

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 27930**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____
 Staff: _____ 503-986-0_____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	\$930
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »	4	\$410
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.12 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.88 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u> and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$2,500
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$2,500

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Daniel and Barbara Hoops		PHONE NO. (503) 263-7718	ADDITIONAL CONTACT NO. (503) 939-9863 (Barbara cell) (503) 939-9864 (Daniel cell)
ADDRESS 27800 S. Oglesby Road			FAX NO.
CITY Canby	STATE OR	ZIP 97013	E-MAIL danielhoops@canby.com
<p>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.</p>			

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

AGENT/BUSINESS NAME Doann Hamilton / Pacific Hydro-Geology, Inc.		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 310-5553 (cell)
ADDRESS 18487 S. Valley Vista Road			FAX NO. (503) 632-5983
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com
<p>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.</p>			

Explain in your own words what you propose to accomplish with this transfer application, and why:
When we bought the property we did not understand the use of the authorized well. The authorized well located on TL 1500 has since been abandon. We are currently trying to convert our property over from a hayfield to vineyards. We have been irrigating with our domestic well but would like to have a new well on our TL 1800 to supply this water right and adjust the place of use.

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

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

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

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

Daniel W Hoops
Applicant Signature

Daniel W Hoops
Print Name and title if applicable

12/10/19
Date

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Barbara L Hoops
Applicant Signature

Barbara L. Hoops
Print Name and title if applicable

12-10-19
Date

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME NA	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 NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Clackamas Co. Department of Transportation and Development, Planning Division	ADDRESS 150 Beaver creek Road	
CITY Oregon City	STATE Oregon	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 27930

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Description of Water Delivery System

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System capacity: 0.21 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. **Water is pumped from the house well and conveyed through above-ground 2 inch PVC mainlines. Ground cover crops are irrigated using a retracting reel sprinkler.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 13471	4	S	1	E	21	NW	SW	DLC 41	12 chains south and 4 chains east from the NW corner, DLC 41.
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	4	S	1	E	21	SW	SW	DLC 41	1,225 feet south and 690 feet east from the NW corner, DLC 41.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 27930

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	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	1	E 21	NE SW	1600	DLC 41	1.5	IR	Well 1	8-15- 1961	POA, POU	4	S	1	E 21	NE SW	1600	DLC 41	1.7	IR	Well 2	8-15-1961		
4	S	1	E 21	SW SW	1600	DLC 41	3.1	IR	Well 1	8-15- 1961	POA, POU	4	S	1	E 21	SW SW	1600	DLC 41	1.8	IR	Well 2	8-15-1961		
4	S	1	E 21	SE SW	1600	DLC 41	5.0	IR	Well 1	8-15- 1961	POA, POU	4	S	1	E 21	SE SW	1600	DLC 41	6.1	IR	Well2	8-15-1961		
TOTAL ACRES:						9.6	TOTAL ACRES:						9.6											

Additional remarks: Note: The final proof survey and the acres reported on Certificate 27930 conflict in the SE SW quarter-quarter, Section 21. The final proof survey records 6.8 acres, whereas Certificate 27930 records 5.2 acres. We could not find a map in the OWRD file locating the place of use for the 5.2 acres; therefore, to prepare the "From" map for this application, we removed enough acres from the east and southern portions of the POU in the SE SW quarter-quarter to reflect the 1.6 acres difference.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **NA.**

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

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

Ground water supplemental Permit or Certificate # **NA**;

Surface water primary Certificate # **NA.**

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **NA**

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes but later abandon	CLAC 13471	See Well Log CLAC 13471							
Well 2	No	NA	150 feet	8 inch	150 feet	50 feet	TBD	NA	Alluvium	95 gpm

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of CLACKAMAS)

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I, ANTHONY EDWARDS, in my capacity as OPERATOR,
 mailing address 27800 S. OGLESBY ROAD, CANBY, OR 97013
 telephone number (503) 476-2577, 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 # ____; **OR**

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

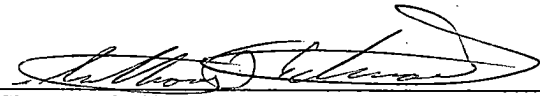
Certificate #	Township		Range		Mer	Sec	1/4 1/4		Gov't Lot or DLC	Acres (if applicable)
27930	4	S	1	E	WM	21	NE	SW	DLC 41	1.5
27930	4	S	1	E	WM	21	SW	SW	DLC 41	3.1
27930	4	S	1	E	WM	21	SE	SW	DLC 41	5.0

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)

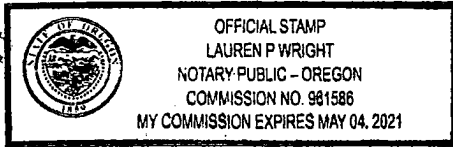
3. The water right was used for: (e.g., crops, pasture, etc.): HAY FIELD
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

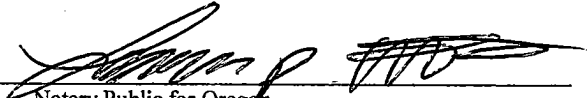

 Signature of Affiant

11 December 2019
 Date

Signed and sworn to (or affirmed) before me this 11th day of December, 2019.

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 Notary Public for Oregon

My Commission Expires: May 04, 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 checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



KNIGHTS GRAPEVINE NURSERY

OFFICE (530) 776-9296 FAX (530) 776-0717
3792 Feather River Blvd., Unit C, Olivehurst, CA 95961

ON GUARD AGAINST VIRUSES

www.knightsgrapevinenursery.com

Sales Contract

Date

08/21/2018

Sales Contract #

19-1000

Name & Billing Address	Name & Shipping Address
Tony Edwards 27800 S. Oglesby Rd. Canby, OR. 97013	Tony Edwards 27800 S. Oglesby Rd. Canby, OR. 97013

P.O.	Rep	Ship Method	Ship Date	Delivery Year	Project
	Joel	Delivery		2019	

Description	Qty	Rate	Amount
POTTED GREENVINES			
Gamay 509 on S04	17,500	3.10	54,250.00
Pinot Gris 152 on S04	2,600	3.10	8,060.00
Riesling 198 on S04	2,600	3.10	8,060.00
			Subtotal: 70,370.00
Grapevine nursery assessment (1% of gross sales)	70,370	0.01	703.70
California Rootstock Commission Improvement Fee	22,700	0.015	340.50
Rootstock FPS Royalties	22,700	0.04	908.00
Delivery			3,400.00
GRAND TOTAL \$75,722.00			
PAYMENT SCHEDULE			
1st payment \$37,861.10 is due September 1st, 2018			
2nd payment \$18,930.55 is due January 1st, 2019			
Final payment \$18,930.55 is due May 1st, 2019 or time of shipping: whichever occurs first			

TOTAL

\$75,722.20

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Please contact us at 530-776-9296 to make arrangements for shipping/delivery.
All order must be paid in full prior to shipping.

Between:

SELLER: Knights Grapevine Nursery, Inc.

AND:

BUYER: Tony Edwards
Invoice # 19-1000
Amount Due \$75,722.20

TERMS OF PAYMENT AND FREIGHT:

The scion, rootstock, vines, benchgrafts, and/or other material that are the subject of this contract (collectively referred to as "goods") are "goods" as that term is defined under Section 2107 of California's Uniform Commercial Code (UCC). The "Buyer" must satisfy the payments according to the "Payment Schedule" in order to secure the order of goods. If payments are not made according to the "Payment Schedule" Seller reserves the right to cancel the order, and Buyer agrees to forfeit all payments made. The balance is due in full at time of shipping of the goods (unless otherwise indicated in the contract). Unless otherwise stated in this contract, Buyer shall be responsible for the designation of the freight carrier who will deliver the vines. The sale price of the vines is FOB Seller's place of business (shipping point). In the event Buyer cancels the contract, all payments paid by Buyer to Seller shall be forfeited, and shall remain the property of the Seller, with no further obligation on the part of Seller.

CERTIFICATION OF PLANT MATERIAL:

All goods sold under this contract have been grown in accordance with the California Grape Vine Certification Program. Some of the certified grapevine material from California has been purchased from third parties, and certification tags have been issued to Seller.

SELLER MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, AS TO THE DESCRIPTION, QUALITY, PURITY, RESISTANCE TO DISEASE, TRUENESS TO VARIETY OR PRODUCTIVENESS, OR AS TO ANY MATTER OR MERCHANTABILITY, IMPLIED MERCHANTABILITY, FITNESS OR FITNESS FOR A PARTICULAR PURPOSE REGARDING THE GOODS WHICH ARE BEING SOLD "AS IS."

BUYER AGREES THAT BUYER'S SOLE REMEDY AND SELLER'S SOLE LIABILITY FOR BREACH OF ANY PROVISION OF THIS CONTRACT SHALL BE TO REFUND THE PURCHASE PRICE OF THIS CONTRACT OR REPLACEMENT OF THE GOODS. BUYER ACKNOWLEDGES AND AGREES THAT BUYER WAIVES ALL RIGHTS TO CONSEQUENTIAL DAMAGES WHICH MAY ARISE FROM THIS CONTRACT, MISDESCRIPTION, OR INADEQUACY OF THE GOODS.

THE PLANT MATERIAL:

- ❖ Seller is using the highest standards to provide premium grapevines. All vines have a solid graft union, vigorous shoot, and a well-established root system.
- ❖ All dormant benchgrafts and rootings are trimmed.
- ❖ There are 25 vines per bundle with identification for the variety, clone, and rootstock.

CERTIFICATION ROYALTIES AND SALES TAX:

- ❖ FPS Scion Wood \$0.008/vine
- ❖ FPS Rootstock \$0.04/vine
- ❖ CA Rootstock Commission \$0.015/vine
- ❖ CA Fruit & Nut and Grapevine Nursery Assessment \$ 1% of gross sales
- ❖ CA Sales Tax (State, County, City) If applicable

BUYERS RIGHT TO INSPECTION:

Buyer, after providing Seller with reasonable notice and at Buyer's sole expense, has the right to inspect the goods at any given time during the growing season or after the goods have been graded. After such inspection, Buyer's failure to deliver a written claim to seller within five (5) days of the inspection shall be deemed irrevocable acceptance of the goods, and an admission by Buyer that the goods fully comply with all the terms and conditions in this contract. Except as stated herein, Buyer waives any rights under Section 2513 of the UCC.

CIRCUMSTANCES EXCUSING SELLER'S PERFORMANCE:

Seller shall have no liability for delay or failure to ship any goods subject to this contract if such delay or failure is due to "Acts of God," (e.g., strikes, accidents, weather conditions, performance of material (scion wood/rootstock), fire, and regulations imposed by governmental agencies), or circumstances beyond the reasonable control of Seller. If Buyer cancels this Agreement for reasons other than default by Seller, Seller shall retain the deposit and all progress payments received prior to cancellation in addition to all other legal and equitable remedies. If Seller locates a Buyer for the Grapevines which Seller is not obligated to do, and if sale occurs and Seller actually receives payment which exceeds the contract price plus additional expenses (including, without limitation, cost of locating another buyer, accruing interest, attorney's fees, extra delivery cost, etc.), then Seller will refund to Buyer any funds which exceed the contract. Notwithstanding the above, Seller Shall be entitled to retain all payments advanced by Buyer until such mitigating sales proceeds are received, and all expenses are calculated. Any refund shall be without interest and shall not exceed the amount actually paid by Buyer.

INTEGRATION:

This contract constitutes the full agreement of the parties, superseding all prior representations or agreements, oral or written, regarding the goods.

MODIFICATIONS:

This contract constitutes the entire agreement between the parties and may not be altered, modified, or rescinded except in writing signed by each party hereto.

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WAIVER:

Waiver by either party of a breach by other party of any term hereof shall not be considered a waiver of any other term or any subsequent breach of the same term.

ASSIGNMENT AND SUCCESSORS:

This contract shall be binding upon and shall inure to the benefit of heirs, representatives, successors and assign of the parties hereto.

AMBIGUITY:

Each party acknowledges and agrees that this contract has been negotiated and prepared jointly by each party and that in the event of ambiguity, it shall not be construed against either party, but rather each term herein shall be given a reasonable interpretation.

ATTORNEYS' FEES:

In the event legal proceedings are brought by either party to enforce any term, covenant or condition in this contract, the prevailing party in such proceeding shall be entitled to recover all costs, including reasonable attorneys' fees.

STORAGE:

Seller will store the goods through June of shipping year at no charge. Please be advised Seller does not recommend planting dormant vines after June 1 and will not be held responsible for poor performance of grapevines as a result of late season planting.

CHOICE OF LAW AND VENUE:

Parties specifically agree that this contract shall be in accordance with California law, and should any action be brought upon this contract venue shall be laid in Sutter County, California, and that the last act to make this contract enforceable occurred in Sutter County, California.

GRAPEVINE NURSERY ASSESSMENT:

California Fruit & Nut Tree & Grapevine Improvement Assessment is 1% and shall be assessed in accordance with law. This assessment is taxable.

FINANCE CHARGE:

Finance charge of 1.5 % per month (18 % per year) will be charged for all amount unpaid thirty (30) days from due date. Where an invoice or bill is sent, such a finance charge will be assessed for the amount due if not paid within 30 days of the date of invoice/bill.

The undersigned have read and agreed to the terms and conditions set forth above.

BUYER: Tony Edwards

SELLER: Knights Grapevine Nursery, Inc.

SIGNED BY: *Anthony J Edwards*

SIGNED BY: *June Seino*

DATE: 8-25-2018

DATE: 8-22-2018

NAME: Anthony J. Edwards

NAME: June Seino

TITLE: President, Vino Classico

TITLE: Office Manager

Knights Grapevine Nursery * 3792 Feather River Blvd, Suite C. Olivehurst, CA. 95961 * TEL. 530-776-9296

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(1) OWNER: SALEM, OREGON
Name Ivan Pulley

Address Rt 3 Canby Ore
Box 105

013471 (10) WELL TESTS:

Was a pump test made? Yes No. If yes, by whom? Driller
Yield: 110 gal./min. with 68 ft. draw down after 3 hrs.
" " " " "
" " " " "
Artesian flow g.p.m.
Shut-in pressure lbs. per square inch.
Bailer test g.p.m. with ft. drawdown
Temperature of water 53 Was a chemical analysis made? Yes No
Was electric log made of well? Yes No

(2) LOCATION OF WELL:

County Clackamas Owner's number, if any—
R..F. D. or Street No. Rt 3 Box 105
Bearing and distance from section or subdivision corner Part of the
Andrew Gribble D.L.C. No. 11 in T. 1 S. R.
1 W. of the W.M. 242 FT. S. 155 FT. S.
Of the N.W. corner.

(3) TYPE OF WORK (check):

New well Deepening Reconditioning Abandon
Abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) EQUIPMENT:

Rotary
Cable
Dug Well

CASING INSTALLED:

Threaded Welded

FROM 0 ft. to 123 ft. 6" diam. 5/16" Gage or Wall

If gravel packed

Table with columns: Diameter of Bore, from ft., to ft.

Type and size of shoe or well ring 6" Standard
Describe joint Butt Weld

(7) PERFORATIONS:

Table with columns: Type of perforator used, SIZE of perforations, in., length, by, No. of rows

SCREENS:

Give Manufacturer's Name, Model No. and Size

(8) CONSTRUCTION:

Was a surface sanitary seal provided? Yes No To what depth ft.
Were any strata sealed against pollution? Yes No
If yes, note depth of strata

METHOD OF SEALING

(9) WATER LEVELS:

Depth at which water was first found 4 ft.
Standing level before perforating Bottom sealed ft.
Standing level after perforating 8 ft.

Log Accepted by:
[Signed] Ivan Pulley Owner Dated Aug 1, 1956

(11) WELL LOG:

Table with columns: Diameter of well, Total depth, Depth of completed well, Formation description

Ground elevation at well site feet above mean sea level.
Work started July 23 1956, Completed July 31 1956

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME John W. Beck Well Drilling
(Person, firm, or corporation) (Typed or printed)
Address Rt. 3, Box 45, Canby, Ore.
Driller's well number 370
[Signed] John W Beck (Well Driller)
License No. 95 Dated July 31, 1956

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