following uses: IRRIGATION OF 40.0 ACRES AND DOMESTIC USE FOR ONE HOUSEHOLD. However, tributaries of the Willamette River, including Case Creek, are classified for irrigation only during the period March 1 through June 30 and September 1 through October 31.

Senior water rights exist on A WELL, IN THE CHAMPOEG CREEK BASIN, or on downstream waters.

A WELL, IN THE CHAMPOEG CREEK BASIN, is not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's Groundwater/Hydrology Section. A copy of this assessment is in the file. This assessment determined that groundwater is available for further appropriation.

However, an assessment of surface water availability has also been completed by the Watermaster. A copy of this assessment is in the file. This assessment determined that water is not available for further appropriation July 1 through October 31.

Since water is not available or allowable for a full period of use, the proposed uses may not be allowed.

The well is not located within a designated critical ground water area or groundwater limited area.

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

The use of up to 15,000 gallons per day of groundwater for domestic use is exempt from Department permit and certificate requirements. Groundwater may be appropriated for domestic use for one household without a permit.

Comments were submitted from the Oregon Department of Fish and Wildlife (ODFW) on November 6, 1998. These comments identified that Case Creek provides habitat to cutthroat trout. Because game fish are present in Case Creek, ODFW requests that if a permit is issued, that the well be constructed so it does not interfere with the creek.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed uses requested in this application **are** allowed in the Willamette Basin Plan.

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

Water is not available for the proposed use.

The proposed use **will not** injure other water rights.

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

The proposed use **is** compatible with applicable land use plans.

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

For these reasons, the required presumption **has not** been established.

The application therefore has been processed without the statutory presumption.

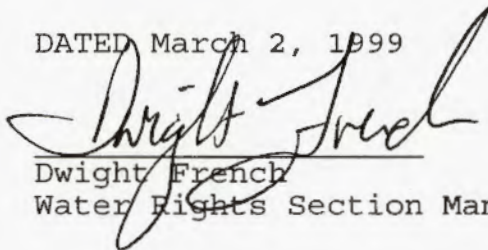
In this application, all criteria for establishing the presumption have not been satisfied, as noted above.

The Department therefore concludes that water is not available in the amount of water necessary for the proposed use; and the proposed use would not ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the application be denied.

DATED March 2, 1999


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

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

- Requests for standing shall meet the requirements described in OAR 690-310-160 and shall be accompanied by the \$50.00 standing fee established under ORS 536.050.

Your protest or request for standing must be received in the Water Resources Department no later than **April 16, 1999**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

Mailing List for PFO Copies

Application #G-14815

PFO Date March 2, 1999

Original mailed to:

Applicant: LEONARD AND ANN MARIE WANNER, 7588 CROSBY RD NE, WOODBURN, OREGON 97071

Copies sent to:

1. WRD - File # G-14815
2. WRD - Water Availability: Ken Stahr

Copies Mailed
By: <u>HW</u>
(SUPPORT STAFF)
on: <u>3/2/99</u>
(DATE)

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # 16
4. WRD - Regional Manager: NWR
5. ODFW District Biologist: Nancy Leibowitz

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

6. Kirk A. Schmidtman, Attorney at Law, Engle & Schmidtman, Northwood Office Park, 610 Glatt Circle, Woodburn, Oregon 97071

7. Staco Well Drilling, 220 Academy St., Mt. Angel, Oregon 97362

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

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

1. _____
2. _____
3. _____

interoffice
MEMORANDUM

To: Jake Szramek
From: William Ferber *BF*
Subject: File G-14815, Leonard Wanner
Date: October 13, 1998

April 20, 1998 I made a site visit to Leonard Wanner's property @ 7588 Crosby Road, Woodburn. He told me he wanted to put a well in and the location was marked in his field. I told him as long as it was 50 ft from the septic and 100 ft from the drain field, his location in the field would be fine. I did suggest installing some protection to keep the cows from getting too close. I don't remember if he specifically asked about irrigating from the well and I don't remember talking discussing irrigating from the well.

When I left, I did notice that there was signs of water at the bridge over Case Creek but didn't see any noticeable flow upstream from the bridge.

Hope this will suffice for now. If you have any questions, come see me.



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

September 29, 1998

LEONARD WANNER
ANN MARIE WANNER
7588 CROSBY RD NE
WOODBURN, OREGON 97071

Reference: File G-14815

Dear Applicant:

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

This letter is to inform you of the unfavorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN CHAMPOEG CREEK BASIN for IRRIGATION OF 40.0 ACRES AND DOMESTIC USE **is allowable** under OAR 690-502-050(1)(e), the Willamette Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Case Creek. Therefore limitations to the surface water source must be applied to this application also.
4. Water in the amount of 250.0 GALLONS PER MINUTE for IRRIGATION OF 40.0 ACRES AND DOMESTIC USE **is not available** July 1 through October 31.
5. Because water use is not available for a full season, IRRIGATION OF 40.0 ACRES cannot be allowed. However, by providing additional information, you may pursue a

limited permit.

6. The Department finds that no more than 0.50 CUBIC FOOT PER SECOND (224.0 GALLONS PER MINUTE) would be necessary for IRRIGATION OF 40.0 ACRES.
7. Domestic use of up to 15,000 gallons per day from a well is exempt from the permitting process. You may use the well for domestic use including the irrigation of lawn or non-commercial garden, not to exceed one-half acre in area, without a permit. The Department will assume you want to pursue a permit for domestic use under this application unless you indicate in writing that you are not interested in receiving a permit for domestic use.

Summary of Initial Determinations

Because item #4 above is unfavorable, the use of 0.50 CUBIC FOOT PER SECOND (224.0 GALLONS PER MINUTE) from A WELL IN CHAMPOEG CREEK BASIN for IRRIGATION OF 40.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit. The use of 0.005 CFS from a WELL IN CHAMPOEG CREEK BASIN for DOMESTIC USE may be allowed year-round. At this time you must decide whether to proceed or to withdraw your application as described below.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, October 13, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The

additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

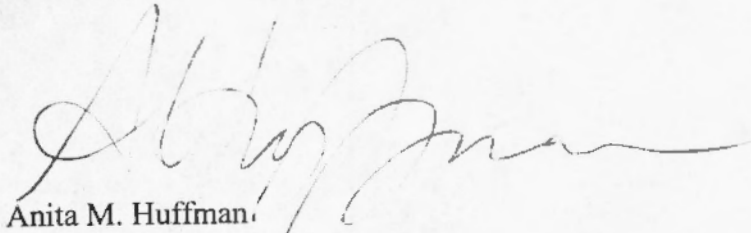
The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

4. The priority date for this application is July 30, 1998.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. Huffman,
Water Rights Specialist

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

G-14815
wab 02-0105
pou 02-0105
gw a

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT. SALEM, OREGON Water Resources Department



RECEIVED

JUL 14 1998

WATER RESOURCES DEPT. SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: WANNER LEONARD
Last WANNER First ANN MARIE MI
Mailing address: 7588 Crosby Road, NE
Woodburn, Oregon 97071
City State Zip
Phone: (503) 981-9395
Home Work Other
*Fax: *E-Mail address:

B. Organizations

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

Name of organization: N/A
Name and title of person applying:
Mailing address of organization:
City State Zip
Phone: Day Evening
*Fax: *E-Mail address:

*Optional information

For Department Use
App. No. G14815 Permit No. Date 7/30/98

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? Marion

In what county is the appropriation point proposed? Marion

B. River Basin

(See instruction booklet pg.3 for list):

Willamette (2)

C. Property Ownership

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

- Yes (Skip to section 3 "Groundwater Development.")
- No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

- A. Number of wells: 1 B. Name of nearest surface water body Champoeg Creek
- C. Distance from well(s) to nearest stream or lake: 1) 2 miles (estimated)
2) _____ 3) _____ 4) _____
- D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) _____
2) _____ 3) _____ 4) _____

E. Well Characteristics

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

1. Wells will be constructed by: Staco Well Services, Inc. Services Inc.

Address: 220 Academy Street, Mt. Angel, Oregon 97362

Completion date: 4-30-98

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1	8"	Steel 250 8"	123'	N/A	20'	28'	103'	Well probe	124'

F. Artesian Flows

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

N/A

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Domestic/Irrigation

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 1
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	Below 103 feet Sand-Gravel-Clay	Irrigation	Unknown	250

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

Domestic -- Year Round Irrigation -- March thru November

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

40 acres +/-

6. Project Schedule

Proposed date construction will begin 4/27/98

Proposed date construction will be completed 4/30/98

Proposed date beneficial water use will begin 4/30/98

7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

See attached water well report

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Signature

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:

Leonard J Wanner

Signature of Applicant

7-8-98

Date

[Signature]

Signature of Co-applicant

7-8-98

Date

Before submitting this application, have you:

- ✓• Answered every question?
- ✓• Included a Land Use Information Form or receipt stub signed by a local official?
- ✓• Attached a legible map that meets all the necessary criteria?
- ✓• Included a check made out to WRD for at least the amount of the application fee?

Last revision: October 31, 1996

RECEIVED

ID Tag L 22900

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

JUL 14 1998

WATER RESOURCES DEPT.

(START CARD) # 104117

(1) OWNER:
Name Leonard Wanner
Address Crosby road
City Woodburn State OR Zip 97071

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 124 ft.
Explosives used Type Amount

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
12"	0 20	3/8 chips	10 20	9	
		cement	0 10	7	
8"	20 123				

How was seal placed: Method A B C D E
 Other chips poured
Backfill placed from 118 ft. to 123 ft. Material 3/4 pea gravel
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	3'+	117'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Liner:

Final location of shoe(s) 8" 227'

(7) PERFORATIONS/SCREENS:
 Perforations Method
 Screens Type Material

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

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
250 n/a 97' 1 hr.

Temperature of water 55 Depth Artesian Flow Found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Marion Latitude Longitude
Township 5S Nor S. Range 2W E or W. WM.
Section 2 NW 1/4 NW 1/4
Tax Lot 800 Lot Block Subdivision
Street Address of Well (or nearest address) 7588 Crosby RD
Woodburn OR 97071

(10) STATIC WATER LEVEL:
28' ft. below land surface. Date 4-30-98
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 103

From	To	Estimated Flow Rate	SWI
103	106	6gpm	
116	124	250	

(12) WELL LOG: Ground elevation

Material	From	To	SWI
Top soil	0	10	
clay brown sticky	10	30	
clay grey soft	30	66	
silty clay grey soft	66	70	
sand fine black	70	85	
sand black fine med gravel	85	100	
sand med dark brown black	100	103	
gravel med	103	106	
	106	110	
sands & gravel clay soft	110		
grey		112	
clay grey firm sticky	112	115	
clay brown firm sticky	114	116	
packed sand gravel med	116	124	

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 4-27-98 Completed 4-30-98

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed [Signature] WWC Number 1306 Date 5-4-98

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment of work performed on this well during the construction dates reported above. Work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1358 Date 5-5-98



Oregon Water Resources Department

RECEIVED

JUL 14 1998

WATER RESOURCES DEPT. SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

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

Primary Supplemental

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

RECEIVED

Primary: 40 Acres +/-

JUL 30 1998

Secondary: _____ Acres

WATER RESOURCES DEPT. SALEM, OREGON

List the permit or certificate number of the primary water right: _____ Start Card no. 104117

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Variety/ likely to lease Full season Partial season (from: _____ to _____)
- 2. _____ Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

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

Unknown acre-feet

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

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: Unknown -- Likely to lease property

PFO CHECKLIST

Application #: 6 14815

Basin: Willamette

WAB: _____

County Marion

Township 5.5

Range 210

Section 2

1/4 1/4 NW NW

- 1. Is the file complete by the Minimum Requirements Checklist? Y/N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) map - pencil, acres per 1/4 1/4
- 3. Groundwater Review A B C D River/Stream Name Casie Cr Conditions 7B, 7C
 - a. Groundwater Availability A B C
 - b. Is second groundwater review necessary? (comments) Y/N - already done
 - c. Is HB 1033 review complete? Y/N
 - d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y/N
- 4. Is use from a B.O.R. or Douglas County project? Y/N Contract in file? Y/N Contract # _____
- 5. Is the use allowed by the Basin Program? Y/N Limited? Y/N Irrig allowed Sept -> June
Done - allowed for Round
- 6. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
Per Dave Tarnet memo - W.A. only Nov -> June on Casie Cr
- 7. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N
- 8. Is the Proposed Use located in or above a Scenic Waterway? Y/N
- 9. Division 33: Above Bonn (after July 17, 1992) Y/N/NA
Below Bonn (after April 8, 1994; June 3, 1994) Y/N/NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N/NA
- 10. Per the IR, is the Proposed Source on the DEQ 303d List? Y/N If so, any comments received? Y/N
Is the Proposed Use in a Dept of Ag. Water Quality Management Plan Area? Y/N Bear Creek or Tualatin River
- 11. Have conflicts been addressed? Y/N none identified by I.R.
- 12. Rate 180 Duty 2 1/2 Irrigation Season March -> Oct
- 13. Period of Allowed Use Propose Denial
- 14. Allowed Rate of Use request 260gpm = 0.557 cfs
40 x 10 = 0.5 cfs = Irrig / Dom = 0.005 cfs
- 15. Is the use **Small** (<0.1cfs, <9.2AF), **Medium** (>0.1 or <1.5cfs, >9.2 or <100AF) or **Large** (>1.5 cfs, >100 AF)?
If the use is Municipal and <=0.1 CFS, use **Large** condition.
- 16. Conditions 7B, 7C, DISC (Water qual)
Is the proposed use within the New River Basin? Y/N If yes, include New River Agreement Conditions.
- 17. IR Public Notice Date 10-13-98 Comments Received? Y/N
- 18. Final Report Checklist
 - Documents used in determination are attached to this checklist and highlighted
 - Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N
 - b. **Check Watermaster Dist. on the CC list and draft permit.**
 - Spell Check and Accuracy Check
 - Final PFO report hard copy check (format, margins, etc.)
 - Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: LKS

Date: 1-8-99

STATE OF OREGON

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT
WRAD SECTION

September 12, 1995

TO: SEEKERS OF WATER AVAILABILITY
FROM: DAVE JARRETT via RUSS KLASSEN
SUBJECT: SPECIAL WATER AVAILABILITY AREA (BASIN 2 #0105)

DAVE JARRETT (WATERMASTER DIST 16) DURING A CONVERSATION ON SEPTEMBER 12, 1995, STATED THAT THERE IS NO WATER AVAILABLE DURING THE IRRIGATION SEASON AFTER JUNE 30 IN:

CHEHALEM CREEK
CHAMPOEG CREEK
MISSION CREEK
CASE CREEK

THE WILLAMETTE BASIN WATER AVAILABILITY THAT INCOMPASSES THESE STREAMS IS NOT ACCURATE. USE THE PERIOD OF NOVEMBER 1 THROUGH JUNE 30 FOR THE SEASON WHEN WATER IS AVAILABLE.

Application #: G 14815

Basin: 02-Willamette

WAB: 0105 POU-WAB _____

County Maitin Township 5S Range 2W Section 2 1/4 1/4 NW NW

- 1. Complete by Minimum Requirements checklist. Y / N Items still required: _____
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D River/Stream Name Case ck. Conditions 7B, 7C
Water Availability A B C
a. Is the well located in a groundwater limited area? Y / N Name _____
- 4. Within or Above a Scenic Waterway Y / N conditions/restrictions Y / N
- 5. Allowed under Basin Program Y / N Limitations? Y / N 690-502 - 050(c)(e)
- 6. Withdrawn? Y / N season allowed Sept - June
- 7. Basin Maps have been checked. Y / N Case ck > Willa ab. pidd.
- 8. Water Availability (50% < July 17, 1992 80% [50% storage] > July 17, 1992) NA Y-R
- 9. Use IRR (00) Period of Allowed Use Request March - Nov.
- 10. For Irrigation: Rate 1/80 Duty 2 1/2 Season Mar - June
- 11. Allowable Rate of Use: 40/80 = 0.5 cfs. Req. 250g (0.569) allowed (224.6pm)
- 12. Priority Date(s) 7-30-98
- 13. B.O.R. project Y / N contract # _____
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded as on t-T, E, & S Map - After June 3, 1994) Y / N / NA
- 15. Conflicts Y / N
- 16. Conditions? (BOR, GW, other) Y / N
- 17. Land use approval OK'd needs approval county notified NA
- 8. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)
- 9. Letter will be Good Limited Bad Bad w/IRshort because _____

c: [Signature] Date: 9-22-98

WATER AVAILABILITY TABLE

Basin: WILLAMETTE Exceedance Level: 80
 Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)
 Time: 08:37 Date: 09/22/1998

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE
 Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)
 Time: 08:37 Date: 09/22/1998

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R @ mouth	COLUMBIA R
0105000000000000	WILLAMETTE R ab MOLALLA R	COLUMBIA R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105000000000000
 Basin: WILLAMETTE Exceedance Level: 80
 Time: 08:37 Date: 09/22/1998

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	19400.0
2	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	18200.0
3	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	16200.0
4	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	13900.0
5	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	12900.0
6	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	6030.0
7	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	2020.0
8	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	1000.0
9	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	1330.0
10	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	2940.0
11	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	8260.0
12	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	17300.0
Stor	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	*****

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R @ mouth
 Water Availability Subbasin: 0100000000000000
 Time: 08:37

Exceedance Level: 80
 ID Number: 181
 Date: 09/22/1998

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	28800.00	483.00	28300.00	234.00	28100.00	1500.00	26600.00
2	31100.00	3550.00	27600.00	233.00	27400.00	1500.00	25900.00
3	29300.00	4600.00	24700.00	228.00	24500.00	1500.00	23000.00
4	26100.00	4410.00	21700.00	221.00	21500.00	1500.00	20000.00
5	21200.00	2170.00	19000.00	221.00	18800.00	1500.00	17300.00
6	10900.00	1270.00	9630.00	419.00	9210.00	1500.00	7710.00
7	6300.00	1640.00	4660.00	428.00	4230.00	1500.00	2730.00
8	4940.00	1470.00	3470.00	395.00	3070.00	1500.00	1570.00
9	5030.00	1090.00	3940.00	371.00	3570.00	1500.00	2070.00
10	6030.00	358.00	5670.00	176.00	5490.00	1500.00	3990.00
11	12800.00	374.00	12400.00	205.00	12200.00	1500.00	10700.00
12	25800.00	415.00	25400.00	233.00	25200.00	1500.00	23700.00
Stor	19900000	1960000	18000000	202000	17800000	1080000	16700000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R @ mouth
 Water Availability Subbasin: 0100000000000000
 Time: 08:37

Date: 09/22/1998

-----ISWRs-----							
APP #	181A	0	0	0	0	RESULTANT	
STATUS	Cert.						
1	1500.00	.00	.00	.00	.00	1500.00C	
2	1500.00	.00	.00	.00	.00	1500.00C	
3	1500.00	.00	.00	.00	.00	1500.00C	
4	1500.00	.00	.00	.00	.00	1500.00C	
5	1500.00	.00	.00	.00	.00	1500.00C	
6	1500.00	.00	.00	.00	.00	1500.00C	
7	1500.00	.00	.00	.00	.00	1500.00C	
8	1500.00	.00	.00	.00	.00	1500.00C	
9	1500.00	.00	.00	.00	.00	1500.00C	
10	1500.00	.00	.00	.00	.00	1500.00C	
11	1500.00	.00	.00	.00	.00	1500.00C	
12	1500.00	.00	.00	.00	.00	1500.00C	

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R ab MOLALLA R
 Water Availability Subbasin: 0105000000000000
 Time: 08:37

Exceedance Level: 80

ID Number: 182

Date: 09/22/1998

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	21400.00	347.00	21100.00	193.00	20900.00	1500.00	19400.00
2	23200.00	3290.00	19900.00	190.00	19700.00	1500.00	18200.00
3	22400.00	4480.00	17900.00	189.00	17700.00	1500.00	16200.00
4	19900.00	4280.00	15600.00	184.00	15400.00	1500.00	13900.00
5	16600.00	1970.00	14600.00	192.00	14400.00	1500.00	12900.00
6	8740.00	854.00	7890.00	363.00	7530.00	1500.00	6030.00
7	4980.00	1100.00	3880.00	363.00	3520.00	1500.00	2020.00
8	3830.00	986.00	2840.00	335.00	2500.00	1500.00	1000.00
9	3890.00	727.00	3160.00	326.00	2830.00	1500.00	1330.00
10	4850.00	253.00	4600.00	158.00	4440.00	1500.00	2940.00
11	10200.00	263.00	9940.00	177.00	9760.00	1500.00	8260.00
12	19300.00	287.00	19000.00	192.00	18800.00	1500.00	17300.00
Stor	15100000	1750000	13400000	171000	13200000	1080000	12100000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R ab MOLALLA R
 Water Availability Subbasin: 0105000000000000
 Time: 08:37

Date: 09/22/1998

-----ISWRs-----							
APP #	182A	0	0	0	0	RESULTANT	
STATUS	Cert.						
1	1500.00	.00	.00	.00	.00	1500.00C	
2	1500.00	.00	.00	.00	.00	1500.00C	
3	1500.00	.00	.00	.00	.00	1500.00C	
4	1500.00	.00	.00	.00	.00	1500.00C	
5	1500.00	.00	.00	.00	.00	1500.00C	
6	1500.00	.00	.00	.00	.00	1500.00C	
7	1500.00	.00	.00	.00	.00	1500.00C	
8	1500.00	.00	.00	.00	.00	1500.00C	
9	1500.00	.00	.00	.00	.00	1500.00C	
10	1500.00	.00	.00	.00	.00	1500.00C	
11	1500.00	.00	.00	.00	.00	1500.00C	
12	1500.00	.00	.00	.00	.00	1500.00C	

(e) Except as specified in subsection (1)(a) of this rule, tributaries of the Main Stem Willamette River Subbasin are classified for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340

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

Middle Fork Willamette River Subbasin

690-502-060 The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;

Main Stem Willamette River Subbasin

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

Plat Card Report for **5S 2W 2**

9/22/98

Page 1 of 3

Application	Permit	Certificate	Status	DLC/ Lot	NE				NW				SW				SE			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 211	G 130	26689		64									0.100 IR	12.900 IR						
1/20/56																	4.500 IR	0.300 IR	5.800 IR	14.200 IR
G 533	G 430	28112		64																
12/26/56																				
GR 703	GR 658																10.370 IR			5.240 IR
9/10/50																				
GR 924	GR 897						6.000 IR									11.000 IR				
6/1/50																				
GR 1204	GR 1164					13.700 IR	15.900 IR	0.030 IR	1.370 IR			15.000 IR	6.000 IR				3.000 IR			
4/20/51																				
G 2146	G 1980	33749	Cncl	64			11.200 IR cncl					0.200 IR cncl								
10/13/61																				
G 2146	G 1980	33789		64			11.200 IR					0.200 IR								
10/31/61																				
GR 2421	GR 2301															0.500 IR			0.500 IR	
9/12/53																				
GR 2662	GR 2524										1.700 IR		0.800 IR	8.200 IR						
7/31/51																				
GR 2881	GR 4100				4.000 IR	22.000 IR														
12/31/46																				
G 2925	G 2715	36303		94					1.700 IR											
7/22/64																				

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

Type of Use >

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

< Supplemental indicator

Plat Card Report for 5S 2W 2

9/22/98

Page 2 of 3

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
GR 3370	GR 3117												3.500 IR	1.000 IR					
9/6/53																			
G 6770	G 6354	56379	Cncl'd														0 MU cncl'd		
12/26/74																			
G 6918	G 5688	52392												0.300 IR					
4/29/75			63																
T 7655	G 12029			0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 M	0 M	0 MU	0 MU	0 MU		
7/8/93																			
T 7656	CG 2593																0 MU		
T 7656	CG 2893																0 MU		
5/3/65																			
T 7656	CG 6354																0 MU		
12/26/74																			
G 10337	G 9338	61395										21.300 IR	1.700 IR	3.400 IR	27.500 IR		4.700 IR		
5/22/81			64														22.900 IR		
G 10763	G 9826	64122														3.600 IR			
6/30/82			64																
G 11455	G 10564	55142					3.900 IR									6.000 IR			
11/22/85			64																
G 11833	G 10931															0 MU	0 MU		
7/12/88																			

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

Type of Use >

Acres		
Status		

< Supplemental indicator

Plat Card Report for **5S 2W 3**

9/22/98

Page 1 of 2

Application	Permit	Certificate	Status	DLC/ Lot	NE				NW				SW				SE					
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
G 211	G 130	26689		64														1.000 IR				
1/20/56																						
G 451	G 319	27702		65		24.200 IR	8.300 IR			35.000 IR	1.200 IR	0.200 IR	5.200 IR									
8/17/56																						
GR 2009	GR 1937											5.520 IR										
11/30/47																						
G 2139	G 1988	34065		48															7.600 IR	5.000 IR		
10/27/61																						
G 2257	G 2074	31891		48														8.000 IR	7.400 IR			
3/16/62																						
GR 2662	GR 2524					7.200 IR	11.000 IR												9.200 IR			
7/31/51																						
GR 3370	GR 3117																	1.500 IR				
9/6/53																						
G 3559	G 3357	40577		81											28.500 IR	20.400 IR						
7/1/66																						
G 3647	G 3426	36314		48														3.200 IR		0.300 IR	9.500 IR	
8/30/66																						
G 4210	G 3974	39797		48		7.600 IR					5.600 IR	30.500 IR	14.500 IR	2.800 IR						3.100 IR		
2/2/68																						
G 5400	G 5325	46473		48														10.150 IR	4.500 IR			
1/18/71																						

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

Type of Use >

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

< Supplemental indicator

Plat Card Report for 5S 2W 3

9/22/98

Page 2 of 2

Application	Permit	Certificate	Status	DLC/ Lot	NE				NW				SW				SE			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 6918	G 5688	52392		63														14.900 IR	11.600 IR	
4/29/75																				
G 12329	G 11202																	2.000 IR		
12/6/90																				
G 13330	G 11721				0.100 IR	8.600 IR			2.200 IR											

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

Type of Use >

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

 < Supplemental indicator

ENGLE & SCHMIDTMAN
ATTORNEYS AT LAW
NORTHWOOD OFFICE PARK - 610 GLATT CIRCLE
WOODBURN, OR 97071

ROBERT L. ENGLE
KIRK A. SCHMIDTMAN

TELEPHONE
(503) 981-0155

FAX
(503) 981-0158

HAROLD A. EICHSTEADT
RETIRED 1990

RECEIVED

July 29, 1998

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Dwight French
Oregon Water Resources Dept.
Commerce Bldg.
158 12th Street, NE
Salem, OR 97310-0210

Re: Application for Permit to Use Ground Water

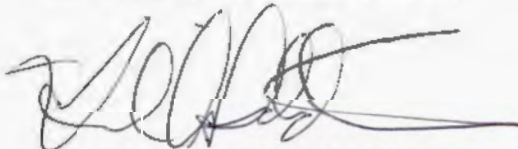
Dear Mr. French:

It is my understanding that you have spoken with Leonard Wanner regarding the application and other enclosures submitted to your office with our letter dated July 9, 1998, and that you have instructed Mr. Wanner to resubmit the application to your attention.

Consequently, enclosed please find the signed application, check for fees, and other enclosures that were previously submitted. Thank you for your assistance in processing this application. You may communicate directly with Mr. Wanner, and your efforts are appreciated. Thank you.

Yours truly,

ENGLE & SCHMIDTMAN



KIRK A. SCHMIDTMAN
KAS:jjn
Enclosures

cc: Leonard Wanner

RECEIVED
JUL 14 1998
WATER RESOURCES DEPT.
SALEM, OREGON

TELEPHONE
(503) 981-0155

ENGLE & SCHMIDTMAN
ATTORNEYS AT LAW
NORTHWOOD OFFICE PARK - 610 GLATT CIRCLE
WOODBURN, OR 97071

ROBERT L. ENGLE
KIRK A. SCHMIDTMAN

HAROLD A. EICHSTEADT
RETIRED 1980

FAX
(503) 981-0158

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

July 9, 1998

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Commerce Building
158 12th Street, NE
Salem, OR 97310-0210

Re: Application For Permit To Use Groundwater

Dear Sirs:

On behalf of applicants Leonard Wanner and Ann Marie Wanner, husband and wife, enclosed please find the following:

1. Signed Application for a Permit to Use Groundwater, with all questions answered to the best of their ability;
2. Form I for Irrigation Water Use;
3. Water well report per Start Card No. 107117;
4. Land Use Information Form completed by Wanners and approved by Marion County Planning Department on 7/8/98;
5. Portion of County Assessor map with information noted regarding scale, direction, location of residence, location of well, and location of acreage to be served by the well;
6. Check in the amount of \$400 made payable to the Water Resources Dept. for examination and application fees.

Thank you for your assistance in processing this application. You may deal directly with Mr. and Mrs. Wanner regarding any additional questions, and I will remain available to them for further assistance as needed.

Yours truly,

ENGLE & SCHMIDTMAN



KIRK A. SCHMIDTMAN

KAS:jjn

Enclosures

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUL 14 1998

WATER RESOURCES DEPT.
SALEM, OREGON

cc: Leonard and Ann Marie Wanner

RECEIVED

JUL 30 1998

RECEIVED

JUL 14 1998

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon Water Resources Dept.
SALEM, OREGON
Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: LEONARD J. WANNER, ANN MARIE WANNER

Address: 7588 Crosby Rd. N.E.

City: Woodburn State: ORE Zip: 97071 Day Phone: 1-503-981-9395

B. Land and Location S2; T5S; R2W

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>800</u>	<u>Prime Ag/EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Domestic-Irrigation

Briefly describe: Agricultural use.

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

_____ CFS GPM Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

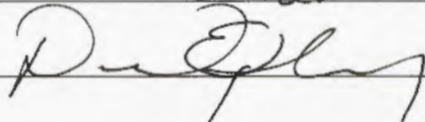
- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 136.020. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

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

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: David Epling Date: 7/8/98
 Title: Associate Planner Phone: 588-51038
 Signature: 

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

RECEIVED

JUL 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Legal Description of Property

The property legal description required by the Department can be found on your deed, land sale contract or title insurance policy. It is not found on your tax bill or maps. Generally the legal description looks like the following examples:

Lot 1, Block 3 of the Bumblebee Subdivision, Sec 12, T 8S R16E of the Willamette Meridian, Jefferson County, Oregon;

OR

Beginning at a point 100 rods South of the Northeast corner of Section 8, Township 3 South, Range 9 East of the Willamette Meridian; thence North 28 rods: thence West 31 rods; thence North 152 rods to the 1/16th Section line on the North side of the Southeast Quarter of the Southeast Quarter.....

① Deed copy from
② Picture of well from section corner.
— feet — and — feet —
— feet — of the — corner of — section —

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

RECEIPT # **33932** INVOICE # _____

RECEIVED FROM: Leonard J. Wanner APPLICATION G-14815
BY: _____ PERMIT _____
TRANSFER _____

CASH: CHECK: # 24-7080 OTHER: (IDENTIFY) _____ TOTAL REC'D \$ 175.00

0417 WRD MISC CASH ACCT		
ADJUDICATIONS		\$
PUBLICATIONS / MAPS		\$
OTHER: (IDENTIFY)		\$
OTHER: (IDENTIFY)		\$
REDUCTION OF EXPENSE		
PCA AND OBJECT CLASS	CASH ACCT.	\$
VOUCHER #		
0427 WRD OPERATING ACCT		
0407 MISCELLANEOUS COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
(New) TC162 DEPOSIT LIAB. (IDENTIFY)		\$
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE	RECORD FEE
0203 GROUND WATER	\$	0202 \$
0205 TRANSFER	\$	0204 \$ <u>175.00</u>
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
LANDOWNER'S PERMIT	\$	0219 \$
OTHER (IDENTIFY)		0220 \$
0437 WELL CONST. START FEE		
0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		
0539 LOTTERY PROCEEDS		
1302 LOTTERY PROCEEDS		\$
0467 HYDRO ACTIVITY		LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **33932** DATED: 10-18-99 BY: Roger Whigley
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **23253**

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

INVOICE # _____

RECEIVED FROM: Leonard J Wagner
BY: _____

APPLICATION	614815
PERMIT	
TRANSFER	

CASH: CHECK: # X 24 2038 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.00

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
PCA AND OBJECT CLASS	VOUCHER #

0427 WRD OPERATING ACCT

0407	MISCELLANEOUS		\$
0410	COPY & TAPE FEES		\$
0408	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
(New) TC165	DEPOSIT LIAB. (IDENTIFY)		\$
(Existing) TC168			
	WATER RIGHTS:		
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	\$
0205	TRANSFER	\$ <u>400.00</u>	\$
	WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	\$
			\$
	OTHER (IDENTIFY)		

PCA # 66111

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

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

0467 HYDRO ACTIVITY

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

RECEIPT # **23253**

DATED: 7-14-98 BY: M. Thayer

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal