

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



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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

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 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: 29328**
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: 2020 End Year: 2024.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

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 upon which the water right is located.)
- 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).

(For Staff Use Only)

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

___ Application fee not enclosed/or is insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Part ___ is incomplete
___ Additional signature(s) required	Other/Explanation _____
Staff: _____ 503-986-0____	Date: ___/___/___

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME HELEN HEIDI AFFENTRANGER		PHONE NO. 503-961-5087	ADDITIONAL CONTACT NO. N/A
ADDRESS 16971 SOUTH CLACKAMAS RIVER DRIVE			FAX NO. N/A
CITY OREGON CITY	STATE OR	ZIP 97045	E-MAIL HAFFENTRANGER@GMAIL.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		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
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:
 CONTINUE IRRIGATION ON MY HAZELNUT AND VEGETABLE FARM
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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



Applicant signature

HELEN HEIDI AFFENTRANGER
 Print Name (and Title if applicable)

9/2/2019
 Date

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Applicant signature

Print Name (and Title if applicable)

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

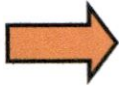
If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME CLACKAMAS COUNTY PLANNING	ADDRESS 150 BEAVERCREEK ROAD	
CITY OREGON CITY	STATE OR	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add 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 6 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 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 rows to tables within the form.

Water Right Certificate # 29328

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Description of Water Delivery System

System capacity: 0.57 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 attached description and photos.**

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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		2	S	2	E	12	SE	S W	LT2	559.3'N & 423.3'W S1/4 COR. SEC. 12, 2S 2E
2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	S	2	E	14	NE	NE	LT1	250'S & 500'W NE COR. SEC.14, 2S 2E
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) 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.

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 # 29328

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		
EXAMPLE																						
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		
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
2	S	2	E 12 SE SW	LOT 2	LT2	11.6	IRRIGATION	1	APRIL 14, 1958	POU, POD, APOD	2	S	2	E 14 NE NE	100 & 200	LT1	11.6	IRRIGATION	POU, POD, APOD	2015		
						TOTAL ACRES	11.6							TOTAL ACRES	11.6							

Additional remarks: _____

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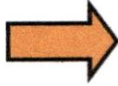
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For Place of Use Changes

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

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If YES, list the certificate, water use permit, or ground water registration numbers: _____



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.

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If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) 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 below for any well that does not have a well log. For a proposed well(s) 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)
)
 County of Clackamas) ss

I, Heidi Affentranger, in my capacity as Owner Riverside Farms,
 mailing address 16971 S. Clackamas River Dr, Oregon City, OR 97045
 telephone number (503) 961 5087, 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 # _____; 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)
29328	2	S	2	E	WM	14	NE NE	100' 200'	11.6

OR

- Confirming Certificate # _____ has been issued
- Part or all of the water right was leased instream at some instream lease number is: _____ (No transfer was not leased, additional evidence of use is needed)
- The water right is not subject to forfeiture and document non-use would be rebutted under ORS 540.610(2) is attached
- Water has been used at the actual current point of diversion 10 years for Certificate # _____ (For Historic

Current
evidence of
Use Affidavit

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(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): Orchard, garlic and pasture
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.

[Signature]
Signature of Affiant

Sept 9, 2019
Date

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Signed and sworn to (or affirmed) before me this 9th day of September, 2019.



[Signature]
Notary Public for Oregon
My Commission Expires: 07/02/2021

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 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 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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Remit To:
WILBUR-ELLIS COMPANY
PO BOX 675023
DALLAS TX 75267-5023
503 981-3521

INVOICE

Page: 1 of 1

Invoice Number: 8817325 RI
Invoice Date: 04/06/15
Order Date: 04/03/15
Account Number: 1879482
Salesperson: HOUSE ACCT WOODBURN /
Branch: 410900 WOODBURN
Permit #:
Exp. Date:
Sales Order #: 7518867 SL
Customer P.O.:

Bill To:

RIVERSIDE FARMS
16971 S CLACKAMAS RIVER DR
OREGON CITY OR 97045

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Table with 7 columns: Description / Item Number, Quantity Shipped, Pack Size, Total Units, Price/UOM, Extended Price, Tax. Includes a yellow sticky note with handwritten text: 'Organic fertilizer Invoice RECEIVED SEP 16 2019 OWRD'. Also includes handwritten notes: 'Pd 5/14/15 #1143'. Summary rows include Subtotal (580.13), Sales Tax (0.00), Total Due If Paid By (580.13), Less Available Discount (11.60), and Total If Paid By Discount Due Date (568.53).

A service charge of 1.5% per month, or the highest allowed by law, will be assessed on past due balances. Buyer will be liable for all collection costs and attorney's fees in connection with any delinquent amount. ALL WILBUR-ELLIS COMPANY ("COMPANY") PRODUCTS ARE SOLD ONLY PURSUANT TO THE TERMS OF THE COMPANY'S EXPRESS LIMITED WARRANTY AND LIMITATIONS ON REMEDIES, AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED (INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE) AND REMEDIES (INCLUDING ALL INCIDENTAL AND CONSEQUENTIAL DAMAGES) ARE EXCLUDED AND DISCLAIMED. A COPY OF THE COMPANY'S EXPRESS LIMITED WARRANTY APPLICABLE TO EACH PRODUCT IS AVAILABLE ON THE COMPANY'S WEBSITE (SEE PRODUCT LABELS) AND ON THE PRODUCT LABELS APPLICABLE TO EACH PRODUCT. The Company does not warrant the results of any product application, and any recommendation made by the Company regarding a product is merely a statement of opinion by the Company. Technical services, including field checking, are advisory only, and supplement, but are not a substitute for, the Buyer's own care and expertise. State of California: (i) Proposition 65 Warning: Fertilizers and Pesticides contain chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm. California Health and Safety Code Section 25249.6. (ii) California Mill Assessment paid. (iii) VOC information was provided as required per Title 3, California Code of Regulations, section 6577. State of Colorado: Commercial applicators are licensed by the Colorado Department of Agriculture. State of Washington: The buyer of the products listed on this document has been informed and agrees that any products that bear combined labeling for uses onto or into water plus nonaquatic general uses, shall not be applied into or onto water by a noncertified applicator.



Certification Acknowledgement

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This is to certify that

H. Heidi Affentranger
DBA Riverside Farms
16971 S Clackamas River Drive
Oregon City, OR 97045

is Certified Organic
US National Organic Program

Scope: NOP-Crop

Client Identification Number:

Certified Organic Products:

Certified by OTCO since: 01/12/2016

NOP effective date: 01/12/2016

Anniversary Date: 01/01/2017

Organic
Certification
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Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked.

Certificate Issue Date: 03/24/2016

Authorized by:

Connie Karr, Certification Director

Certificate Number: Z-19397-2008

Doc - Certificate | Rev. 11/23/2015

Oregon Tilth, Inc.

2525 SE 3rd Street, Corvallis, OR 97333, USA • PH: 1-503-378-0690 • FX: 1-541-753-4924 • www.tilth.org • organic@tilth.org

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Certification Acknowledgement

This is to certify that

**H. Heidi Affentranger
DBA Riverside Farms
16971 S Clackamas River Drive
Oregon City, OR 97045
United States**

is declared by Oregon Tilth to be in compliance with the following standards / programs:

Standard / Program

Certification Period

US/Canada Equivalence-Crop

Compliant Since: 03/22/2012

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Client Identification Number: OT-008576

Certificate Issue Date: 03/24/2016

Certified by OTCO since: 1/12/2011

Authorized by:

Connie Karr, Certification Director

Certificate Number: Z-19397-2008

Doc - Certificate | Rev. 11/23/2015

Oregon Tilth, Inc.

2525 SE 3rd Street, Corvallis, OR 97333, USA • PH: 1-503-378-0690 • FX: 1-541-753-4924 • www.tilth.org • organic@tilth.org

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Oregon Tilth Certified Organic

260 SW Madison Ave. Ste. 106, Corvallis, OR 97333
Phone (503) 378-0690 Fax (541) 753-4924

Certification Acknowledgement

This is to certify that
Riverside Farms
H. Heidi Affentranger
16971 S Clackamas River Drive
Oregon City, OR 97045
United States of America

Scope: Crops
Class O — Organically Grown
is certified organic by Oregon Tilth Certified Organic (OTCO)
Certification Number OR-OTCO-CO-11-03770

The certified operation has complied with the Organic Foods Production Act of 1990 and the applicable organic production and handling standards established by the USDA National Organic Program under 7 CFR Part 205.

Acres organic: 9
The crops grown and harvested are:
Garlic, hazelnut.

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The certified operation has been inspected annually by an agent of the OTCO program to verify to the best of our knowledge the standards have been met. Certification remains valid until surrendered, suspended or revoked.

Certified by OTCO since: 1/12/2011
NOP effective date: 1/12/2011

Kristy Korb
January 13, 2019
signed and dated Certification Director

Class O Rev. 9/1/10

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Oregon Tilth Certified Organic

260 SW Madison Ave. Ste. 106, Corvallis, OR 97333
Phone (503) 378-0690 Fax (541) 753-4924

Certification Acknowledgement

This is to certify that
Riverside Farms
16971 S Clackamas River Drive
Oregon City, OR 97045
United States of America

is certified organic by Oregon Tilth Certified Organic (OTCO)
Scope: Crops
Class O - Organically Grown
Certification Number OR-OTCO-CO-11-03770

The certified operation has complied with the Organic Foods Production Act of 1990 and the applicable organic production and handling standards established by the USDA National Organic Program under 7 CFR Part 205.

Acres organic: 9

The crops grown and harvested are:

Beans/pulses: *Bush bean*

Herbs & Spices: *Basil, Borage, Chives, Cilantro, Dill, Parsley*

Vegetables: *Artichoke, Arugula, Beet, Broccoli, Carrot, Corn, Cress, Cucumber, Eggplant, Kale, Leek, Lettuce, Pepper, Pumpkin, Spinach, Squash (zucchini) Swiss Chard, Tomato*

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The certified operation has been inspected annually by an agent of the OTCO program to verify to the best of our knowledge the standards have been met. Certification remains valid until surrendered, suspended or revoked.

Certified by OTCO since: 1/12/2011

NOP effective date: 1/12/2011

Class O Rev. 9/1/10

Kristy Karl Feb 15, 2011
signed and dated Certification Director

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© GOFES 3/12
All Rights Reserved

A tract of land in Sections 11 and 14, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas, State of Oregon, described as follows:

Beginning at a stone marked X on top set 20 chains ^{← 1320'} North of the Southeast corner of a certain tract of land purchased by Anna Howell from Sheridan Lillie by Deed dated December 26, 1913 and recorded in Deed Book 133, Page 368, said point also being 1320 feet North and 369.4 feet West of the quarter section corner between Sections 13 and 14, Township 2 South, Range 2 East of the Willamette Meridian; thence North tracing the East line of the said Anna Howell land 2036.00 feet more or less to the left bank of the Clackamas River, from which point an iron pipe bears South 29.15 feet, thence with the said left bank of the Clackamas River down stream South 30°50' West 600.00 feet, thence South 33°50' West 230.8 feet to a point from which a stone marked X on top bears South 29.15 feet, thence South 1329.10 feet to a stone marked X on top, thence East 436.02 feet to the place of beginning.

TOGETHER WITH the right to use in common with others that certain roadway extending from the Southeast corner of the above described tract Southerly to the Baker Ferry Road (kna Clackamas River Drive) being part of Sections 11 and 14, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water of the Clackamas River.

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MAY 02 2011

WATER RESOURCES DEPT
SALEM, OREGON

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MAY 02 2011

Lot 2

(our house is on
this lot).

T.L. 100

14.92 AC

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OWRD

T 11240

(466207.PFD/466207/62)

13252

EXHIBIT "A"
LEGAL DESCRIPTION

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PARCEL 1:

Part of the Northeast one-quarter of Section 14, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point North 1320 feet and West 805.42 feet from the East one-quarter corner of said Section 14, said point also being the Southwest corner of that tract conveyed to George Reddaway, et ux, by Deed recoded May 5, 1917, in Book 146, Page 424, Clackamas County Deed Records; thence North along the West line of said Reddaway tract 1329.10 feet, more or less, to the left bank of the Clackamas River; thence South following said left bank to a point due West of said point of beginning, also being the most Southerly Northwest corner of that tract conveyed to Richard H. Tamura, et ux, by Deed recorded January 12, 1978, as Recorder's Fee No. 78-1432, Clackamas County Records; thence East along the most Southerly North line of said Tamara tract, 533.6 feet, more or less, to the point of beginning.

PARCEL 2:

A perpetual non-exclusive easement for right of way in the Northeast one-quarter of Section 14, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the most Southerly Northwest corner of that tract conveyed to Richard H. Tamura, et ux, by Deed recorded January 12, 1978, as Recorder's Fee No. 78-1432, Clackamas County Records, said corner being North 1320 feet and West 1338 feet, more or less, from the East one-quarter corner of said Section 14; thence East along the North line of said Tamura tract, 1338 feet, more or less, to a point on the East line of said Tamara tract; thence South along said East line 636.20 feet, more or less, to the Northeast corner of that tract conveyed to Bertha M. Hosford, by Deed recorded March 12, 1918 in Book 149, Page 329, Clackamas County Deed Records; thence continuing South along the East line of said Hosford tract 550 feet, more or less, to a point on the Northerly line of Clackamas River Drive; thence Southwesterly following said Northerly line to a point 30 feet West of the Southerly extension of the aforementioned East line; thence North, parallel with and 30 feet from said East line a distance of 1200 feet, more or less, to a point, 24 feet South of the aforementioned Tamura tract North line; thence West, parallel with and 24 feet from said North line 1308 feet, more or less, to a point 24 feet South from said point of beginning; thence North 24 feet to the point of beginning.

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WATER RESOURCES DEPT
SALEM, OREGON

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MAY 02 2011

Lot 1

TL 200

7.63 ACRE

T 11240

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5. The portion of the right to be temporarily transferred is as follows:

Certificate: 29328 in the name of HOWARD S JANSIK (perfected under Permit S-25481)
Use: IRRIGATION OF 11.6 ACRES
Priority Date: APRIL 14, 1958
Rate: 0.134 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: CLACKAMAS RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
2 S	2 E	WM	12	SE SW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	2 E	WM	12	NE SW	2	2.0
2 S	2 E	WM	12	SE SW	2	2.4
2 S	2 E	WM	12	NW SE		7.2
Total						11.6

6. The applicant has supplied information that further describes the location of the authorized point of diversion as:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 S	2 E	WM	12	SE SW	2	POD 1 - 559.3 FEET NORTH AND 423.3 FEET WEST FROM THE S¼ CORNER OF SECTION 12

7. Temporary Transfer Application T-11240 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	2 E	WM	14	NE NE	1	11.6

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11240 proposes to move the authorized point of diversion approximately 3000 feet west (downstream) to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 S	2 E	WM	14	NE NE	1	POD 2 - 250 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER OF SECTION 14

9. Notice of the application for transfer was published on May 10, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Temporary Transfer Review Criteria

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11240.
13. The proposed changes would not result in enlargement of the right
14. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-11240 appear to be consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-11240 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2015, 2016, 2017, 2018, and 2019 irrigation seasons
3. The use shall revert to the authorized place of use at the end of the 2019 irrigation season. The authorization to use the temporary point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 29328 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

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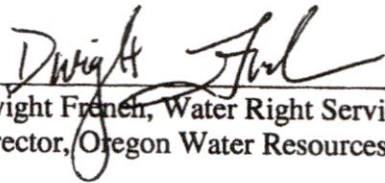
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6. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 29328.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
10. The use of the remaining water right described by Certificate 29328 shall continue to be in accordance with the terms and conditions of Certificate 29328.

Dated at Salem, Oregon this 10 day of September, 2014.



Dwight French, Water Right Services Division Administrator, for
Director, Oregon Water Resources Department

mailed on:

SEP 15 2014

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STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **HOWARD S. JANSIK**

of **Rt. 1, Box 272, Clackamas**, 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 **Clackamas River**

a tributary of **Willamette River** for the purpose of **irrigation of 49.2 acres**

under Permit No. **25481** 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 **April 14, 1958**

that the amount of water to which such right aforesaid, is limited to an amount actually be **0.57 cubic foot per second**

or its equivalent in case of rotation. The point of diversion is located in the **Lot 1**

The amount of water used for irrigation right existing for the same lands, shall be limited per acre, or its equivalent for each acre to a diversion of not to exceed **2 1/2** ac during the irrigation season of each

Original
Water Right Certificate
Issued to
Mr. Howard Jansik
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conform to such reasonable rotation system as a description of the place of use under appurtenant, is as follows:

- 2.0 acres Lot 2 (NE 1/4 SW 1/4)
 - 7.0 acres Lot 2 (SE 1/4 SW 1/4)
 - 7.2 acres NW 1/4 SE 1/4
 - 29.0 acres SW 1/4 SE 1/4
 - 4.0 acres SE 1/4 SE 1/4
- Section 12
T. 2 S., R. 2 E., W. M.

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

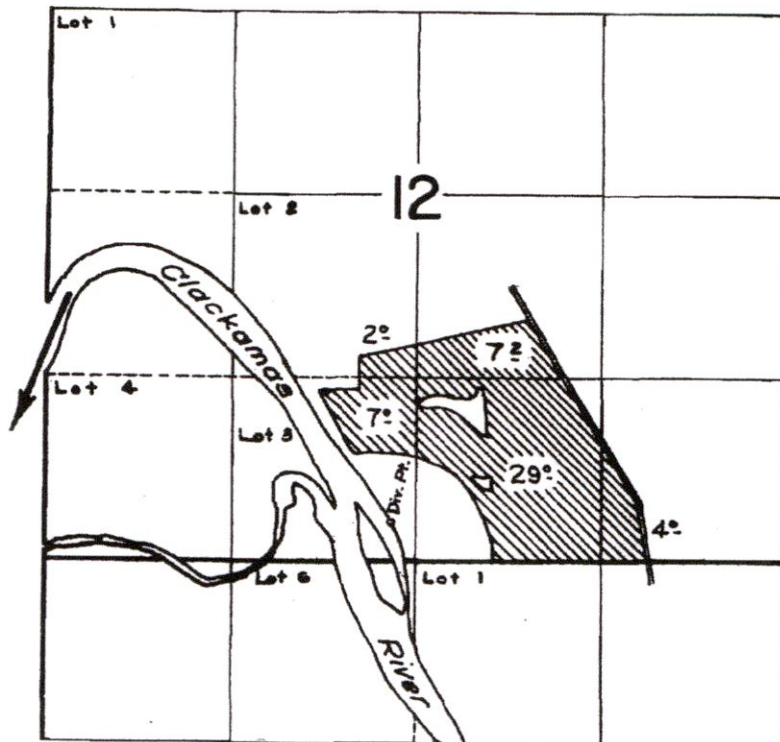
WITNESS the signature of the State Engineer, affixed this date. **JANUARY 31 1962**

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume **21**, page **29328**

T.2S.R.2E.W.M.

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FINAL PROOF SURVEY
UNDER

Application No. 32253 Permit No. 25481
IN NAME OF

HOWARD S. JANSIK

Surveyed Sept. 6, 1961, by [Signature]

DFK-ID-76

13252

**Application for Water Right
Transfer
Consent by Deeded Landowner**



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

State of Oregon)
)ss
County of CLACKAMAS)

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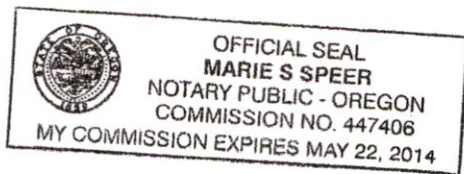
I HOWARD S. (GARY) JANSIK in my/our capacity as CHAIRMAN, HIGHWAY 224 LLC,
mailing address 20326 SE WALGREN ROAD,
telephone number 503-914-8357 CELL, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 29328
described in a Transfer Application (T-) submitted by HEIDI AFFENTRANGER,
(transfer number, if known)
on the property in tax lot number(s) 100 & 200, Section 14, Township 2
South, Range 2 East, W.M., located at 16971 SOUTH CLACKAMAS RIVER ROAD,
OREGON CITY OR 97045.

(site address)

Howard Jansik
Signature of Affiant

Signature of Affiant

Subscribed and Sworn to before me this



Mr. Jansik
tried to transfer
water right to
me.
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my commission expires 11/17/22, 2014



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Title Department
12909 SW 68th Pkwy, Suite 350

97223

34-2978

PROPERTY INFOR

Date: October 18, 2012

File No.: 12011319

Property Address: Legal: 22E12 SW Lt2, 559.3' N and 42

Oregon Water Resources Department
Patrick Starnes
725 Summer Street NE, Suite A
Salem, OR 97301-1271
Fax:

Dr Horton
Energy LLC
is the actual
owner of the
11.6 acres of
water rights

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Your Reference: Transfer Application T-11240

The information contained in this report is furnished by information service based on the records and the indices ma This report is not to be considered as title insurance nor is it a preliminary title report issued for the purpose of title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. **The effective date of this report is June 13, 2012**

00.00

REPORT FINDINGS

A. The land referred to in this report is located in the county of Clackamas State of Oregon, and is described as follows:

SEE ATTACHED EXHIBIT "A"

B. As of the Effective Date and according to the last deed of record, we find the title to the land to be vested as follows:

DRH Energy, Inc., a Colorado corporation as to the oil rights, mineral rights, natural gas rights, rights to all other hydrocarbons by whatsoever name known, geothermal heat rights or rights in geothermal substances, water rights and claims or rights to water and all products derived from any of the foregoing; and D.R. Horton, Inc.-Portland, a Delaware corporation as to the remainder, as to Parcel I and

Linda B. Talbert, as to Parcel II

and

Terry W. Emmert, as to Parcel III

and

Lot 145, LLC, an Oregon limited liability company, as to Parcel IV

C. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

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1. Unpaid Taxes for 2012-2013
Levied Amount : \$50,561.73, plus interest and fees, if any
Property ID No. : 05015192
Levy Code : 012-235
Map Tax Lot No. : 22E12-00104

2. Unpaid Taxes for 2012-2013
Levied Amount : \$17,020.32, plus interest and fees, if any
Property ID No. : 05015193
Levy Code : 012-149
Map Tax Lot No. : 22E12-00194

3. Unpaid Taxes for 2012-2013
Levied Amount : \$3,512.19, plus interest and fees, if any
Property ID No. : 00481687
Levy Code : 012-195
Map Tax Lot No. : 22E12-00101

4. Unpaid Taxes for 2012-2013
Levied Amount : \$6,241.91, plus interest and fees, if any
Property ID No. : 01509709
Levy Code : 012-237
Map Tax Lot No. : 22e12-00102

5. Unpaid Taxes for 2009-2010
Levied Amount : \$5,271.39, plus interest and fees, if any
Property ID No. : 05019326
Levy Code : 012-149
Map Tax Lot No. : 22E12D-01700

Unpaid taxes for 2010-2011
Levied Amount : \$5,289.18, plus interest and fees, if any

Unpaid taxes for 2011-2012
Levied Amount : \$5,215.21, plus interest and fees, if any

Unpaid taxes for 2012-2013
Levied Amount : \$4,640.60, plus interest and fees, if any

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EXHIBIT "A"

Parcel I:

Tract "E" Windswept Waters, in Section 12, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

Parcel II:

A tract of land in Section 12, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a portion of that tract conveyed to Howard S. Jansik and Lorraine P. Jansik, his wife, by Deed recorded in Book 533, page 112 and 113, Deed Records of Clackamas County, and being further described as lying within the following described boundary:

TL 101

Beginning at an iron rod in the Northerly line of the above mentioned Jansik tract, that is North 74°37' East, a distance of 1373.4 feet from the most Westerly corner of said Jansik tract; thence South 20°56' East, a distance of 132.53 feet to an iron rod; thence North 69°04' East, a distance of 53.25 feet to an iron rod; thence continuing North 69°04' East, a distance of 300 feet, more or less, to the Easterly line of the above mentioned Jansik tract; thence Northwesterly along the Easterly line of the Jansik tract to the Northwest corner thereof; thence South 74°37' West, along the Northerly line of the Jansik tract, 345 feet, more or less to the point of beginning.

TOGETHER WITH an easement for road and utility purposes 18.00 feet in width, the centerline of which is the Southerly line of the above described tract.

EXCEPTING therefrom that portion thereof lying within Market Road No. 39.

Parcel III:

A tract of land in Section 12, township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a portion of that tract described in Deed to Howard S. Jansik and Lorraine P. Jansik, husband and wife, recorded November 12, 1956 in Book 533, page 112 and 113, Deed Records of Clackamas County, and being further described as lying within the following described boundary:

Beginning at an iron rod in the Northerly line of the above mentioned Jansik Tract, that is North 74°37' East, 1373.4 feet from the most Westerly corner of said Jansik Tract, said point being the most Westerly corner of the parcel described in Warranty Deed to Robert E. Brittner and Ingeborg Brittner, recorded October 22, 1970 as Fee No. 70023944; thence along the Southwesterly line of said Brittner parcel, South 20°56' East, 132.53 feet to an iron rod at the most Southerly corner of said Brittner parcel; thence along the Southeasterly line of said Brittner parcel North 69°04' East, 34.47 feet to an iron rod and the true point of beginning of the parcel herein being described; thence South 05°21'53" West, 380.42 feet to an iron rod; thence North 86°56'27" East, 296.62 feet to an iron rod; thence North 26°01'57" East, 163.62 feet to an iron rod; thence North 69°46'27" East, 142.48 feet to an iron rod in the Southwesterly right of way line of Oregon State Highway No. 224; thence along said Southwesterly Highway right of way line, North 30°18'31" West, 326.57 feet to said Brittner Southwesterly line; thence along said Brittner Southwesterly line, South 69°04' West, 322.65 feet to the true point of beginning.

TL 102

Parcel IV:

Lot 145, Rim at Windswept Waters, in the County of Clackamas and State of Oregon.

TL 1700

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SW&W | SCHWABE, WILLIAMSON & WYATT®
ATTORNEYS AT LAW

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

June 1

Christian Scott
DR Horton
4380 SW Macadam Ave Ste 100
Portland, OR 97239

Re: Agreement for Use of Water Right
Our File No.: 125996-190303

Dear Chris:

Thank you for your on-going assistance in working with our client, Ms. Heidi Affentranger, to develop an arrangement by which Ms. Affentranger may use a portion of water rights held by DR Horton, through DRH Energy, Inc. (together, "DR Horton"). This letter is in response to your recent email and our phone conversation requesting certain clarifying changes in the letter agreement I sent to you on May 13, 2014.

As described further below, we understand DR Horton is willing to allow Ms. Affentranger to use a portion of Certificate of Water Right No. 29328 for an indefinite period of time, without charge, so long as the water right can be returned to DR Horton in the future. In return, Ms. Affentranger can provide some assistance to DR Horton by helping to protect and preserve the water right, as required by Oregon law. Following is additional background and a summary of the proposed terms and conditions for the agreement:

Background

Ms. Affentranger owns real property adjacent to the Clackamas River in Township 2 South, Range 2 East, Section 14, WM, in Clackamas County, Oregon. DR Horton developed the real property known as Windswept Waters located in Township 2 South, Range 2 East, Section 12, in Clackamas County, Oregon. Both properties are shown on the attached aerial photo (Exhibit 1). My research indicates that DRH Energy, Inc. holds certain water rights appurtenant to the Windswept Waters property, identified as Certificate of Water Right No. 29328 (the "Water Right") issued by the Oregon Water Resources Department and as reflected in the deed records of Clackamas County.

Letter from my attorney, Martha Pagal, describing the agreement to transfer water Right to me.

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The Water Right was originally issued by OWRD in 1962 to Howard Jansek, a predecessor in interest to DR Horton. The Water Right authorizes withdrawal of water from the Clackamas River for irrigation of 49.2 acres on the Windswept Waters property, but the company does not currently have a need for irrigation.

Ms. Affentranger has a need for water rights to support a small farm operation on her property, but she is unable to obtain new water rights from OWRD because of current rules and restrictions that prohibit new irrigation diversions from the Clackamas River. Before learning of DR Horton's ownership interest in the property, Ms. Affentranger received authorization from a representative of the Jansek family to permanently move 11.6 acres of the Water Right from portions of the Windswept Waters property to her property, by filing a transfer application with OWRD. The transfer application also requests an additional point of diversion to allow Ms. Affentranger to withdraw water from the river at a location on her own property, without the need for access to the existing point of diversion on the Windswept Waters property. A "transfer" is the legal process by which OWRD may authorize a change in the type of use, location of use or point of diversion for an existing water right. In the course of pursuing the transfer application, Ms. Affentranger learned of DR Horton's ownership of the land and Water Right. She then contacted DR Horton representatives in an attempt to purchase a portion of the Water Right and continue with the transfer application process. A formal purchase proposal was submitted to DR Horton by letter dated March 13, 2013.

After considering Ms. Affentranger's proposal DR Horton determined it does not desire to sell and permanently transfer any portion of the Water Right, but would be willing to allow Ms. Affentranger to use 11.6 acres of the Water Right, without charge, for an indefinite period of time, subject to the terms and conditions described below. Under this plan, Ms. Affentranger will withdraw the permanent transfer application previously filed with OWRD, and will submit instead an application for a temporary transfer. A "temporary transfer" is the legal process by which OWRD may authorize a change in the location of use and point of diversion for an existing water right for up to five years at a time. A temporary transfer may be renewed indefinitely for successive five-year periods, or may be terminated prior to the end of a five-year term with appropriate notice to OWRD. Upon termination of a temporary transfer, the water right reverts to its original terms and conditions regarding the location of use and point of diversion. In return, Ms. Affentranger will assist DR Horton in maintaining and protecting the Water Right by demonstrating on-going beneficial use for the 11.6 acres, as required by OWRD.

Terms and Conditions

1. DR Horton will allow Ms. Affentranger ("User") to use the 11.6 acres of water rights, without charge, under the authorization of a temporary transfer, as approved by OWRD, subject to the terms and conditions described in this letter agreement ("Agreement").
2. User will be responsible for withdrawing the pending permanent transfer application filed with OWRD in 2011 (Transfer Application T-11240) and for filing a new temporary transfer application, along with any subsequent renewal

applications, to authorize a change in the location of use and point of diversion for use of the 11.6 acres to be modified. User will bear all costs of obtaining approval of the applications during the term of this Agreement. DR Horton hereby grants consent for User to file the temporary transfer application and subsequent renewal applications with OWRD, as may be needed for as long as this Agreement is in effect.

3. DR Horton may terminate this Agreement and temporary transfer then in effect by providing 90 days written notice to User. Upon receipt of such written notice, User will make arrangements with OWRD to terminate the temporary transfer authorization by the end of the 90-day notice period, thereby restoring the original terms and conditions of the Water Right for DR Horton. User will bear all costs of terminating the temporary transfer. Further, User's right to divert and use water under this Agreement shall cease upon the earlier of (a) 90 days after receipt of written notice from DR Horton, (b) User's voluntary discontinuance and abandonment of the use of water, and (c) any final determination by OWRD of non-compliance by Ms. Affentranger with the terms of the temporary transfer order.
4. During the term of this Agreement and for a period of one year following termination of the Agreement, User agrees to indemnify and defend DR Horton and its agents, employees, owners, officers and directors, as well as insurers and sureties, from any and all liability, loss, damage, causes of action, claims, or judgments (including attorney fees) because of injury or death to any person, including DR Horton employees, or damage to any property, or any costs DR Horton incurs to terminate the temporary transfer if User fails to complete her obligations under Paragraph 3 of this Agreement, or any other liability or claims against DR Horton that may occur or may be alleged to have occurred, arising out of User's use of water under this Agreement, which arise as a result of the acts or omissions of User or its servants, agents, and employees, except that in no instance shall User be required to indemnify DR Horton against liability for damages arising out of death or bodily injury to persons or damage to property caused in whole or in part by the gross negligence of DR Horton.
5. Any remedies to User for liability or claims against DR Horton that may occur or may be alleged to have occurred, arising out of the use of water under this Agreement shall be limited to actual damages, not to exceed \$1,000.
6. DR Horton makes no representations or warranties as to ownership of the Water Right.

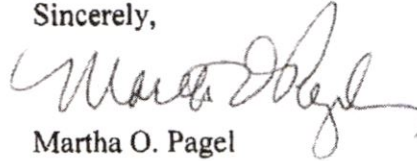
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Christian Scott
June 18, 2014
Page 4

To confirm DR Horton's acceptance of this Agreement, we ask that an authorized representative sign a copy of this letter in the space provided below, and return a copy of the signed Agreement to me.

Thank you, again, for your assistance in Ms. Affentranger's quest to find water rights for her small farm irrigation needs. We very much appreciate DR Horton's cooperation.

Sincerely,

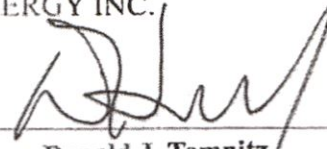


Martha O. Pagel

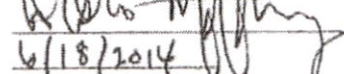
MOP:kdo
Enclosure
cc: Heidi Affentranger

AGREED AND ACCEPTED

DRH ENERGY INC.

By: 
Its: Donald J. Tomnitz
Date: June 30, 2014
President and CEO

HEIDI AFFENTRANGER

By: 
Date: 6/18/2014

SW

13252

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

RECEIVED

SEP 16 2019

OWRD

Applicant(s): Heidi Affentranger

Mailing Address: 16971 South Clackamas River Drive

City: Oregon City

State: OR

Signed
 County Land
 Use Form
 from 2011
 RECEIVED
 SEP 16 2019
 OWRD

A. Land and Location

Please include the following information for all tax lots where water is proposed to be diverted, conveyed, and/or used or developed. Applicants for municipal use, or irrigation, or other proposed service-area boundaries for the tax-lot information received.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Rural
2S	2E	14	NENE	100 & 200	

(transported),
ing and

Proposed Land Use:
NURSERY

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

CLACKAMAS COUNTY, NO CITY

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) CLACKAMAS RIVER

Estimated quantity of water needed: 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:

AN EXISTING INTAKE WILL BE RE-USED, WATER PIPED TO A HOLDING POND, AND PUMPED TO 11.6 A



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. →

13252

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30 day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

For Local Government Use Only

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):
- 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:	
None	Sec. 401 Clackamas Co. ZDO; EFU zone	<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.

Use permitted in EFU zone

Name: Rick McIntire Title: Sr. Planner
 Signature: [Signature] Phone: 503-742-4516 Date: 4/27/11
 Government Entity: Clackamas 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: _____