



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**

For questions, please call (503) 986-0900, and ask for Transfer Section.

**Check all items included with this application. (N/A = Not Applicable)**

- X Part 1 – Completed Minimum Requirements Checklist.
- X Part 2 – Completed Transfer Application Map Checklist.
- X Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- X Part 4 – Completed Applicant Information and Signature.
- X Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate #80359**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

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**Attachments:**

- X Completed Transfer Application Map.
- X Completed Evidence of Use Affidavit and supporting documentation.
- X N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- X N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- X N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- X N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- X N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(For Staff Use Only)**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

Application fee not enclosed/insufficient  Map not included or incomplete

Land Use Form not enclosed or incomplete

Additional signature(s) required  Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map Checklist

**Your transfer application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.**

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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FEE WORKSHEET for PERMANENT TRANSFER ( **Part 3 of 5 – Fee Worksheet**)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = 1 <u>(2a)</u> Subtract 1 from the number in line 2a = 0 <u>(2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
3	Number of water rights included in transfer <u>1</u> <u>(3a)</u> Subtract 1 from the number in 3a above: <u>0</u> <u>(3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.42</u> <u>(5a)</u> Subtract 1.0 from the number in 5a above: <u>0</u> <u>(5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ <u>(5c)</u> and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal:	6	\$1,160
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	8	\$1,160

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\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0.*)

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
2	Number of wells included in substitution _____ <u>(2a)</u> Subtract 1 from the number in 3a above: _____ <u>(2b)</u> <i>If only one well this will be 0</i> Multiply line 2b by \$410 and enter »	2	N/A
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	N/A

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Bannockburn Farms, Inc.</b>			PHONE NO. <b>541-753-3493</b>	ADDITIONAL CONTACT NO. <b>None</b>
ADDRESS <b>1541 NW 12<sup>th</sup> Street</b>			FAX NO. <b>None</b>	
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97330</b>	E-MAIL <b>wershow@peak.org</b>	
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>				

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>Gregory Macpherson</b>			PHONE NO. <b>503-320-2515</b>	ADDITIONAL CONTACT NO. <b>None</b>
ADDRESS <b>29626 Church Drive</b>			FAX NO. <b>None</b>	
CITY <b>Albany</b>	STATE <b>OR</b>	ZIP <b>97321</b>	E-MAIL <b>ghmacpherson@outlook.com</b>	
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>				

Explain in your own words what you propose to accomplish with this transfer application, and why: Transfer 28.1 acres covered by Certificate #80359 to an adjacent field to irrigate a hazelnut orchard to be planted there in 2020. Transfer will improve productivity of farm because adjacent field is better configured for hazelnut production than acreage now covered by the certificate.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

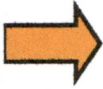
### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm 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; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Albany Democrat Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).



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

**Bannockburn Farms, Inc.**

By Gregory Macpherson  
Applicant signature

Gregory Macpherson, President  
Print Name (and Title if applicable)

April 4, 2019  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

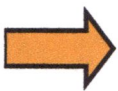
Describe any special ownership circumstances here: \_\_\_\_\_

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME		ADDRESS		
CITY	STATE	ZIP		

- Check here if 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.

ENTITY NAME		ADDRESS		
CITY	STATE	ZIP		



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Linn County</b>		ADDRESS <b>300 SW 4<sup>th</sup> Avenue</b>		
CITY <b>Albany</b>	STATE <b>OR</b>	ZIP <b>97321</b>		

ENTITY NAME		ADDRESS		
CITY	STATE	ZIP		

## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing icon** at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing in the document: Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

**Part 5 of 5 – Water Right Information**

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

**CERTIFICATE # 80359.**

**Description of Water Delivery System**

System capacity: 0.42 cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **See Attachment.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
McKenzie Riv Diversion (POD #1)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	17 S	3 W	9	NE	NE	Spores DLC 38	4440 feet S & 5250 feet E from SE corner of Mansfield DLC 79
Muddy Cr Re-diversion (POD #2)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	12 S	4 W	20	NE	SE	Wilson DLC 60	150 feet S & 450 feet E from NW corner of Wilson DLC 60
Muddy Cr Re-diversion (POD #3)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	12 S	4 W	20	NE	SE	Wilson DLC 60	800 feet S & 50 feet E from NW corner of Wilson DLC 60
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

**Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed (“to” or “on” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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## Attachment to Part 5 – Water Right Information

### Description of Water Delivery System:

Of the 33.8 acres covered by Certificate of Water Right #80359, 28.3 acres are located on the west side of Muddy Creek. Those 28.3 acres are irrigated by an older 15HP electric pump located at Point of Diversion (POD) #3 on Muddy Creek. The pump connects to a buried 5 inch diameter PVC mainline that extends for about 1,800 feet through those covered acres, with several valves in risers that come up to the surface.

Of the 28.3 acres west of Muddy Creek, 4.6 acres are enclosed in fences and planted in pasture grass. Another 1.1 acres are being prepared for flower bulb or seed production. The remaining 22.6 acres are farmed by a tenant and planted in an annual grass seed crop. The 22.6 acres of cropland and 4.6 acres of pasture are irrigated with aluminum pipe and impact sprinklers hand-moved across the acreage.

The other 5.5 acres covered by Certificate #80359 are located east of Muddy Creek adjacent to acreage covered by Certificate of Water Right #91761 issued to Muddy Creeks Irrigation District in which Bannockburn Farms, Inc. has 106.9 covered acres. Those 5.5 acres have been irrigated by the system that also irrigates the 106.9 acres.

This application transfers the water right of Certificate #80359 covering the 22.6 acres of cropland west of Muddy Creek and the 5.5 acres of cropland east of Muddy Creek (for a total of 28.1 total transferred acres) to a field north of Church Drive. The 5 inch buried PVC mainline will be extended to the middle of the field and will connect with new buried lateral lines to each side of the field. Drip irrigation lines will be placed along rows of newly planted hazelnut trees. The 4.6 acres of pasture that remain covered by Certificate #80359 will continue to be irrigated with hand-moved aluminum pipe and impact sprinklers. The 1.1 acres for flower production will be irrigated with pop-up sprinklers from buried distribution lines that connect to the 5 inch mainline.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 80359**

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
12	S	4	W	20	SW	NE	300 1200	48	10.3	Irrigation	POD #1 POD #3	1978	POU	12	S	4	W	20	SW	NE	300	3798	10.3	N/A	POD #1 POD #3	1978
12	S	4	W	20	SE	NW	1200	48	1.2	Irrigation	POD #1 POD #3	1978	POU	12	S	4	W	20	SE	NW	300	3798	1.2	N/A	POD #1 POD #3	1978
12	S	4	W	20	NE	SW	1200	48	2.4	Irrigation	POD #1 POD #3	1978	POU	12	S	4	W	20	SE	NW	300	3798	0.5	N/A	POD #1 POD #3	1978
													POU	12	S	4	W	20	NE	NW	300	3798	1.6	N/A	POD #1 POD #3	1978
													POU	12	S	4	W	20	NW	NE	300	3798	0.3	N/A	POD #1 POD #3	1978
12	S	4	W	20	NW	SE	1200	48	8.7	Irrigation	POD #1 POD #3	1978	POU	12	S	4	W	20	NW	NE	300	3798	8.7	N/A	POD #1 POD #3	1978
12	S	4	W	21	SW	SW	400	60	5.5	Irrigation	POD #1	1978	POU	12	S	4	W	20	NW	NE	300	3798	5.5	N/A	POD #1 POD #3	1978
TOTAL ACRES:							28.1																TOTAL ACRES:	28.1		

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Additional remarks: \_\_\_\_\_

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department’s web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of BENTON)

I, GREGORY MACPHERSON, in my capacity as PRESIDENT OF BANNOCKBURN FARMS, INC.,

mailing address 29626 CHURCH DRIVE, ALBANY, OREGON 97321

telephone number (503)320-2515, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

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2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 80359; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

**OR**

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

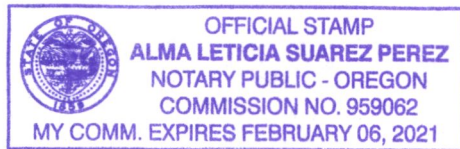
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS, PASTURE, AND ORNAMENTAL PLANTINGS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Gregory McArthur  
Signature of Affiant

APRIL 4 2019  
Date

Signed and sworn to (or affirmed) before me this 4<sup>th</sup> day of April, 2019.



[Signature]  
Notary Public for Oregon

My Commission Expires: 02/06/2021

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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## Attachment to Evidence of Use Affidavit – Supporting Documents

Of the cropland owned by Bannockburn Farms, Inc., 140.7 acres have had irrigation water supplied for many years by the Muddy Creeks Irrigation Project (also known as the Muddy Creeks Irrigation District). For over 20 years that cropland has been leased to Generation Seed Farm, Inc., a local grower of commercial grass seed. The lease from Bannockburn to Generation requires the tenant to irrigate the cropland covered by the irrigation district at least every five years in order to maintain Bannockburn's water rights.

The 140.7 acres supplied by Muddy Creeks are covered by two Certificates of Water Right. Certificate #80359, issued to Bannockburn Farms, Inc., covers 33.8 acres. The remaining 106.9 acres are covered by Certificate #91761 issued to Muddy Creeks Irrigation District. The acres described in the first 13 of the 44 quarter quarter sections listed on Certificate #91761 are owned by Bannockburn.

Generation Seed Farm, Inc. has fulfilled its obligation under the lease from Bannockburn by irrigating 30 to 40 acres each year on a rotating basis. Attached are copies of the Invoices issued by the irrigation district to Generation for the years 2014 to 2018. The "Acres Used" are those watered in the particular year and "Acres Dormant" are those not watered that year. The Invoices substantiate that all 140.7 acres supplied by Muddy Creeks were irrigated in the five years from 2014 to 2018, including the 33.8 acres covered by Certificate #80359.

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**Muddy Creeks Irrigation Project**

PO Box 225  
Harrisburg,, OR 97446

**INVOICE**

Date	Account #
5/18/2018	55

*FOR: 2018 Irrigation Water Assessment*

*DUE: July 1, 2018*

Bill To
<b>Generation Seed Farm, Inc</b> <b>31657 Oakville Road</b> <b>Shedd, OR 97377</b>

Description		Amount
Total Acres Under the Project - 140.7		
40	Acres Used @ \$17.50 Acre	700.00
100.7	Acres Dormant @ \$10.00 Acre	1007.00
<p><i>Fill in the acres you use on the first line, the dormant (or remaining acres) on the second line. (Acres listed should total acres under the project).</i></p> <p><i>Past due accounts will be charged interest at the rate of 10% per annum. No pumping will be allowed on delinquent accounts.</i></p>		<p><b>RECEIVED</b> APR 17 2019 OWRD</p>
<p>6/18/18 #12167</p>		
<p>Make all checks payable to Muddy Creeks Irrigation Project. If you have any questions concerning this invoice, contact Jane @ 541-995-6332 or jdewall@uwol.net.</p>		<b>Total</b> 1707.00

# Muddy Creeks Irrigation Project

PO Box 225  
Harrisburg,, OR 97446

# Invoice

Date	Account #
5/1/2017	55

FOR: 2017 Irrigation Water Assessment

DUE: July 1, 2017

Bill To
<b>Generation Seed Farm, Inc</b> <b>31657 Oakville Road</b> <b>Shedd, OR 97377</b>

Description		Amount
Total Acres Under the Project - 140.7		
35	Acres Used @ \$17.50 Acre	612.50
105.7	Acres Dormant @ \$10.00 Acre	1057.00
<p><i>Fill in the acres you use on the first line, the dormant (or remaining acres) on the second line. (Acres listed should total acres under the project).</i></p> <p><i>Past due accounts will be charged interest at the rate of 10% per annum.</i> <i>No pumping will be allowed on delinquent accounts.</i></p> <p>8-11-17 #11928</p>		<p>RECEIVED APR 17 2019 OWRD</p>
Make all checks payable to Muddy Creeks Irrigation Project. If you have any questions concerning this invoice, contact Jane @ 541-995-6332 or jdewall@uwol.net.		<b>Total</b> 166950



**Muddy Creeks Irrigation Project**

PO Box 225  
Harrisburg,, OR 97446

**Invoice**

Date	Account #
4/26/2016	55

**FOR: 2016 Irrigation Water Assessment**

**DUE: July 1, 2016**

Bill To
<b>Generation Seed Farm, Inc</b> <b>31657 Oakville Road</b> <b>Shedd, OR 97377</b>

Description		Amount
Total Acres Under the Project - 140.7		
35	Acres Used @ \$17.50 Acre	612.50
105.7	Acres Dormant @ \$10.00 Acre	1057.00
<p><i>Fill in the acres you use on the first line, the dormant (or remaining acres) on the second line. (Acres listed should total acres under the project).</i></p> <p><i>Past due accounts will be charged interest at the rate of 10% per annum. No pumping will be allowed on delinquent accounts.</i></p>		
<p>7-12-16 #11634</p>		
<p>Make all checks payable to Muddy Creeks Irrigation Project. If you have any questions concerning this invoice, contact Jane @ 541-995-6332 or jdewall@uwol.net.</p>		<b>Total 1669.50</b>

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**Muddy Creeks Irrigation Project**

PO Box 225  
Harrisburg,, OR 97446

**Invoice**

Date	Account #
5/27/2015	55

**FOR: 2015 Irrigation Water Assessment**

**DUE: July 1, 2015**

Bill To
<b>Generation Seed Farm, Inc</b> <b>31657 Oakville Road</b> <b>Shedd, OR 97377</b>

Description		Amount
Total Acres Under the Project - 140.7		0.00
35	Acres Used @ \$17.50 Acre	612.50
105.7	Acres Dormant @ \$10.00 Acre	1057.00
<p><i>Fill in the acres you use on the first line, the dormant (or remaining acres) on the second line. (Acres listed should total acres under the project).</i></p> <p><i>Past due accounts will be charged interest at the rate of 10% per annum. No pumping will be allowed on delinquent accounts.</i></p>		<p><b>RECEIVED</b> APR 17 2019 <b>OWRD</b></p>
<p>720-15 #11376</p>		
<p>Make all checks payable to Muddy Creeks Irrigation Project. If you have any questions concerning this invoice, contact Jane @ 541-995-6332 or jdewall@uwol.net.</p>		<b>Total</b> 1669.50

**Muddy Creeks Irrigation Project**

PO Box 225  
Harrisburg,, OR 97446

**Invoice**

Date	Account #
4/15/2014	55

*FOR: 2014 Irrigation Water Assessment*

*DUE: July 1, 2014*

Bill To
<b>Generation Seed Farm, Inc</b> <b>31657 Oakville Road</b> <b>Shedd, OR 97377</b>

Description	Amount
Total acres under the project - 140.7	
30 Acres Used @ \$17.50 Acre	525.00
110.7 Acres Dormant @ \$10.00 Acre	1107.00
<p><i>Fill in the acres you use on the first line, the dormant (or remaining acres) on the second line. (Acres listed should total acres under the project).</i></p> <p><i>Past due accounts will be charged interest at the rate of 10% per annum. No pumping will be allowed on delinquent accounts.</i></p>	
<p><b>RECEIVED</b> APR 17 2019 <b>OWRD</b></p>	
<p>7-21-14 #11106</p>	
<p>Make all checks payable to Muddy Creeks Irrigation Project. If you have any questions concerning this invoice, contact Jane @ 541-995-6332 or jdewall@uwol.net.</p>	<p><b>Total</b> 1632.00</p>

**Gregory Macpherson**  
**29626 Church Drive**  
**Albany, Oregon 97321**  
[ghmacpherson@outlook.com](mailto:ghmacpherson@outlook.com)  
**(503) 320-2515**

April 17, 2019

**Via Hand Delivery**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

**RE: Permanent Water Right Transfer Under Certificate #80359**

Sir or Madame:

I am hand delivering with this letter the following on behalf of Bannockburn Farms, Inc., the holder of the water right under Certificate #80359:

- Application for Permanent Water Rights Transfer – signed original
- Transfer application map – stamped by Certified Water Rights Examiner Walter Trimmer
- Evidence of Use Affidavit – signed and notarized original with irrigation district records attached
- Check for \$1,160 in payment of the filing fee

If you need anything further to process this application, please contact me. Thank you.

Sincerely,

  
Gregory Macpherson

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