

June 25, 2008



**Boatwright Engineering Inc.**

2613 12th ST SE, SALEM, OREGON 97302  
civil engineers • land surveyors

503 363-9225 FAX 363-1051

Lisa Jaramillo  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

Re: **GRAND RONDE COMMUNITY WATER ASSOCIATION  
T-10247**

Dear Lisa,

The modified application that is attached proposes to change our previously filed Exchange Application, which is referenced above. That application sought to replace Cow Creek water with Spring water, tributary to Rock Creek. Today's application seeks to permanently transfer the Cow Creek water to Instream Use for the benefit of the Oregon Department of Fish and Wildlife.

This transfer is intended to serve as mitigation for our Surface Water application for the same Spring water, should it be approved. Our Surface Water application is also attached.

**As such, we request that processing of this Transfer Application be delayed until it is deemed acceptable as mitigation for the year-round Surface Water request. We will not relinquish this Cow Creek right unless it serves to process a favorable Surface Water right for the Springs.**

Please keep us informed as to any requirements we need to meet to make both the Surface and Transfer applications process smoothly.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Boatwright".

Jeanne Boatwright

Enclosure: Application for Water Right Transfer  
Application for a Permit to Use Surface Water

CC: Karl Ekstrom, manager  
Grand Ronde Community Water Association

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P.O. Box 253  
Grand Ronde  
Oregon, 97347

Phone: 503 879-5624  
Fax: 503 879-5449  
TTD: 800 735-2900

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\_\_\_\_\_  
Date

Polk County Board of Commissioners  
Polk County Courthouse  
850 Main Street  
Dallas, Oregon 97338

Confederated Tribes of the Grand Ronde Community of Oregon  
9615 Grand Ronde Road  
Grand Ronde, Oregon 97347

This letter is to notify you that the Grand Ronde Community Water Association is filing a Transfer Application with the Oregon Department of Water Resources. This application affects an existing irrigation right in the name of Marjorie Reid with a priority date of August 28, 1934. The right permits the appropriation of 0.36 cfs of water from Cow Creek, a tributary of Rock Creek, for the purpose of irrigating 28.8 acres as represented in the Department's Certificate No. 15685.

The Grand Ronde Community Water Association is filing the Transfer application to change the nature of the water right to a permanent instream use for the benefit of fish habitat on behalf of the Oregon Department of Fish and Wildlife.

This Transfer is being filed to mitigate a new Water Right Application by the Association for a year-round right on a set of Springs, tributary to Rock Creek.

Karl Ekstrom, manager  
Grand Ronde Community Water Association  
ph 503-879-5624



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

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one	
<input type="checkbox"/> Permanent Transfer	<input checked="" type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer (1 to 5 yrs.)	<input checked="" type="checkbox"/> Permanent
<ul style="list-style-type: none"> <li>total number of years: _____</li> <li>(begin year: _____)</li> <li>(end year: _____)</li> </ul>	<input type="checkbox"/> Time-Limited
	<input type="checkbox"/> Drought Transfer
	<input type="checkbox"/> Other

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## 2. APPLICANT INFORMATION

Name: Grand Ronde Community Water Association (Karl Ekstrom, manager)

First Last

Address: PO Box 253

Grand Ronde Oregon 97347

City State Zip

Phone: 503-879-5624

Home Work Other

Fax: 503-879-5449 E-Mail address: grwater@viclink.com

## 3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Jeanne or Corbey Boatwright

First Last

Address: Boatwright Engineering, Inc. 2613 12th Street SE

Salem Oregon 91302

City State Zip

Phone: 503-363-9225

Home Work Other

Fax: 503-363-1051 E-Mail address: boatwrightengr@yahoo.com

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; **or**
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

**4. PROPOSED CHANGE(S) TO WATER RIGHT(S)**

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	15498	11382 (appl 15498)	15685
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.

- Check **all** proposed change(s) included in this transfer application:

- Place of Use       Point of Diversion (POD)       Additional Point of Diversion
- Character of Use       Point of Appropriation (POA, or well)       Additional POA
- Instream Transfer       Surface Water POD to Ground Water POA
- Substitution of Supplemental Groundwater right for Primary Surface water right
- Historic POD change       Other

- Reason(s) for change(s): Mitigation

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**5. WATER DELIVERY SYSTEM**

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Water is pumped from Cow Creek at the authorized diversion point using a John Deere diesel tractor w/pto to 4" IR line to flood IR the authorized IR area. Rate of withdrawal is estimated to be 0.33-0.38 cfs (150-170 gpm) where certificate allows 0.36 cfs (162 gpm)

- System capacity: 0.38 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

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**7. AFFECTED DISTRICTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?  Yes  No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

Grand Ronde Community Water Association

PO Box 253

Grand Ronde , Oregon 97347

**8. LOCAL GOVERNMENTS**

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Polk County Polk County Courthouse 850 Main Street Dallas, OR 97338

Confederated Tribes of the Grand Ronde Community of Oregon

9615 Grand Ronde Road Grand Ronde, OR 97347

**9. LAND OWNERSHIP**

- Does the applicant own the lands **FROM** which the right is being transferred?  Yes  No

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

Names of Current Landowner(s): Confederated Tribes of the Grand Ronde Community of Oregon  
First Last

Address: 9615 Grand Ronde Road

Grand Ronde OR 97347  
City State Zip

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- Does the applicant own the lands **TO** which the right is being transferred?

Yes  No  N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*If "No", provide the following information:*

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

- Check **one** of the following:

The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

**10. Other Remarks (optional)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 11. ATTACHMENTS

*Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.*

<p><b>Supplemental Form A – Description of Proposed Change(s) to a Water Right</b></p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p><b>Supplemental Form B – Evidence of Use Affidavit(s)</b></p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input checked="" type="checkbox"/> The Evidence of Use Affidavit <b>must</b> be accompanied by <b>supporting documentation</b>.</p> <p><b>Map</b></p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p><b>Water Well Report(s)/Well Log(s):</b></p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input checked="" type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p><b>Land Use Information For Proposed Changes:</b></p> <p><i>For Instream Transfers:</i></p> <p><input checked="" type="checkbox"/> Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (<i>For instream transfers a Land Use Information Form is not required.</i>)</p> <p><i>For All Other Transfers:</i></p> <p><input type="checkbox"/> Land Use Information Form is enclosed; <i>or</i></p> <p><input type="checkbox"/> <u>All</u> of the following criteria are met, therefore a Land Use Information Form is not required:</p> <ul style="list-style-type: none"><li>❶ In EFU zone or irrigation district,</li><li>❷ Change in place of use only,</li><li>❸ No structural changes needed, including diversion works, delivery facilities, other structures, <i>and</i></li><li>❹ Irrigation only.</li></ul> <p><b>Fees:</b></p> <p><input type="checkbox"/> Amount enclosed: \$ _____ See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p> <p><b><u>Instream Water Right Transfers, also include:</u></b></p> <p><b>Supplemental Form C – Instream Water Right Transfer</b></p> <p><input checked="" type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><b><u>Temporary Transfers, also include:</u></b></p> <p><b>Recorded Deed:</b></p> <p><input type="checkbox"/> The applicant must submit a copy of the current deed of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved.</p> <p><b>Affidavit of Consent:</b></p> <p><input type="checkbox"/> If the applicant is <b>NOT</b> the owner of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p>
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**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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**12. SIGNATURES**

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

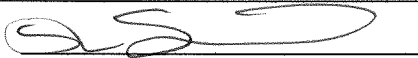
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	<u>Row Smith chairman</u> name and title if applicable (print)	<u>6-12-08</u> date
_____ applicant signature	_____ name and title if applicable (print)	_____ date



**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

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▪ Certificate Number or other identifying number: 15685

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<p><input checked="" type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <b>not</b> be used for the portion of the water right affected by the transfer.)</p> <p><input type="checkbox"/> <b>Additional</b> (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)</p> <p><input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.)</p> <p><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <b>not</b> be used.)</p> <p><input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.)</p> <p><input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)</p>	<p><input checked="" type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)</p> <p><input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)</p>	<p>Proposed new use:</p> <p><input type="checkbox"/> <b>Irrigation</b></p> <p><input type="checkbox"/> <b>Municipal</b></p> <p><input type="checkbox"/> <b>Quasi-municipal</b></p> <p><input type="checkbox"/> <b>Commercial</b></p> <p><input type="checkbox"/> <b>Industrial</b></p> <p><input checked="" type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i>)</p> <p><input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____</p> <p><input type="checkbox"/> <b>Other</b> _____</p> <p><input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)</p> <p><input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)</p>



▪ Certificate Number or other identifying number: 15685

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

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**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

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If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A	Cow Ck 8-28-1934	6S	8W	WM	13	SW SW	6-8-13C 100	Not Described

▪ Does the water right being transferred involve a ground water source(s)?

Yes       No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

**or**

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	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



▪ Certificate Number or other identifying number: 15685

**3. PROPOSED CHANGES TO THE WATER RIGHT**

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

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**Location of Proposed Point(s) of Diversion or Appropriation:**

(i.e., the "TO" point(s) of diversion or appropriation)

N/A - Instream Water Right Transfer

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(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

**Construction of Proposed Point(s) of Appropriation or Well(s)**

*Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	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



## Water Right Transfer Supplemental Form C

### INSTREAM WATER RIGHT TRANSFER

- Permanent Instream Transfer** or  **Time-Limited Instream Transfer**  
 Please contact the Department with any questions on filling out this form. Attach additional pages, if necessary.

**1. Identify the public use for which the instream right is requested (check one).**

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.  Recreation  
 Navigation  
 Pollution Abatement

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**2. Instream use proposed to be created by the instream transfer:**

Originating Water Right Number (as identified in the transfer application)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
15685	August 28, 1934	Cow Creek	March 1 - October 1	0.36	72.00
			June 1 - Sept 30 also 10-30-12		
<b>Total Volume:</b>					<b>72.00</b>

\* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

\*\* To calculate volume, multiply the rate by the number of days in the period and then multiply by 1.983471.

The quantity allocated during any period may not exceed the quantity that may be used under the existing right during that period. The total volume of water for the year may not exceed the total volume of water that may be used during the year under the existing right.

Additional information: 28.8 ac right x 2.5 ft duty = 72.00 ac-ft

**3. Identify the location of the proposed instream water right.**

- Water is requested to be protected at a point.  
 Location (i.e. the point of diversion (POD), or if the water right has more than one POD or if a POD is not described on the water right, please provide the legal description): \_\_\_\_\_

- Water is requested to be protected within a reach.  
 Location of proposed reach (if an instream water right reach is requested, identify the upstream and downstream extent of the reach): from the POD to the mouth of Cow Creek. POD is approximately 725' North & 1240' East of SW Cor Section 13, T6S, R8W, WM

**4. Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.**

- None  
 Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): \_\_\_\_\_

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5. Are there any existing instream water rights at the same point or within the same requested reach(es) or lake, or on a portion thereof:

- No
- Yes (identify other instream water rights):

*New instream water rights generally (but not always) are additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.*

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

- Yes
- No. If no, please explain your intent below.

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. *Supporting documentation should include information from the Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).*

6. Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

- No; *or*
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); *or*
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the aforementioned instream water right application; ***and***
- For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed (A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page); ***or***
- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. (The scientific information provided by DEQ should be included with the transfer application.)

7. For a time-limited instream transfer, please answer the following:

- The time-limited instream transfer is for a specific number of years:  
Begin Year \_\_\_\_\_ to End Year \_\_\_\_\_
- The time-limited instream transfer is to terminate based upon other conditions:  
Conditions: \_\_\_\_\_



STATE OF OREGON  
 COUNTY OF POLK  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MARJORIE REID <sup>97317</sup>

of Box 673, Grand Ronde, 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 Cow Creek a tributary of Rock Creek, a tributary of Yamhill River for the purpose of irrigation under Permit No. 11382 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 August 28, 1934

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 0.36 cubic foot per second 161.58 gpm

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 6 South, Range 8 West, W. M.

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 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:

20.8 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 8.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Section 13,  
 T. 6 S., R. 8 W., W. M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

The W 1/2 of the E 1/2 of the SW 1/4, and the E 1/2 of the E 1/2 of the SW 1/4, and the E 1/2 of the SE 1/4 of the NW 1/4 of Section 13, in Township 6 south, Range 8 West of the Willamette Meridian in Polk County Oregon, containing 100 acres, more or less. Also; The E 1/2 of the W 1/2 of the SW 1/4 of Section 13, in Township 6 South, Range 8 West of the Willamette Meridian, Containing 40 acres more or less.

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

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OCT 12 2008 10247

WITNESS the signature of the State Engineer, affixed this 1st day of March, 194 9.

WATER RESOURCES DEPT  
 SALEM, OREGON

.....CHAS. E. STRICKLIN.....  
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 15685

**Water Right Transfer Supplemental Form A  
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
 County of Polk )

I, Karl Ekstrom, in my capacity as manager,  
 mailing address PO Box 253 Grand Ronde, Oregon 97347  
 telephone number ( 503 ) 879-5624, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	S	8	W	WM	13	SE NW	---	20.8
6	S	8	W	WM	13	NE SW	---	8.0

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 SALEM, OREGON

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

T 10247

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):  
Irrigation of Forestry Stock

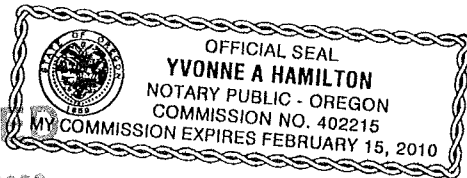
5. The water delivery system used to apply water as authorized by the right is described below:  
John Deere diesel tractor with a PTO pump to a 4-inch irrigation line to big gun or flood irrigation. Rate of withdrawal estimated at 150-170 gpm (0.33 to 0.38 cfs) where the certificate authorizes 0.36 cfs (162 gpm)

6. One or more of the following documentation supporting the above statements is attached:
- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
  - Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
  - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
  - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
  - Dedicated power usage records or receipts,
  - Other: Undated photographs taken in summer 2004 by Karl Ekstrom.

Karl Ekstrom  
Signature of Affiant  
State of Oregon )  
County of Yamhill )

9-25-06  
Date

Signed and sworn to (or affirmed) before me this 25th day of Sept., 2006.



Yvonne A. Hamilton  
Notary Public for Oregon

My Commission Expires: 02/15/2010

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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

From: Wesley V. Shenk  
9075 Fort Hill Road  
Willamina, OR 97396

To: Grand Ronde Community Water Association  
PO Box 253  
Grand Ronde, OR 97347

INVOICE: IRRIGATION PROJECT

DESCRIPTION:

Labor: Wesley V. Shenk	26 hrs @ \$14.00 per hr = \$364.00
Kellen Chewning	9 hrs @ \$9.00 per hr = \$ 81.00
Tractor and Sprinkling Machine	16 hrs @ \$40.00 per hr = \$640.00
Tractor	4 hrs @ \$20.00 per hr = <u>\$ 80.00</u>
TOTAL	\$1165.00

*Pa ck # 10864*

*9-14-04*

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Figure 1  
Cow Creek Intake

August 2004



Figure 2  
John Deere Tractor  
w/ PTO at Cow Creek

August 2004

T 10247



Figure 3  
Reel line to field

August 2004



Figure 4  
Reel line to field

August 2004

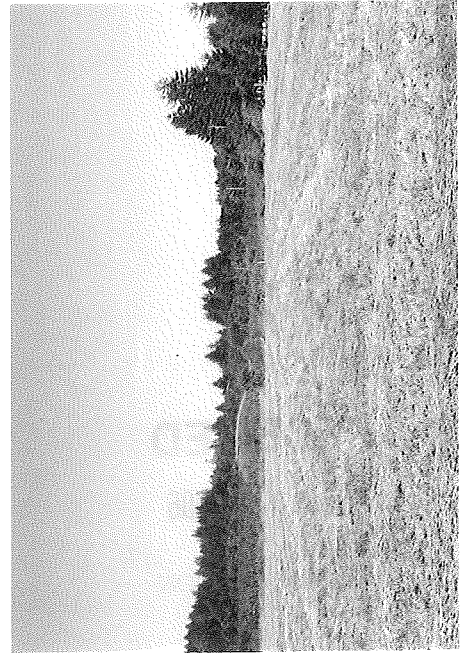


Figure 5  
Gig Gun Irrigation of  
small Forestry Stock

August 2004



Figure 6  
Big Gun irrigation of  
medium Forestry Stock

August 2004



# 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. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

## To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

### A. Applicant

Name: Grand Ronde Community Water Association  
Address: PO Box 253  
City: Grand Ronde State: OR Zip: 97347 Day Phone: 503-879-5624

### 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)			Proposed Land Use
Assoc Boundary	<u>MULTIPLE IN</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Community Water Supply
	<u>RURAL RESIDENTIAL</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Polk County, and Yamhill County

### C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.  
 Water Use Permit     Water Right Transfer     Allocation of Conserved Water     Exchange

Indicate the intended use of water and describe the key characteristics of the project.  
 Commercial     Industrial     Instream     Irrigation  
 Municipal     Quasi-municipal     Domestic (indicate number of households) \_\_\_\_\_  
 Other \_\_\_\_\_

Briefly describe: 0.36 cfs transferred from irrigation right in Cow Creek, tributary to Rock Creek to O-M right from springs tributary to Rock Creek

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Indicate the source of the water to be used.

Reservoir/Pond     Ground Water     Surface Water \_\_\_\_\_  
(source)

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Indicate the estimated quantity of water the use will require: 0.36  CFS     GPM     Acre-Feet



# 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. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

### To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

#### A. Applicant

Name: Grand Ronde Community Water Association

Address: PO Box 253

City: Grand Ronde State: OR Zip: 97347 Day Phone: 503-879-5624

#### 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)			Proposed Land Use
6s8w 1800		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Community Water Supply
Assoc Boundary		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Community Water Supply
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<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. Polk County, and Yamhill County

#### C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

Water Use Permit  Water Right Transfer  Allocation of Conserved Water  Exchange

Indicate the intended use of water and describe the key characteristics of the project.

Commercial  Industrial  Instream  Irrigation  
 Municipal  Quasi-municipal  Domestic (indicate number of households) \_\_\_\_\_  
 Other \_\_\_\_\_

Briefly describe: 0.36 cfs transferred from irrigation right in Cow Creek, tributary to Rock Creek to O-M right from springs tributary to Rock Creek

T 10247

Indicate the source of the water to be used.

Reservoir/Pond  Ground Water  Surface Water \_\_\_\_\_ (source)

Indicate the estimated quantity of water the use will require: 0.36  CFS  GPM  Acre-Feet

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WATER RESOURCES DEPT  
SALEM, OREGON

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A  
WATER RIGHT CERTIFICATE**

STATE OF OREGON            )  
  ) ss  
County of Polk             )

I, **Cheryle Kennedy**, as **Authorized Agent for The Confederated Tribes of The Grand Ronde Community of Oregon**, mailing address **9615 Grand Ronde Road, Grand Ronde, Oregon**, telephone **503-879-2352**, being first duly sworn depose and say:

1.     The **Confederated Tribes of The Grand Ronde Community of Oregon** is the legal owner(s) of the **property** described as **Tax Lots 6 8W 13B 800 and 6 8W 13C 100** within the following  $\frac{1}{4}$ ,  $\frac{1}{4}$  sections: **SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 13 Township 6 South, Range 8 West, of the Willamette Meridian, in Polk County, Oregon**, as described in the **attached deed and legal description** (attachment 1), which is made part of this affidavit;

2.     We have abandoned any and all interests in that portion of water right certificate number **15685**, issued to **Marjorie Reid** with a date of priority of **August 28, 1934**, detailed on the attached map (attachment 2) and described as follows: The right to the use of **0.02 cubic feet per second** from **Cow Creek** for **irrigation of 1.2 acres** of land located within the **SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 13 Township 6 Range 8 West, of the Willamette Meridian, in Polk County, Oregon**.

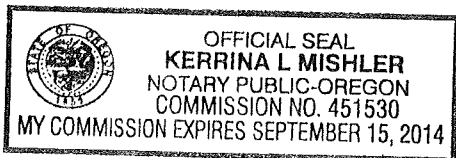
*Cheryle A. Kennedy*  
Cheryle Kennedy  
Tribal Council Chairwoman  
Confederated Tribes of Grand Ronde

2/27/12  
Date:

Subscribed and Sworn to Before Me this 27<sup>th</sup> day of February, 2012

*Kerrina L. Mishler*  
Notary Public for Oregon

My Commission Expires: 09/15/2014



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SALEM, OREGON



Attachment 1 – Copy of Deed for:

Tax Lots 6 8W 13B 800 and 6 8W 13C 100  
within the following  $\frac{1}{4}$ ,  $\frac{1}{4}$  sections:

SE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,

NE $\frac{1}{4}$ , SW $\frac{1}{4}$ ,

Section 13

Township 6 South, Range 8 West, of the Willamette Meridian, in Polk  
County, Oregon

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SALEM, OREGON



After recording return to:  
Confederated Tribes of Grand Ronde  
9615 Grand Ronde Rd  
Grand Ronde, OR 97347

Until a change is requested all tax statements  
shall be sent to the following address:  
Confederated Tribes of Grand Ronde  
9615 Grand Ronde Rd  
Grand Ronde, OR 97347

File No.: 7121-653490 (CAT)  
Date: September 27, 2005

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2005-016846



\$38.00

00142311200500168400030031

10/04/2005 03:37:22 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00

653490  
FIRST AMERICAN TITLE

### STATUTORY WARRANTY DEED

**Northwest Lands, Inc., Grantor, conveys and warrants to The Confederated Tribes of the Grand Ronde Community of Oregon, Grantee, the following described real property free of encumbrances, except as specifically set forth herein:**

**The west one-half of the East one-half of the southwest quarter and the East one-half of the East one-half of the Southwest quarter and the East one-half of the Southeast quarter of the Northwest quarter of Section 13 in Township 6 South, Range 8 West of the Willamette Meridian in Polk County, Oregon. ALSO the East one-half of the West one-half of the Southwest quarter of Section 13 in Township 6 South, Range 8 West of the Willamette Meridian. ALSO the Northeast quarter of the Northwest quarter of Section 24 in Township 6 South, Range 8 West of the Willamette Meridian. ALSO that portion in the west one-half of the Northwest quarter of Section 24 in Township 6 South, Range 8 West of the Willamette Meridian in Polk County, Oregon, described as follows: Beginning at the Northeast corner of the West one-half of the Northwest quarter Section 24, and running thence West 257 feet, more or less, to the East boundary line of a 60 foot strip of land conveyed by Tom Lawney, alias Lawney Tom, to Charles K. Spaulding by Deed recorded on Page 358 of Book 73, records of deeds for said County; thence along and following said East boundary line in a Southerly and westerly direction to its point of intersection with the West line of said Section 24; thence South 870 feet more or less to the Southwest corner of the Northwest quarter of said Section 24; thence East 1320 feet to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 24; thence North 2680 feet to the place of beginning.**

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ALSO the West one-half of the Southeast quarter of the Northwest quarter of Section 13 in Township 6 South, Range 8 West of the Willamette Meridian in Polk County, Oregon, EXCEPTING that part thereof previously deeded to Chas. K. Spaulding by Ed Riggs and Allie Riggs by deed dated June 6, 1921 and recorded in Volume 73, Page 340, and by a corrective deed recorded in Volume 76, Page 454, and added to by deed recorded in Volume 114, Page 363, Deed Records for Polk County, Oregon, being a part of the premises conveyed to the Union Central Life Insurance Company by deed from Edward Riggs and Allie Riggs, husband and wife, dated August 7, 1928 and recorded in Volume 91, Page 229 Deed records for Polk County, Oregon.

SAVE AND EXCEPT all that portion conveyed to Miami Corporation, by Warranty Deed dated February 8, 1985 and recorded February 8, 1985 in BOR 184, Page 1634 of the Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT Parcel 1, Partition Plat No. 1994-0006, recorded February 10, 1994 in the Record of Partition Plats for Polk County, Oregon.

ALSO SAVE AND EXCEPT the following described Parcel:

A tract of land in the west one-half of the Southeast one-quarter of the Northwest one-quarter of Section 13, Township 6 South, Range 8 West, Polk County, Oregon, being more particularly described as follows:

Beginning at the intersection of the South margin of Andy Riggs Road with the East line of the west one-half of the southeast one-quarter of the Northwest one-quarter of section Section 13; thence West 200 feet along the South margin of Andy Riggs Road to the True Point of Beginning; thence South 300.0 feet parallel with the East line of the west one-half of the Southeast one-quarter of the Northwest one-quarter of section 13; thence west 400.0 feet more or less parallel with the South margin of Andy Riggs Road to the Easterly line of that tract of land described in deed to Polk County Operating Company and Recorded August 20, 1943 in Book 114, Page 363, Polk County Deed Records; thence Northerly 300 feet more or less along said Easterly line to the South margin of Andy Riggs Road; thence East 250 feet more or less along said South margin to the True Point of Beginning.

This property is free from encumbrances, EXCEPT:

1. The 2005-2006 Taxes, a lien not yet payable.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$432,000.00. (Here comply with requirements of ORS 93.030)

Dated this 3<sup>rd</sup> day of October, 2011.

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Attachment 2 – Map Detailing Area of Partial Cancellation of a Water Right  
Certificate

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SALEM, OREGON

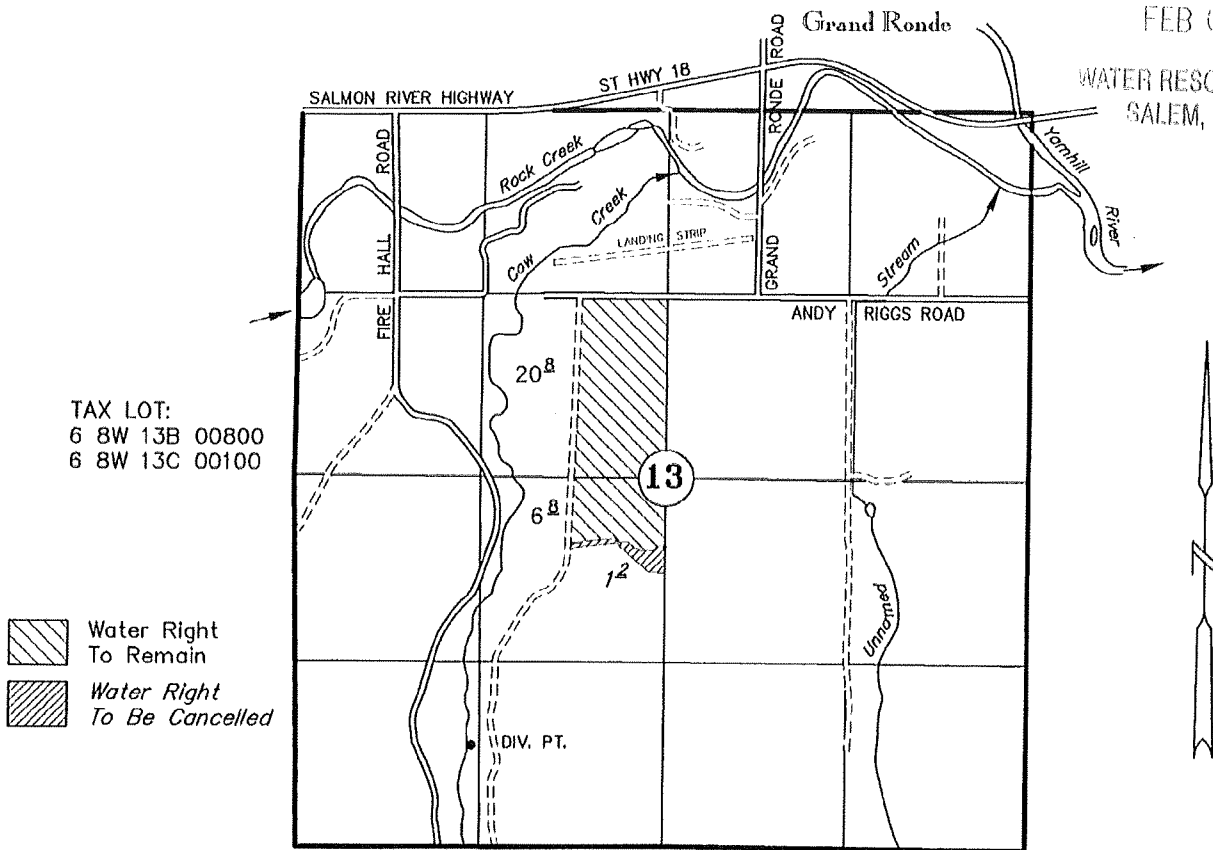
# T6S, R8W, WM

POLK COUNTY



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SALEM, OREGON



TAX LOT:  
6 8W 13B 00800  
6 8W 13C 00100

-  Water Right To Remain
-  Water Right To Be Cancelled

AUTHORIZED DIV PT: SW 1/4, SW 1/4. SECTION 13

## Partial Cancellation of a Water Right Certificate

UNDER

Application No. 15498 Permit No. 11382 Certificate No. 15685

IN THE NAME OF

**Grand Ronde Community Water Association**

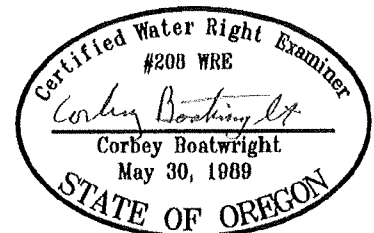
July 13, 2010

SCALE: 1" = 1320'

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SALEM, OREGON



NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

RENEWAL DATE 12-31-2011