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

OREGON WATER RESOURCES DEPARTMENT
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? 3 List them here: Certs. 48103, 48511, 48512**

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: 2025.**

☐ ☒ 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
___ Additional signature(s) required ___ Part _____ is incomplete
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°).

13253

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	$810.00
2	Number of water rights included in transfer: 2 (2a) Subtract 1 from the number in 3a above: 2 (2b) *If only one water right this will be 0* Multiply line 2b by $260.00 and enter » » » » » » » » » » » » »	2	520.00
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by $200.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres for the portions of the rights to be transferred: 244.9 (4a) Multiply the number of acres in 4a above by $2.30 and enter on line 4 » »	4	563.27
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	1893.27
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » **Transfer Fee:**	**7**	**1893.27**

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FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by $50, then enter on line 2 » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » **Transfer Fee:**	**3**	N/A

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Willamette Valley Land, LLC c/o Paul Kuehne			**(503) 864-4422**	**(503) 437-4833**
ADDRESS PO BOX 99				FAX NO. **N/A**
CITY LAFAYETTE	STATE **OR**	ZIP **97127**	E-MAIL **N/A – see note**	

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.
ASPEN RURAL LAND CONSULTING, C/O ERIC URSTADT			**971.250.1520**	**503.647.1919**
ADDRESS **39290 NW Murtaugh Road**				FAX NO.
CITY **North Plains**	STATE **OR**	ZIP **97133**	E-MAIL **N/A – see note**	

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:
The applicant wishes to temporarily transfer the Place of Use (POU). If another water satisfactory source can be obtained, this temporary transfer will be cancelled upon obtaining permission to use the other water source. The owner plans to submit an application for a new groundwater right after this application is submitted.

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	**Paul Kuehne owner** Print Name (and Title if applicable)	9-6-19 Date
Applicant signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No

If NO, include signatures of all 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.

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

DISTRICT NAME	ADDRESS	
None Known		
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	
None Known		
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	ADDRESS	
Yamhill County Planning and Development	**525 NE 4th Street**	
CITY	STATE	ZIP
McMinnville	**OR**	**97128**

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Notes:

1. **The applicant, Willamette Valley Land (WVL), proposes to move 75% of lands off the current Place Of Use (POU) to a property owned by McPhillips where it will have a typical irrigation system. The remaining 25% of the current POU will remain in 5 foot wide strips centered on rows of Hazelnut trees that are parallel and 20 feet apart.**
2. **The applicant proposes that the remaining 25% lands have a Moisture Monitoring Plan (MMP) similar to the one that is in place and working for T-12204. See item 3 on page 3 of 5 of the Final Order for T-12204 (Attachment F). This MMP has been approved and has been working for WVL, and is sometimes known as a "strip/drip" operation.**
3. **Because the technology has improved and the variety of equipment available for soil moisture monitoring has multiplied in the last few years, the applicant is willing to adapt and change the MMP, if the Water Resources Department (WRD) has any concerns.**
4. **Because email has not been reliable in the past, both the applicant and the agent wish to get all correspondence via regular mail and email at ericurstadt@hotmail.com and paul@creeksidevalleyfarms.com**

Part 5a 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 # 48103

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Description of Water Delivery System

System capacity: **2.44** cubic feet per second (cfs) (*per the certificate) **OR**

N/A 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. **There is a pump by the river that conveys water via buried pipelines to the crops.**

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)
POD	☒ Authorized ☐ Proposed	**N/A**	**5 S**	**4 W**	**6**	**SE NE**	**37**	**1610' S & 470' W of NE S6 (per cert.)**
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ 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.

13253

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 # 48103

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
4	S	4	W	31	NE	NE	200/ 1700	74	11.9	Irrigation	POD	1974	POU	4	S	4	W	31	SW	NE	401/ 803	5	2.9	Irrigation	POD	1974
4	S	4	W	31	NW	NE	200	74	5.3	Irrigation	POD	1974	POU	4	S	4	W	31	SE	NW	803	4	2.5	Irrigation	POD	1974
4	S	4	W	31	SW	NE	200	74	11.3	Irrigation	POD	1974	POU	4	S	4	W	31	NE	SW	803	N/A	33.0	Irrigation	POD	1974
4	S	4	W	31	SE	NE	200/ 1700	74	16.1	Irrigation	POD	1974	POU	4	S	4	W	31	SE	SW	803	1	40.6	Irrigation	POD	1974
														4	S	4	W	31	SE	SW	803	75	1.5	Irrigation	POD	1974
4	S	4	W	32	NW	NW	1700	74	12.1	Irrigation	POD	1974	POU	4	S	4	W	31	NW	SE	401/ 803	N/A	17.9	Irrigation	POD	1974
4	S	4	W	32	SW	NW	1700	74	22.4	Irrigation	POD	1974	POU	4	S	4	W	31	SW	SE	803	N/A	16.7	Irrigation	POD	1974

Additional remarks: **The FROM lands will leave 5 foot wide strips spaced 20 feet apart on the original FROM lands. This means 75% of the irrigation acres are moving and 25% will remain as 5 foot wide strips centered on hazelnut trees that are in rows 20 feet apart. The TO lands will be regular irrigation on normal field crops.**

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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
4	S	4	W	32	SW	NW	1002	59	3.5	Irrigation	POD	1974	POU	5	S	4	W	6	NW	NE	803	N/A	11.3	Irrigation	POD	1974
4	S	4	W	32	SE	NW	1000/ 1002	59	0.5	Irrigation	POD	1974	POU	5	S	4	W	6	SW	NE	803	N/A	1.4	Irrigation	POD	1974
4	S	4	W	32	NE	SW	1000/ 1002	59	12.2	Irrigation	POD	1974	POU													
4	S	4	W	32	NW	SW	1002	59	22.1	Irrigation	POD	1974	POU													
4	S	4	W	32	SW	SW	1002	59	6.0	Irrigation	POD	1974	POU													
4	S	4	W	32	SE	SW	1000/ 1002	59	4.4	Irrigation	POD	1974	POU													
TOTAL ACRES									127.8					TOTAL ACRES									127.8			

195.0

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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: _____

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.

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
N/A										

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Part 5b 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.

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Water Right Certificate # 48511

Description of Water Delivery System

System capacity: **0.79** cubic feet per second (cfs) (*per the certificate) **OR**

N/A 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. **There is a pump by the river that conveys water via buried pipelines to the crops.**

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)
POD	☒ Authorized ☐ Proposed	**N/A**	**5 S**	**4 W**	**6**	**SE NE**	**37**	**1600' S & 480' W of NE S6 (per cert.)**
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

- ☐ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ 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 # 48511

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
4	S	4	W	31	NE	SE	1203	59	1.3	Irrigation	POD	1977	POU	5	S	4	W	6	SW	NE	803	N/A	7.2	Irrigation	POD	1977
4	S	4	W	31	NE	SE	1203	59	10.5	Irrigation	POD	1977	POU	5	S	4	W	6	SW	NE	401	N/A	2.0	Irrigation	POD	1977
4	S	4	W	31	SE	SE	1203	59	9.8	Irrigation	POD	1977	POU	5	S	4	W	6	NE	NW	803	N/A	18.1	Irrigation	POD	1977
4	S	4	W	32	NW	SW	1203	59	4.6	Irrigation	POD	1977	POU	5	S	4	W	6	NE	NW	803	64	11.9	Irrigation	POD	1977
4	S	4	W	32	SW	SW	1203	59	15.6	Irrigation	POD	1977	POU	5	S	4	W	6	NW	NW	803	64	1.5	Irrigation	POD	1977
4	S	4	W	32	SE	SW	1203	59	2.4	Irrigation	POD	1977	POU	5	S	4	W	6	SW	NW	803	64	1.7	Irrigation	POD	1977
														5	S	4	W	6	SW	NW	401	64	1.8	Irrigation	POD	1977
TOTAL ACRES									44.2					TOTAL ACRES									44.2			

Additional remarks: **The FROM lands will leave 5 foot wide strips spaced 20 feet apart on the original FROM lands. This means 75% of the irrigation acres are moving and 25% will remain as 5 foot wide strips centered on hazelnut trees that are in rows 20 feet apart. The TO lands will be regular irrigation on normal field crops.**

62.9

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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: _____

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.

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
N/A										

13253

Part 5c 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 # 48512

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Description of Water Delivery System

System capacity: **1.64*** cubic feet per second (cfs) (*per the certificate) **OR**

N/A 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. **There is a pump by the river that conveys water via buried pipelines to the crops.**

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)
POD	☒ Authorized ☐ Proposed	**N/A**	**5 S**	**4 W**	**6**	**SE NE**	**37**	**1600' S & 480' W of NE S6 (per cert.)**
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

- ☐ ~~Place of Use (POU)~~
- ☐ Character of Use (USE)
- ☐ ~~Point of Diversion (POD)~~
- ☐ ~~Point of Appropriation/Well (POA)~~
- ☐ Additional Point of Appropriation (APOA)
- ☐ ~~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 # 48512

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
4	S	4	W	31	SW	NE	600	5	2.1	Irrigation	POD	1977	POU	5	S	4	W	6	SW	NW	401	64	6.8	Irrigation	POD	1977
4	S	4	W	31	SE	NE	600	6	0.2	Irrigation	POD	1977	POU	5	S	4	W	6	SE	NW	803	N/A	17.4	Irrigation	POD	1977
4	S	4	W	31	SE	NE	600	59	2.4	Irrigation	POD	1977	POU	5	S	4	W	6	SE	NW	803	64	11.3	Irrigation	POD	1977
4	S	4	W	31	NE	NE	600	59	18.0	Irrigation	POD	1977	POU	5	S	4	W	6	SE	NW	401	N/A	8.0	Irrigation	POD	1977
4	S	4	W	31	NE	SE	600	7	0.8	Irrigation	POD	1977	POU	5	S	4	W	6	SE	NW	401	64	4.2	Irrigation	POD	1977
4	S	4	W	31	NW	SE	600	59	15.7	Irrigation	POD	1977	POU	5	S	4	W	6	NE	SW	401	N/A	1.9	Irrigation	POD	1977
4	S	4	W	31	SW	SE	600	59	15.7	Irrigation	POD	1977	POU	5	S	4	W	6	NE	SW	401	64	5.6	Irrigation	POD	1977
4	S	4	W	31	SE	SE	600	8	0.0	Irrigation	POD	1977	POU	5	S	4	W	6	NW	SW	401	64	17.7	Irrigation	POD	1977
4	S	4	W	31	SE	SE	600	59	18.0	Irrigation	POD	1977	POU													
TOTAL ACRES									72.9						TOTAL ACRES									72.9				

Additional remarks: **The FROM lands will leave 5 foot wide strips spaced 20 feet apart on the original FROM lands. This means 75% of the irrigation acres are moving and 25% will remain as 5 foot wide strips centered on hazelnut trees that are in rows 20 feet apart. The TO lands will be regular irrigation on normal field crops.**

131.3

13253

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Water Right Certificate # 48512

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: _____

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.

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
N/A										

13253

ATTACH A1-1/4

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.

RECEIVED
SEP 17 2019
OWRD

State of Oregon)
) ss
County of)

I, WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE, in my capacity as FARMER,

mailing address PO BOX 99, LAFAYETTE, OR 97132

telephone number (503)864-4422, 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 # 48103; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼	¼	Gov't Lot or DLC	Acres (if applicable)
48103	4	S	4	W	WM	31	NE	NE	74	15.8
48103	4	S	4	W	WM	31	NW	NE	74	7.1
48103	4	S	4	W	WM	31	SW	NE	74	15.1
48103	4	S	4	W	WM	31	SE	NE	74	21.5
48103	4	S	4	W	WM	32	NW	NW	74	16.1
48103	4	S	4	W	WM	32	SW	NW	74	29.8
48103	4	S	4	W	WM	32	SW	SW	59	4.7
48103	4	S	4	W	WM	32	SE	NW	59	2
48103	4	S	4	W	WM	32	NE	SW	59	18
48103	4	S	4	W	WM	32	NW	SW	59	29.4
48103	4	S	4	W	WM	32	SW	SW	59	8.0
48103	4	S	4	W	WM	32	SE	SW	59	5.8

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

A1-2/4

☐ 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)

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

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 of Affiant

9-6-19
Date

Signed and sworn to (or affirmed) before me this 6th day of September, 2019.

OFFICIAL STAMP
JAMI SUE SELLARS
NOTARY PUBLIC-OREGON
COMMISSION NO. 960313
MY COMMISSION EXPIRES APRIL 09, 2021

Jami Sue Sellars
Notary Public for Oregon

My Commission Expires: April 09, 2021

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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.

A1-3/4

	Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED
SEP 17 2019
OWRD

ATTACH A2-Y3

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.

RECEIVED
SEP 17 2019
OWRD

State of Oregon)
) ss
County of)

I, WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE, in my capacity as FARMER,

mailing address PO BOX 99, LAFAYETTE, OR 97132

telephone number (503)864-4422, 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 # 48511; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼	¼	Gov't Lot or DLC	Acres (if applicable)
48511	4	S	4	W	WM	31	SE	NE	59	1.7
48511	4	S	4	W	WM	31	NE	SE	59	14.0
48511	4	S	4	W	WM	31	SE	SE	59	13.5
48511	4	S	4	W	WM	32	NW	SW	59	6.1
48511	4	S	4	W	WM	32	SW	SW	59	20.8
48511	4	S	4	W	WM	32	SE	SW	59	2.9

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

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

A2-2/3

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.

RECEIVED
SEP 17 2019
OWRD

Signature of Affiant

9-6-19
Date

Signed and sworn to (or affirmed) before me this 6th day of September, 2019.

OFFICIAL STAMP
JAMI SUE SELLARS
NOTARY PUBLIC-OREGON
COMMISSION NO. 960313
MY COMMISSION EXPIRES APRIL 09, 2021

Jami Sue Sellars
Notary Public for Oregon

My Commission Expires: April 09, 2021

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

ATTACH A3-1/3

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.

RECEIVED
SEP 17 2019
OWRD

State of Oregon)
) ss
County of)

I, WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE, in my capacity as FARMER,

mailing address PO BOX 99, LAFAYETTE, OR 97132

telephone number (503)864-4422, 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 # 48512; **OR**

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

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

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____(For Historic POD/POA Transfers)

(continues on reverse side)

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

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.

13253 FS

A3-2/3

Signature of Affiant

9-6-19
Date

Signed and sworn to (or affirmed) before me this 6th day of September, 2019.

OFFICIAL STAMP
JAMI SUE SELLARS
NOTARY PUBLIC-OREGON
COMMISSION NO. 960313
MY COMMISSION EXPIRES APRIL 09, 2021

Jami Sue Sellars
Notary Public for Oregon

My Commission Expires: April 09, 2021

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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ATTACH B-½

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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Applicant(s): Willamette Valley Land, LLC c/o Paul Kuehne

Mailing Address: PO BOX 99

City: LAFAYETTE State: OR Zip Code: 97127 Daytime Phone: (503) 864-4422

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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
4S	4W	31	NA	200	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming
4S	4W	31	NA	600	EF80	☒ Diverted	☒ Conveyed	☒ Used	farming
4S	4W	31	NA	803	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming
4S	4W	32	NA	1203	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming
4S	4W	32	NA	1002	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming
4S	4W	32	NA	1000	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming
4S	4W	32	NA	1700	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming
5S	4W	6	NA	401	EF80	☐ Diverted	☒ Conveyed	☒ Used	farming

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

Yamhill County

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) S. Yamhill River

Estimated quantity of water needed: 4.14 ☒ 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 applicant is doing a water right transfer to temporarily adjust the place of use to irrigate for farm crops..

13253

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OWRD

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): SECTION 402.02(A) of the YCZO

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: LANCE WOODS Title: ASSOCIATE PLANNER

Signature: _____ Phone: (503)434-7516 Date: 9/12/2019

Government Entity: YAMHILL COUNTY PLANNING DEPT.

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: _____

13253

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FIRST AMERICAN TITLE

Property Research Report

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SUBJECT PROPERTY

174590, 174634, 174876, 174894, 174983, & 289538
R443100200 & 1600 | R443201000, 1002, 1700 & 1203
Yamhill

OWNER
Willamette Valley Land LLC

DATE PREPARED
08/19/2019

PREPARED BY
cbunn@firstam.com

First American Title

Customer Service 503.219.8746
cs.oregon@firstam.com

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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Willamette Valley Lands
13140B NE Kuehne Rd
Carlton, OR 97111

Until a change is requested all tax statements shall be sent to the following address:
Willamette Valley Lands
13140B NE Kuehne Rd
Carlton, OR 97111

File No.: 1031-2158285 (LZ)
Date: September 27, 2013

Yamhill County Official Records **201315930**
DMR-DDMR
Stn=6 SUTTONS 10/11/2013 01:57:54 PM
$55.00 $11.00 $5.00 $15.00 **$86.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Brian Van Bergen - County Clerk

FIRST AMERICAN TITLE 2158285

STATUTORY WARRANTY DEED

Evergreen Agricultural Enterprises, Inc., an Oregon corporation who also acquired title as Evergreen Agricultural Enterprises, Inc, Grantor, conveys and warrants to **Willamette Valley Land, LLC an Oregon limited liability company** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **$2,805,000.00**. (Here comply with requirements of ORS 93.030)

Subject to:
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. Taxes for the fiscal year 2013-2014 a lien due, but not yet payable. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways, As to parcel I.

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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. Taxes for the fiscal year 2013-2014 a lien due, but not yet payable. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways, Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Yamhill River. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Yamhill River. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created,
As to parcel II

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 11th day of October, 2013.

Evergreen Agricultural Enterprises, an
Oregon corporation

Delford M. Smith

By: Delford M. Smith, Chairman

13253

C-5/13

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 17th day of October, 2013 by Delford M. Smith as Chairman of Evergreen Agricultural Enterprises, on behalf of the corporation.

Lydia Zimmerman

Notary Public for Oregon
My commission expires: Jan 14 2014

OFFICIAL SEAL
LYDIA P ZIMMERMAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 444968
MY COMMISSION EXPIRES JANUARY 14, 2014

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C-6/13

EXHIBIT A

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

PARCEL 1: (Ferry Grove 110.21 Ac)

A part of the Daniel Matheny Donation Land Claim No. 38, Notification No. 1634, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon and particularly described as follows:

BEGINNING at a stone in the South line of said Claim at a point common to Sections 33 and 34 in said Township and Range, and running thence Westerly along the Southern boundary of said Claim, 3669.6 feet to the West line of said Donation Land Claim; thence Northerly along the Westerly line of said Claim 2851.2 feet, more or less, to the North boundary of the South half of said Claim 38; thence Easterly along said boundary 1353.6 feet to an iron pipe; thence South 12°9' East 547.0 feet to an iron pipe; thence South 6°49' East 663.6 feet to the center line of the Wheatland Ferry Road; thence following the center line of said Road to the section line between Sections 33 and 34 in said Township and Range; thence South along said Section line 887.8 feet, more or less to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to F. Eugene Stockhoff by deed recorded November 23, 1962 in Film Volume 26, Page 706, Yamhill County Deed Records.

Tax Parcel No.: R5333 00200

PARCEL 2:

TRACT A

A tract of land in Section 32, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a point 2.50 chains South of the Northeast corner of the H.D. Martin Donation Land Claim; thence South 104.16 rods; thence West 104 rods; thence North 114.16 rods; thence East 1430 feet to a point North of the Northwest corner of a tract conveyed to Bradley Dale Moore and wife, by deed recorded July 2, 1970 in Film Volume 80, Page 367, Deed and Mortgage Records of Yamhill County, Oregon; thence South 25 feet to the Northwest corner of said Moore tract; thence South along the West line of said Moore tract, 128.02 feet, more or less, to the Southwest corner thereof; thence East along the South line of said Moore tract and the North line of a tract conveyed to Rolland R. Mains et al, by deed recorded July 2, 1970 in Film Volume 80, Page 365, Deed and Mortgage Records of Yamhill County, Oregon, 208 feet, more or less, to the Northeast corner of said Mains tract; thence South 12 feet to the Southeast corner of said Mains tract; thence East to the point of beginning.

EXCEPT that tract conveyed to Yamhill County by deed recorded November 1, 1966 in Film

13253

C-7/13

Volume 56, Page 380, Deed and Mortgage Records of Yamhill County, Oregon.

ALSO EXCEPTING a tract conveyed by George W. Jones to the State of Oregon, October 3, 1937 by deed recorded in Book 113, Page 83, Deed Records of Yamhill County, Oregon.

FURTHER EXCEPTING that certain tract of land sold on Contract to John A. Armstrong et ux, recorded February 14, 1974 in Film Volume 98, Page 1308, Deed and Mortgage Records.

ALSO FURTHER EXCEPTING the following described tract: Part of the H. D. Martin Donation Land Claim in Section 32, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being further described as follows: Beginning at an iron pipe set South 00°20' East 1045.02 feet and West 81.40 feet from the Northeast corner of said Claim and being on the West line of Highway 99W; thence West 399.48 feet to an iron pipe; thence South 838.6 feet to an iron pipe; thence East 404.35 feet to an iron pipe on the West line of *said Highway; thence North 00°20' West 338.62 feet to the point of beginning.*

ALSO FURTHER EXCEPTING that portion conveyed to Jerrell Kiess and Kimball Kiess, husband and wife by instrument recorded January 4, 1999 as Instrument No. 199900009, Deed and Mortgage Records.

Tax Parcel No.: R4432 01002 (portion of)

TRACT B (Durham 58.06 Acres)

Beginning at the Northeast corner of the King tract, said corner being 114.16 rods South of the Northeast corner of the H. D. Martin Donation Land Claim No. 59, Notification No. 1439, in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence West 1164 feet to the true point of beginning; thence South 10 feet; thence West 12 feet; thence North 10 feet; thence East 12 feet to the true point of beginning, being the property conveyed by Bryon A. White to Harry A. Wicks by deed recorded in Book 166, Page 340, Deed Records of Yamhill County, Oregon.

Tax Parcel No.: R4432 01002 (portion of)

TRACT C

Beginning at the Southeast corner of the Donation Land Claim of James W. Rogers and wife, Claim No. 74, Notification No. 1221, in Section 32, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; and thence North along the center of the County Road now there, 25 chains; thence West 40 chains; thence South 12.50 chains; thence East 8.00 chains; thence South 1.65 chains; thence East 4.608 chains; thence South 0°11' East 10.85 chains to the center of the County Road now there; thence East 27.435 chains to the point of beginning.

EXCEPT 1.50 acres conveyed to Rudolph Miller, by deed recorded in Book 78, Page 275, Deed Records.

AND ALSO EXCEPT that tract conveyed to Wilber Eugene Rice, et ux, by deed recorded July

C-8/13

10, 1963 in Film Volume 31, Page 429, Deed and Mortgage Records, and deed recorded December 17, 1970 in Film Volume 82, Page 235, Deed and Mortgage Records.

AND FURTHER EXCEPTING that portion conveyed to Yamhill County, by deed recorded April 28, 1967 in Film Volume 59, Page 651, Deed and Mortgage Records.

FURTHER EXCEPTING THEREFROM that portion conveyed to Randy C. Coleman and Jan H. Coleman, husband and wife, by deed recorded May 17, 1980 in Film Volume 151, Page 70, Deed and Mortgage Records of Yamhill County, Oregon.

ALSO FURTHER EXCEPTING that portion conveyed to Randy Coleman by Instrument recorded July 1, 1992 in Film Volume 271, Page 689, Deed and Mortgage Records.

Tax Parcel No.: R4432 01700

TRACT D

Part of the Hardin D. Martin Donation Land Claim No. 59, Notification No. 1439, in Sections 31 and 32, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

13253

C-9/12

Beginning at a point 12.13 chains, more or less, East of the Northwest corner of the said Martin Donation Land Claim, said point of beginning being the Northeast corner of that certain tract of land conveyed to Betty Jean Yockey, et al, by deed recorded December 26, 1957 in Book 186, Page 281, of the Yamhill County Deed Records, which point is also the Northwest corner of that tract of land conveyed by deed described in Book 180, Page 724, Yamhill County Deed Records; thence Southerly along the East line of said Yockey tract, 2,669.86 feet, more or less, to an iron rod; thence South 88°58' East 461.30 feet, more or less, to the Northwest corner of the BAYOU GOLF ESTATES SUBDIVISION NO. 1, recorded in Plat Book 7, Page 26, Plat Records of Yamhill County; thence following said BAYOU GOLF ESTATES SUBDIVISION NO. 1 boundary, South 88°58' East 153.0 feet; thence North 73°02' East, 553.0 feet to the Northeast corner of Lot 1, Block 3 of said BAYOU GOLF ESTATES SUBDIVISION NO. 1; thence North 16°58' West 25.0 feet to an iron rod; thence North 16°19' East 70.65 feet to an iron rod; thence South 89°05' East 129.71 feet to an iron rod; thence South 85°39' East 102.33 feet to the Northwest corner of Lot 8, Block 2 of said BAYOU GOLF ESTATES SUBDIVISION NO. 1; thence following said BAYOU GOLF ESTATES SUBDIVISION NO. 1 boundary North 71°03' East 340.0 feet; thence along a 455 foot radius curve 276.22 feet (the long chord of which bears South 88°26'30" East 272.0 feet); thence South 74°10' East 100.0 feet to the Northeast corner of Lot 1, Block 2 of said BAYOU GOLF ESTATES SUBDIVISION NO. 1; thence continuing South 74°10' East 20.3 feet, more or less, to the Northeast corner of that certain tract of land conveyed to the Bayou Water Improvement District by deed recorded November 14, 1973 in Film Volume 97, Page 783, Yamhill County Deed Records; said Northeast corner also being on the West line of that certain tract of land conveyed by deed described in Film Volume 35, Page 842, Yamhill County Deed and Mortgage Records; thence Northerly along said West line, 267.73 feet, more or less, to the Northwest corner thereof, which corner is on the South line of that tract conveyed to Thomas H. King, et ux, by deed recorded February 19, 1940 in Book 147, Page 307, Yamhill County Deed Records; thence Westerly along South line of said King tract, 25 feet to the Southwest corner thereof; thence Northerly along the West line of said King tract, 165 feet to the Northwest corner thereof; which corner is on the South line of that tract conveyed to Harry Wicks, et ux, by deed recorded September 19, 1945 in Book 130, Page 704, Yamhill County Deed Records; thence Westerly along the South line of said Wicks tract 1,248.68 feet, more or less, to the Southwest corner thereof; thence Northerly 1,174.00 feet, more or less, along the West line of said Wicks tract to the Southeast corner of that tract conveyed to Joseph Orlando Fore by deed recorded November 9, 1955 in Book 178, Page 771, of the Yamhill County Deed Records; thence Westerly along the South line of said Fore tract, 369.79 feet, more or less, to the Southwest corner thereof; thence Northerly along the West line of said Fore tract 724.44 feet, more or less, to the Northwest corner thereof, which corner is on the aforesaid North line of the Hardin D. Martin Donation Land Claim and is on the center line of the County Road; thence West along the North line of said Donation Land Claim 458.71 feet, more or less, to the point of beginning.

EXCEPT that tract conveyed to Harry A. Wicks, et ux, by deed recorded July 14, 1952 in Book 166, Page 340, Yamhill County Deed Records.

ALSO EXCEPT that tract conveyed to Yamhill County, by deed recorded August 9, 1967 in Film Volume 62, Page 39, Yamhill County Deed and Mortgage Records.

C-10/13

TOGETHER WITH a permanent non-exclusive easement over the West 20 feet of even width of that certain 6.4 acre tract particularly described as Exhibit "B" in Contract Memorandum dated November 23, 1976, and recorded in Film Volume 116, Page 750, Yamhill County Deed Records, for access to and from grantee's irrigation pump located on the Yamhill River.

ALSO TOGETHER with permanent non-exclusive easements as set forth in deed recorded April 4, 1985 in Film Volume 193, Page 811, Deed and Mortgage Records, and in Easements recorded November 17, 1988 in Film Volume 227, Pages 1799 and 1803, Deed and Mortgage Records.

Tax Parcel No.: R4432 01203

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C-11/13

TRACT E (Durham 49.4 Acres)

Part of the J. W. Rogers Donation Land Claim No. 74 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said part being situated in Section 31 of said Township and Range, and being more particularly described as follows:

BEGINNING at a point 40 chains West of the Southeast corner of said Donation Land Claim, said point of beginning being the Southwest corner of DURHAM'S SUBDIVISION; thence North along the West line of said Subdivision, 25 chains to the Northeast corner of Lot 4, as established by that certain Partition Suit No. 308; thence West along the division line of said Lot 4 and Lot 6 of said Partition Suit, 20 chains to the Northwest corner of Lot 4 and the herein described property; thence South along the division line of said Lot 4 and Lot 5 of said Partition Suit, a distance of 25 chains to the South line of said Rogers Donation Land Claim, said point being the Southwest corner of the herein described property; thence East along the South line of said Donation Land Claim, a distance of 20 chains to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded June 26, 1947 in Book 143, Page 526, Deed Records.

Tax Parcel No.: R4431 00200

TRACT F (Schaffer)

Part of the H.D. Martin Donation Land Claim in Section 32, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being further described as follows:

Beginning at a point on the West line of U.S. Highway 99W which is South 00°20' East 1883.64 feet and West 81.4 feet from the Northeast corner of the H.D. Martin Donation Land Claim; thence West 404.35 feet to an iron pipe; thence North 838.6 feet; thence East 399.48 feet to the Westerly line of said highway; thence South 00°20' East along the Westerly line 838.62 feet to the point of beginning.

Tax Parcel No.: R4432 01000

TRACT G

Parcel G-1

BEGINNING at a stake set 12.31 chains East and 43.33 chains South from the Northwest corner of the H. D. Martin Donation Land Claim, Notification No. 1439, Claim No. 59 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence running South 36.87 chains; thence South 80°15' West, 12.50 chains, thence South 11.12 chains; thence West 10.70 chains; thence North 93.44 chains; thence East 10.51 chains; thence South 43.47 chains; thence East 12.50 chains, more or less, to the place of beginning.

13253

C-12/13

SAVING AND EXCEPTING THEREFROM 6.25 acres conveyed to N. E. Stutzman and Menno Swartzentruber by Deed recorded September 21, 1940, in Book 117, Page 97, Deed Records.

Parcel G-2

BEGINNING at an iron pin set in center of the County Road at a point 19 links West of the Northwest corner of the Donation Land Claim of Hardin D. Martin and wife, Notification No. 1439, Claim No. 59 in Township 4 South, Range 4 West and Claim No. 37 in Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence running South 43.47 chains to Anchor Post set at the

Northwest corner of "Shippys" hopyard; thence running North 89°32' East along North line of said hopyard, 12.56 chains to post set at the Northeast corner thereof; thence running North 43.33 chains to iron pin set in center of County Road; thence running West, 12.50 chains to the place of beginning.

Parcel G-3

BEGINNING at the North side of the Yamhill River where it crosses the West line of the Hardin D. Martin Donation Land Claim; thence downstream following the meanderings of said river to the South line of land conveyed to D. W. McCall by Alfred E. Thompson and wife, by Deed recorded in Book "K", Page 675, Deed Records; thence West along McCall's said South line of angle therein; thence South to a point of beginning, being in Section 6, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon.

Tax Parce No.: R4431 00600 (PTO R5406)

ATTACH F-1/5

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-12204, Washington County	)))	FINAL ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE AND POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

WILLAMETTE VALLEY LAND LLC
PAUL KUEHNE
PO BOX 99
LAFAYETTE, OR 97127

Findings of Fact

1. On November 19, 2015, WILLAMETTE VALLEY LAND LLC., PAUL KUEHNE, filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 16677 for a period of 5 years. The Department assigned the application number T-12204.

2. On April 6, 2016, the applicant's agent, Eric Urstadt, submitted amended application pages and amended maps.

3. Notice of the application for transfer was published on November 24, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

4. The right to be temporarily transferred is as follows:

Certificate:	16677 in the name of R. F. CLARKE (perfected under Permit S-15038)
Use:	IRRIGATION of 25.6 ACRES
Priority Date:	AUGUST 4, 1941
Rate:	0.32 CUBIC FOOT PER SECOND (CFS)
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-

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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.

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Source: TUALATIN RIVER, *a tributary of* WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 W	WM	31	SW NE	AS PROJECTED ON THOMAS M. HINES DLC 58

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	4 W	WM	31	NW NE	58	1.0
1 S	4 W	WM	31	NW NE	56	17.9
1 S	4 W	WM	31	SW NE	58	0.3
1 S	4 W	WM	31	NE NW	56	6.4
					Total	25.6

5. Certificate 16677 does not describe the measured distances of the point of diversion, however information is available from the applicant and applicants agent indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	4 W	WM	31	SW NE	58	1590 FEET SOUTH AND 1485 FEET WEST FROM THE NE CORNER OF SECTION 31

6. Temporary Transfer Application T-12204 proposes to temporarily change the place of use of the right to irrigated strips twenty feet apart and 5.03 feet wide within a larger land parcel. The acreage below represents the irrigated area:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	4 W	WM	32	SE NW	59	0.5
1 S	4 W	WM	32	NE SW	59	6.0
1 S	4 W	WM	32	NW SW	59	1.1
1 S	4 W	WM	32	SW SW	59	2.1
1 S	4 W	WM	32	SE SW	59	7.6
1 S	4 W	WM	32	NE SE	59	0.3
1 S	4 W	WM	32	NE SE	4	0.4
1 S	4 W	WM	32	NW SE	59	5.1
1 S	4 W	WM	32	SW SE	59	1.6
1 S	4 W	WM	32	SE SE	59	0.5
1 S	4 W	WM	32	SE SE	5	0.4
					Total	25.6

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12204 proposes to move the authorized point of diversion approximately 1.6 miles downstream to:

13253

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F-3/5

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	4 W	WM	32	SW SE	59	820 FEET NORTH AND 2200 FEET WEST FROM THE SE CORNER OF SECTION 32

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

11. The proposed temporary change in place of use could result in enlargement of the rights if the application of water extends beyond the proposed place of use. Absent soil moisture monitoring, it would be impossible to determine whether or not enlargement was occurring.

12. Adherence to the water flow measurement and soil moisture monitoring conditions listed below would provide the tools necessary to determine that enlargement was not occurring.

13. The proposed changes, as conditioned, would not result in enlargement of the right.

14. The proposed changes, as conditioned, 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-12204 are 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-12204 are approved.

2. The former place of use **shall not** be irrigated as part of this water right during the 2016, 2017, 2018, 2019 and 2020 irrigation seasons.

3. The water user shall install and maintain a water flow and soil moisture monitoring system.

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F-4/5

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 each point of diversion serving the property.

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

d. The monitoring system shall include Gro-Point Sensors or a similar monitoring system capable of accuracy that is equivalent to or superior to the level of accuracy provided by the Gro-Point system. The type of system and installation plans must be approved by the Watermaster prior to installation.

e. The soil moisture monitoring sites shall be selected for each soil type, slope, and crop type. Additional soil moisture monitoring stations shall be installed as required by the Watermaster where conditions dictate more monitoring stations are required to effectively determine irrigation is occurring where there is an appurtenant water right. The monitoring program, including both the number and location of the monitoring sites, shall be approved by the Watermaster prior to installation.

f. *Control soil moisture monitoring site(s) shall be selected for each soil type and slope that* receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation run-off.

g. Soil moisture content shall be monitored continuously or collected at a minimum of weekly intervals until one week past the end of the irrigation season. Soil moisture data collected from the monitoring system shall be reported to the Watermaster in summary format including equipment used and monitoring data listed by station and measurement field, as approved by the Watermaster.

h. Soil moisture reports shall be made during the first week prior to the irrigation season and once per week during the first three weeks of the irrigation season. Unless otherwise required by the Watermaster, soil moisture data collected shall be reported to the Watermaster within 3 days of the data collection date. Reporting requirements may be modified, as dictated by the Watermaster or upon written request from the water user subject to approval of the Watermaster. However, review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster. Modification to the monitoring program may occur at any time as deemed necessary and/or appropriate by the Watermaster.

i. Upon reasonable notice the water user shall provide the Watermaster access to metering equipment and moisture monitoring stations as well as access to monitoring data and flow data, including access to real time data on an internal web site or computer.

j. The water user shall promptly inform the Watermaster of any situation that results in the application of water to any land without a water right, including but not limited to the areas between crop rows. The water user shall also inform the Watermaster of the course of action taken by the water user to correct the problem and prevent the future occurrence of similar events.

13253

k. If water is applied to lands without water rights, including but not limited to, the area between the crop rows, the Watermaster may regulate the water use until the soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

l. If, at any time the Watermaster determines that the water user has not taken all necessary precautions to ensure that areas without appurtenant water rights, including areas between crop rows, are not receiving water this temporary transfer may be terminated. If this transfer is terminated, the water rights subject to this transfer will revert to their original place of use.

4. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

   The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

5. The use shall revert to the authorized place of use at the end of the 2020 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.

6. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.

7. A subsequent application for permanent transfer of Certificate 16677 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.

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 16677.

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.

Dated at Salem, Oregon this 10 day of May, 2016.

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

Mailing Date: MAY 13 2016

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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: Transfer Section
725 Summer Street NE, Ste. A
Salem, OR, 97301

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29 Aug 2019

Subject: New Applications for Temporary Transfer

To Whom It May Concern,

Enclosed is an application for a temporary transfer along with the following attachments

A. Evidences of Use
B. Land Use Compatibility Statement
C. Current Deeds
D. General Land Office Map
E. Transfer Maps
F. Example Moisture Monitoring Plan.
G. A check made out to Oregon Water Resources Department for $1893.27.

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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