



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

Application for Water Right Temporary or Drought Temporary Transfer Part 1 of 5 – Minimum Requirements Checklist

This temporary 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.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- 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. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 45586**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year 2019 End Year 2019.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

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Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- 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.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

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(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: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- 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 temporary 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) to convey water to the new temporary place of use, 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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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Barry Kraxberger			PHONE NO. (503) 849-7322	ADDITIONAL CONTACT NO. N/A
ADDRESS 17935 SW Hillsboro HWY			FAX NO. (503) 628-6313	
CITY Hillsboro	STATE OR	ZIP 97123	E-MAIL kraxfarms@frontier.com	
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.				

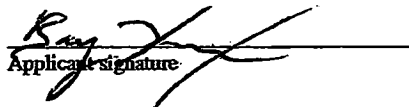
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Aspen Rural Land Consulting c/o Eric Urstadt			PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. 503.647.1919
ADDRESS 39290 NW Murtough Road			FAX NO. N/A	
CITY North Plains	STATE OR	ZIP 97133	E-MAIL ericurstadt@hotmail.com	
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.				

Explain in your own words what you propose to accomplish with this transfer application; and why:
 This is a temporary transfer of a portions of a certificated right.
 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).

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


 Applicant signature

Barry Kraxberger, landowner
 Print Name (and Title if applicable)

4-30-19
 Date

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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 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) has been conveyed.

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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.)

DISTRICT NAME Tualatin Valley Irrigation District	ADDRESS 2330 Elm St	
CITY Forest Grove	STATE OR	ZIP 97116

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 None Known	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Washington County	ADDRESS 161 NW Adams Ave	
CITY Hillsboro	STATE OR	ZIP 97124

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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.

Description of Water Delivery System

System capacity: **0.35 CFS*** cubic feet per second (cfs) **OR** (* per certificate)

_____ 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. **A submersible pump in the well conveys water to sprinklers via hand lines and Big Guns.**

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)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	WASH 12430	2	S	2	W	5	S W	SE	600	930' N & 360' E of S1/4 S5.

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> 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) | |

Check all type(s) of temporary change(s) due to drought proposed below (change “CODES” are provided in parentheses):

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

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

- Yes Complete only the Proposed (“to” 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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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 Temporary Changes to Water Right Certificate # 45586

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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	¼ ¼	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		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
2	S	2	W 5	SW	SE	600	6	3.4	Irrig	Well	1975	POU	2	S	2	W 5	SW	SW	600	-	2.6	Irrig	Well	1975
2	S	2	W 5	SE	SE	600	7	17.1	Irrig	Well	1975	POU	2	S	2	W 5	SE	SW	600	-	17.9	Irrig	Well	1975
TOTAL ACRES							20.5	TOTAL ACRES											20.5					

Additional remarks: **The newest application form will not allow me to check boxes so they are shaded.**

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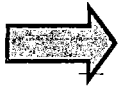
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For Place of Use Changes

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: N/A



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

- 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)

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
Well*	Yes	Wash 12430	315 feet	8 inches	0-255 feet	20-255	None	0	basalt	0.35 cfs is full rate

*this well is the authorized POA and it will not change.

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Supplemental Form D

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Oregon Water Resources Department
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Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD



Water Right Transfers Within the Boundaries of or Served by an Irrigation or Other District

[For transfers submitted under OAR Chapter 690 Division 380]

The Department requires non-district applicants to communicate with districts during the planning and preparation of transfer applications involving water rights having a point of diversion/appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of a district. In some cases district consent to the transfer will be required.

This form must be included with your transfer application if the transfer involves rights served by or located within the boundaries of a district. Use this form for either permanent or temporary transfers. **OWRD**

1. APPLICANT INFORMATION

MAY 20 2019

NAME BARRY KRAAXBERGER		PHONE (HM)	
PHONE (WK)	CELL (503) 849-7322	FAX	
ADDRESS 17935 SW HILLSBORO HWY			
CITY OR HILLSBORO	STATE OR	ZIP 97132	E-MAIL** KRAAXFARMS@MOUNTAIN.COM

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2. DISTRICT INFORMATION

DISTRICT NAME TV10		PHONE (HM)	
PHONE (WK) (503) 357-3118	CELL	FAX	
ADDRESS 2330 ELM ST.			
CITY FOREST GROVE	STATE OR	ZIP 97116	E-MAIL**

** By providing an e-mail address, the applicant and/or the district consent to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION OR OTHER DISTRICT

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the Water Right in the Name of a District or BOR*?
1.		-	45586	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

b. Determine a district's association with your points of diversion (POD) or appropriation (POA) and places of use (POU). [If you are uncertain how to respond to the questions, please consult the district.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district or rely on Bureau of Reclamation (BOR) water.

YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district if the transfer is approved, or rely on BOR water.

YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district; i.e., the POU will be layered with a district or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION ABOUT RELATIONSHIPS BETWEEN APPLICANT'S AND DISTRICT'S and/or BOR'S WATER RIGHTS

TUID CONFIRMED THAT TUID HAS NO INTEREST IN THIS TRANSFER

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4. APPLICANT'S SIGNATURE

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(1) I certify that I have notified the district about the proposed water right transfer application by [check one]:

email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Eric Urstadiot, AGENT
Applicant's Signature

ERIC URSTADIOT
Name (print)

14 MAY 2019
Date

5. (WHEN REQUIRED) DISTRICT CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District consent is required if any box on this form is marked "YES."

The district certifies the following:

- (1) The district has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district consents to the proposed water right transfer application.

YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district.

YES NO The district will be responsible for submitting the claim of beneficial use.

District Manager Signature

Name (print)

Date

B-1/7



Customer Service
Phone: 503.219.1000
Email: Ticor.Resource@TicorTitle.com
Washington (OR)

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OWNERSHIP INFORMATION

Owner(s) : **Kraxberger Investments LLC**
CoOwner(s) :
Site Address : **13560 SW Hillsboro Hwy Hillsboro 97123**
Mail Address : **17935 SW Hillsboro Hwy Hillsboro Or 97123**

Parcel Number : **R0562910**
Ref Parcel # : **2S20500 00600**
T: 02S R: 02W S: 05 Q: QQ:
Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 322.00 Block: 2
Neighborhood : 2S23
School District : Groner
Subdivision/Plat :
Class Code : Single Family Res
Land Use : 5515 Agr,Farm Zone,Improved
Legal : ACRES 112.25, ZONED
: FARMLAND-POTENTIAL ADDITIONAL TAX
: LIABILITY

ASSESSMENT AND TAX INFORMATION

Mkt Land :
Mkt Structure : \$300,920
Mkt Total : **\$382,840**
%Improved : 100
M50 Total : **\$241,050**
Levy Code : 03903
18-19 Taxes : \$3,172.56
Millage Rate : 13.1614

PROPERTY CHARACTERISTICS

Bedrooms : 3	Lot Acres : 112.25	Year Built : 1963
Bathrooms : 2.00	Lot SqFt : 4,889,610	EffYearBlt : 1963
HeatMethod : Forced	BsmFin SF :	Floor Cover : Wood
Pool :	BsmUnfinSF : 1,632	Foundation : Concrete Ftg
Appliances :	Bldg SqFt : 3,264	Roof Shape : Gable
Dishwasher : Yes	1stFlrSF : 1,632	Roof Matl : Comp Shingle
Hood Fan :	UpperFlSF :	InteriorMat : Drywall
Deck :	Porch SqFt :	Paving Matl :
GarageType : Attached	Attic SqFt :	Ext Finish : Wood Std Shtg
Garage SF : 528	Deck SqFt :	Const Type : Wd Stud\shgt

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Kraxberger Investments LLC	:03/29/2019	18275	:\$1,600,000	:Warranty	:	:
:Waibel Joseph M Family Trust	:02/07/2019	7612	:	:Re-Record	:	:
:Waibel Joseph M Family Trust	:12/21/2010	103034	:	:Bargain & S	:	:
:Waibel Joseph M Living Trust	:02/10/1993	10721	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed

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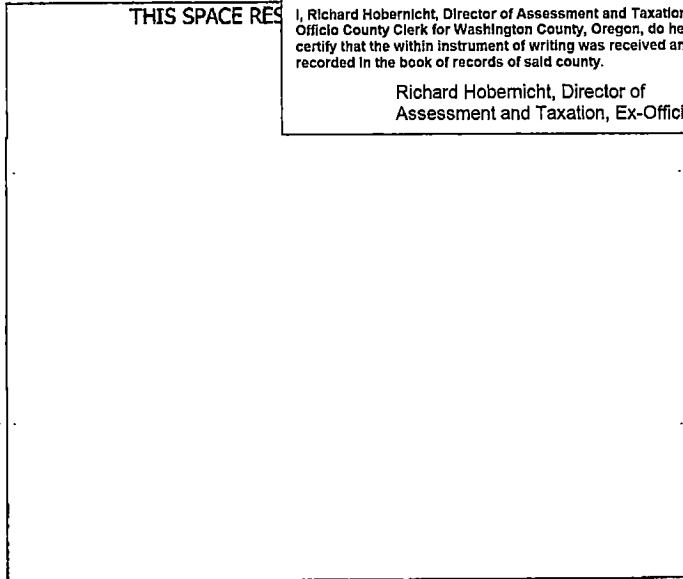
FIRST AMERICAN 3183764-HB



After recording return to:
Kraxberger Investments LLC
17935 SW Hillsboro Hwy
Hillsboro, OR 97123

Until a change is requested all tax
statements shall be sent to the
following address:
Kraxberger Investments LLC
17935 SW Hillsboro Hwy
Hillsboro, OR 97123

File No.: 7032-3183764 (KK)
Date: January 28, 2019



Washington County, Oregon **2019-018275**
D-DW
Stn=6 M FERNANDES **03/29/2019 08:57:19 AM**
\$20.00 \$11.00 \$5.00 \$60.00 \$1,600.00 **\$1,696.00**
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-
Officio County Clerk for Washington County, Oregon, do hereby
certify that the within instrument of writing was received and
recorded in the book of records of said county.
Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

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STATUTORY WARRANTY DEED

Lois M. Boogaard, trustee of the Joseph M. Waibel Family Trust as to an undivided 1/2 interest and Lois M. Boogaard, trustee of the Martha M. Waibel Living Trust as to an undivided 1/2 interest, Grantor, conveys and warrants to Kraxberger Investments LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

See attached exhibit "A"

Subject to:

- 1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,600,000.00**. (Here comply with requirements of ORS 93.030)

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APN: R562910

Statutory Warranty Deed
-continued-

File No.: 7032-3183764 (KK)

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BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 22 day of March, 2019.

Joseph M. Waibel Family Trust

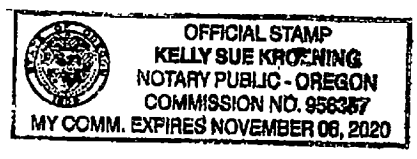
Martha M. Waibel Living Trust

Lois M. Boogaard, Trustee
Lois M. Boogaard, Trustee

Lois M. Boogaard, Trustee
Lois M. Boogaard, Trustee

STATE OF Oregon)
County of Washington) ss.

This instrument was acknowledged before me on this 22 day of March, 2019 by **Lois M. Boogaard, trustee of the Joseph M. Waibel Family Trust and Lois M. Boogaard, trustee of the Martha M. Waibel Living Trust.**



Notary Public for Oregon
My commission expires: 11/06/20

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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

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Commencing at a point on the line between Sections 5 and 8, in Township 2 South, Range 2 West, Willamette Meridian, which is 5.10 chains west of the corner post of Sections 4, 5, 8, and 9, Township 2 South, Range 2 West running thence north 45 West along the SW boundary line of the Arthur Burris DLC 15 chains to a point on said boundary line which is the westerly corner of a tract of land conveyed by Erastus Savage and wife to Charles Guild by deed dated January 4, 1875, and recorded in Book "K" at page 539 of record of deeds, Washington County, Oregon, for a place of beginning; thence North 45 West along the said SW boundary line of said Arthur Burris DLC 34.25 chains to a point on said boundary line where same is intersected by the line divided the East and 1/2 of said Section 5, in Township 2 South, Range 2 West, thence South along said dividing line 27.83 chains to a point; thence South 72 East 23 chains to a point; thence North 61 East 16.65 chains to a point; thence North 11 East 10.80 chains to a point on the NW boundary line of said tract by Erastus Savage and wife to said Charles Guild by deed dated January 4, 1875, and recorded in Book "K" on page 539 of records of deeds for Washington County, Oregon, aforesaid thence South 61 West 16.65 chains to the place of beginning, in Sections 5 and 8 Township 2 South, Range 2 West, Willamette Meridian. ALSO:

Beginning at the 1/4 Section corner between sections 5 and 8, Township 2 South, Range 2 West, Willamette Meridian, and running thence north 19.92 chains; thence west 25.11 chains; thence south 19.92 chains to the south line of said Section 5; thence east 25.11 chains to the place of beginning, the same being a part of the DLC of Amos Griffith and Maria Griffith, his wife, saving and excepting from this conveyance that portion of said land included in the County Road running along and through the said property, and further saving and excepting from this conveyance that portion of said land theretofore conveyed to Josephine Anna Guild, as described in Book 132, at page 1 thereof, records of deeds for Washington County, Oregon.

ALSO, the following described property:

Beginning at a stone at the Easterly NE corner of the Waibel tract described in Book 125 at page 492, recorded August 9, 1923 (and more fully set out below); and running thence South 63 32' 44" East to a fence corner as described in Washington County Survey C.S. #22403; thence South 9 9' 32" East 711.65 feet to another fence corner, which is the NE corner of that tract of land conveyed from Brown to Tietze, recorded 4/18/79 at 79014823 Wash. Co. Records; thence South 68 56' 01" West along the North line of the Tietze property to a point that is North 63 40' East 71.8 feet from an iron set in Washington County survey number C.S. #22403 and which also bears North 68 56' 01" 61.4 from a fence corner; thence North 63 40' East 1027.10 feet along the southerly line of the Waibel tract to an iron pipe; thence North 11 East 712.80 feet along the Easterly line of the Waibel tract to the place of beginning.

ALSO, the following described property:

A portion of that certain tract of land in Section 5, Township 2 South, Range 2 West,

B-7/7

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Willamette Meridian, Washington County, Oregon, conveyed to Ralph E. Christensen, et ux, by deed recorded in Book 623, page 484, Washington County Film Records, and more particularly described as follows: Beginning at a point which lies South 1,551.0 feet and South 45°00' East 799.21 feet of the Northwest corner of the Arthur Burris DLC No. 42; thence, South 45°00' East 1,631.39 feet along the Southwest line of said DLC No. 42 to a point; thence, North 63°40' East 95.36 feet to a point; thence, North 45°00' West 1,571.43 feet to a point; thence, West 127.86 feet to the place of beginning.

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EXCEPT, that portion conveyed to Ralph E. Christensen, et ux by deed recorded in Book 630, Page 120, Washington County Records.

NOTE: This legal description was created prior to January 1, 2008.

C-1/2

Land Use Information Form



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

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MAY 06 2019

Applicant(s): Barry Kraxberger

Mailing Address: 17935 SW Hillsboro HWY

City: Hillsboro

State: OR

Zip Code: 97123

OWRD
Daytime Phone: 503.849.7322

OWRD

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	1/4-1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2S</u>	<u>2W</u>	<u>5</u>	<u>NA</u>	<u>600</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farming</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	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Washington

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Water Right Transfer
- Permit Amendment or Ground Water Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0.35 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

The landowner is temporarily moving the irrigation area around for his existing water right.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): WASHINGTON COUNTY CDC 201-2.4

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: GEREMY BOND Title: General Planner

Signature: [Signature] Phone: 503846-3846 Date: 4-25-19

Government Entity: WASHINGTON COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

The original and first copy of this report are to be filed with the

WASH WATER WELL REPORT RECEIVED JUN 14 1974

STATE ENGINEER, SALEM, OREGON 97303 within 30 days from the date of well completion.

Well No. 25/2W-5 dcb State Permit No. G 6851

(1) OWNER: RECEIVED Name Joseph Walbel Address Rt. 4 Box 277 Hillsboro, Oregon MAY 20 2019

(2) TYPE OF WORK (check): OWRD New Well [X] Deepening [] Reconditioning [] Abandon [] If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check): Rotary [X] Driven [] Cable [] Jetted [] Dug [] Bored [] Domestic [X] Industrial [] Municipal [] Irrigation [] Test Well [] Other []

(5) CASING INSTALLED: 8" Diam. from 0 ft. to 255 ft. Gage .250

(6) PERFORATIONS: Perforated? [] Yes [X] No

Type of perforator used Size of perforations in. by in. perforations from ft. to ft.

(7) SCREENS: Well screen installed? [] Yes [X] No Manufacturer's Name Type Model No. Diam. Slot size Set from ft. to ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level Was a pump test made? [] Yes [X] No If yes, by whom? Yield: gal./min. with ft. drawdown after hrs. Air Test 200" Total " 1 1/2 " Baller test gal./min. with ft. drawdown after hrs. Artesian flow 15 g.p.m. Temperature of water Depth artesian flow encountered 280 ft.

(9) CONSTRUCTION: Well seal—Material used Bentonite Well sealed from land surface to 20-250-255 ft. Diameter of well bore to bottom of seal 12-9" in. Diameter of well bore below seal 8 in. Number of sacks of cement used in well seal 5 sacks Number of sacks of bentonite used in well seal 6 sacks Brand name of bentonite Wilbur Ellis Number of pounds of bentonite per 100 gallons of water Was a drive shoe used? [X] Yes [] No Flugs Size: location ft. Did any strata contain unusable water? [] Yes [X] No Type of water? depth of strata Method of sealing strata off Was well gravel packed? [] Yes [X] No Size of gravel: Gravel placed from ft. to ft.

(10) LOCATION OF WELL: County Washington Driller's well number 4 1/4 Section 5 T. 2S R. 2W Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well. Depth at which water was first found 15 ft. Static level 0 ft. below land surface. Date 6-10-74 Artesian pressure 1 lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing 8 Depth drilled 315 ft. Depth of completed well 315 ft. Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with columns: MATERIAL, From, To, SWL. Rows include Topsoil, Blue-clay-sandy, Clay-green-blue-sandy, Clay-green-blue, Clay-blue-stone & sandstone, Clay-Green-blue-sandy, Clay-brown-sandy, Claybrown, Clay-red, Clay-red-sandy, Clay-brown, Sand-brown-water, Sand-blck-water, Rock-brown-soft, Cinder-red, Rock-brown-water, Gray-basalt-water.

Work started 6-7 1974 Completed 6-10 1974 Date well drilling machine moved off of well 6-10 1974

Drilling Machine Operator's Certification: This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief. [Signed] Walter Mose Date 6-18 1974 (Drilling Machine Operator) Drilling Machine Operator's License No. 595

Water Well Contractor's Certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Name S & M Drilling & Supply, Inc. (SE, firm or corporation) (Type or print) Address 399 SE Walnut Street Canby, Oregon [Signed] Walter Mose (Water Well Contractor) Contractor's License No. 497 Date 6-12 1974

E - 1/3

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 WASHINGTON)

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I, MARK UNGER, in my capacity as FARMER,
mailing address 6540 SW IOWA HILL ROAD, HILLSBORO, OR 97113
telephone number (503)936-6771, 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

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 45586; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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)

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(continues on reverse side)

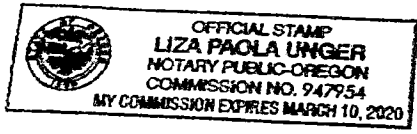
E-293

- 3. The water right was used for: (e.g., crops, pasture, etc.): _____
- 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.

Mark J. Unger
Signature of Applicant

4-25-19
Date

Signed and sworn to (or affirmed) before me this 25th day of April, 2019.



Liza Unger
Notary Public for Oregon

My Commission Expires: 3/10/20

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 confirming 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"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input 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"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" 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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</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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Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM

971-250-1520 (MOBILE)

Water Resources Department
Attn: Temporary Transfer Application
725 Summer Street NE, Ste. A
Salem, OR, 97301

23 April 2019

Subject: Temporary Transfer Application

To Whom It May Concern,

Enclosed is an application for a temporary transfer of part of a certificated right along with the following attachments:

- A. Transfer Map
- B. Current Deed
- C. Land Use Information Form
- D. Well Log
- E. Evidence of Use
- F. Fee schedule print out (does not match form fee table)
- G. A check made out to Oregon Water Resources Department for \$822.30.

Please let me know if there is any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

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Oregon
Kate Brown, Governor

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

May 7, 2019

Barry Kraxberger
17935 SW Hillsboro Hwy
Hillsboro, OR 97123

Regarding your Application for Temporary Transfer Received May 6, 2019:

The Water Resources Department has received your Application for a Temporary Water Right Transfer. At this time however, we are unable to accept your application, because the minimum filing requirements are not met.

The reason for this return are identified on the check list located on your application:

- Supplemental Form D, which involves water right transfers within the boundaries of or served by an irrigation or other district, was not included with your application. The Department requires non-district applicants to communicate with districts during the planning and preparation of transfer applications involving water rights having a point of diversion/appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of a district. This form must be included with your transfer application if the transfer involves rights served by or located within the boundaries of a district.

We are hereby returning the incomplete application and the fees submitted.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

Cc: OWRD Fiscal

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Oregon Water Resources Department Transfer Fee Calculation for Temporary Transfer

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

Today's Date: Thursday, April 25, 2019

Fee Calculation

Base Fee (includes temporary change to one water right for up to 1 cfs)

\$810.00

Fill in information below-- Check each box that applies..

Enter total number of water rights included in transfer.

1

\$0.00

Check this box if you propose to change the place of use for a NON-irrigation use.

Check this box if you propose to change the place of use for an irrigation use.

Enter the number of acres in the footprint of the place of use to be transferred.

20.5

\$12.30

(If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)

Total Transfer CFS(rounded up to the next whole cfs):

Subtotal:

\$822.30

The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Check the box if you are submitting the application and map in a digital format.

← ✓

Transfer Fee:

\$822.30

[Return to Edit](#) [Clear](#)

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