

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JAN HUPP
19900 GRADE RD SE
SILVERTON OR 97381

confirms the right to use the waters of A WELL in POWERS CREEK BASIN for NURSERY USE on 27.8 ACRES.

This right was perfected under Permit G-13849. The date of priority is SEPTEMBER 1, 1999. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.78 CUBIC FOOT PER SECOND, measured at the well.

The period of use is year round.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 E	WM	10	NE SW	140 FEET SOUTH AND 810 FEET WEST FROM C¼ CORNER, SECTION 10

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 E	WM	10	SW NW	0.2
7 S	1 E	WM	10	SE NW	2.1
7 S	1 E	WM	10	NE SW	14.8
7 S	1 E	WM	10	NW SW	10.7

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

The well shall be maintained 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 to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

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

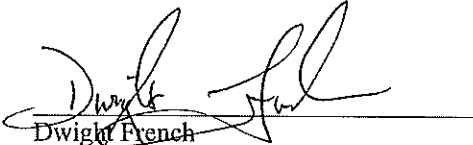
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By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

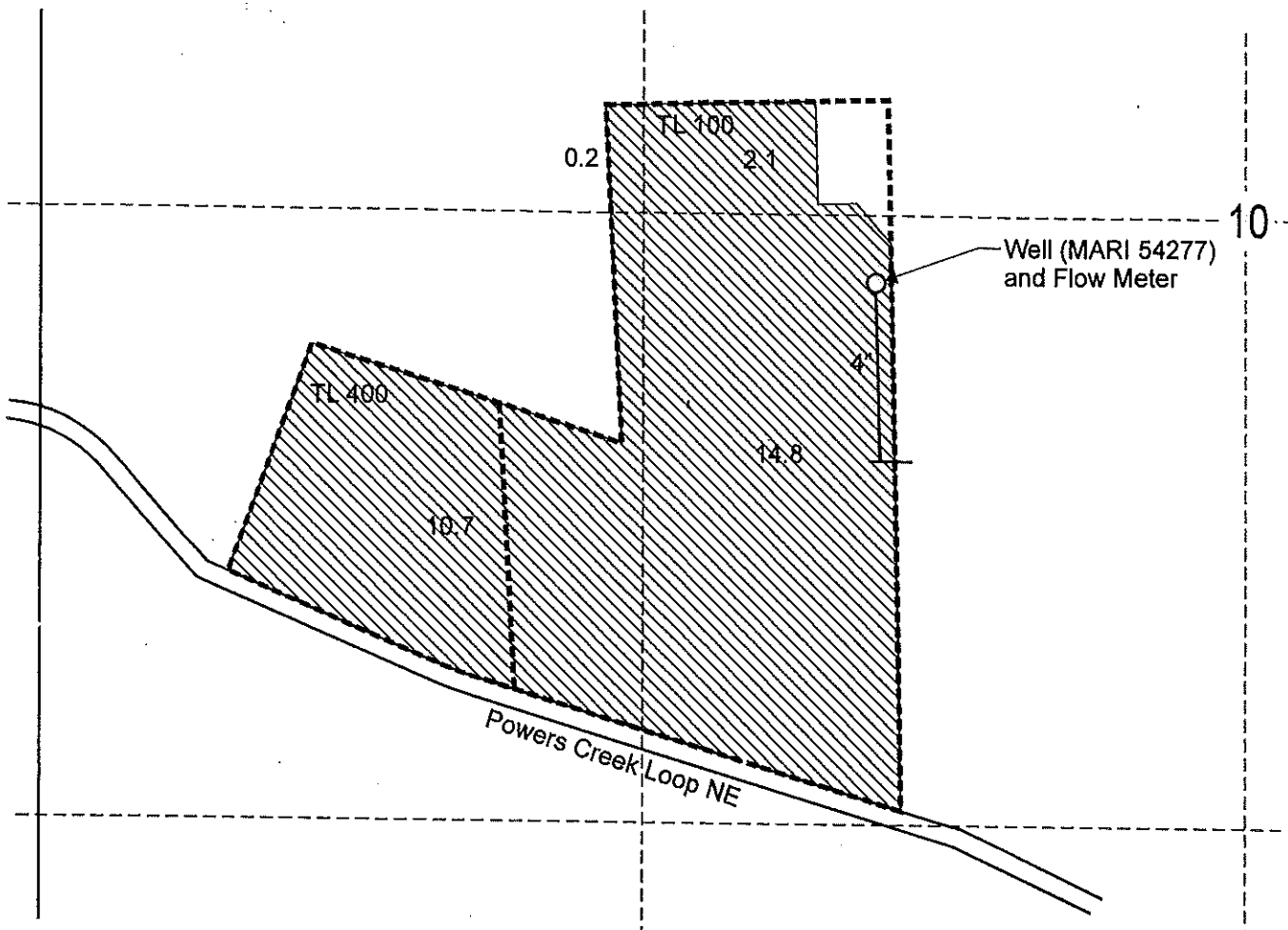
The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued DEC 02 2016.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T.7S. R.1E. Section 10, W.M.



Well (MARI 54277) is located 140 feet south and 810 feet west from the C 1/4 corner, Section 10.

 Area (27.8 Acres) irrigated under Application G-15023, Permit G-13849.

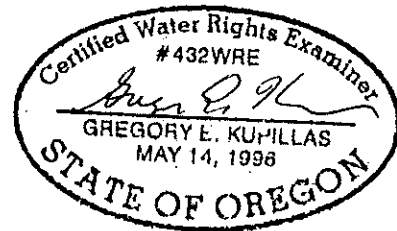
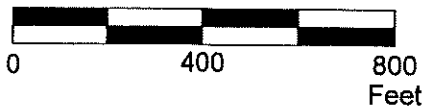
----- Tax lot boundary

RECEIVED

JAN 17 2006

WATER RESOURCES DEPT
SALEM, OREGON

Scale: 1" = 400'



EXPIRATION DATE: 6/30/07



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Claim of Beneficial Use Map
Application G-15023, Permit G-13849

Pacific Hydro-Geology Inc.

Jan Hupp

10/2005



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

DATE MAILED: December 2, 2016

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Application: G-15023

Permit: G-13849

Certificate: 91902

Permit/Certificate Holder:

JAN HUPP
19900 GRADE RD SE ✓
SILVERTON OR 97381

Copies Mailed	
by:	<u>Connie Vance</u> (STAFF)
on:	<u>DEC 02 2016</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District #: 16 ✓
2. ~~Data Center (include copy of map)~~
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Greg Kupillas, CWRE ✓



Oregon

Theodore R. Kulongoski, Governor

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

January 17, 2012

Jan Hpp
19900 Grade Road SE
Silverton, OR 97

The Department has accepted the pump test results for the following permitted well(s):

<u>Application/ Permit</u>	<u>Permitted Well</u>	<u>Tested Well</u>	<u>Test Date</u>	<u>Test Status</u>	<u>Exemption</u>	<u>Owner's Well Name</u>
G-15023/G-13851 G-13849	MARI 54277	MARI 54277	01/15/2009	Approved	None	

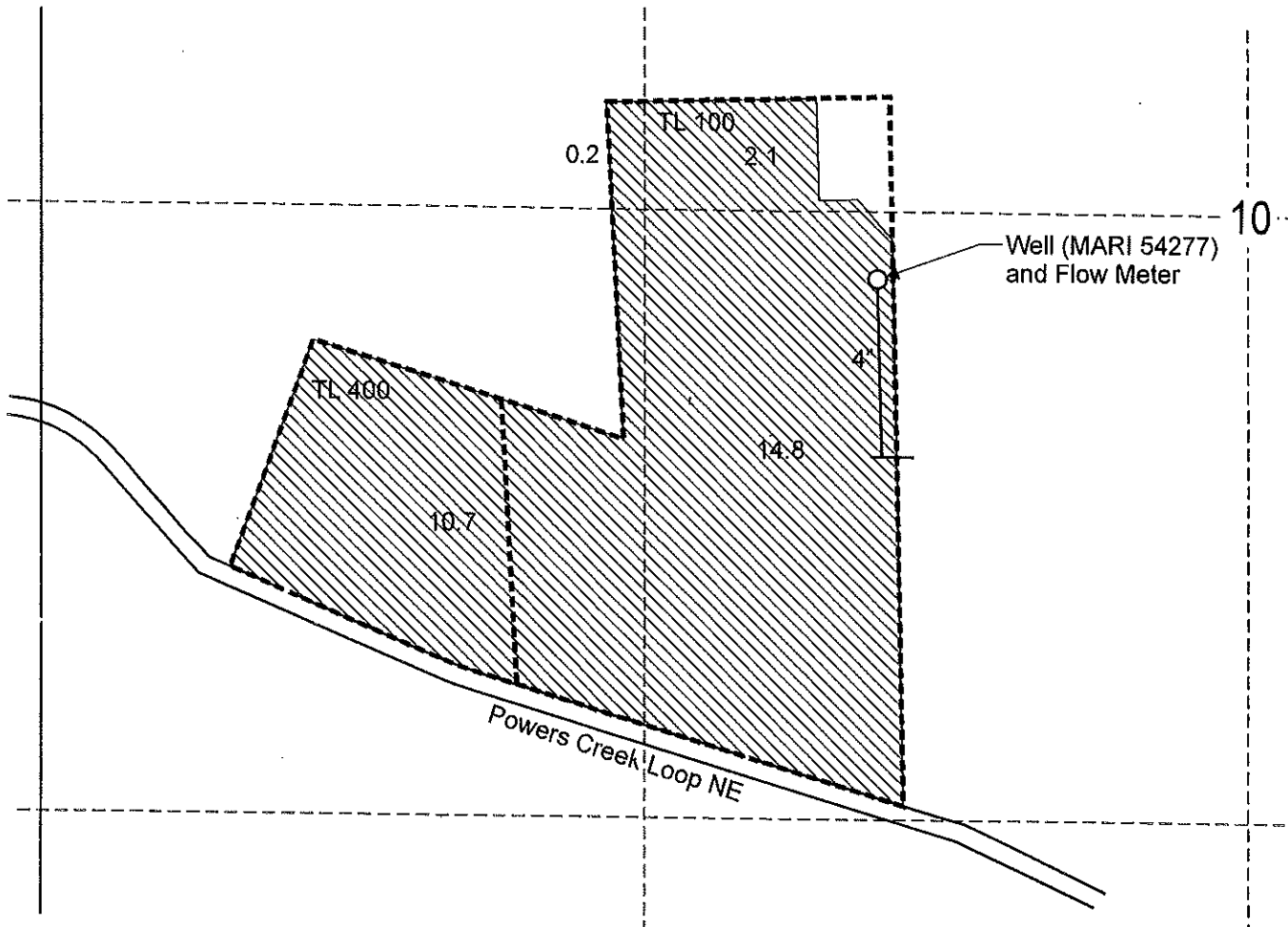
Please contact me if you have any questions about the status of your test. Please call Gerry Clark at 503-986-0811 if you have any questions about how this action may affect the status of your water right.

Sincerely yours,

Marc Norton
Ground Water Section

cc: GW Pump Test File

T.7S. R.1E. Section 10, W.M.



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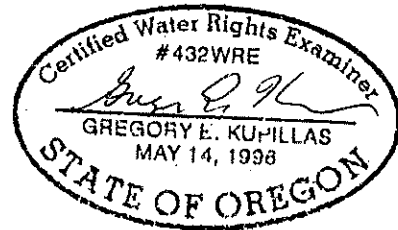
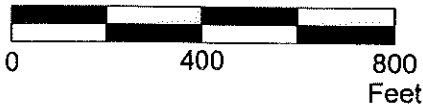
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----- Tax lot boundary

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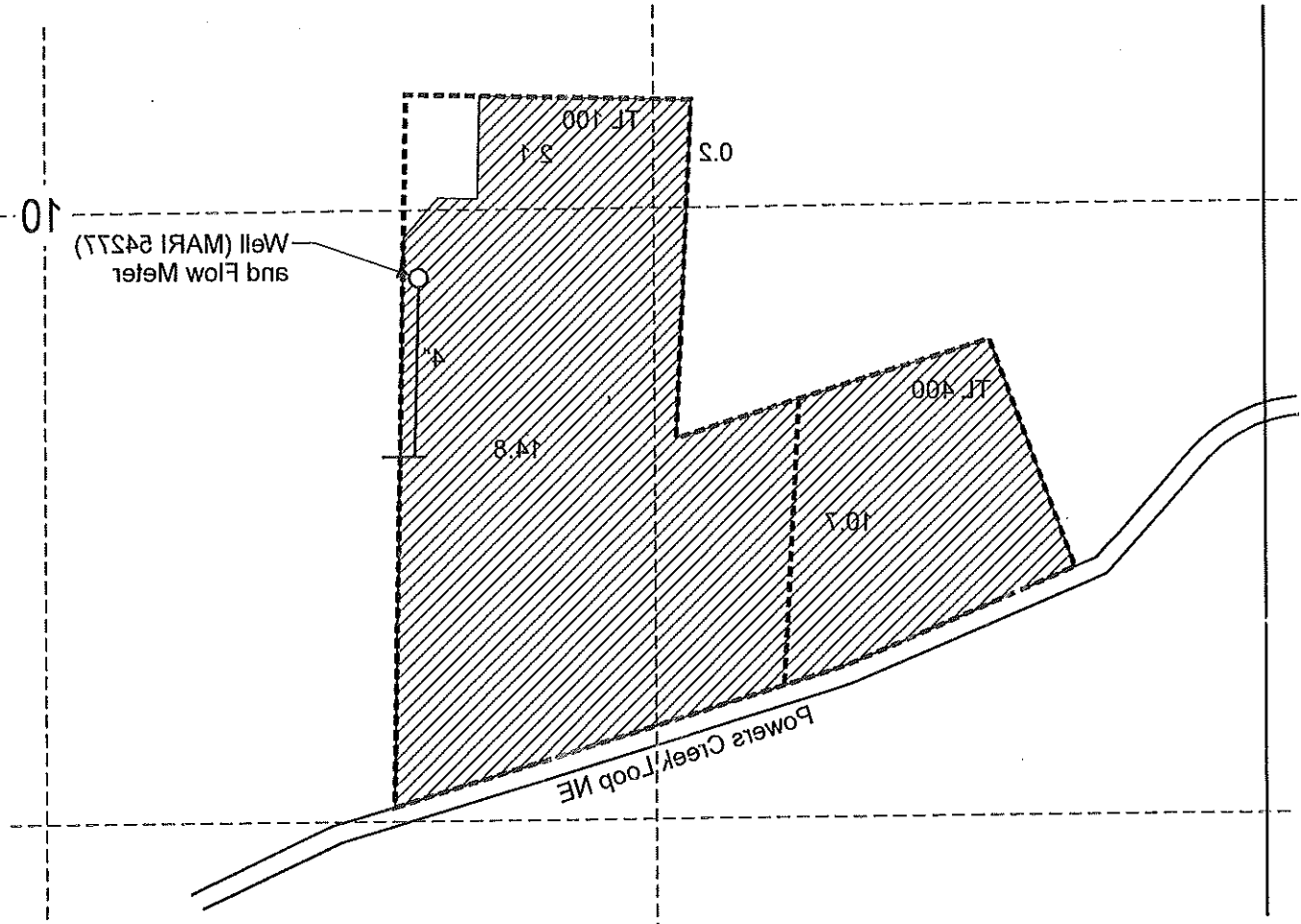
Pacific Hydro-Geology Inc.

Jan Hupp

10/2005

HuppOwnedCOBU.cdr

T.7S. R.1E. Section 10, W.M.



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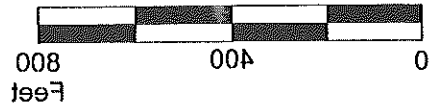


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1015002

Pacific Hydro-Geology Inc.

The USBOR logo is a registered trademark of the USBOR.

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Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-15023

Permit: G-13849

Certificate: *****

Permit/Certificate Holder:

~~JAN HUPP
19900 GRADE RD SE
SILVERTON OR 97381~~

Copies Mailed

by: JH
(STAFF)

on: 5/29/15
(DATE)

Copies of Final Certificate to be sent to:

- ~~1. Watermaster District 16~~
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
- ~~5. File~~

Other persons to receive copies: (include map):

- ~~1. PACIFIC HYDRO-GEOLOGY INC.
GREGORY KUPILLAS, CWRE~~
- 2.

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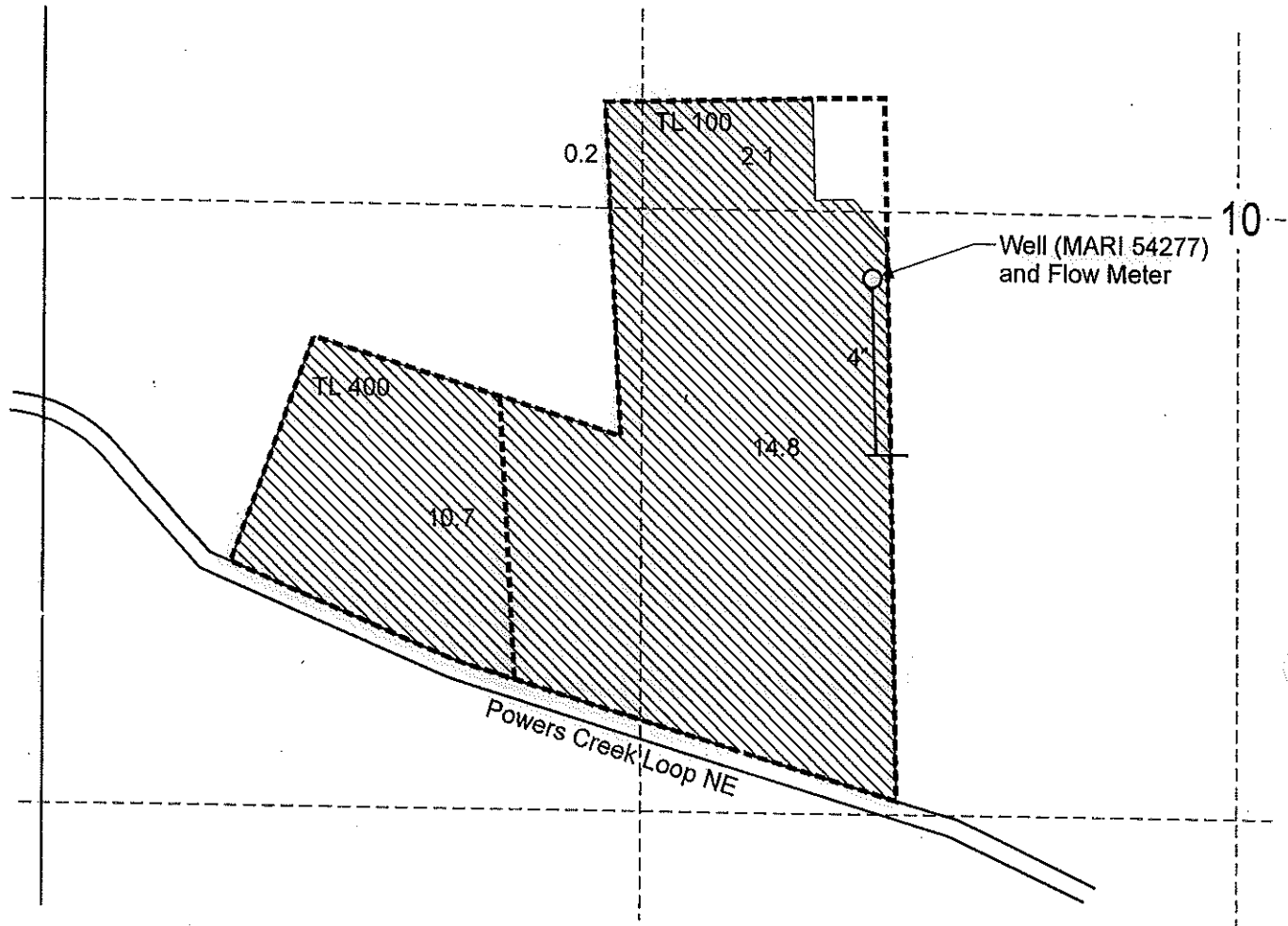
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
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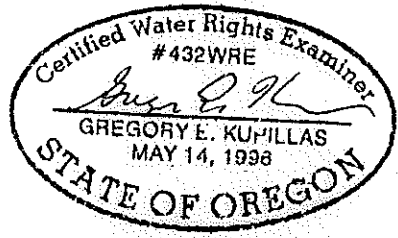
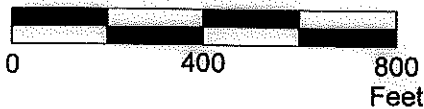
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SALEM, OREGON

Scale: 1" = 400'



EXPIRATION DATE: 6/30/07



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Claim of Beneficial Use Map
Application G-15023, Permit G-13849

Pacific Hydro-Geology Inc.

Jan Hupp

10/2005

HuppOwnedCOBU.cdr



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

DATE MAILED:

MAY 29 2015

NOTICE

Reference: Application G-15023 Permit G-13849

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

Marion County Assessor's Property Records Property Summary

Property Identification

Account No.:	R38601	Manufactured Home ID:	
Situs Address:	17725 POWERS CREEK LP NE SILVERTON, OR 97381	Legal Description:	ACRES 21.56
Map Tax Lot:	071E10C 00100		

Owner Information

Owner: HUPP, JAN &
HUPP, CINDY
19900 GRADE RD SE
SILVERTON, OR 97381

Property Details

Year Built:	2001	Property Code:	A93
Living Area:	696	Property Class:	551
Bedrooms:	2	Levy Code Area:	00400088
Bathrooms:	1	Zoning:	Contact Local Jurisdiction
Legal Acreage:	21.56	Apex Sketches:	None Available

Value Information

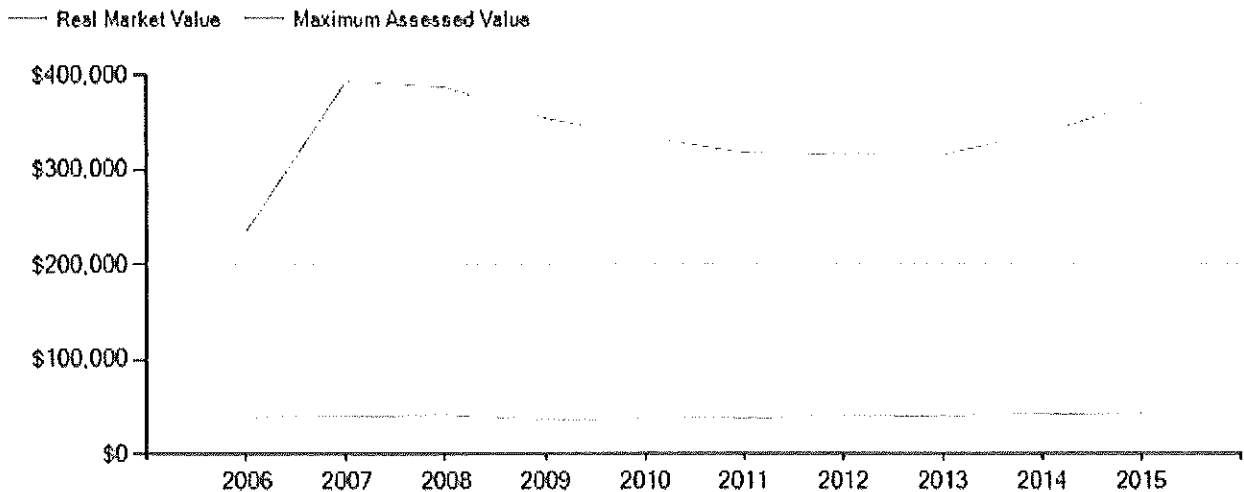
RMV Land Market:	\$0
RMV Land Spec. Assess.:	\$318,850
RMV Structures:	\$51,860
RMV Total:	\$370,710

SAV:	\$46,170
Exception RMV:	\$0
Exemption RMV:	\$0
M5 Taxable:	\$98,030

Exemption Description: None

MAV:	\$43,410
MSAV:	\$25,550
AV:	\$68,960

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Tax Information

Taxes Levied 2015-16:	\$930.76	Tax Payoff Amount:	\$0.00
Tax Rate:	13.4971	Tax Statement:	2015-16 Tax Statement

Sales Information

Sales Date:	8/5/1987	Deed Number:	05660016
-------------	----------	--------------	----------

Sales Price:	\$34,687	Deed Type:	RD
Sale Type:	36	Property IDs Included in Sale:	R38601 R38602

**Marion County Assessor's Property Records
Property Summary**

Property Identification

Account No.:	R38602	Manufactured Home ID:	
Situs Address:		Legal Description:	ACRES 6.19
Map Tax Lot:	071E10C 00400		

Owner Information

Owner: HUPP, JAN &
HUPP, CINDY
19900 GRADE RD SE
SILVERTON, OR 97381

Property Details

Year Built:		Property Code:	A90
Living Area:		Property Class:	551
Bedrooms:		Levy Code Area:	00400088
Bathrooms:		Zoning:	Contact Local Jurisdiction
Legal Acreage:	6.19	Apex Sketches:	None Available

Value Information

RMV Land Market:	\$0
RMV Land Spec. Assess.:	\$66,800
RMV Structures:	\$0
RMV Total:	\$66,800

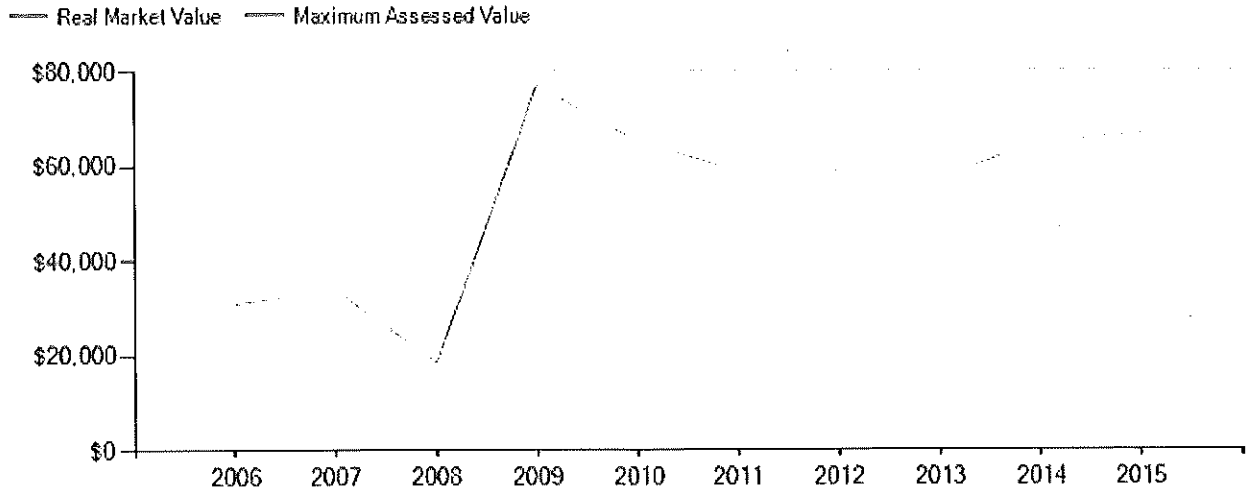
SAV:	\$7,870
Exception RMV:	\$0
Exemption RMV:	\$0
M5 Taxable:	\$7,870

Exemption Description: None

MAV:	\$0
MSAV:	\$3,960

AV: \$3,960

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Tax Information

Taxes Levied 2015-16:	\$53.45	Tax Payoff Amount:	\$0.00
Tax Rate:	13.4971	Tax Statement:	2015-16 Tax Statement

Sales Information

Sales Date:	8/5/1987	Deed Number:	05660016
-------------	----------	--------------	----------

Sales Price:	\$34,687	Deed Type:	RD
Sale Type:	36	Property IDs Included in Sale:	R38601 R38602

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>G-15023</u>	Permit # <u>G-13849</u>	Transfer #
WRD Reviewer <u>Brian Creutzburg</u>	Date <u>5-5-2015</u>	
WRD Peer Reviewer <u>Mary Björge</u>	Date <u>5-6-15</u>	

Research

- Organize file in chronological order
- Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- Water Organization identified using AOI? No Yes
If "Yes" cc: _____ & Add to Mailing List
- Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- Print Platcard & check for Place of Use Conflict? No Yes
If "Yes", provide copy of certificate & relevant map
- Print BLM Cadastral Survey
- Does Claim Map identify correct DLC, Gov't Lots, QQ's? No Yes
If "No", either WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- NA Fish Conditions
- Yes Meter/measuring device
- Yes Water Use Reporting
- Yes Pump Test (post December 19, 1988)
- Other Conditions _____ Well drilled August of 1999,
- Yes SWL 1st March measurement appears to be 124.0 ft on 3-21-02
- Yes C-Date 10-1-2004 Water applied to beneficial use 8-03

Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

350 GPM = 0.78 cfs → direct read

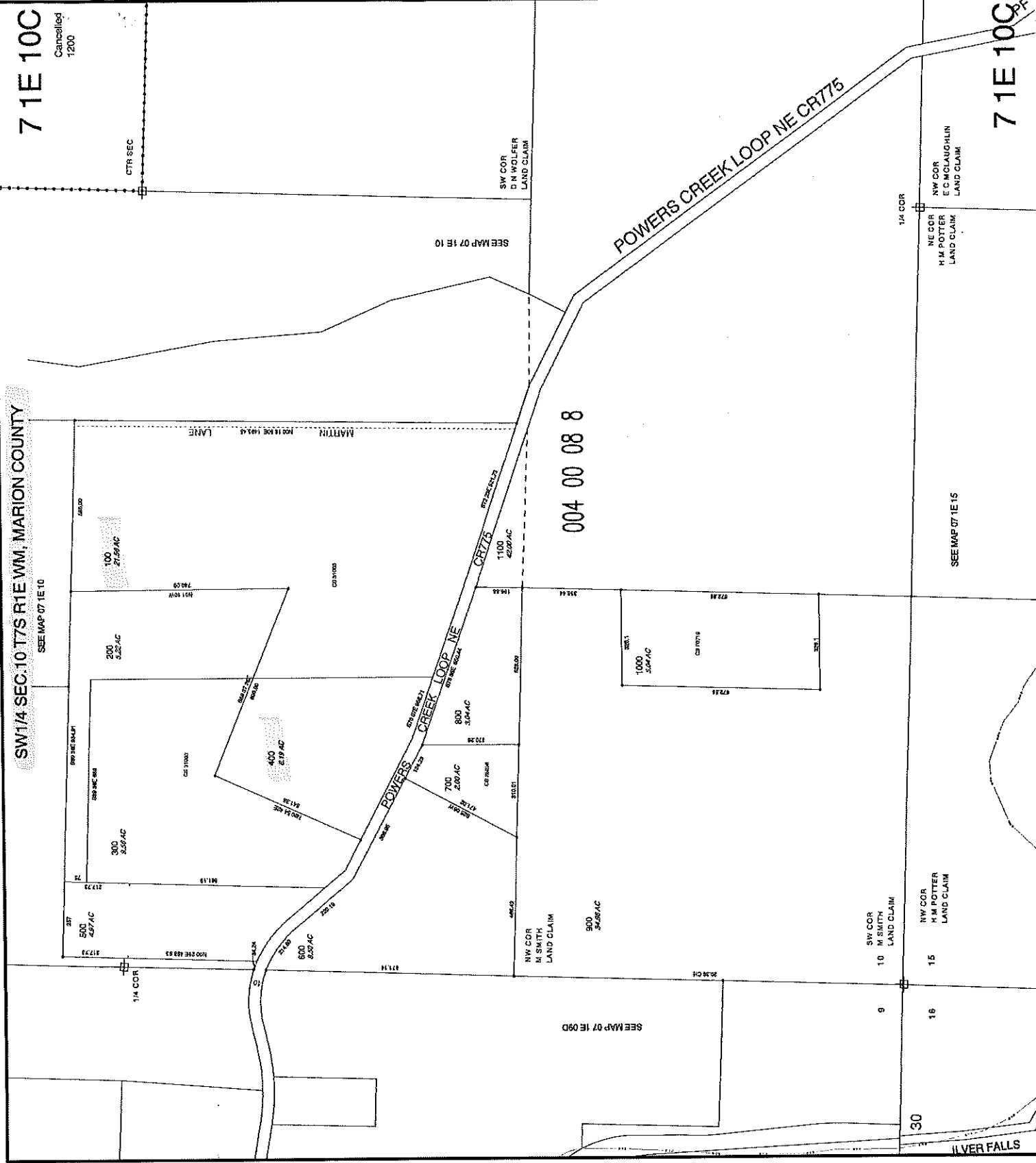
NOTES: Theoretical pump capacity = .76 cfs
" sprinkler " = .78 cfs
" Big Gun " = .89 cfs
LOBU states actual rate = .78 cfs ✓

* permit does not indicate that a referenced SWL will be established. MB/WED
Min. compl. w/ "window"

7 1 E 10 C
Cancelled
1200

7 1 E 10 C

SW 1/4 SEC. 10 T7S R1E WM, MARION COUNTY



LEGEND

- LINE TYPES**
- TAX LOT BOUNDARY ---
 - OLD PROPERTY LINE - - -
 - ROAD RIGHT-OF-WAY - - - - -
 - VACATED RIGHT-OF-WAY - - - - -
 - RAILROAD RIGHT-OF-WAY - - - - -
 - RAILROAD - - - - -
 - SPECIAL LAKE ETC. NON-BOUNDARY - - - - -
 - SUBDIVISION BOUNDARY - - - - -
 - PARTITION PLAT BDY. - - - - -
 - TAX CODE BOUNDARY - - - - -
 - EASEMENT - - - - -

SYMBOL TYPES

- D.L.C. (C)
- CONTROL POINTS (A)
- SURVEY MONUMENTS (•)
- CLA CORNERS (•)
- SECTION 1/4 SEC. 1/16 SEC. (1/4 COR, 1/16 COR)

NUMBERS

TAX CODE INCL. 000 00 00 0
 ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY BE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAY.

AREAS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 200' or 1:2000
 Plot file created: April 05, 2010

7/1/14-6/30/15 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R38601

MARION COUNTY, OREGON - 555 COURT ST NE #2242 - SALEM, OR 97301
 PROPERTY DESCRIPTION
 17725 POWERS CREEK LP NE
 SILVERTON, OR 97381
 ACRES: 21.56
 MAP: 071E10C 00100
 CODE: 00400088

LAST YEAR'S TAX 859.65
 See back for explanation of taxes marked with (*)

HUPP, JAN &
 HUPP, CINDY
 19900 GRADE RD SE
 SILVERTON, OR 97381

THIS YEAR'S TAX
 EDUCATION:
 SILVER FALLS SCHOOL 304.93
 WILLAMETTE REG ESD 19.90
 CHEMEKETA COM COL 41.99

 EDUCATION TOTAL: 366.82
 GENERAL GOVERNMENT:
 MARION COUNTY 202.93
 MARION SOIL & WTR 3.35
 DRAKES CROSSING FD 117.71
 SILVER FALLS LIBRARY 38.56
 REGIONAL LIBRARY 5.49

 GENERAL GOVERNMENT TOTAL 368.04

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	0	0
LAND - SPEC	23,890	24,930
IMPROVEMENT	47,860	48,680
TOTAL VALUE	71,750	73,610
TAXABLE VALUES:		
ASSESSED	64,820	67,080
NET TAXABLE:	64,820	67,080

EXCLUDE FROM LIMIT:
 SILVER FALLS SCH BOND 151.02
 CHEMEKETA COM COL BOND 18.00

 EXCLUDE FROM
 LIMIT TOTAL: 169.02
 2014-15 PROPERTY TAX TOTALS 903.88

POTENTIAL ADDITIONAL TAX LIABILITY
 FARM ZONED

If a mortgage company pays your taxes,
 This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
876.76	590.54	301.30

TOTAL TAX (After Discount) 876.76

2014-15 Property Taxes
 SITUS: 17725 POWERS CREEK LP NE
 SILVERTON, OR 97381

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT
 MARION REAL ACCOUNT NO.: R38601

Full Payment Enclosed	Due:	Pay By	Discount Allowed	Net Amount
or 2/3 Payment Enclosed	Due:	11/17/14	27.12 3%	876.76
or 1/3 Payment Enclosed	Due:	11/17/14	12.05 2%	590.54
			NONE 0%	301.30

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

Mailing address change on back

Enter Payment Amount \$

MAKE CHECK PAYABLE TO:
 MARION COUNTY TAX COLLECTOR
 PO BOX 3416
 PORTLAND OR 97208-3416

HUPP, JAN &
 HUPP, CINDY
 19900 GRADE RD SE
 SILVERTON, OR 97381

24000001386010000087678000005905400000301301

7/1/14-6/30/15 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R38602

MARION COUNTY, OREGON - 555 COURT ST NE #2242 - SALEM, OR 97301
 PROPERTY DESCRIPTION
 ACRES 6.19

LAST YEAR'S TAX 48.01
 See back for explanation of taxes marked with (*)

ACRES: 6.19
 MAP: 071E10C 00400
 CODE: 00400088

HUPP, JAN &
 HUPP, CINDY
 19900 GRADE RD SE
 SILVERTON, OR 97381

THIS YEAR'S TAX

EDUCATION:
 SILVER FALLS SCHOOL 17.46
 WILLAMETTE REG ESD 1.14
 CHEMEKETA COM COL 2.40

 EDUCATION TOTAL: 21.00
 GENERAL GOVERNMENT:
 MARION COUNTY 11.62
 MARION SOIL & WTR 0.19
 DRAKES CROSSING FD 6.74
 SILVER FALLS LIBRARY 2.21
 REGIONAL LIBRARY 0.31

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	0	0
LAND - SPEC	3,620	3,840
IMPROVEMENT	0	0
TOTAL VALUE	3,620	3,840
TAXABLE VALUES:		
ASSESSED	3,620	3,840
NET TAXABLE:	3,620	3,840

GENERAL GOVERNMENT TOTAL 21.07
 EXCLUDE FROM LIMIT:
 SILVER FALLS SCH BOND 8.65
 CHEMEKETA COM COL BOND 1.03

 EXCLUDE FROM
 LIMIT TOTAL: 9.68
 2014-15 PROPERTY TAX TOTALS =====
 51.75

POTENTIAL ADDITIONAL TAX LIABILITY
 FARM ZONED

If a mortgage company pays your taxes,
 This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
50.20	33.81	17.25

TOTAL TAX (After Discount) 50.20

Tear Here
 2014-15 Property Taxes
 SITUS:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT
 MARION REAL ACCOUNT NO.: R38602

Tear Here

Full Payment Enclosed	Due:	Pay By	Discount Allowed	Net Amount
or 2/3 Payment Enclosed	Due:	11/17/14	1.55 3%	50.20
or 1/3 Payment Enclosed	Due:	11/17/14	0.69 2%	33.81
	Due:	11/17/14	NONE 0%	17.25

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

Mailing address
change on back

Enter Payment Amount
 \$

MAKE CHECK PAYABLE TO:
 MARION COUNTY TAX COLLECTOR
 PO BOX 3416
 PORTLAND OR 97208-3416

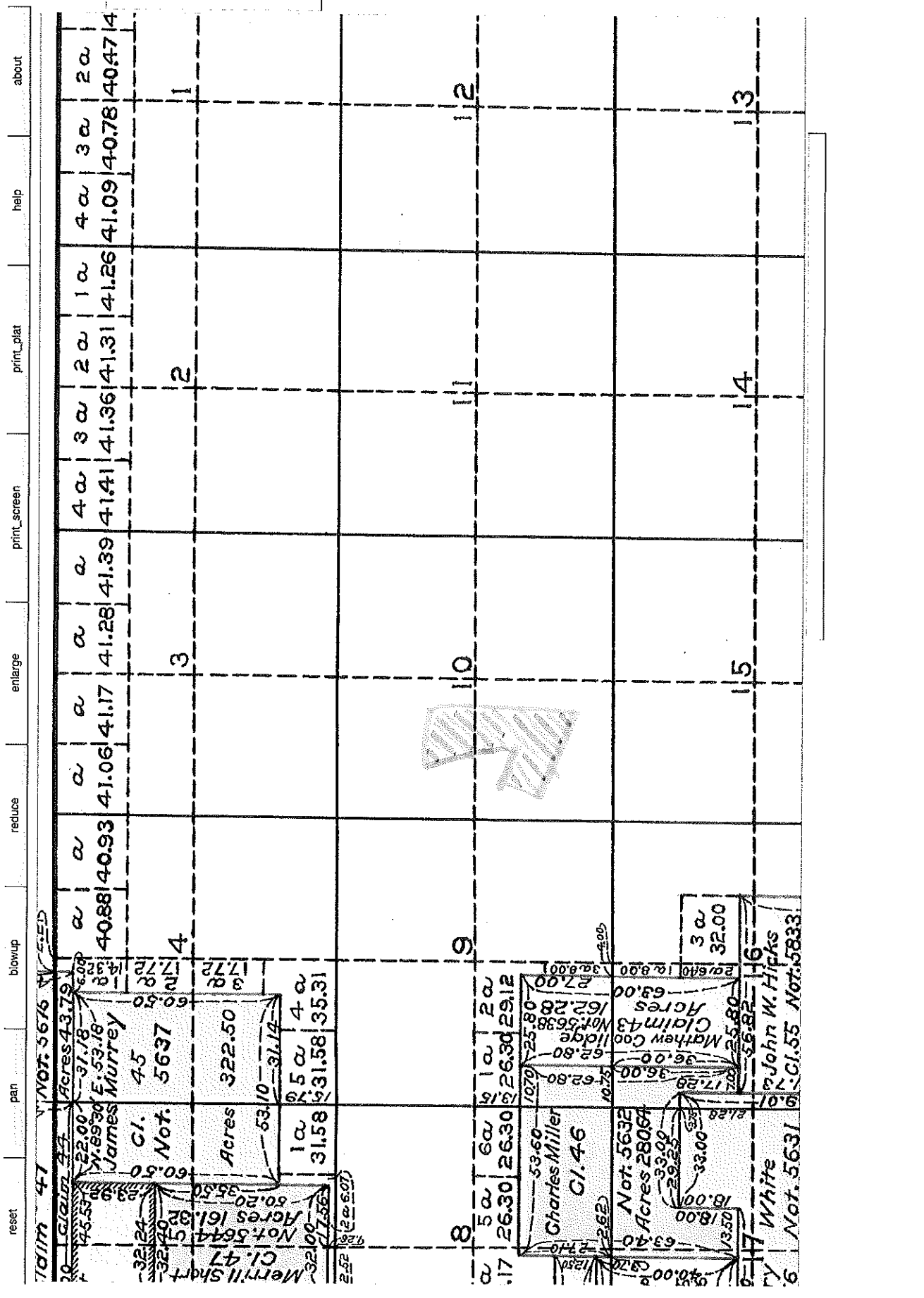
HUPP, JAN &
 HUPP, CINDY
 19900 GRADE RD SE
 SILVERTON, OR 97381

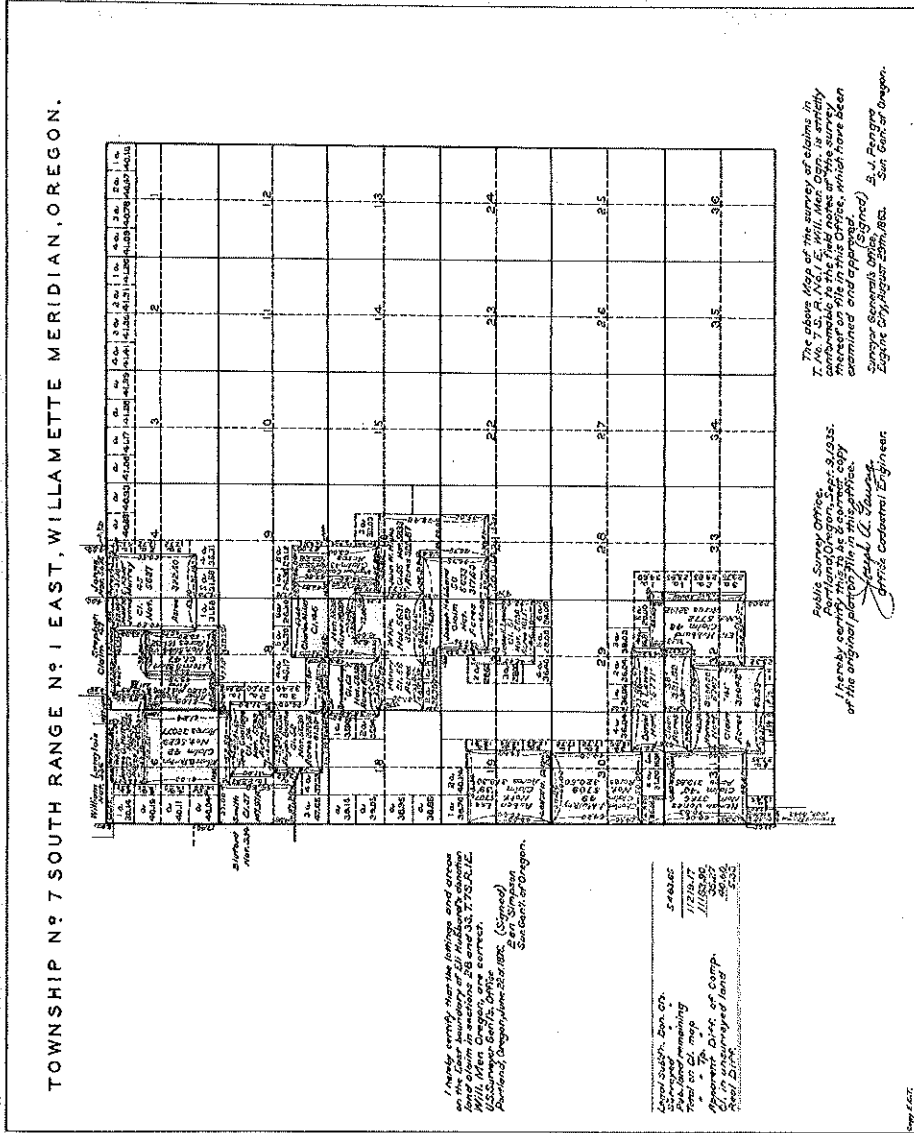
2400000 13860 2000000 50 20000000 338 1000000 17255

Cert: 23394 Select Cert:28120 OR CN Additional Info: BETTY LEIGHTY DARING App: S31084 Permit: S24599 Cert: 28120	8/31/1956 IRRIGATION CN	9
Select Cert:31427 RR CN Additional Info: FRANK E GILPATRICK App: S19206 Permit: S14800 Cert: 31427	3/13/1941 DOMESTIC CN	*
Select Cert:54272 RR * Additional Info: FRANK E GILPATRICK App: S19206 Permit: S14800 Cert: 54272	3/13/1941 DOMESTIC	*
Select Cert:57326 OR * Additional Info: SUSAN A. HEISE App: S54662 Permit: S41011 Cert: 57326	8/13/1976 IRRIGATION NCR	1.6
Select Cert:64733 RR * Additional Info: BETTY LEIGHTY App: S31084 Permit: S24599 Cert: 64733	8/31/1956 IRRIGATION NCR	9
Select Cert:65044 OR * Additional Info: MARTHA JANE PEARCY App: S66010 Permit: S48098 Cert: 65044	9/9/1983 IRRIGATION NCR	6.4

Acree Legend: 12.25 Regular acreage [12.25] Acreage has been suspended * Acreage is not Specified

12.25 Acreage is on a canceled right (inchoate) (12.25) Acreage is part of a transfer and has not been proven up on yet







Water Use Report Based on Water Right

Permit: G 13849 *

HUPP, JAN 19774 GRADE RD SE SILVERTON, OR 97381

Records per page: 10

Acre-feet (AF) of Water Used

<u>Water Report Year*</u>	<u>ID</u>	<u>Facility</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Total Water Used</u>	<u>Irrigated Acres</u>
2013	49712	HOVELAND WELL (MARI 54277/L-36093)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	973477.00	0.00	973477.00
2011	49712	HOVELAND WELL (MARI 54277/L-36093)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	811298.00	0.00	811298.00
2009	49712	HOVELAND WELL (MARI 54277/L-36093)	642098.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	598398.00	604582.00	626242.00	639232.00	3110552.00	
2008	49712	HOVELAND WELL (MARI 54277/L-36093)	13.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.43	13.43	13.43	53.72	

2007	<u>49712</u>	HOVELAND WELL	(MARI 54277/L- 36093)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29.48	20.81	18.85	0.00	69.14
2006	<u>49712</u>	HOVELAND WELL	(MARI 54277/L- 36093)	1.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.45	1.54	1.62	1.65	7.63
2005	<u>49712</u>	HOVELAND WELL	(MARI 54277/L- 36093)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.07	0.07	0.07	0.10	0.30
2004	<u>49712</u>	HOVELAND WELL	(MARI 54277/L- 36093)	0.00	0.51	0.00	0.00	0.00	0.00	0.00	0.00	1.76	6.88	5.20	3.32	1.15	18.83	
2003	<u>49712</u>	HOVELAND WELL	(MARI 54277/L- 36093)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.14	6.27	0.60	8.02
2002	<u>49712</u>	HOVELAND WELL	(MARI 54277/L- 36093)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.71	11.85	11.44	5.19	2.62	31.80	

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.

HovelAND?
Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM

1st SWL on file,
taken 6.01

RE: Required Water Level Report for a Well on Permit G 13849 Certificate 0 Pod 1 Application G 15023

Listed on water right as: A WELL Well log ID (if any, in our records):
Location: In the NE quarter of the SW quarter of Section 10, Township 7S, Range 1E
170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

Priority date: 9/8/1999

RECEIVED

JUN 08 2001

JAN HUPP
19556 DRAKES RD SE
SILVERTON OR 97381

WATER RESOURCES DEPT.
SALEM, OREGON

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT
(Complete one form for each well)

Well Identification (provide as much of the following information as possible):
Original owner of well (owner name on well log): JAN HUPP
Owner's well name or number (if any): HovelAND
Well ID (number on tag attached to casing, if present): 36093
Well log startcard number (if listed on well log): 124198
Well depth: 355 Casing diameter: 12/8
Date drilled: 8-99 Driller: WESTER BURY

When did water use begin under this permit from this well? Date: Month/Yr. 5-2000

Show all water rights listing this well:
Application number(s): _____
Permit number(s): 13851 13849 _____
Certificate number(s): _____

Date of measurement: 5-2001

Description of measuring point (e.g. 1 1/4" port pipe on north side): _____

Static water level above/below (circle one) measuring point: 129' 8" feet or airline pressure 62 psi
Measuring point distance above/below (circle one) land surface: 1' feet, or airline length 273 feet
Static water level above/below (circle one) land surface: 129' 8" feet
Shut-in pressure (if flowing artesian well): 0 psi

Method of measurement: E-tape _____ Airline X Other(specify): _____
Water-level status when measured: Static _____ Pumping _____ Recovering _____ Flowing _____
Length of time well was idle before measurement: 24 HR
Calculation / comments (show all work; use back or extra sheet if necessary): _____

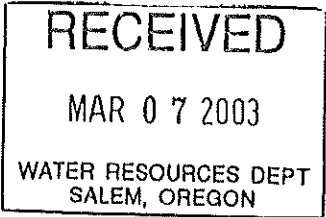
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): JAN HUPP
Signature of measurer: _____
Company: DRAKES CROSSING NURSERY
License number (CWRE, RG, PE, WWC, Pump Installer): _____
Daytime phone number: 503-573-4932 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.

**Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM**

RE: Required Water Level Report for a Well on Permit **G 13849** Certificate **0** Pod **1** Application **G 15023**
 Listed on water right as: A WELL Well log ID (if any, in our records): ^{40v} **MARI 54277** Priority date: 9/1/1999
Well location: In the NE quarter of the SW quarter of Section 10, Township 7S, Range 1E
 170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10



**JAN HUPP
DRAKES CROSSING NURSERY
19556 DRAKES RD SE
SILVERTON OR 97381**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.

MEASUREMENT REPORT
(Complete one form for each well.)

Well Identification (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: _____
 Original owner on well log: **JAN HUPP; HUPP, CINDY**
 Well ID # (on tag attached to casing): **L 36093** Startcard number (if listed on well log): **124198**
 Well depth: **355.00 (ft)** Casing diameter: _____ (in) Date drilled: **8/20/1999**
 Owner's well name: **↑** Drilled by: **Crestor Berg**

When did water use begin under this permit from this well? Date: Month/Yr _____

Show all water rights listing this well:

Application number(s): _____
 Permit number(s): _____
 Certificate number(s): _____

Measurement Details:

Date of measurement: _____

Description of measuring point (e.g. 1 1/4" port pipe on north side): _____

Static water level above / below (circle one) measuring point: **129.78** feet, or airline pressure **62** (psi)
 Measuring point distance above / below (circle one) land surface: **1** feet, or airline length **273** feet
 Static water level above / below (circle one) land surface: **128.78** feet
 Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape _____ Airline Other(specify): _____
 Water-level status when measured: Static _____ Pumping _____ Rising _____ Flowing _____ Other _____
 Length of time well was idle before measurement: **24 + HR.**

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): **JAN HUPP**
 Signature of measurer: *[Signature]*
 Company: _____
 License number (CWRE, RG, PE, WWC, Pump Installer): _____
 Daytime phone number: **823-4932** Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245.
Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/19/2003 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS MEASURED BY	COMMENTS
03/21/2002	STATIC	AIRLINE	.	124.00 MARC NORTON	
06/01/2001	STATIC	AIRLINE	1.00	129.66 JAN HUPP	WELL CONSTRUCTED
08/20/1999	STATIC	ETAPE	1.00	127.00 STEVE STADELI	WELL CONSTRUCTED

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APR 01 2004

Water Level Report

WATER RESOURCES DEPT
SALEM OREGON

Owner Name: Drakes Crossing Nursery
Owner Address: 19774 Grade Road SE
Silverton, Oregon 97381

Application: G-15023, G-15025
Permit: G-13849, G-13851
Certificate: Not Issued

"Owned" and "Leased" Property Well (MARI 54277) is located in the NE 1/4 SW 1/4, Section 10, T.7S., R.1E., W.M.; 170 feet south and 850 feet west from the C 1/4 corner of Section 10.

Date of measurement: 3/15/2004

Static water level below measuring point: _____ feet, or airline pressure 66 psi
Measuring point distance above land surface: _____ feet, or airline length 272 feet
Static water level below land surface: 120 feet

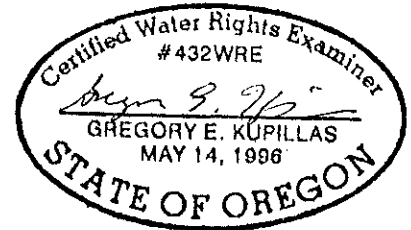
Method of measurement: E-tape _____ Airline X Other _____
Measurement status: Static X Pumping _____ Other _____

Length of time well idle before measurement: At least 24 hours.

Remarks: Airline length reported to be 273 feet. We assume that to be the length of the airline from the measuring point, which is 1.0 feet above ground surface. Therefore, for the purpose of calculating the depth to water, 272 feet is used as the airline length (i.e., length of airline below land surface).

I hereby certify that, to the best of my knowledge, the information on this report is accurate and representative of the water level at the time of measurement.

Person making measurement: Gregory E. Kupillas and/or Malia R. Kupillas
Signature of measurer: *Gregory E. Kupillas*
License number: #432WRE and/or #60772WRE, respectively
Daytime phone number: (503) 632-5016



EXPIRATION DATE: 6/30/05

Pump Capacity Calculator

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 25
Efficiency = 7.04
Lift = 130
PSI = 40

Results Calculated

(hp)(efficiency) = 176
Head based on psi = 101.6
Total dynamic head = 231.6
(head + lift)

Pump Capacity = 0.760 cubic feet per second < Permitted rate (1.0 cfs)

Close to measured rate of use (.78 cfs)

Big Gun Sprinkler Capacity Calculator

Data Entry (fill in underlined blanks)

Nozzle size = 1.47 inch in decimals (e.g., 0.5, not 1/2)
Pressure = 40 PSI

Results calculated

Big gun capacity = 399 gpm, or 0.890 cfs

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. **A separate form shall be completed for each permit or transfer final order.**

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
G-15023	G-13849

2. Property owner (current owner information)

a. Individuals

Name	Jan and Cindy Hupp	
Mailing Address	19900 Grade Road SE	
City/State/Zip	Silverton, Oregon 97381	
Phone #	(503) 873-4932	
Fax #		
e-mail address		

b. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

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3. Permittee / Transferee of record (this may not be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Jan Hupp	
Mailing Address	19900 Grade Road SE	
City/State/Zip	Silverton, Oregon 97381	

d. Businesses/Organizations

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: December 14, 2005

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Jan Hupp	12/14/05	Assistant Manager

6. County:

7. Tax Lot Information:

Tax map number	Tax lot number
7 1E 10C	100
7 1E 10C	400

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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I. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

From the well (MARI 54277), a 4-inch-diameter buried PVC mainline conveys water directly to the south about 370 feet where the mainline tees into another 4-inch-diameter mainline. One branch of the tee surfaces as a 4-inch hydrant on the west side of the access road. Water is conveyed from the hydrant to the places of use employing either a series of 4-inch, 3-inch, and 2-inch aluminum mainlines which are connected to 2-inch lateral handlines equipped with Rainbird sprinklers, or a hard hose traveler (Big Gun) sprinkler.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Well	MARI 54277	L36093

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepening)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
A well	Powers Creek Basin

4. Point of diversion/appropriation location:

(DLC, Government Lot, ¼ ¼, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NE ¼ SW ¼, Section 10, T7S, R1E	140' S and 810' W from C ¼ corner, Section 10

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Nursery Use	In-Ground Nursery Stock	Year Round	0.78 cfs

Total Quantity of Water 0.78 cfs

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6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		SW NW	10	7S	1E	NU	0.2	0.0
		SE NW	10	7S	1E	NU	2.1	0.0
		NE SW	10	7S	1E	NU	14.8	0.0
		NW SW	10	7S	1E	NU	10.7	0.0

Total Acres Irrigated: 27.8

0.0

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

Airline

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
NA						

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

None

**If the appropriation is not from a sump, the following section, items 3-4, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

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COBU Version 1105

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Goulds	5THC	AHF041200-01	Submersible	5-inch pump	4 inches

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Franklin	6 inch	25	NA	460

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer	00-2983-4	Working	447283 x 0.001 Ac-Ft	

4. Measurement device description

Device description	Condition (working or not)	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
350 – 360 gpm direct reading			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
25	40	~130 feet	0 ft	0.76

7. Provide pump calculations in the box below:

$$Q_{\text{pump}} = \frac{(25\text{Hp})(7.04 \text{ ft}^4/\text{sec}/\text{Hp})}{(130 \text{ ft lift} + 101.6 \text{ ft pressure head})} = 0.76 \text{ cfs}$$

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
4 inches	~ 370 feet	PVC	Buried
2, 3, and 4 inches	~1,100 feet	Aluminum	Above Ground

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
2 inches	~5,000 feet	Aluminum	Above Ground

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10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird	20J	1/8"	40	2.9 gpm	120	0.78 cfs
Nelson	150 Big Gun	1.5"	40	350	1	0.78 cfs

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{Rainbirds}} = \frac{(120)(2.9 \text{ gpm/head})}{448.8 \text{ gpm/cfs}} = 0.78 \text{ cfs}$$

$$Q_{\text{Big Gun}} = \frac{(1)(350 \text{ gpm/head})}{448.8 \text{ gpm/cfs}} = 0.78 \text{ cfs}$$

11. Additional notes or comments related to the system:

The sprinkler output for the Big Gun is approximate because there is no published output figure for a 1.5" (1.47") nozzle at 40 psi.

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. **Time Limits:**

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	8/15/01	8/16/99	Well construction started 8/16/99.
Complete construction	NA	NA	NA
Complete application of water	10/1/04	August 2003	Applied water to entire property.

2. **Initial Water Level Measurements:**

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

- a. Was the water user required to submit an initial static water level measurement? YES
- b. What month was the initial measurement to be taken in? **Not specified in permit.**

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c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required?

YES

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d. If "YES", was the measurement submitted to the Department? YES

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e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? YES

b. In the box below, provide the month in which the static water level was to be made:

March

c. Were the static water level measurements taken in the month required? YES

d. If "YES", were those measurements submitted to the Department? YES

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device? YES **If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES

c. Provide the date the meter was installed:

May 2000

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? NA

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
NA		

f. Is the water user required to report the water use to the Department? YES

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g. Have the reports been submitted? YES

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? NA

**If "NO", items b through i relating to this section can be deleted

6. Pump Test (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit or transfer final order require the submittal of a pump test? YES

b. Has a pump test been submitted and approved by the Department? NO

c. If no, is the pump test attached to this Claim? NO

7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

None.

IV. Attachments, Conclusions, Map and Signatures

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
Attachment A	Water Supply Well Report, MARI 54277

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
Well	1.0 cfs	0.76 – 0.78 cfs	350 gpm (0.78 cfs)	NU	27.8	27.8

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

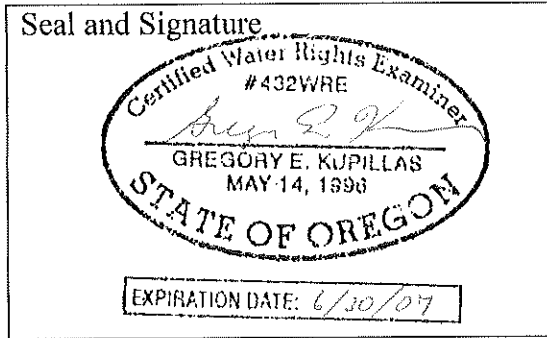
In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the

basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

COBU map was prepared using the tax assessor's map (7 1E 10C), overlain by a spring 2004 aerial photo obtained from the National Resource Conservation Service, U. S. Department of Agriculture.

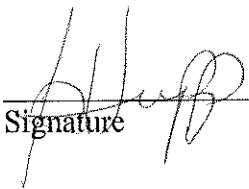
CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



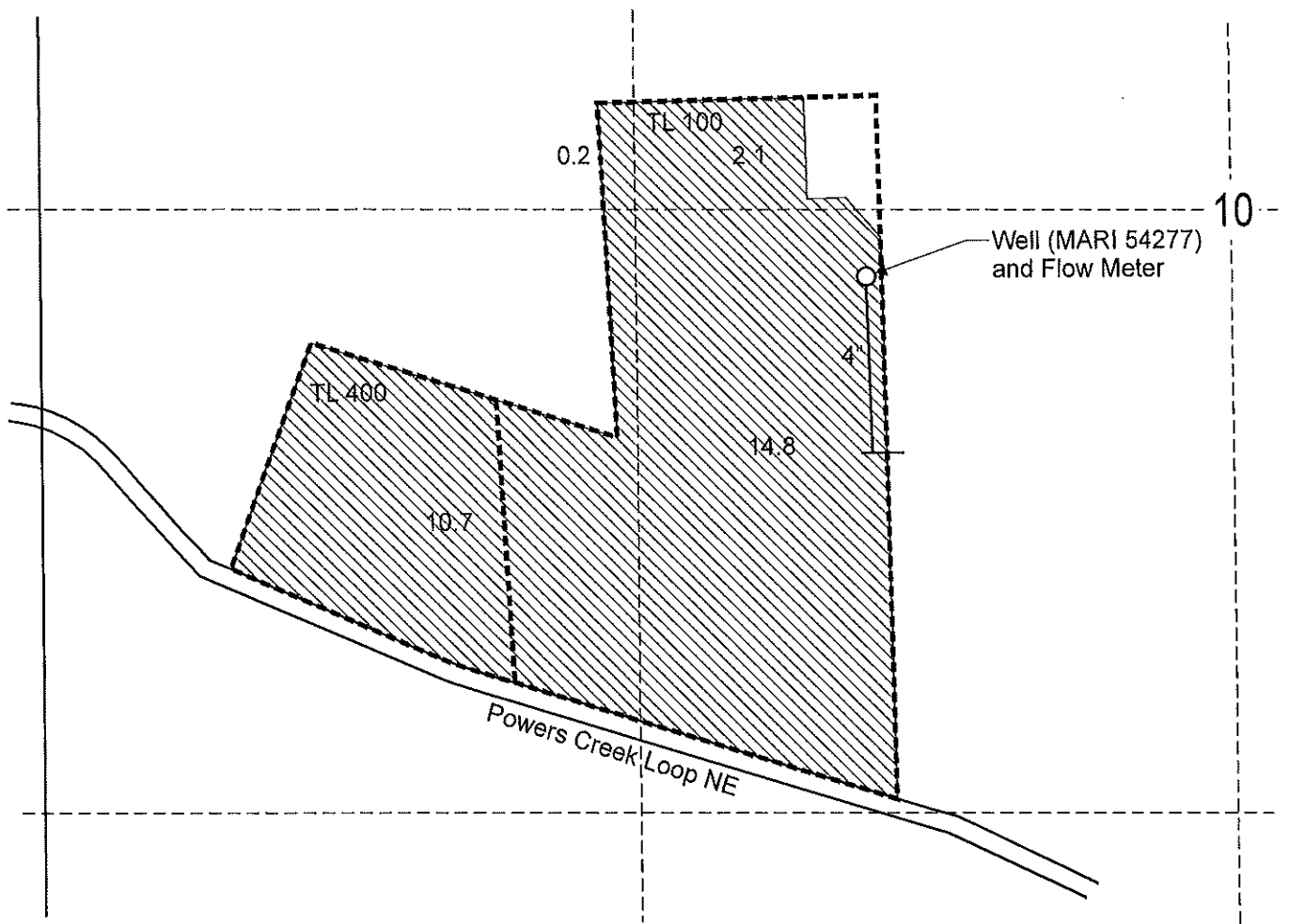
Permit or Transfer Holders Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

	JIAN HOPP	1-17-06
Signature	Print or type name	Date
Signature	Print or type name	Date

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T.7S. R.1E. Section 10, W.M.



Well (MARI 54277) is located 140 feet south and 810 feet west from the C 1/4 corner, Section 10.

 Area (27.8 Acres) irrigated under Application G-15023, Permit G-13849.

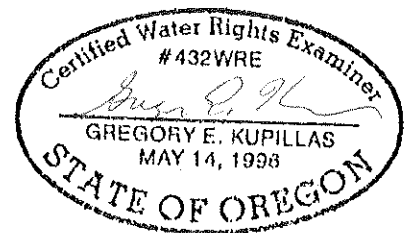
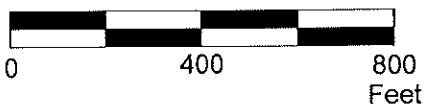
----- Tax lot boundary

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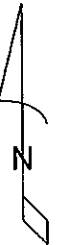
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Scale: 1" = 400'



EXPIRATION DATE: 6/30/07

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.



Claim of Beneficial Use Map
Application G-15023, Permit G-13849

Pacific Hydro-Geology Inc.

Jan Hupp

10/2005

Westerberg Drilling, Inc.

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STATE OF OREGON WATER SUPPLY WELL REPORT

36728 S. Kropf Rd. Molalla, OR 97038 829-2526

WELL I.D. # L 36093 START CARD # 124198

JAN 17 2000

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

(1) OWNER: Name JAN & CINDY HUPP Well Number Address 19556 DRAKES RD. SE City SILVERTON State OR Zip 97381

(2) TYPE OF WORK [X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD: [X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Other

(4) PROPOSED USE: [X] Domestic [] Community [] Industrial [X] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 355 ft. Explosives used [] Yes [X] No Type Amount

Table with columns for HOLE Diameter, From, To, Material, and SEAL From, To, Sacks or pounds. Includes data for CEMENT seal at 355 ft depth.

How was seal placed: Method [] A [] B [X] C [] D [] E [] Other Backfill placed from ft. to ft. Material Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns for Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes data for 8" casing and 6" liner.

(7) PERFORATIONS/SCREENS: [X] Perforations Method SWIFT FACTORY [] Screens Type Material

Table for perforations with columns for From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes data for 293-353 ft interval.

(8) WELL TESTS: Minimum testing time is 1 hour [] Pump [] Bailor [X] Air [] Flowing [] Artesian

Table for well tests with columns for Yield gal/min, Drawdown, Drill stem at, Time. Includes data for 275 gal/min yield.

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

(9) LOCATION OF WELL by legal description: County MARION Latitude Longitude Township 7S N or S Range 1E E or W. WM. Section 10 NE 1/4 SW 1/4 Tax Lot 100 Lot Block Subdivision Street Address of Well (or nearest address) 17634 POWERS CREEK LOOP RD. NE SILVERTON, OR 97381

(10) STATIC WATER LEVEL: 127 ft. below land surface. Date 8-20-99 Artesian pressure lb. per square inch. Date

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

Table for water bearing zones with columns for From, To, Estimated Flow Rate, SWL. Includes data for 35-40 ft interval with 1 g.p.m. flow.

(12) WELL LOG: SEP 02 1999 Ground Elevation

WELL LOG table with columns for Material, From, To, SWL. Lists geological layers from TOPSOIL to BASALT FRACTURED & WTHRD.

Date started 8-16-99 Completed 8-20-99 (unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief. Signed [Signature] WWC Number 1358 Date 8-23-99

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief. Signed [Signature] WWC Number 688 Date 8-23-99

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAN HUPP
19556 DRAKES ROAD SE
SILVERTON, OREGON 97381

(503) 873-4932

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

APPLICATION FILE NUMBER: G-15023

SOURCE OF WATER: A WELL IN POWERS CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 27.8 ACRES

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 1, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T7S, R1E,
W.M.; 170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 0.2 ACRES
SE 1/4 NW 1/4 2.9 ACRES
NE 1/4 SW 1/4 14.0 ACRES

Application G-15023

Water Resources Department

PERMIT G13849

NW 1/4 SW 1/4 10.7 ACRES
SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

water used to the Department by December 1 of each year.

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

STANDARD CONDITIONS

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

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

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

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

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


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

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

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

Actual construction of the well shall begin by August 15, 2001. 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 September 26, 2000



Paul R. Cleary, Director
Water Resources Department

Application G-15023
Basin 2
AMH

Water Resources Department
Volume 14A POWERS CR
MGMT.CODES 7BG 7BR 7IG 7IR

PERMIT G13849
District 16



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

December 15, 2008

JAN HUPP
19774 GRADE RD SE
SILVERTON, OR 97381

Subject: Water Right Permit Number G- 13849 and 13851

Dear Permit holder,

Oregon Administrative Rule 690-217-0020(1) requires that ground water permit holders with a priority date after December 20, 1988, submit the results of a pump test before the Water Resources Department can issue a water right certificate. A copy of your permit is enclosed. The purpose of this letter is to remind you of the pump test requirement.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems. There is no penalty for not submitting a pump test.

If there is a reason why a pump test cannot be performed on a well, the owner may request from the Director an exemption from the pump test requirement. Requests shall be in writing and include the reason why a pump test cannot be performed. Exemptions, or conditioned exemptions, shall be granted if the reasons are found to be valid and eliminating the problem would place an unreasonable burden on the well owner. Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers.

Pump tests shall not be required of wells with diameters greater than 36 inches and depths less than 30 feet. Pump tests shall not be required of collector-type wells or infiltration galleries. If your well meets one of these two requirements please let us know.

If you are interested in conducting the pump test yourself, you should first review the requirements at http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html or ask that a copy of the rules be sent to you.

A copy of the pump test form has been included. If you have questions, if you are not the owner of a ground water permit or if you have moved, please call the Department at 503-986-0900.

Sincerely,

Diana Durbin
Water Rights Certificate Staff

C: Permit File



690-217-0050

Qualifications for Conducting Pump Tests

Only pump tests conducted by the well owner, a full-time employee of the well owner who routinely works with and is familiar with wells and pumps, or a qualified individual authorized by the well owner shall be accepted by the Director. Individuals in the following groups will be considered qualified and authorized provided they have significant experience conducting pump tests:

- (1) Oregon licensed water well constructors.
- (2) Oregon registered professional geologists or certified engineering geologists.
- (3) Certified water rights examiners.
- (4) Oregon registered professional engineers.
- (5) Individuals whose primary occupation involves, wholly or in significant part, pump installation, service or testing.

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAN HUPP
19556 DRAKES ROAD SE
SILVERTON, OREGON 97381

(503)873-4932

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

APPLICATION FILE NUMBER: G-15025

SOURCE OF WATER: A WELL IN POWERS CREEK BASIN

PURPOSE OR USE: NURSERY USE OF 18.0 ACRES

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 8, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T7S, R1E,
W.M.; 170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 9.0 ACRES
NE 1/4 SW 1/4 9.0 ACRES

Application G-15025 Water Resources Department

PERMIT G13851

SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

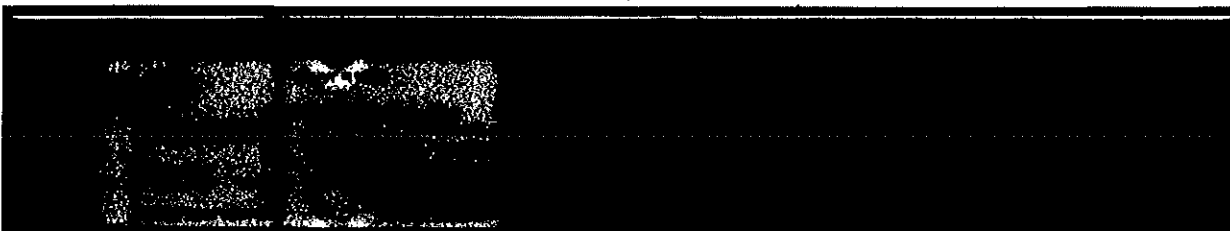
- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Application G-15025 Water Resources Department

PERMIT G13851



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

STANDARD CONDITIONS

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

The use shall conform to such reasonable rotation system as may be

Application G-15025 Water Resources Department

PERMIT G13851

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.

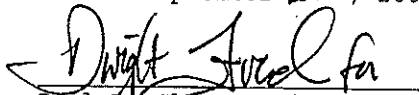
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

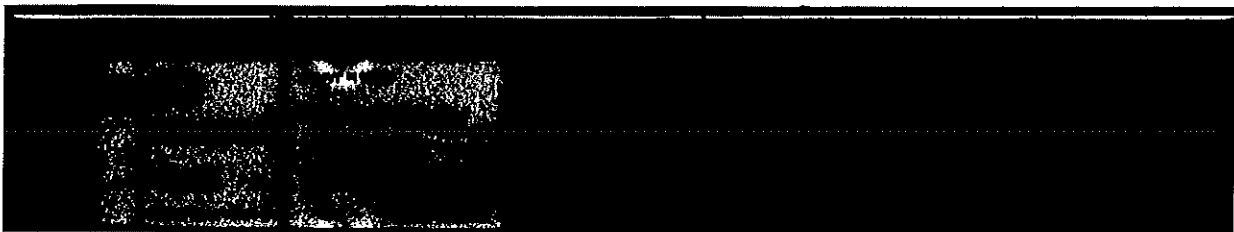
Actual construction of the well shall begin by August 15, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 21, 2000


Paul R. Cleary, Director
Water Resources Department

Application G-15025 Water Resources Department
Basin 2 Volume 14A POWERS CR
AMH MGMT.CODES 7BG 7BR 7IG 7IR

PERMIT G13851
District 16



Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: _____
 Address: _____
 County: _____
 City: _____ State: _____ Zip: _____
 Original owner (from well log): _____

Well Location:

Township: _____ (N/S) Range: _____ (E/W)
 Section: _____ 1/4: _____ 1/16: _____ 1/64: _____
 Well depth: _____ Date drilled: _____
 Owners well no. (if any): _____

POD ID: _____

Water Right Information:

Application: _____ Permit: _____ Certificate: _____
 Is this well listed on more than one water right? Yes If yes, list additional water rights below:
 Application: _____ Permit: _____ Certificate: _____
 Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: _____ Well Owner? Yes
 Company: _____
 Address: _____ Date of Test: _____
 City: _____ State: _____ Zip: _____
 Daytime phone: _____

Method of discharge measurement (see our brochure for acceptable methods): _____
 Method of water-level measurement (pick one or enter other method used): _____
 Length of air line (if used): _____

Pump type (pick one or enter other method used): _____
 Was the pump test conducted during normal use of the well? Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? Yes Note: _____
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft

Well elevation is _____ surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) _____

Measuring point distance _____ land surface _____ feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
_____	_____	_____
_____	_____	_____
_____	_____	_____

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time pump turned on: Date _____ Time _____
 Time pump turned off: Date _____ Time _____
 Total pumping time: _____ hours _____ minutes

Note: Well must be idle for at least 16 hours prior to the test.
 Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: _____

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JAN HUPP
19556 DRAKES ROAD SE
SILVERTON, OREGON 97381

(503)873-4932

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

APPLICATION FILE NUMBER: G-15023

SOURCE OF WATER: A WELL IN POWERS CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 27.8 ACRES

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 1, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T7S, R1E,
W.M.; 170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 0.2 ACRES
SE 1/4 NW 1/4 2.9 ACRES
NE 1/4 SW 1/4 14.0 ACRES

Application G-15023 Water Resources Department

PERMIT G13849

NW 1/4 SW 1/4 10.7 ACRES
SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

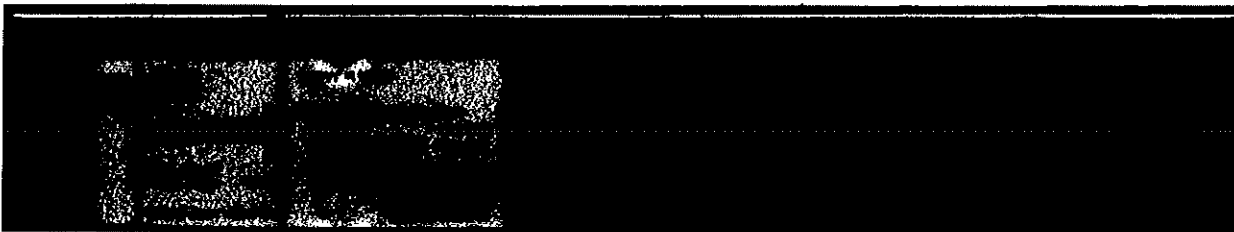
- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Application G-15023 Water Resources Department

PERMIT G13849



water used to the Department by December 1 of each year.

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

STANDARD CONDITIONS

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

Application G-15023 Water Resources Department

PERMIT G13849

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.

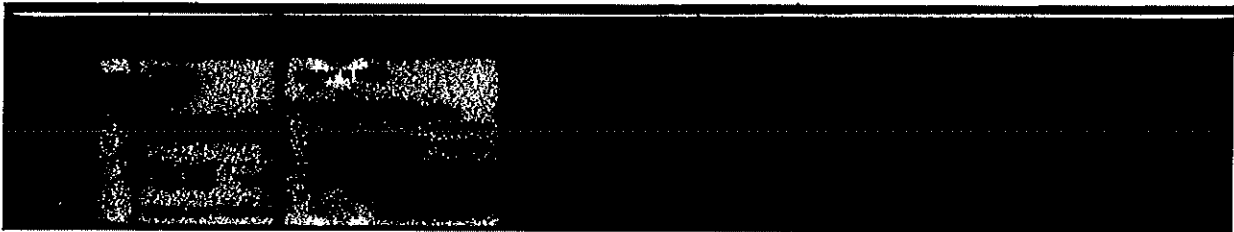
Actual construction of the well shall begin by August 15, 2001. Complete application of the water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 26, 2000


Paul R. Cleary, Director
Water Resources Department

Application G-15023 Water Resources Department
Basin 2 Volume 14A POWERS CR
AMH MGMT.CODES 7BG 7BR 7IG 7IR

PERMIT G13849
District 16



Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: _____
 Address: _____
 County: _____
 City: _____ State: _____ Zip: _____
 Original owner (from well log): _____

Well Location:

Township: _____ (N/S) Range: _____ (E/W)
 Section: _____ 1/4 : _____ 1/16 : _____ 1/64 : _____
 Well depth: _____ Date drilled: _____
 Owners well no. (if any): _____
 POD ID: _____

Water Right Information:

Application: _____ Permit: _____ Certificate: _____
 Is this well listed on more than one water right? Yes If yes, list additional water rights below:
 Application: _____ Permit: _____ Certificate: _____
 Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: _____ Well Owner? Yes
 Company: _____
 Address: _____ Date of Test: _____
 City: _____ State: _____ Zip: _____
 Daytime phone: _____

Method of discharge measurement (see our brochure for acceptable methods): _____
 Method of water-level measurement (pick one or enter other method used): _____
 Length of air line (if used): _____

Pump type (pick one or enter other method used): _____
 Was the pump test conducted during normal use of the well? Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? Yes Note: _____
 If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft

Well elevation is _____ surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) _____

Measuring point distance _____ land surface _____ feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
_____	_____	_____
_____	_____	_____
_____	_____	_____

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time pump turned on: Date _____ Time _____
 Time pump turned off: Date _____ Time _____
 Total pumping time: _____ hours _____ minutes

Note: Well must be idle for at least 16 hours prior to the test.
 Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: _____

RECEIVED

DEC 10 2007
WATER RESOURCES DEPT
SALEM, OREGON

2006

October 2005 through September 2006
Annual Water Use - Monthly Quantities Form

Oregon Water Resources Department
October 2005 through September 2006
Annual Water Use - Monthly Quantities Form

2007



9157025

USER-ID 20074 and 0515
deleted

Facility or POD-ID	Donor Permit #	Allowance # 491182 13849-13851	Kaava 40568 914064	Deaantia 02340 G-15680	Fertera 15681024
October - 2006	2185540	539140	296321	041429	662267
November - 2006					
December - 2006					
January - 2007					
February - 2007					
March - 2007					
April - 2007					
May - 2007					
June - 2007		549981	309586	045898	602278
July - 2007		559048	317311	048023	680442
August - 2007		572340	331665	053633	680442
September - 2007	2185540	580549	344180	056925	680442
TOTALS					

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Meters If use is irrigation, total number acres irrigated 15

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

Signature Barbara Skopp

Title Owner

Reporting Entity Debraa Learning

Date Dec 7 2007

Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program
725 Summer Street NE, Suite A, Salem, OR 97301-1260

2005

Oregon Water Resources Department
October 2005 through September 2006
Annual Water Use - Monthly Quantities Form
X100

2006



User-ID: 88888
APPN14203

APP 5-10079 ; app 5-10000
USER-ID 0515

Facility POD-ID	Account #	Account #	Account #	Account #	Account #	Account #
October - 2005	2169940	443018	267316	019366	453617	
November - 2005						
December - 2005						
January - 2006						
February - 2006						
March - 2006						
April - 2006						
May - 2006						
June - 2006	472865	274614	026586	463617	82,143.00	
July - 2006	502889	281549	033949	536260	30,040.00	
August - 2006	529270	290180	041286	572900	29,347.00	
September - 2006	2185840	537140	296321	041429	602267	
TOTAL *						

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Flow Meter If use is irrigation, total number acres irrigated 15

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

Barbara Shupp
Signature

Owner
Title

Reporting Entity

10/1/06
Date

BARBARA SHUPP
Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting, P.O. Box 1266,
725 Summer Street NE, Suite A, Salem, OR 97301-1266.

COPY RECEIVED

OCT 05 2006

WATER RESOURCES DEPT
SALEM, OREGON

Completion Checklist for CWRE Claims of Beneficial Use

Application # G15023
Permit # G13849
Transfer # _____
Date _____
Reviewer _____



Date Received 1/17/2006
CWRE Name Greg Kupillas
Claim Logged
File Marked
Oversized Map # _____
Read and attach copy of permit or transfer

Map Review:

- Map on polyester film
- Application & permit #; or transfer #
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers
- Source illustrated if surface water
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- Checked to legal description

Report Review:

- On form or format provided by the Department
- Application & permit #; or transfer #
- County
- Tax lot information
- Date of survey
- Person interviewed
- Ownership information
- Source(s) of water
- Point of diversion/appropriation location
- Use, period of use, and rate for use
- Place of use location
- Type of use
- Extent of use
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit conditions
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- CWRE stamp and signature
- Signature(s) of permittee of transfer holder

Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check (include copy of plat card printout)
- Check current ownership

Any Conflicts? _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: _____

Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed

_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

APP-G-14303

Pod ID = 46367

User ID = 8575

Dons

June = 2005	1949321-1904710=
July = 2005	1997402-1949321=
August = 2005	2095387-1997402=
Sept. = 2005	2169940-2095387=
TOTAL	

APP-G-15023 / G-15025

Pod ID = 49710 / 49712

User ID = 29044

Hoveland

44611	366927-344705=	22222
48081	389418-366927=	22491
97985	411239-389418=	21821
74553	443018-411239=	31779
265230		98313

APP-G-15024

Pod ID = 60558

User ID = 8575

Kasers

June = 2005	256462-248371=
July = 2005	259740-256462=
August = 2005	264058-259740=
Sept. = 2005	267316-264058=
TOTAL	

APP-G-16079

Pod ID = 62340

User ID = 8575

Desantis

8091	3299=	3299
3278	8461-3299=	5162
4318	15975-8461=	7514
3258	19366-15975=	3391
18945		19366

APP-G-16080

Pod ID = 62341

User ID = 8575

Fetters

June = 2005	19834=	19834
July = 2005	107449-19834=	87615
August = 2005	290013-107449=	182564
Sept. = 2005	453617-290013=	163604
TOTAL		453617



2004

Oregon Water Resources Department
 October 2000 through September 2001
 Annual Water Use - Monthly Quantities Form
 User ID - 29044
 49710 / 49712
 1100

2005

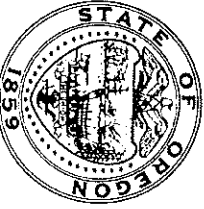
REWARD
 OREGON WATER RESOURCES DEPT
 2005
 USER ID - 29044 + B576

Facility	POD ID	Annual Water Use	Monthly Quantities	Form	User ID
October - 2004	1904710	344705	248371	15681	15681
November - 2004	1904710	344705	248371	15681	15681
December - 2004	1904710	344705	248371	15681	15681
January - 2005	1904710	344705	248371	15681	15681
February - 2005	1904710	344705	248371	15681	15681
March - 2005	1904710	344705	248371	15681	15681
April - 2005	1904710	344705	248371	15681	15681
May - 2005	1904710	344705	248371	15681	15681
June - 2005	1949321	366927	256462	613299	19834
July - 2005	1997402	384418	259740	68461	107449
August - 2005	2095397	411239	264658	015975	290,013
September - 2005	2169940	443018	267316	619366	453,617
TOTAL *					

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)
 Describe method of measuring the water used: Meter If use is irrigation, total number acres irrigated 15

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

Signature: Beleka Shapp Title: Owner Reporting Entity: Beleka Shapp Date: Oct 29, 2005



2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

AFX .0001
4976 Nu

X 100

2001



615023

USER-ID Rebecka Strupp

Facility	Bernese	Dona	Stevenson	Kareena	
POD-ID		Permit # 13295	Permit # 13849 and 13851	G 14064	
October - 2000					
November - 2000					
December - 2000					
January - 2001					
February - 2001					RECEIVED
March - 2001				0692500	JAN 23 2002
April - 2001				0692500	WATER RESOURCES DEPT. SALEM, OREGON
May - 2001					
June - 2001		11036000	-	01424700	
July - 2001		1166880	164752	03013800	
August - 2001					
September - 2001		1212510	153986	048279	
TOTAL *		10991000	4923001	4135409	

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Meters . If use is irrigation, total number acres irrigated 21

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

Signature Rebecka Strupp Title Water Resources Reporting Entity Rebecka Strupp Date 1-15-02

Reply-To: <phggekbctonline.com>
From: "Greg Kupillas" <phggekbctonline.com>
To: "'Jerry K Sauter'" <Jerry.K.SAUTER@wrd.state.or.us>
Subject: 2005 Claims of Beneficial Use
Date: Fri, 30 Sep 2005 11:12:08 -0700
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Mailer: Microsoft Outlook, Build 10.0.2627
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=1.1 required=5.0 tests=FORGED_OUTLOOK_TAGS,
HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level: *

-->

Jerry,

I am working on four claims that are due this year. However, because of our work load, I will not be able to complete them by October 1. The file numbers are as follows: G-14937 (John Lekas), S-84068 (Paul Kraemer), G-15025 (Jan Hupp), and G-15023 (Jan Hupp). I expect to be able to complete these within the next few weeks.

Regards,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.

Mulino, OR 97042

503.632.5016

Mailing List for Permit Copies

Application# G15023

Mailing List Print Date September 11, 2000

Original mailed to(when permit issued, include copy of permit map):

Applicant: JAN HUPP, 19556 DRAKES RD SE, SILVERTON, OREGON 97381

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

- ~~1.~~ WRD - File # G15023
- ~~2.~~ WRD - Ken Stahr
- ~~3.~~ WRD - Data Center
- ~~4.~~ WRD - Watermaster District #:16 (w/copy of permit map)

Copies Mailed By: <u>Cap</u> (SUPPORT STAFF) on: <u>9-26-00</u> (DATE)
--

COPIES TO Other Interested Persons

5. _____

6. _____

7. _____

Caseworker:AMH

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15023

RECEIVED

SEP 01 2000

Final Order

Application History

On September 1, 1999, JAN HUPP submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 14, 2000. The protest period closed April 28, 2000, and no protest was filed.

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

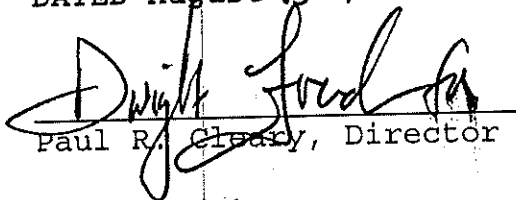
Order

Upon payment of outstanding permit recording fees, Application G-15023 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application G-15023.

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

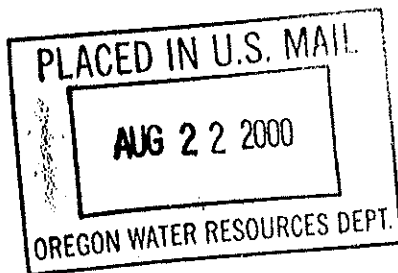
DATED August 15, 2000

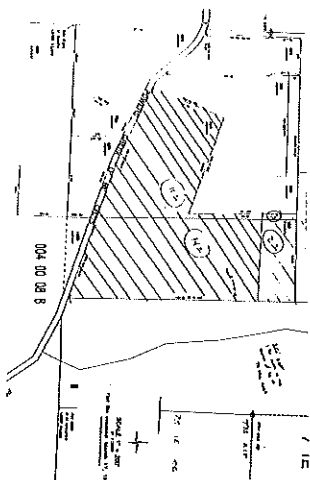

Paul R. Cleary, Director

Appeal Rights

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

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





copy 1

Mailing List for FO Copies

Application # G15023

Mailing List Print Date July 27, 2000

Original mailed to(when permit issued, include copy of permit map):

Applicant: JAN HUPP, 19556 DRAKES RD SE, SILVERTON, OR 97381

Copies Mailed By: <u>Michelle</u> (SUPPORT STAFF) on: <u>8-22-00</u> (DATE)

For FO w/Draft Permit - Copies sent to:

1. WRD - File # G15023

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

2. WRD - Watermaster District #: 16

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

1. WESTERBERG DRILLIG, 36728 S KROPF RD, MOLALLA, OR 97038

2. _____

3. _____

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

2. _____

CASEWORKER: AMH

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15023

Final Order

Application History

On September 1, 1999, JAN HUPP submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 14, 2000. The protest period closed April 28, 2000, and no protest was filed.

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

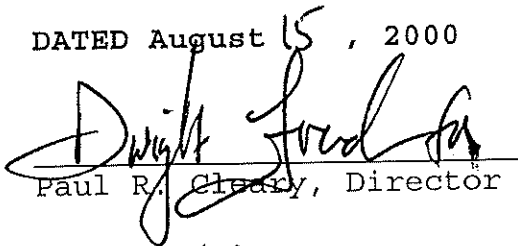
Order

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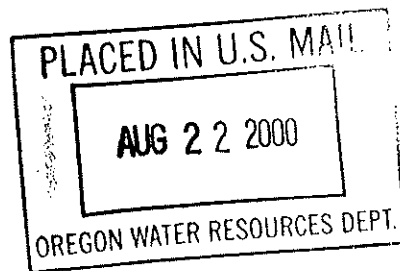
Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application G-15023.

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

DATED August 15, 2000


Paul R. Cleary, Director

Appeal Rights



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

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

filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 229. 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 Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JAN HUPP
19556 DRAKES ROAD SE
SILVERTON, OREGON 97381

(503) 873-4932

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

APPLICATION FILE NUMBER: G-15023

SOURCE OF WATER: A WELL IN POWERS CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 27.8 ACRES

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 1, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T7S, R1E, W.M.;
170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 0.2 ACRES
SE 1/4 NW 1/4 2.9 ACRES
NE 1/4 SW 1/4 14.0 ACRES

Application G-15023 Water Resources Department

PERMIT DRAFT

NW 1/4 SW 1/4 10.7 ACRES
SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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 _____, 2000

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

Application G-15023 Water Resources Department
Basin 2 Volume 14A POWERS CR
AMH- WEEK 253 MGMT.CODES 7BG 7BR 7IG 7IR

PERMIT DRAFT
District 16

FO CHECKLIST

FILE # 615023
 PFO WEEK # 242
 FO WEEK # 253

PFO TO FO CONVERSION

REVIEW DATE: 7/27/00
 INITIALS: AD

Applicant Name and Mailing

Address: _____

Jan Hupp
19566 Drakes Rd SE
Silverton OR 97381

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

1. Y/ N Were comments or protests received? If so, from whom and when?
2. On the PFO CC list, verify names and mailing addresses of ALL commentors (regardless of comment date, affected landowners, and those who paid the \$10 fee.
Westerberg Drilling
36728 S. KROPP RD, MOLALLA, OR 97038
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.

1st CFS/AF 150
 Add'l _____
 TOTAL Q 150

Exam Fee Paid	<u>250</u>
Q fee	<u>150</u>
Recording fee	<u>405</u>
Total	<u>605</u>
Amount Paid	<u>400</u>
Amount due/refund	<u>175</u>

9. Y / N Is further processing possible? If not state reason: _____

10. Y / N Do the PFO conclusions require modification? Why? _____
 (If YES, circle FOMOD and one other type below)

11. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

- 12. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
- 13. Include or exclude permit conditions and management codes.
- 14. Assign permit numbers to files with oaths, fees, and no protests or other issues.

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

FO & PERMIT (Permit # _____) FOMOD MGMT CODES: ~~3~~ 7B, 7I

Once FO document is completed:

- 15. Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 253 & delete duplicates.
- 16. Print final draft of document and submit to team leader for review
- 17. Y / N Team leader review completed
- 18. Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
- 19. Route to Dwight for signature
- 20. Update folders, E-mail data center, send copy to HTML
- 21. To support for mailing

Watermaster District 16
 Region Manager _____
 ODFW District _____

Mailing List for PFO Copies

Application #G-15023

PFO Date March 14, 2000

Original mailed to: _____

Applicant: JAN HUPP, 19556 DRAKES RD SE, SILVERTON, OREGON 97381

Copies sent to:

1. WRD - File # G-15023

PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 16

Copies Mailed
By: <u>Cal</u>
(SUPPORT STAFF)
on: <u>3/14/00</u>
(DATE)

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

3. Westerberg Drilling, Inc., 36728 S Kropf Road, Molalla, OR 97038

CASEWORKER : RWK- WEEK 242

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15023

Proposed Final Order

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

Application History

On September 1, 1999, JAN HUPP submitted an application to the Department for the following water use permit:

- Amount of Water: 450.0 GALLONS PER MINUTE (1.0 CFS)
- Use of Water: NURSERY USE ON 27.8 ACRES
- Source of Water: A WELL IN POWERS CREEK BASIN
- Area of Proposed Use: MARION County within SECTION 10, TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

On 12/10/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.0 CUBIC FOOT PER SECOND (450.0 gallons per minute) from A WELL in the Willamette Basalt Formation, within the Powers Creek basin, for NURSERY OPERATIONS on 27.8 acres is allowable Year Round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 12/28/99, 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.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: NURSERY USE.

A well in Powers Creek Basin is not within or above a State Scenic Waterway.

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

The Department finds that the amount of water requested, 1.0 CFS, is an acceptable rate.

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

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Powers Creek.

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

Conclusions of Law

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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

For these reasons, the required presumption has been established.

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

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

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

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

Recommendation

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

DATED March 14, 2000



Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

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

Your protest or request for standing must be received in the Water Resources Department no later than **April 28, 2000**.

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 Russell W. Klassen. 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 266. 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

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-2496 .

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JAN HUPP
19556 DRAKES ROAD SE
SILVERTON, OREGON 97381

(503)873-4932

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

APPLICATION FILE NUMBER: G-15023

SOURCE OF WATER: A WELL IN POWERS CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 27.8 ACRES

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 1, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T7S, R1E, W.M.;
170 FEET SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

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

Application G-15023 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NW 1/4 0.2 ACRES /
SE 1/4 NW 1/4 2.9 ACRES /
NE 1/4 SW 1/4 14.0 ACRES /
NW 1/4 SW 1/4 10.7 ACRES /

SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or

- (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall

determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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 _____, 2000

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Application G-15023
Basin 2
RWK- WEEK 242

Water Resources Department
Volume 14A POWERS CR
MGMT.CODE 7BG 7BR 7IG 7IR

PERMIT DRAFT
District 16

163

PFO CHECKLIST

Application #: G 15023

County MARION Basin: _____
Township 7S Range 1E Section 10 1/4 1/4 NE SW

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

11. Rate MURS Duty been Season: Normal Req _____ Allowed YEARS AROUND

12. Rate: Max 27.8 x .15 = 4.17 Req 1.0 (450 GPD)

13. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF) condition 71 and municipal use ≤ 0.1 cfs require the Large condition

14. Conditions 7B, 71 New River Basin or Bonanza? Y N NA (see M:\groups\lwr\pfo\findings & other lang)

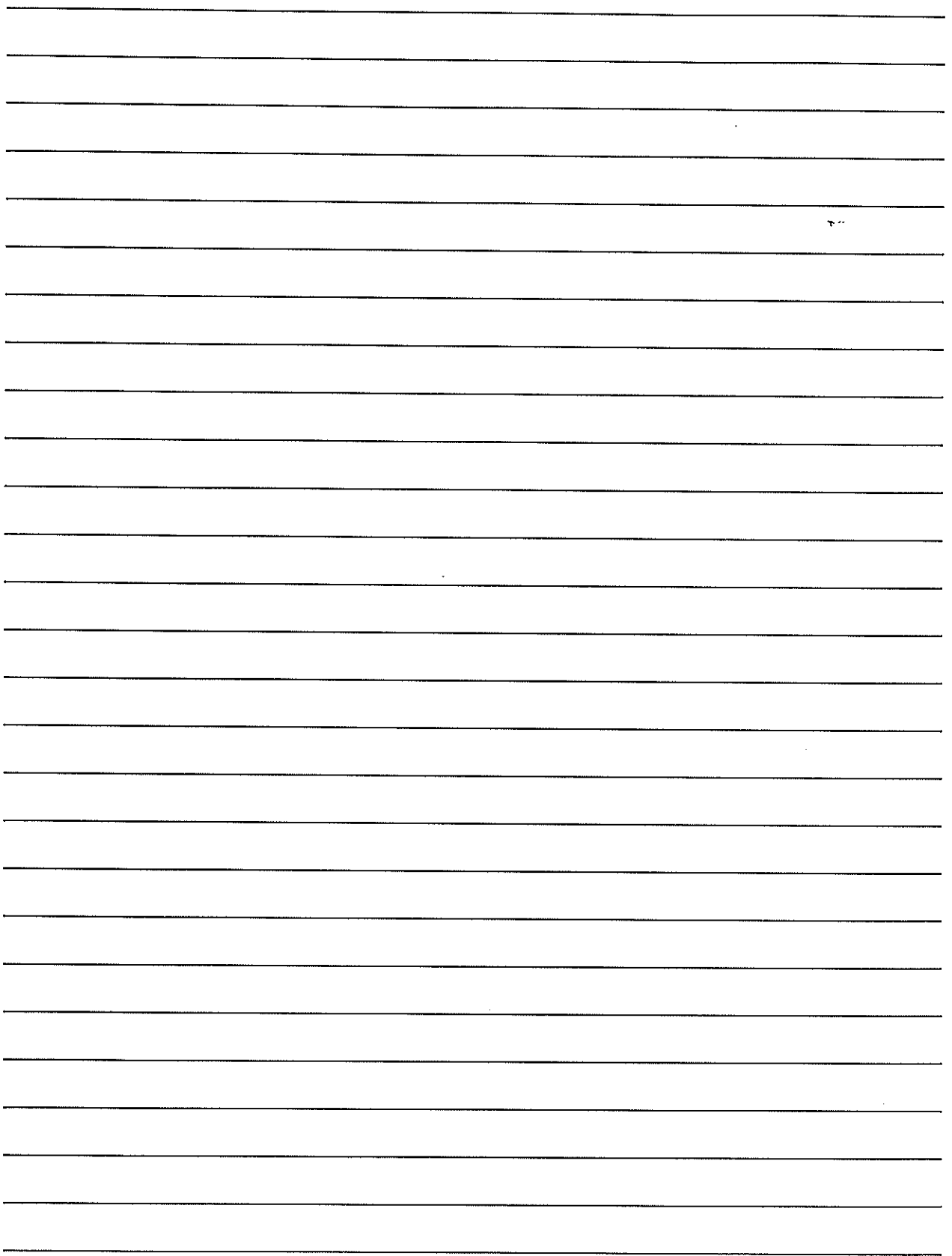
15. IR Date 12/10/99 Public Notice Date 12/28/99 Comment Rec'd _____

16. Filed after 10/23/99? Y N (if Y A date should be removed)

17. CWRE, representatives or Property owners to notify? Y N WESTLAKE DRILLING, INC.
36728 S KANAWA RD
MARION, OR 97038

summary:

Initials: RMR Date: 3/6/00



IR CHECKLIST

Application # G-15023 Priority Date: 9-1-99

Basin: 2-Willamette County: Marion

Township 7 south Range 1 east Section 10 1/4 1/4 SWNW, SEW, NESW & NWS

WAB #: _____ POU WAB #: _____

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

✓ 2. Basin Maps have been checked? Yes No _____

✓ 3. Within or above a Scenic Waterway? Yes No _____
Conditions/Restrictions? Yes No _____

✓ 4. Groundwater Review: A B C D River/Stream Name Powers Creek
Conditions? 7B, 7I & Willamette Basin Water Availability: A B C

✓ 5. Is the well located in a groundwater limited area? Yes No Name _____

✓ 6. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes No (If Yes, call, E-mail and send cc of IR to DEQ)

✓ 7. Requested Use & Rate: IR of Nursery Stock - 27.75⁷⁵ AC - 450 gpm (1.00 cft)
450 gpm ÷ 448.83 = 1.003 cft

✓ 8. Season requested by applicant: January 1 thru December 31

✓ 9. Allowed under Basin Program? Yes No BAR 690-502-160(2)
Limitations? Yes No

✓ 10. Withdrawn? Yes No Season Allowed: _____

N/A 11. Water Availability: 80% _____ 50% _____ N/A

✓ 12. For Irrigation: Rate 1/80 Duty 2 1/2 Season March 1 - Oct. 31

✓ 13. For Nursery or Cranberry: Rate 1/80 Duty 2 1/2 Season Year Round
* Determined Nursery Stock is "in-ground" Nursery Stock. See Land Use Form "Description of Water Use." "to promote growth. Plants on the land"

✓ 14. Conflict? Yes No See Check Sheet

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

✓ 16. Conditions (BOR, GW, other)? Yes No FB, FI, Willamette Basalt, 3E (Nursery)

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

✓ 18. Proposed Allowed Use & Rate: Nursery on 27.8 AC / 1.0 cfs
Proposed Allowed Period of Use: Year Round

✓ 19. Measuring condition: Small Medium Large 7i

* Determined Nursery Stock is in-ground Based on Land Use Form.

✓ 20. Subject to Division 33: Yes No N/A
Above Bonneville _____ TES? Yes No
Below Bonneville _____ TES? Yes No
TES only? Yes No

WRD $27.75 \text{ AC} \div 40 = 0.694 \text{ cfs}$
 $27.75 \text{ AC} \times 0.15 = 4.16 \text{ cfs}$

✓ 21. On DEQ 303d list? Yes No N/A

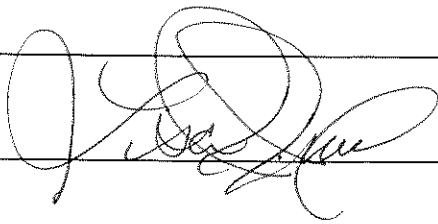
Applicant Requested: 1.0 cfs
(450 gpm)

✓ 22. Within Dept. Of Agriculture Water Quality Management Area? Yes No N/A
TUALATIN _____ BEAR CREEK(ROGUE) _____

✓ 23. Watermaster Dist: NWR (1 2 16 18 20) NCR (3 4 5) ER (6 8 9 10)
SCR (11 12 17) SWR (13 14 15 19)

✓ 24. ODFW Biologist Nancy Leibowitz - Corvallis

✓ 25. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

Name: 

Date: 12-1-99

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

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

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

Stat. Auth.: ORS 536.300 & 536.340
Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Groundwater Classifications and Conditions

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

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

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

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

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

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

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

(c)(A) Except as provided in paragraph (B) of this subsection, groundwater from the basalt aquifers in the Sherwood-Damascus-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;

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS Ch. 536 & 537

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

Application	Permit	Certificate Status	NE			NW			SW			SE			Govt Lot	DLC
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
T 656 (E43)	S 14800	31427 Cncld Superseded by Cort # 5427Z									0 DO cncld					
3/13/1941		VNCR														
T 656 (E43)	S 14800	33261 Irrigation from Surface Water Source									14.400 IR					
3/13/1941		VNCR														
G 15023	-	Subject File									14.000 NU					
9/1/1999																
G 15025		VNCR									9.000 NU					
9/8/1999																
S 19206	S 14800	23394 Cncld														
3/13/1941																
S 19206	S 14800	5427Z									0 DO cncld					
3/13/1941		VNCR														
S 31084	S 24599	28120 Cncld Superseded by Cort # 64733									9.000 IR					
8/31/1956		VNCR														
S 31084	S 24599	64733 Irrigation from Surface Water Source									9.000 IR					
8/31/1956		VNCR														
S 49115	S 36833	Cncld									0.500 I*					
3/13/1972																
S 52064	S 40287	Cncld									1.000 I*					
6/17/1974																

Cort # 23394

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

Type of Use >

Acres Status

< Supplemental indicator

Application Permit	Certificate Status	NE				NW				SW				SE				Govt Lot	DLC	
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
S 34662	S 41011 57326	✓ NCR																		
8/13/1976																				
S 66010	S 48098 65044							6.400												
9/9/1983		✓ NCR																		
P 78449																				
12/12/1994																				

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

Type of Use >

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

< Supplemental Indicator

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BETTY LEIGHTY AND JAMES W. DARLING
6248 OTIS AVE, APT. C
BELL, CALIFORNIA

confirms the right to use the waters of POWERS CREEK, a tributary of ABIQUA CREEK, for the purpose of IRRIGATING 10.5 ACRES.

The right has been perfected under Permit 24599. The date of priority is AUGUST 31, 1956. The right is limited to not more than 0.12 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 9, T 7 S, R 1 E, W.M.; 50 FEET SOUTH AND 1230 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 9.

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

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

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SW 1/4 NW 1/4 1.5 ACRES
NW 1/4 SW 1/4 9.0 ACRES
SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

This certificate describes that portion of the water right confirmed by certificate 28120, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered August 15, 1990 cancelling a portion of the water right.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed August 15, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64733.

31084.VRG

file

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF CANCELLATION)	
OF A PORTION OF A WATER RIGHT)	
IN THE NAME OF BETTY LEIGHTY AND)	
JAMES W. DARLING)	<u>O R D E R</u>

An affidavit was received from Martha Jane Percy, the owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The abandoned water right is a portion of the right described by certificate 28120, State Record of water Right Certificates. The abandoned water right is for the use of 0.05 cubic foot per second from Powers Creek, a tributary of Abiqua Creek. The date of priority is August 31, 1956.

The abandoned water right is for the purpose of irrigating 6.5 acres. A description of the place of use of the abandoned right and to which it is appurtenant is as follows:

SW 1/4 NW 1/4 6.5 ACRES
SECTION 10
TOWNSHIP 7 SOUTH, RANGE 1 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

NOW, THEREFORE, it is ORDERED that the portion of the water right described herein is cancelled. It is FURTHER ORDERED that certificate 28120 is cancelled and a new certificate be issued for that portion of the water right NOT involved in this proceeding.

WITNESS the signature of the Water Resources Director, affixed August 15, 1990.

William H. Young

William H. Young

RECEIVED

JAN 10 1984

WATER RESOURCES DEPT.
SALEM, OREGON

A F F I D A V I T

I Martha Jane Pearcy of P.O. Box 327, Wilsonville, OR 97070 being first duly sworn, depose and say that I am the owner of a water right and the land to which it is appurtenant, which is for the use of not to exceed 0.05 cubic foot per second of water from Powers Creek for irrigation of 6.5 acres in SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 10, T. 7S, R. 1E, W.M., under a priority date of August 31, 1956, being a portion of the right described by the certificate recorded at page 28120, Volume 20, State Record of Water Right Certificates in the names of Betty L. Darling and James W. Darling, that I have abandoned any and all interest in and to said water right and request the same be canceled, subject to approval of Application 66010.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of January, 1984.

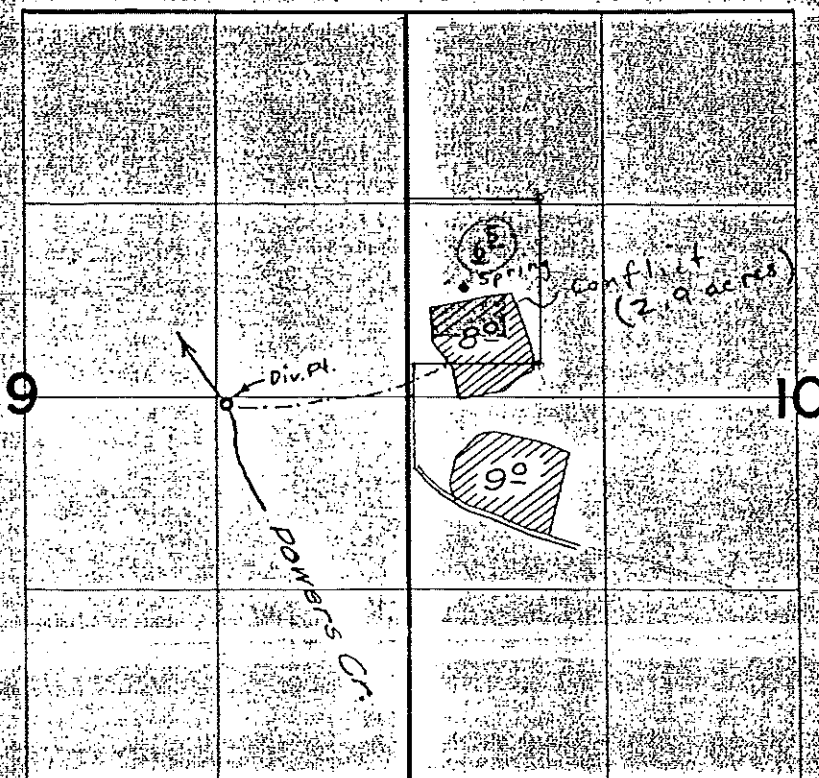
Martha Jane Pearcy

Subscribed and sworn to before me this 9th day of January, 1984.

Clay L. Sedion
Notary Public for Oregon

My Commission expires: 7.28.87

T.7 S.R. I E.W.M.



Application No. 31084
Permit No. 24599

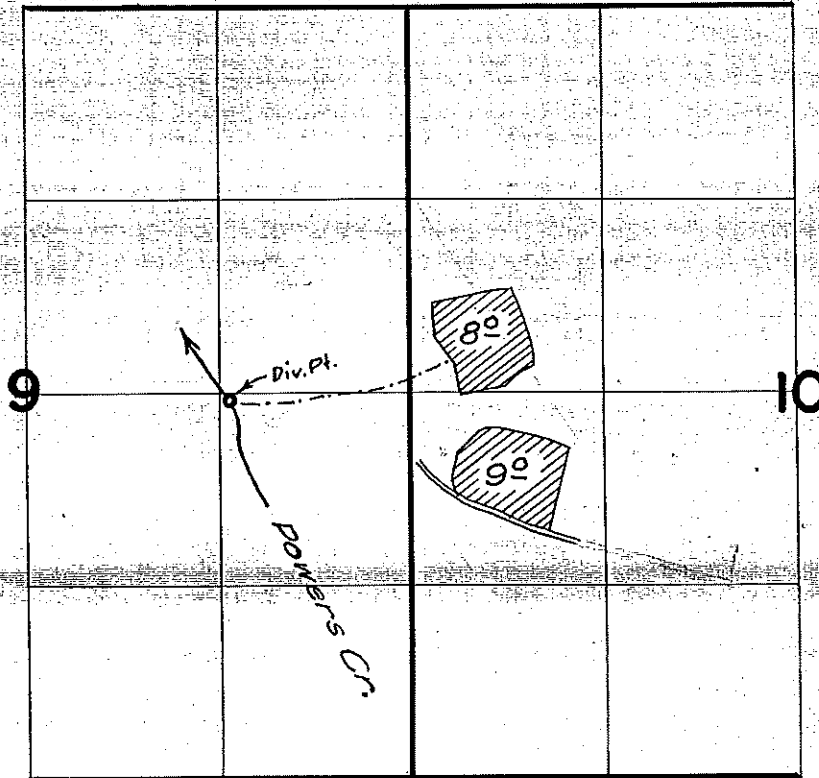
FINAL PROOF SURVEY
UNDER

Application No. 31084 Permit No. 24599
IN NAME OF

BETTY LEIGHTY DARLING & JAMES W. DARLING

Surveyed 22 April 1960, by M. Bish

T. 7 S. R. I E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. 31084 Permit No. 24599
IN NAME OF

BETTY LEIGHTY DARLING & JAMES W. DARLING

Surveyed 22 April 1960, by m. Bish

E-43

V 13, 204

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That VERLAND ERTSON

of 1023 West 37th, Albany, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Powers Creek

a tributary of Abiqua Creek
irrigation of 20 acres

for the purpose of

under Permit No. 14800 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 13, 1941

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.19 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T. 7 S., R. 1 E., W. M. Diversion point located 1250 feet West and 40 feet South from the E $\frac{1}{4}$ Corner Section 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

14.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
5.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10
T. 7 S., R. 1 E., W. M.

This certificate is issued to confirm a change in place of use approved by an order of the State Engineer entered February 4, 1964, and together with the certificate recorded at page 31427, Volume 23, supersedes certificate of water right heretofore issued to Frank E. Gilpatrick and recorded at page 23394, Volume 16, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

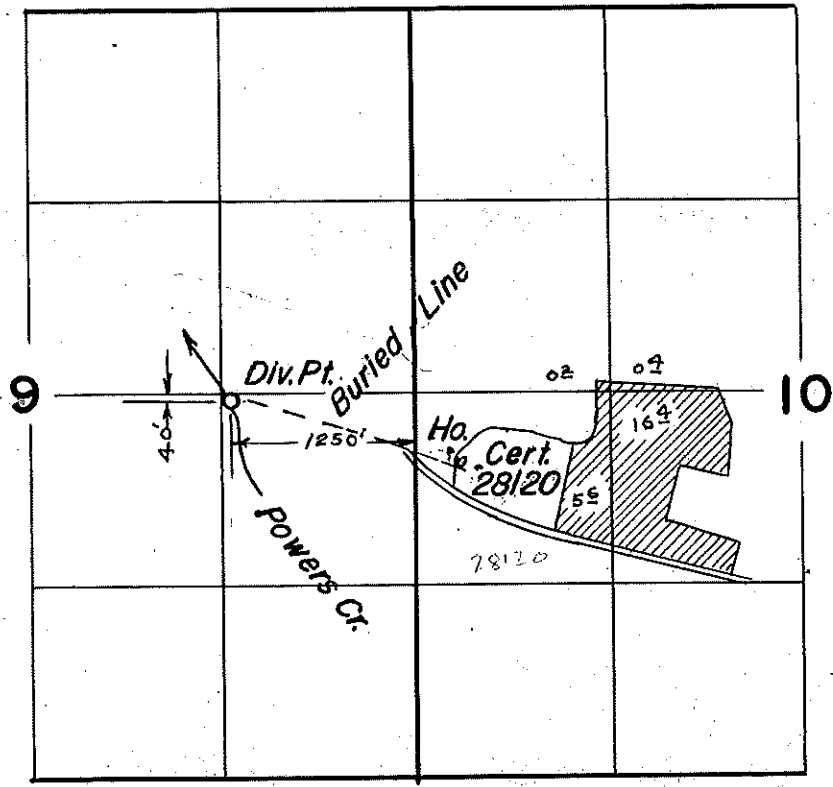
this date. August 29, 1966

.....CHRIS L. WHEELER.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33261

T. 7 S. R. 1 E. W. M.

*NOTE:
Cert # 28120
Superseded by
Cert # 64733



FINAL PROOF SURVEY
UNDER

T-656

Transfer E 43

Application No. _____ Permit No. _____

IN NAME OF

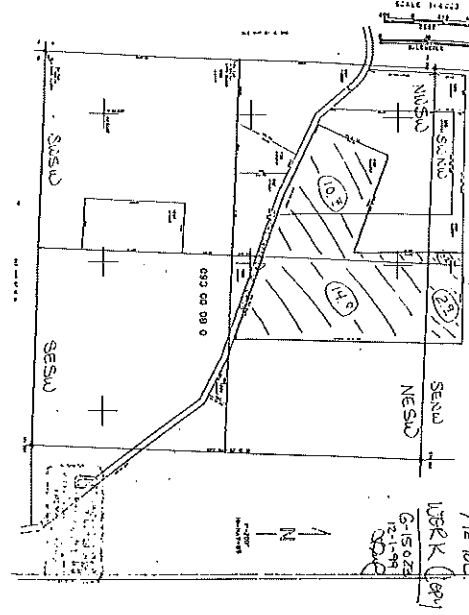
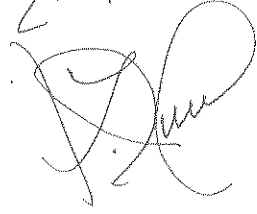
Verland Ernston

Surveyed June 25 1965, by F. Slegmund

WORK COPY

G-15023

12-1-99



TO: Water Rights Section

10/8/99, 199

FROM: Ground Water/Hydrology Section

Marc A Norton
Reviewer's Name

SUBJECT: Application G- 15023

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 Powers 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, 7I; Willamette Basalt
 - 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)

APPLICATION FACT SHEET

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

Application File Number: G-15023

Applicant: JAN HUPP

County: MARION

Watermaster: District 16

Priority Date: September 1, 1999

Source: A WELL IN POWERS CREEK BASA WELL IN POWERS CREEK BASIN

Use: NURSERY USE ON 27.75 ACRES

Quantity: 450.0 GALLONS PER MINUTE

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 14A POWERS CR

Point of Diversion Location: NESW, SECTION 10, T 7S, R1E, W.M.; 170 FEET
SOUTH & 850 FEET WEST FROM C1/4 CORNER, SECTION 10

Place of Use: %%SWNW 0.2 ACRES %%SESW 2.9 ACRES %%NESW 14.0
ACRES %%NWSW 10.7 ACRES @@SECTION 10 **TOWNSHIP 7 SOUTH,
RANGE 1 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, December 24, 1999

PUBLIC NOTICE DATE: Tuesday, December 28, 1999

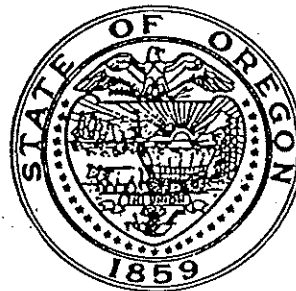
30 DAY COMMENT DEADLINE DATE: Thursday, January 27, 2000

**OREGON
WATER
RESOURCES
DEPARTMENT**

RECEIVED

JAN 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON



PUBLIC NOTICE COMMENT FORM

Commerce Building
158 12th Street NE
Salem OR 97301-4172

December 21, 1999

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

G-14977

G-15023, G-15024

G-15025

Mail me the Order
(payment enclosed)*



Your Name, Address, and Phone Number:

Westerberg Drilling, Inc.

36728 S. Kropf Rd.

Molalla, OR 97038

829-2526

40.⁰⁰

TOTAL

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

Mailing List for IR Copies

Application #G-15023

IR Date: December 7, 1999

Original mailed to:

Applicant: JAN HUPP , 19556 DRAKES RD SE, SILVERTON, OREGON 97381

Copies sent to:

1. WRD - File # G-15023
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 16 - Bill Ferber
4. WRD - Regional Manager (not Bob Main): Tom Paul
5. ODFW District Biologist: (MARION County) - Nancy Leibowitz

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

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

Copies Mailed

By: <u>Cal</u>
(SUPPORT STAFF)
on: <u>12/10/99</u>
(DATE)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 10, 1999

JAN HUPP
19556 DRAKES RD SE
SILVERTON, OREGON 97381

(503)873-4932

Reference: File G-15023

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 favorable 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 450 GALLONS PER MINUTE (1.0 cubic foot per second) of water from A WELL IN THE WILLAMETTE BASALT FORMATION, WITHIN THE POWERS CREEK BASIN for NURSERY USE ON 27.8 ACRES is **allowable** under OAR 690-502-160(2), the Willamette Basin Program.
3. Based on the Division 09 Groundwater review, the Department has determined that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Powers Creek.



4. Based on available data, the Department has determined that groundwater for the proposed use will, if properly conditioned, avoid injury to existing water rights or to the groundwater resource.
5. The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Summary of Initial Determinations

The use of 1.0 CUBIC FOOT PER SECOND (450.0 gallons per minute) from A WELL in the Willamette Basalt Formation, within the Powers Creek basin, for NURSERY OPERATIONS on 27.8 acres is allowable Year Round.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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.

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.

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, December 24, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall have access upon reasonable notice.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # G-15023

ROUTED TO: W.R.

TOWNSHIP/ RANGE-SECTION: R/E-10

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: [Signature]

drawal of well(s) shall be regulated until administrative and senior or shut off for five wells

- (3) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.

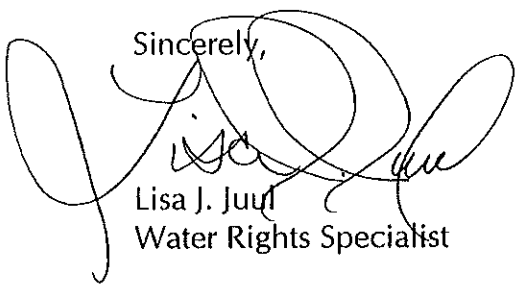
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).
4. The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

5. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.
6. You will be required to comply with state and federal water quality standards.
7. The priority date for this application is September 1, 1999.

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 201. Feel free to call me at (800) 624-3199 or (503) 378-8455, extension 264, if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496.

Sincerely,



Lisa J. Juul
Water Rights Specialist

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

G-15023
wab 02-
pou 02-
gw b

TO: Water Rights Section

10/8/99, 199

FROM: Ground Water/Hydrology Section

Marc A Norton
Reviewer's Name

SUBJECT: Application G- 15023

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 Powers 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, 7I; Willamette Basalt;
 - 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)

15023

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 ## G-15023

ROUTED TO: W.R

TOWNSHIP/

RANGE-SECTION: 7/E-10

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Marc A. Barton

WATER RESOURCES DEPARTMENT MEMORANDUM

Date 10/8/99

TO: Ground Water/Hydrology
FROM: Marc Norton
SUBJECT: Groundwater Application G- 15023

Applicant(s) seek 350 gpm (_____ cfs) from one wells in the Willamette basin

Applicants Name: Jan Hupp
Proposed Use: Nursery - Year Round Abiqua sub basin
Powers sub basin

Pertinent 7 & 1/2 minute Quads Drake Crossing

Well 1 WRD# MARI 54277 T 75 R 1E S 10 QOCB County Marion

Legal Description _____

Well is 2600 ft from Powers Creek (river/stream)

Well is 3600 ft from Abiqua Creek (river/stream)

Well Elevation 1260 ft River/Stream elevation 950-1040 ft.

Well Elevation - River/Stream elevation 220-310 ft.

Well depth 355 ft SWL 127 ft on 8/20/99

Sealed to 79 ft Depth first water found 35 ft

Cased to 79 ft Perforations/screens 35-355 ft

Lined to -69 to 353 ft Perforations/screens 293-353 ft

Well test and types Air test 275 gpm

(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES/NO

Potential to cause substantial interference? Minimal

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: _____

References Used: _____

Westerberg Drilling, Inc.

36728 S. Kropf Rd.
 Molalla, OR 97038
 829-2526

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

WELL I.D. # L36093
 START CARD # 124198

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

(1) OWNER: Well Number _____
 Name JAN & CINDY HUPP

Address 19556 DRAKES RD. SE
 City SILVERTON State OR Zip 97381

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

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

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

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 355 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
12	0	79	CEMENT	0	79	35 sacks
8	79	355				

How was seal placed: Method A B C D E
 Other _____
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	+1	79	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	-68	353	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 79'

(7) PERFORATIONS/SCREENS:

Perforations Method SWIFT FACTORY
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
293	353	1/8x3	1440	6"	6"	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
275	N/A	350	1 hr.

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

(9) LOCATION OF WELL by legal description:
 County MARION Latitude _____ Longitude _____
 Township 7S N or S Range 1E B or W. WM.
 Section 10 NE 1/4 SW 1/4
 Tax Lot 100 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 17634 POWERS CREEK LOOP RD. NE SILVERTON, OR 97381

(10) STATIC WATER LEVEL:
 127 ft. below land surface. Date 8-20-99
 Artesian pressure _____ lb. per square inch. Date _____

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

From	To	Estimated Flow Rate	SWL
35	40	1 g.p.m.	
250	355	275 g.p.m.	127

(12) WELL LOG: SEP 02 1999
 Ground Elevation _____

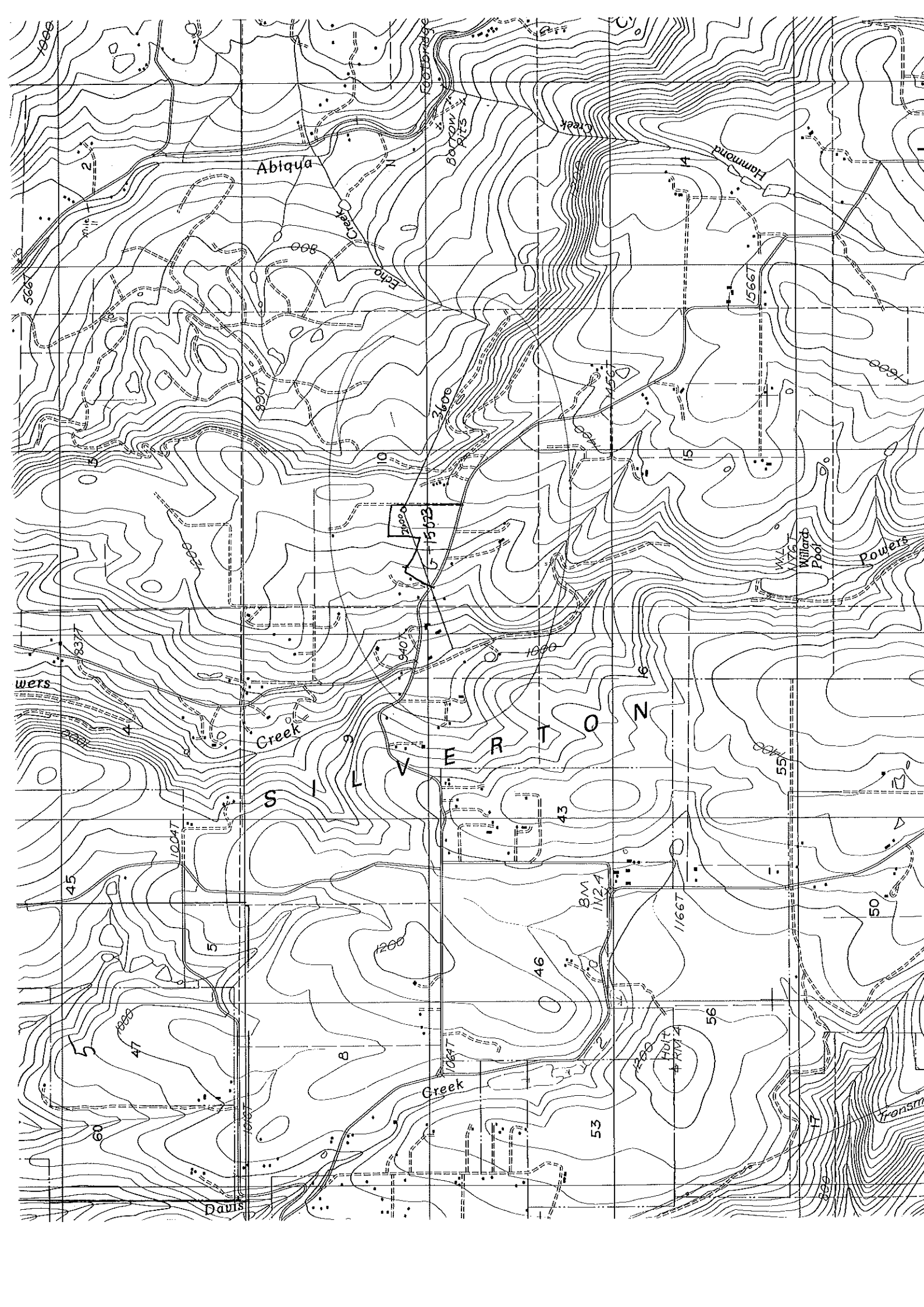
WATER RESOURCES DEPARTMENT
 Material SALEM, OREGON

Material	From	To	SWL
TOPSOIL	0	2	
CLAY BROWN	2	6	
DECOMPOSED ROCK RED	6	8	
DICED UP BASALT	8	26	
SOFT DECOMPOSED ROCK BROWN	26	37	
HARDER DECOMPOSED ROCK	37	71	
BASALT GREY MED.	71	97	
BASALT GREY MED SLIGHTLY WEATHERED	97	119	
CLAYSTONE GREY & BROWN	119	124	
BASALT GREY HARD & FRACTRD	124	195	
BASALT GREY & BRN WTHRD.	195	200	
BASALT GREY HARD	200	242	
BASALT GREY MED SEMI POROUS	242	290	
BASALT GREY HARD	290	302	
BASALT GREY POROUS MED	302	314	
BASALT LARGELY FRACTURED	314	336	
BASALT HARDER GREY	336	348	
BASALT FRACTURED & WTHRD	348	355	

Date started 8-16-99 Completed 8-20-99

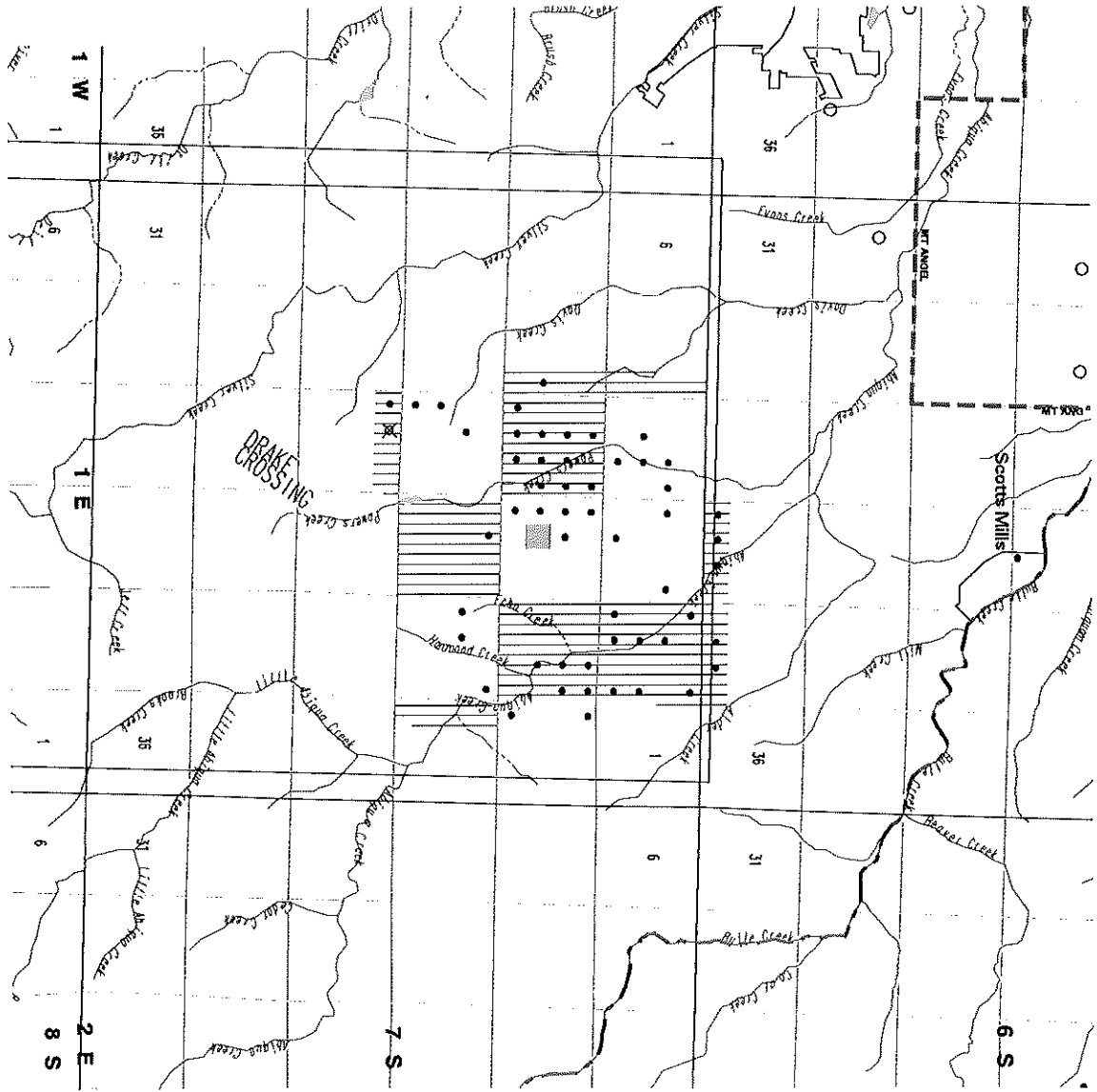
(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 Signed *[Signature]* WWC Number 1358 Date 8-23-99

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 Signed *[Signature]* WWC Number 688 Date 8-23-99



Wells in the vicinity of application G 15023

- Application well(s) in this 1/4-1/4 section
- Wells(s) identified in this 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 G15023
 DO 137
 IR 5

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15023

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G 11509	G 10602	7.00S 1.00E21NENW	NU	100.0000	G

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15023

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 13147	G 11844	6.00S 1.00W26NWNW	4IG
1	G 13147	G 11844	6.00S 1.00W26NWNW	4LG
2	G 13008	G 12110	6.00S 1.00W25SWSW	7DG
2	G 13008	G 12110	6.00S 1.00W25SWSW	7DR
3	G 12034	G 12207	6.00S 1.00E13NENE	7IG
3	G 12034	G 12207	6.00S 1.00E13NENE	7IR
4	G 12141	G 12009	6.00S 1.00E18SWNE	5YF
4	G 12141	G 12009	6.00S 1.00E18SWNE	7IG
4	G 12141	G 12009	6.00S 1.00E18SWNE	7IR
4	GR 2251	GR 2150	6.00S 1.00E18SWNE	
5	G 12141	G 12009	6.00S 1.00E17SWNE	5YF
5	G 12141	G 12009	6.00S 1.00E17SWNE	7IG
5	G 12141	G 12009	6.00S 1.00E17SWNE	7IR
6	G 12909	G 11997	6.00S 1.00E30SENW	7EG
6	G 12909	G 11997	6.00S 1.00E30SENW	7ER

APPLICATION G 15023 FALLS WITHIN THESE QUAD(S)

DRAKE CROSSING

The following OWRD Groundwater Management Areas are within the map extent:

\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	MT ANGEL			LIMI



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

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

EX-103 (2/99)

1. APPLICANT INFORMATION

SEP 01 1999

A. Individuals

WATER RESOURCES DEPT.
 MAILING DIVISION

Applicant: JAN HOPP HOPP
First Last

Co-applicant: _____
First Last

Mailing address: 19556 DRAKES RD SE
Silverton OR 97381
City State Zip

Phone: _____ 503-873-4932 _____
Home Work Other

*Fax: 503-873-4933 *E-Mail address: _____

B. Organizations

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

Name of organization: _____

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. <u>G/5023</u>	Permit No. _____	Date <u>9/1/99</u>

2. PROPERTY OWNERSHIP

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

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

No Please check the appropriate box below.

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

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

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

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 1 B. Name of nearest surface water body: Powers C

C. Distance from well(s) to nearest stream or lake: 1) 2800 ±

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) 280 +-

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:

Well(s) will be constructed by: _____

Address: See well Log

Completion date: _____

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

Well Log

F. Artesian Flows

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

N/A

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

B. Amount of Water

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

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1		NURSERY STOCK IRRIGATION	350	36,169,461	275 AIR BLOWN

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 350 GPM
 (The fees for your application will be based on this amount.) 450

D. Period of Use

Indicate the time of year you propose to use the water: JAN - DEC YEAR ROUND NURSERY STOCK
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 27.75
 (This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type) 50 HP
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
 Diameter 5" AL Length 1000' MAIN LINE TO BE MOVED AS NEEDED
- Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Sprinkler.

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

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

Distribution method

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

D. Conservation

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

IRRIGATE IN EARLY MORNINGS. USE ONLY AS NEEDED
USE A MOISTURE METER TO AVOID OVER WATERING.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin Well CONSTRUCTED - well Log.

Proposed date construction will be completed 3 YEARS FROM DATE OF PERMIT.

Proposed date beneficial water use will begin 5 YEARS FROM DATE OF PERMIT.

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.

WE HAVE A WELL PROB. WE WOULD RATHER CHECK THE
WELL DEPTH RATHER THAN TO USE A COSTLY WATER
METER. VERBLY O.K. BY MARC. NOTON. 7-99

I HAVE NOT IRRIGATED FROM POWERS CREEK DURING MY OWNERSHIP.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

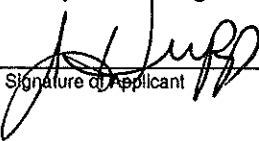
9. SIGNATURE

By my signature below I confirm that I understand:

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

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

Signature of Applicant



Date

Sept 1-99

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

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

Primary Supplemental

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

Primary: 27.75 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

OFFICE OF WATER RESOURCES
STATE OF OREGON
WATER RIGHTS DIVISION
SALMON DIVISION

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. NURSERY STOCK Full season Partial season (from: JAN to DEC)
- 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:

111 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: NURSERY STOCK. we plan to WATER AS NEEDED TO HELP w/ HARVEST. WATER TO PREVENT FROST DAMAGE. we will WATER AS NEEDED TO PROMOTE PLANT GROWTH.

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdictions where your water right will be used and developed. The planning official may chose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact WRD's Land Use Coordinator at (503) 378-3739, ext. 241.

RECEIVED

SEP 01 1999

WATER RESOURCES DEPT
SALEM, OREGON





Oregon Water Resources Department 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: JAN HOPP

Address: 19556 DRAKES RD SE

City: SILVERTON State: OR Zip: 97381 Day Phone: 503-873-4932

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
TL # - 64206000 100	FT / Farm Timber	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
TL # - 64206768 400	FT / Farm Timber	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
7 1E 1D		<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. MARION

RECEIVED
SEP 01 1999
WATER RESOURCES DEPT
SALEM, OREGON

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): IRRIGATION NURSERY STOCK

Briefly describe: TO PROMOTE GROWTH IN PLANTS ON THE LAND

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:

25/A 111.2 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); 139.020. 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: 9/1/99
 Title: Associate Planner Phone: 588-5038
 Signature: *David Epling*

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

18-16113

WARRANTY DEED

(Statutory Form)

REEL 566 PAGE 16

GRANTOR: J. G. HOVLAND, also known as Jennings G. Hovland, and SARAH D. HOVLAND, husband and wife,

CONVEYS AND WARRANTS TO

GRANTEE: JAN HUPP and CINDY HUPP, husband and wife,

the following described real property free of encumbrances except as specifically set forth herein:

A parcel lying in Section 10, Township 7 South, Range 1 East of the Willamette Meridian, Marion County, Oregon, described as follows: Beginning at an iron rod which is South 89° 36' 00" East 934.91 feet from the Northeast corner of that parcel described in the instrument recorded October 22, 1976, in Reel 60, Page 1663, Microfilm Records of Marion County, Oregon; thence continuing South 89° 36' 00" East 585.00 feet to a point on the Westerly boundary line of Parcel 4 as described in Volume 710, Page 449, Deed Records of Marion County; thence South 00° 20' 22" West 1473.30 feet along said Westerly boundary line to a point on the Northerly right of way line of County Road No. 775; thence along said Northerly right of way line North 72° 23' 00" West 521.73 feet to a point; thence continuing along said Northerly right of way North 70° 07' 00" West 956.71 feet to a 5/8 inch iron rod; thence North 20° 54' 42" East 541.38 feet to a 5/8 inch iron rod; thence South 68° 37' 26" East 690.00 feet to a 5/8 inch iron rod; thence North 01° 10' 00" West 740.00 feet to a 5/8 inch iron rod at the place of beginning.

SUBJECT TO:

1. 1987-88 taxes, now a lien, but not yet payable.
2. Rights of the public in and to any portion of the premises herein described lying within the limits of Powers Creek Loop, also known as County Road No. 775.
3. Easement in favor of Bessie Gilpatrick, for roadway and utility purposes for ingress and egress, together with other rights and easements appurtenant thereto, over the easterly 20 feet, recorded April 26, 1978 in Reel 121, Page 805, Microfilm Records of Marion County, Oregon.

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

The true and actual consideration for this transfer is \$ 34,687.50

If grantor is a corporation, this has been signed by authority of the Board of Directors, with the seal of said corporation affixed.

DATED: August 5, 1987

GRANTOR:

J. G. Hovland
 J. G. Hovland
Sarah D. Hovland
 Sarah D. Hovland

RECEIVED

Until a change is requested, all tax statements shall be sent to the following address:
Jan and Cindy Hupp, 19556 Drakes Rd. SE, Silverton, OR 97381

SEP 01 1999

STATE OF OREGON, County of Marion
 Date: August 5, 1987
 Personally appeared, the above named
 J. G. Hovland and Sarah D. Hovland
 and acknowledged the foregoing instrument to be
 their voluntary act and deed. Before me:
Dorinda J. Kessel
 Notary Public for Oregon
 My commission expires: 9/17/89

State of Oregon, County of Marion
 Date:
 Personally appeared
 sworn, stated that he is the
 corporation and that the seal affixed hereto is its seal and that this instrument was
 voluntarily signed and sealed in behalf of the corporation by authority of its Board of
 Directors. Before me:

WATER RESOURCES DEPT SALEM, OREGON

STATE OF OREGON REEL 566 PAGE 16

County of Marion
 I hereby certify that the within was received and duly recorded by me in Marion County records.
 Fee \$15.00
 Hand Returned

AUG 6 11 35 AM '87
 ALAN H. DAVIDSON
 MARION COUNTY CLERK
 BY *[Signature]* DEPUTY

WARRANTY DEED

HOVLAND TO HUPP

AFTER RECORDING RETURN TO

Key - Silverton
Escrow #23-15873

RECEIVED

MAR 1 54277

STATE OF OREGON
WATER SUPPLY WELL REPORT
(As required by ORS 597.765)

WELL I.D. # L36093
START CARD # 124198

SEP 01 1999

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

(1) OWNER: Well Number RESOURCES DEPT
Name JAN & CINDY HUPP SALEM, OREGON

Address 19556 DRAKES RD. SE
City SILVERTON State OR Zip 97381

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 355 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
12"	0	79	CEMENT	0	79	35 sacks
8"	79	355				

How was seal placed: Method A B C D E
 Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+1	79	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 6"	-68	353	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 79'

(7) PERFORATIONS/SCREENS:

Perforations Method SWIFT FACTORY
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tab/type size	Casing	Layer
293	353	1/8x3	1440	6"	6"	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Pump Dailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem #	Time
275	N/A	350	1 hr.

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

(9) LOCATION OF WELL by legal description:
County MARION Latitude _____ Longitude _____
Township 7S N or S Range 1E E or W. WM.
Section 10 NE 1/4 SW 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 17634 POWERS CREEK LOOP RD. NE SILVERTON, OR 97381

(10) STATIC WATER LEVEL:
127 ft. below land surface. Date 8-20-99
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 35'

From	To	Estimated Flow Rate	SWL
35	40	1 g.p.m.	
250	355	275 g.p.m.	127

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
TOPSOIL	0	2	
CLAY BROWN	2	6	
DECOMPOSED ROCK RED	6	8	
DICED UP BASALT	8	26	
SOFT DECOMPOSED ROCK BROWN	26	37	
HARDER DECOMPOSED ROCK	37	71	
BASALT GREY MED.	71	97	
BASALT GREY MED SLIGHTLY WEATHERED	97	119	
CLAYSTONE GREY & BROWN	119	124	
BASALT GREY HARD & FRACTRD	124	195	
BASALT GREY & BRN WTHRD.	195	200	
BASALT GREY HARD	200	242	
BASALT GREY MED SEMI POROUS	242	290	
BASALT GREY HARD	290	302	
BASALT GREY POROUS MED	302	314	
BASALT LARGELY FRACTURED	314	336	
BASALT HARDER GREY	336	348	
BASALT FRACTURED & WTHRD	348	355	

Date started 8-16-99 Completed 8-20-99
(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

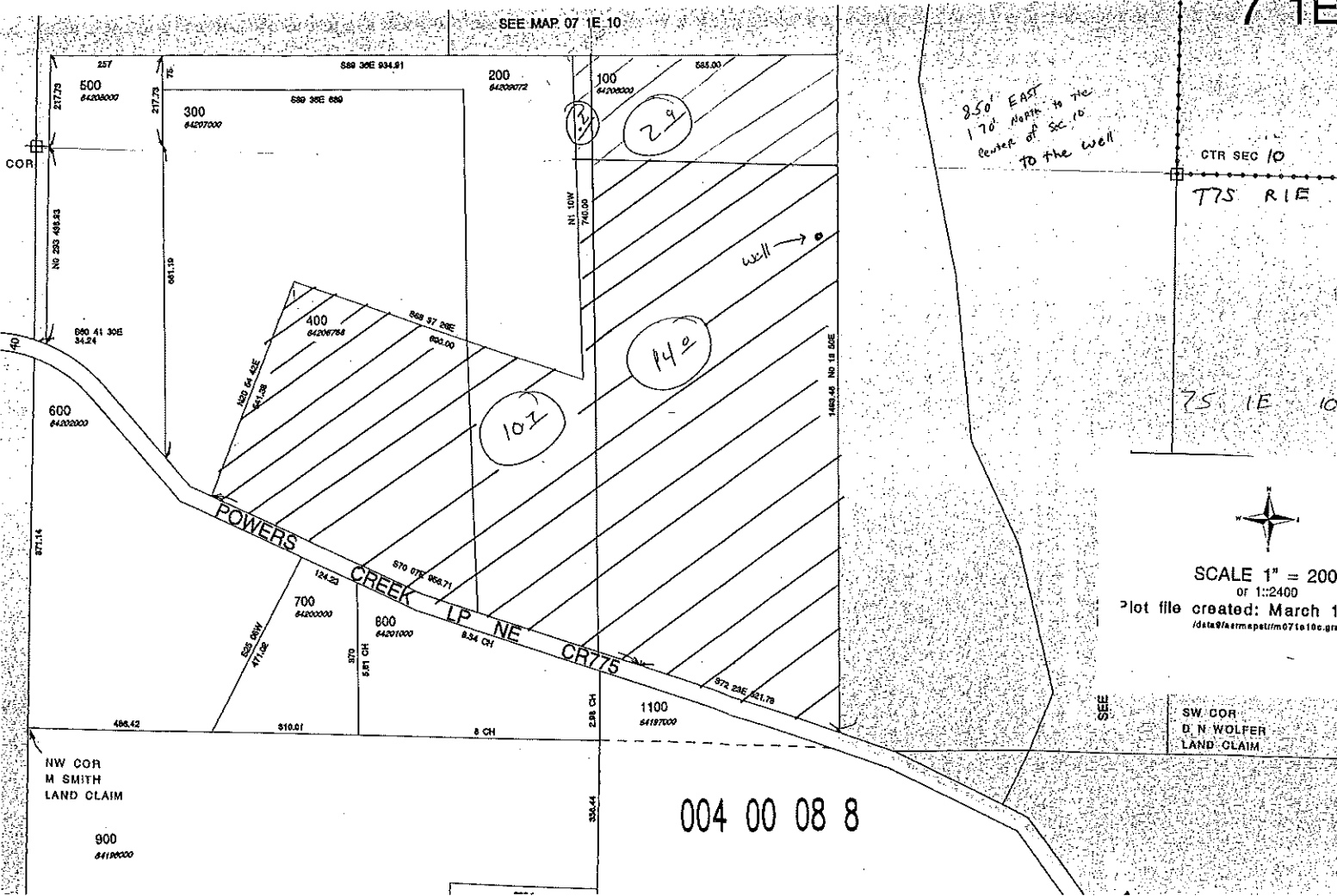
Signed [Signature] WWC Number 1358
Date 8-23-99

(bonded) Water Well Constructor Certification

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

Signed [Signature] WWC Number 688
Date 8-23-99

SEE MAP 07 1E 10



250' EAST
170' ALONG TO THE
CENTER OF SEC. 10
TO THE WELL

CTR SEC 10

T75 R 1E

75 1E 10



SCALE 1" = 200'

or 1:2400

Plot file created: March 1

/data9/armapetrm07 to 10c.gr

SW COR
D N WOLPER
LAND CLAIM

NW COR
M SMITH
LAND CLAIM

004 00 08 8