

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



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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the 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? 2 List them here: Certificates 42535 & 89189 (Attachment A)**
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: 2023.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map. **(Attachment B)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. **(Attachment D)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) **(Attachment E)**
- 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. **(Attachment F)**
- 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):

<input type="checkbox"/> Application fee not enclosed/or is insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____ 503-986-0_____	Date: ____/____/____ 13467 -

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°).

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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: <u>2</u> (2a) Subtract 1 from the number in 3a above: <u>1</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »	2	\$260
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> 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? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	\$526.70
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » Subtotal:	5	\$1,596.70
6	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 5 by 0.5 and enter on line 6 »		RECEIVED JUN 12 2020 OWRD
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	\$1,596.70

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS –N/A			
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	

*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).

Part 4 of 5 – Applicant Information and Signature

Applicant Information


APPLICANT/BUSINESS NAME Green Spring Farms		PHONE NO. 503-838-7333	ADDITIONAL CONTACT NO.
ADDRESS 8930 Suver Rd.		FAX NO.	
CITY Monmouth	STATE OR	ZIP 97361	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME GSI Water Solutions, Inc., Attention: Kimberly Grigsby,		PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd., Suite 240		FAX NO.	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL kgrigsby@gsiws.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
The Applicant is requesting to change the place of use and points of diversion for Certificates 42535 and 89189 for four years. These certificates are currently included in Applicant’s temporary Transfer T-13236. Applicant is seeking to modify the lands to which these rights are transferred through this application. Temporary Transfer T-13236 will be terminated simultaneously with the approval of this transfer application.
Transfer T-13236 has not been used to authorize irrigation during 2020. (The Applicant holds permit for all “to lands” included in Transfer T-13236 and this transfer application that authorize use through June 30 of each year.) Thus the Applicant does not use the transfer until after June 30 of each year.
 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 _____ **Randy Struckmeier, President** _____ Date **4-28-2020**
 Applicant signature _____ Print Name (and Title if applicable) _____ Date _____

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

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

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 N/A	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 N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Polk County	ADDRESS 850 Main Street	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Water Right Certificate # 42535

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Description of Water Delivery System

System capacity: 2.04 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 using a 75 hp pump into a 6-inch aluminum mainline then into 4-inch hoses that distribute water to big guns.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	17	NE	SW	TL 600	1000 feet South and 1,420 feet East from NE corner of DLC 61
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	17	SW	SE	Lot 6	1,980 feet South and 1,670 feet East from NE corner of DLC 61
POD 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	18	SE	SW	Lot 2	2,130 feet South and 4,280 feet West from NE corner of DLC 61
POD 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	20	SW	NW	DLC 63	4,500 feet South from the NE corner, Steeprow DLC 61
PPOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9	S	4	W	29	NE	SW	400	1,000 feet North and 100 feet West from the SE corner of DLC 46

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.

Table 2. Description of Temporary Changes to Water Right Certificate # 42535

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)										PROPOSED (the "to" or "on" 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.										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		
9 S	4 W	17	SW NE	600	43	28.3	Irrigation	POD 4	4/5/1968	9 S	4 W	29	NE SW	300		2.5	Irrigation				
9 S	4 W	17	SE NE	600	43	3.0	Irrigation	POD 4	4/5/1968	9 S	4 W	29	NW SW	300		8.7	Irrigation				
9 S	4 W	17	SE NW	600	43	2.3	Irrigation	POD 4	4/5/1968	9 S	4 W	29	SW SW	300		8.9	Irrigation				
9 S	4 W	17	SE NW	600	Lot 1	1.6	Irrigation	POD 4	4/5/1968	9 S	4 W	29	SW SW	300	GL 3	22.8	Irrigation				
9 S	4 W	17	NE SW	600		4.8	Irrigation	POD 4	4/5/1968	9 S	4 W	29	SE SW	300		3.4	Irrigation				
9 S	4 W	17	SE SW	600	Lot 5	0.7	Irrigation	POD 4	4/5/1968	9 S	4 W	29	SE SW	300	GL 4	6.6	Irrigation				
9 S	4 W	17	NE SE	600		14.1	Irrigation	POD 4	4/5/1968	9 S	4 W	30	SE SE	600	GL 1	6.1	Irrigation	PPOD 1	4/5/1968		
9 S	4 W	17	NW SE	600		34.2	Irrigation	POD 4	4/5/1968	9 S	4 W	30	SE SE	600	DLC 48	2.2	Irrigation				
9 S	4 W	17	SW SE	600	Lot 6	9.4	Irrigation	POD 4	4/5/1968	9 S	4 W	31	NW NE	600	DLC 48	1.7	Irrigation				
9 S	4 W	17	SE SE	600	Lot 7	3.8	Irrigation	POD 4	4/5/1968	9 S	4 W	31	NE NE	600	DLC 48	7.1	Irrigation				
										9 S	4 W	31	NE NE	600	GL 1	17.0	Irrigation				
										9 S	4 W	32	NW NW	300	GL 1	12.6	Irrigation				
										9 S	4 W	32	NE NW	300	GL 1	2.6	Irrigation				
TOTAL ACRES																102.2	TOTAL ACRES				102.2

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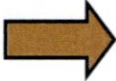
Additional remarks:

Revised 5/13/2019

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: Permit S-54880 is appurtenant to the "TO" lands but has an irrigation season that ends June 30 each year.



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: -N/A

- 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. N/A

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

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Part 5 of 5 – Water Right Information

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Water Right Certificate # 89189

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Description of Water Delivery System

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System capacity: **2.04** cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped using a 75 hp pump into a 6-inch aluminum mainline then into 4-inch hoses that distribute water to big guns.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	20	S W	N W	DLC 63	2,530 feet South and 30 feet East from the NW corner of DLC 63
PPOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9	S	4	W	29	NE	S W	400	1000 feet North and 100 feet West from the SE corner of DLC 46

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 89189

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, 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 (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.								
Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
9	S	4	W	31	NW	NE	DLC 48		POU/POD	9	S	4	W	100	DLC 48	Irrigation		
9	S	4	W	31	SW	NE	DLC 48			9	S	4	W	100	DLC 48	Irrigation		
9	S	4	W	31	SW	NE	GL 3			9	S	4	W	100	GL 3	Irrigation		
9	S	4	W	31	SE	NE	DLC 48			9	S	4	W	100	DLC 48	Irrigation		
9	S	4	W	31	SE	NE	GL 2			9	S	4	W	100	GL 2	Irrigation		
9	S	4	W	31	NE	NE	DLC 48			9	S	4	W	100	DLC 48	Irrigation		
9	S	4	W	31	NW	SE	GL 6			9	S	4	W	100	GL 6	Irrigation		
9	S	4	W	31	NW	SE	DLC 58			9	S	4	W	1000	DLC 58	Irrigation		
9	S	4	W	31	SW	SE	DLC 58			9	S	4	W	1000	DLC 58	Irrigation		
9	S	4	W	31	SE	SE	DLC 58			9	S	4	W	1000	DLC 58	Irrigation		
9	S	4	W	31	NE	SE	DLC 58		9	S	4	W	1000	DLC 58	Irrigation			
9	S	4	W	31	NE	SE	GL 7		9	S	4	W	100	GL 7	Irrigation			
TOTAL ACRES										TOTAL ACRES 126								

Additional remarks: _____

TOTAL ACRES 126
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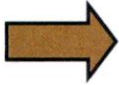
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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **Permit S-54880 and Permit S-54879 are appurtenant to the “TO” lands but have irrigation seasons that end June 30 each year.**



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: -N/A

- 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. N/A

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

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Attachment A

Certificates 42535 and 89189

Application for a Temporary Transfer – Green Springs Farms

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STATE OF OREGON
COUNTY OF POLK

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CERTIFICATE OF WATER RIGHT

This Is to Certify, That PHILLIP D. & DELIA M. SPERLING

of Rt. 1, Box 159, Independence, State of Oregon 97351, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream and Luckiamute River a tributary of Willamette River for the purpose of irrigation of 153.7 acres under Permit No. 33441 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 5, 1968

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.93 cubic feet per second, being 1.28 c.f.s. from unnamed stream and 0.65 c.f.s. from Luckiamute River with any deficiency in the available supply from the unnamed stream to be made up by appropriation from Luckiamute River provided that the total quantity diverted from both sources shall not exceed 1.93 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the unnamed stream-NE $\frac{1}{4}$ SW $\frac{1}{4}$, & Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 17, Luckiamute River-Lot 2 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, & SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Vanderpool DLC 63, Section 20, T. 9 S., R. 4 W., W. M., unnamed stream-1000 ft. South & 1420 ft. East, 1980 ft. South & 1670 ft. East, Luckiamute River-2130*

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Unnamed Stream & Luckiamute River
 28.3 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 3.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 2.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
 As projected within Davis DLC 43
 1.6 acres Lot 1 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
 4.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
 0.7 acre Lot 5 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
 14.1 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 34.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
 9.4 acres Lot 6 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
 3.8 acres Lot 7 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
 Section 17
 T. 9 S., R. 4 W., W. M.

* ft. South & 4280 ft. West, 4500 ft. South, all from NE Corner, Steeprow DLC 61.

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Luckiamute River

5.7 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

As projected within Steeprow DLC 61

10.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

17.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

Both as projected within Davis DLC 43

11.8 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

3.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

1.8 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Steeprow DLC 61

Section 18

T. 9 S., R. 4 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 15 day of September, 1975.

James E. Sexson

Water Resources Director ~~State Engineer~~

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

PHILIP AND DELIA SPERLING
8675 PARKER RD
INDEPENDENCE OR 97351

confirms the right to use the waters of LUCKIAMUTE RIVER, tributary of WILLAMETTE RIVER, for IRRIGATION of 126.0 ACRES.

This right was perfected under Permit S-37832. The date of priority is AUGUST 20, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.58 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	20	SW NW	63	2530 FEET SOUTH & 30 FEET EAST FROM NW CORNER, VANDERPOOL DLC 63

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	17	SW NW	2		0.7
9 S	4 W	WM	17	SE NW	1		8.0
9 S	4 W	WM	17	NE SW			24.0
9 S	4 W	WM	17	NW SW	3		7.8
9 S	4 W	WM	17	SW SW	4		1.2
9 S	4 W	WM	17	SW SW		63	7.0
9 S	4 W	WM	17	SE SW	5		7.1
9 S	4 W	WM	17	SE SW		63	25.0
9 S	4 W	WM	20	NE NW		63	30.4
9 S	4 W	WM	20	NW NW		63	7.5
9 S	4 W	WM	20	SE NW		63	7.3

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

T-8749-cf-45572.klk

Page 1 of 2

Certificate 89189

13467 -

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
9 S	4 W	WM	19	NE NW	1	7120 FEET NORTH AND 1640 FEET EAST FROM SE CORNER, CHAMBERLAIN DLC 42
9 S	4 W	WM	19	SE NE	5	6130 FEET NORTH AND 5220 FEET EAST FROM SE CORNER, CHAMBERLAIN DLC 42
9 S	4 W	WM	20	SW SW	4	3170 FEET NORTH AND 6110 FEET EAST FROM SE CORNER, CHAMBERLAIN DLC 42

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.


Water shall be acquired from the same surface source as the original point of diversion.

The water user shall maintain a fish screen or fish by-pass device.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 15, 2002, at Special Order Volume 56, Page 292, approving Transfer Application 8749, together with Certificate 79471, supercedes Certificate 45572, State record of Water Right Certificates.

Issued MAY 09 2014


 Dwight W. French
 Administrator, Water Right Services, for
 Phillip C. Ward, Director
 Oregon Water Resources Department

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- 89189

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Attachment B
Application Maps

Application for a Temporary Transfer – Green Springs Farms

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Attachment C

Evidence of Use Affidavits

Application for a Temporary Transfer – Green Springs Farms

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

Application for Water Right
Transfer
Evidence of Use Affidavit

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

State of Oregon)
County of POLK) ss

I, Kevin Lehar, in my capacity as Director of Farm Operations & Business Development,
mailing address 8930 SUVER RD. MONMOUTH, OR 97361
telephone number (503) 838-7333, 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 for Certificate 42535 as modified by Temporary Transfer T-12018 (see attached transfer map):

Table with 8 columns: Certificate #, Township, Range, Mer, Sec, 1/4 1/4, Gov't Lot or DLC, Acres (if applicable). Rows list specific land parcels with their respective details.

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)

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be accessible to all relevant parties.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of statistical techniques. Each method has its own strengths and weaknesses, and it is important to choose the most appropriate method for the specific research objectives.

3. The third part of the document describes the process of data analysis. This involves identifying patterns and trends in the data, testing hypotheses, and drawing conclusions. It is important to use appropriate statistical tests and to interpret the results carefully, taking into account the limitations of the data and the methods used.

4. The fourth part of the document discusses the importance of reporting the results of the research. This involves writing a clear and concise report that summarizes the findings and provides a detailed explanation of the methods used and the conclusions drawn. The report should be written in a way that is accessible to a wide range of readers, including those who are not experts in the field.

5. The fifth part of the document discusses the importance of ethical considerations in research. This involves ensuring that the research is conducted in a way that is fair and honest, and that the rights and interests of all participants are protected. It is important to obtain informed consent from all participants and to ensure that the data is kept confidential and secure.

6. The sixth part of the document discusses the importance of peer review in the research process. This involves having the research paper reviewed by other experts in the field, who can provide valuable feedback and help to improve the quality of the research. Peer review is an essential part of the scientific process and helps to ensure that only high-quality research is published.

7. The seventh part of the document discusses the importance of funding in research. This involves identifying potential sources of funding, such as government grants, private industry, and academic institutions. It is important to write a compelling proposal that clearly outlines the research objectives and the methods to be used, and to demonstrate the potential impact of the research.

8. The eighth part of the document discusses the importance of collaboration in research. This involves working with other researchers, both within and outside of your organization, to share ideas and resources. Collaboration can help to accelerate the research process and to produce more innovative and impactful results.

9. The ninth part of the document discusses the importance of staying up-to-date in your field. This involves regularly reading research papers, attending conferences, and participating in professional development activities. It is important to stay current in your field in order to identify new opportunities and to contribute to the advancement of the field.

10. The tenth part of the document discusses the importance of maintaining a good work-life balance. This involves setting boundaries between work and personal life, taking regular breaks, and prioritizing self-care. A good work-life balance is essential for maintaining productivity and preventing burnout.

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.

Francisco Javier Pena
Signature of Affiant

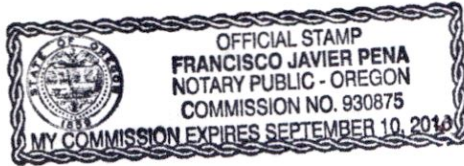
4/28/20
Date

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Signed and sworn to (or affirmed) before me this 28 day of April, 2020.

OWRD



Francisco Javier Pena
Notary Public for Oregon

My Commission Expires: Sep 10/2020

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

13467 -

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
 JUN 12 2020
 OWRD

State of Oregon)
) ss

County of POLK)
 I, Kevin Lehar, in my capacity as Director of Farm Operations & Business Development,
 mailing address 8930 SUVER RD. MONMOUTH, OR 97361
 telephone number (503) 838-7333, 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 # 89189 AS MODIFIED BY TEMPORARY TRANSFER T-12018 (SEE ATTACHED TRANSFER MAP); 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.

Francisco J. Pena
Signature of Affiant

4/28/20
Date

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Signed and sworn to (or affirmed) before me this 28 day of April, 2020.

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Francisco J. Pena
Notary Public for Oregon

Commission Expires: Sep 10 / 2020

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

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**Attachment D
Property Deed**

Application for a Temporary Transfer – Green Springs Farms

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After Recording Return to:

Kami Anderson
First American Title Insurance Company
807 Main Street
Dallas, OR 97338

Grantor's Name and Address:

McKee Properties, L.L.C., an Oregon
limited liability company
ATTN: Bruce McKee, Manager
23350 SW McKee Road
Amity, OR 97101

Grantee's Name and Address:

Wendell P. Sperling and Sherry L. Sperling
8835 Parker Road
Independence, OR 97351

**After Recording, Future Tax Statements
to be Sent to:**

Wendell P. Sperling and Sherry L. Sperling
8835 Parker Road
Independence, OR 97351

Tax Account Nos.: 212625; and 218122

MAP NOS: 09420-00-00300 AND 09417-00-00700

CODE NOS.: 1305 and 1308

Consideration: \$600,000.00

RECORDED IN POLK COUNTY	2018-003728
Valerie Unger, County Clerk	03/28/2018 09:09:54 AM
REC-WD Cnt=1 Str=5 C. PARIS	\$66.00
\$20.00 \$11.00 \$10.00 \$20.00 \$5.00	

FIRST AMERICAN TITLE 2974278

STATUTORY WARRANTY DEED

McKee Properties, L.L.C., an Oregon limited liability company, Grantor, conveys and warrants to, Wendell P. Sperling and Sherry L. Sperling, husband and wife, Grantee, the following described real property:

See EXHIBIT A attached hereto and incorporated herein by this reference.

Subject to easements, conditions and restrictions of record, including the following:

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. 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.
3. 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 Unnamed Creek.

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4. 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 Unnamed Creek 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.

The true and actual consideration paid for this conveyance in dollars is \$600,000.00.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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 27 day of March, 2018.

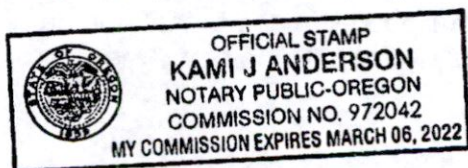
McKee Properties, L.L.C.,
an Oregon limited liability company

Bruce McKee, Manager
Bruce McKee, Manager

Douglas McKee (Manager)
Douglas McKee, Manager

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on March 27, 2018, by Bruce McKee, Manager of McKee Properties, L.L.C., an Oregon limited liability company.



Kami J Anderson
Notary Public for Oregon
My commission expires: 3-6-22

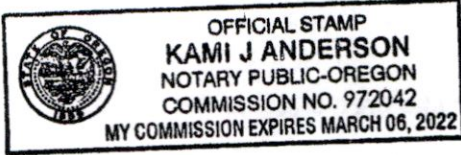
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JUN 12 2020

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STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on March 27th, 2018, by Douglas McKee, Manager of McKee Properties, L.L.C., an Oregon limited liability company.



Kami J Anderson
Notary Public for Oregon
My commission expires: 3-6-22

N:\ATTYMG\LLC\McKee Properties, LLC\2nd Loan to Sperling\Sperling Place\Statutory Warranty Deed.docx

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Exhibit "A"

OWRD

Real property in the County of Polk, State of Oregon, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF THE MEDDERS VANDERPOOL DONATION LAND CLAIM NO. 63, NOTIFICATION NO. 1539, IN TOWNSHIP 9 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN POLK COUNTY, OREGON;
THENCE RUNNING SOUTH 7° WEST 32.81 CHAINS;
THENCE SOUTH 70° EAST 4.30 CHAINS;
THENCE SOUTH 45° EAST 3.00 CHAINS;
THENCE SOUTH 63° EAST 5.00 CHAINS;
THENCE 21-1/2° EAST 8.00 CHAINS TO A STONE;
THENCE NORTH 87° EAST 12.00 CHAINS TO A STONE;
THENCE NORTH ALONG THE RIGHT OF WAY OF THE OREGON AND CALIFORNIA RAILROAD 40.00 CHAINS;
THENCE NORTH 4° WEST 5.00 CHAINS TO THE NORTH LINE OF THE VANDERPOOL DONATION LAND CLAIM;
THENCE WEST 21.23 CHAINS TO THE PLACE OF BEGINNING.

SAVING AND EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY 1.24 ACRES OF LAND DEEDED BY EMANUEL KING AND BERTHA R. KING, HIS WIFE, TO POLK COUNTY, OREGON, ON SEPTEMBER 26, 1913, BY DEED RECORDED OCTOBER 1, 1913, IN VOLUME 57, PAGE 631, OF DEED RECORDS OF POLK COUNTY, OREGON.

ALSO SAVING AND EXCEPTING A STRIP 60 FEET WIDE OFF THE EAST SIDE OF THE ABOVE DESCRIBED LAND, RUNNING PARALLEL WITH THE OREGON AND CALIFORNIA RAILROAD, DEEDED TO POLK COUNTY FOR ROAD PURPOSES.

ALSO SAVE AND EXCEPT THAT PORTION CONVEYED TO POLK COUNTY BY DEED RECORDED SEPTEMBER 23, 1957, IN BOOK 165, PAGE 77, DEED RECORDS OF POLK COUNTY, OREGON.

NOTE: This Legal Description was created prior to January 01, 2008.

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JUN 12 2020

OWRD

Attachment E
Consent to Transfer Affidavits
Application for a Temporary Transfer – Green Springs Farms

13467 -

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



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

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JUN 12 2020

OWRD

State of Oregon)
)ss
County of Polk)

I Sherry Sperling & Wendall Sperling in our capacity as landowner,
mailing address 8835 Parker Rd. Independence, OR 97351,
telephone number 503-838-2704, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 42535
described in a Transfer Application (T-) submitted by Green Spring Farms,
(transfer number, if known)
on the property in tax lot number(s) 600, Section 17, Township 9
South, Range 4 West, W.M., located at _____
(site address)

Wendall Sperling
Signature of Affiant

7-22-19
Date

Sherry Sperling
Signature of Affiant

7 / 22 / 2019
Date

Subscribed and Sworn to before me this 22 day of July, 2019.



[Signature]
Notary Public for Oregon

My commission expires 09/10/19.

13467 -

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



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JUN 12 2020

OWRD

State of Oregon)
)ss
County of Polk)

Sherry & Wendall Sperling
I Phillip Sperling on behalf of Phillip Sperling Living Trust in my capacity as landowner,
mailing address 8675 Parker Road Independence, OR 97351,
telephone number 503-838-2299, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 89189
described in a Transfer Application (T-) submitted by Green Spring Farms,
(transfer number, if known)
on the property in tax lot number(s) 600 & 700, Section 17 & 20, Township 9
South, Range 4 West, W.M., located at _____
(site address)

Wendall B Sperling
Signature of Affiant

7-22-19
Date

Sherry L Sperling
Signature of Affiant

7/22/2019
Date

Subscribed and Sworn to before me this 22 day of July, 2019.



[Signature]
Notary Public for Oregon

My commission expires 9/10/19.

JUN 12 2020

OWRD

WATER RIGHT LEASE CONTRACT

THIS WATER RIGHT LEASE CONTRACT (this "**Amendment**") is by and between VFO Independence, LLC, a Delaware limited liability company ("**Lessee**"), and Wendall and Sherry Sperling ("**Lessor**").

WHEREAS, pursuant to agreements entered into between Lessor and Olsen Agricultural Enterprises, LLC, an Oregon limited liability company ("**OAE**"), Lessor previously temporarily transferred a portion of a water right represented by Certificate 42535 (perfected under Permit S33441) issued by the Oregon Water Resources Department ("**OWRD**"), for the irrigation of 102.2 acres, to OAE;

WHEREAS, pursuant to agreements entered into between Lessor or Lessor's predecessor-in-interest, Lessor or Lessor's predecessor-in-interest previously temporarily transferred the water right represented by Certificate 89189 (perfected under Permit S-37832) issued by OWRD, for the irrigation of 126 acres, to OAE;

WHEREAS, OWRD previously accepted the temporary transfer of Certificates 42535 and 89189 (or portions thereof, as applicable) to OAE under that certain "Final Order Approving Temporary Changes In Place of Use and Points of Diversion in the matter of T-12018" dated May 11, 2015, a copy of which is attached as **Exhibit A** (the "**Final Order**"), which transfers are scheduled to revert to Lessor in 2018 under the terms of the Final Order.

WHEREAS, Lessee is OAE's successor-in-interest and assumed OAE's rights to, and obligations under, the temporary transfers on June 17, 2015.

WHEREAS, Lessee and Lessor desire to enter into a new agreement superseding all prior agreements concerning the above-referenced water rights.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. WATER RIGHT TRANSFER.** Lessor hereby affirms the prior temporary transfer and assignment of the above-described water rights represented by Certificates 89189 and 42535, representing an aggregate 228 acres of water rights (collectively, the "**Water Rights**") to Lessee through 2018, and hereby agrees to extend such temporary transfers through December 31, 2023 (the "**Expiration Date**"). On or prior to the reversion of the prior temporary transfers in 2018 under the Final Order, Lessor hereby agrees to cooperate with Lessee in filing new transfer applications with OWRD to extend of the term of the temporary transfers to December 31, 2023 (the costs of which filing shall be borne by Lessee).
- 2. PAYMENT.** Lessee hereby agrees to remit to Lessor an annual payment of (i) \$17,115 (\$75/acre x 228.2 acres) for years 2017-2021; and (ii) \$18,256 (\$80/acre x 228.2) for years 2022-2023. Payment shall be remitted on February 1 of each year, provided that payment for the year 2017 shall be due on February 17, 2017.
- 3. GOVERNING LAW.** This Agreement will be governed by and in all respects construed in accordance with the laws of the State of Oregon (without regard to conflicts of laws). Venue for any litigation between the parties hereto concerning this Agreement shall lie exclusively in any state or federal court located in Polk County, Oregon.
- 4. ENTIRE AGREEMENT.** This Agreement constitutes the final, complete and exclusive statement between the parties to this Agreement pertaining to the Water Rights and supersedes any other written or

oral agreements or understandings concerning the Water Rights, and is binding on and inures to the benefit of the parties' respective heirs, representatives, successors, and assigns. No party has been induced to enter into this Agreement by, nor is any party relying on, any representation or warranty outside those expressly set forth in this Agreement.

5. AMENDMENT. This Agreement may be modified only in writing, signed by the parties at the time of the modification.

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Lessor and Lessee have executed this Amendment to be effective on the date set forth below.

JUN 12 2020

LESSOR:

LESSEE:

OWRD

Wendell Sperling
Wendall Sperling

VFO Independence, LLC

Date: 2-17-17

By: Tom V. Lathos
Name: Tom Lathos
Title: Authorized Signatory

Sherry A. Sperling
Sherry Sperling

Date: 2/17/17

Date: 2-17-17

Address: 8930 Suver Road
Monmouth, OR 97361

Address: 8835 Parker Road
Independence, OR 97351

- 58461

*Notes from Polk County Planning Division

Portions of the identified properties are located within the regulated 100-year floodplain. Any future structural or non-structural development within the regulated floodplain may require a permit from Polk County to demonstrate compliance with floodplain development standards found in PCZO Chapter 178. Non-structural floodplain development includes mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Portions of the identified properties are located within the Archaeological Resources Significant Resources Area. As required by PCZO 183.060, in the event that archaeological resources are unearthed or discovered during future construction activities, notification shall be made to the Planning Director, the State Historic Preservation Office and the Grand Ronde Indian Tribe and construction shall be halted, for a period of time not to exceed 30 days, until a determination is made as to the location, quantity, quality and significance of the resource per OAR 660-16-000.

Portions of the identified properties contain wetlands that are identified on the National Wetland Inventory (NWI) map. Development within an inventoried wetland may require a permit from the Oregon Department of State Lands. The Luckiamute River is inventoried as a fish bearing stream according Polk County Significant Resource Area (SRA) map. Any development identified in PCZO 182.070(A) or (C) as a conflicting use within the riparian setback area would require a management plan to demonstrate compliance with PCZO 182.040(E). Additional development standards found in PCZO 182.050(B) may also be applicable.

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June 9, 2020

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

Re: Temporary Transfer Application - Green Spring Farms

Dear Mr. Starnes:

Green Spring Farms (Applicant) is seeking to temporarily change the place of use and point of diversion for Certificate 89189 and a portion of Certificate 42535 for three years. The proposed change will allow irrigation of a portion of the Applicant's farm near Independence, Oregon.

The water rights the Applicant is proposing to transfer are currently included in another temporary transfer (Transfer T-13236). The Applicant will terminate Transfer T-13236 simultaneously with the approval of this transfer application.

The Applicant has not irrigated during 2020 using the water rights in Transfer T-13236. The Applicant holds permits for the "to lands" which authorize irrigation through June 30. Accordingly, the transfer is not used until July 1.

Please find enclosed a temporary transfer application and related documents. Also enclosed is the required fee of \$1,596.70.

Please contact me if you have any questions or concerns. My number is 541-257-9004.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly Grigsby". The signature is written in a cursive style.

Kimberly Grigsby
Principal Water Resources Consultant

13467 -

Enclosures: Water Right Transfer Application;
Check in the amount of \$1,596.70