

Application for Permanent Water Right 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 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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Check all items included with this application. (N/A = Not Applicable)

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- 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: 57771**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- 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: ____/____/____

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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.
- 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 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°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Mark A. McKay		PHONE NO. 503.580.7266	ADDITIONAL CONTACT NO.
ADDRESS 5057 BROOKLAKE ROAD NE			FAX NO.
CITY SALEM	STATE OREGON	ZIP 97305	E-MAIL markmckay66@yahoo.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME JEANNE BOATWRIGHT		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS BOATWRIGHT ENGINEERING, INC.			FAX NO.
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL jeanne@boatwrightengr.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:
I purchased a portion of the Ferschweiler ownership with this water right on it. The authorized well is not on the property I purchased. I am requesting an additional POA located on my ownership to supply water for the portion of the right located on my property.

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.

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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).

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



Mark A. McKay
 Applicant signature

Mark A. McKay
 Print Name (and Title if applicable)

May 6, 2021
 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			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

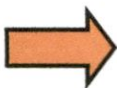
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- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	



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

ENTITY NAME MARION COUNTY	ADDRESS 555 Court Street NE		
CITY SALEM	STATE Oregon	CITY SALEM	

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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 # 57771

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Description of Water Delivery System

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System capacity: **1.62** 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. **75 hp pump, 6' aluminum main, 3" aluminum handlines, rainbird sprinklers and big gun**

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)
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 2584	5	S	2	W	21	NW	NW	51	570' S & 300' W OF SE COR MALVOIS DLC 40
A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 66534 L-122820	5	S	2	W	21	NW	NW	99	580' S & 215' E OF SE COR MALVOIS DLC 40
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- | | |
|--|---|
| <input 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.

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

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

Table 2. Description of Changes to Water Right Certificate # 57771

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)										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				
EXAMPLE																							
2	S	9	E	15	NW	100	Irrigation	POD #1 POD #2	1901	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901		
5	S	2	W	16	SW	300	40	4.8	Irrigation	APOA	5	S	2	W	16	SW	SW	300	40	4.8	Irrigation	A	1975
5	S	2	W	16	SW	300	99	10.8	Irrigation	APOA	5	S	2	W	16	SW	SW	300	99	10.8	Irrigation	A	1975
5	S	2	W	21	NW	300	40	4.4	Irrigation	APOA	5	S	2	W	21	NW	NW	300	40	4.4	Irrigation	A	1975
5	S	2	W	21	NW	300	99	12.0	Irrigation	APOA	5	S	2	W	21	NW	NW	300	99	12.0	Irrigation	A	1975
TOTAL ACRES:										TOTAL ACRES:													
32.0										32.0													

Additional remarks:

GR-3540 (Cert GR-4055) is located on a portion of lands included in Certificate 57771, but it is all contained within Section 20, and no part of it is layered on the area included in this transfer application.

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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: _____.



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 # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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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. 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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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 **Marion**)

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 OWRD

I, **Mark A. McKay**, in my capacity as, **Owner**
 mailing address **5057 Brooklake Road NE, Salem OR 97305**
 telephone number **503.580.7266**, 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	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
57771	5	S	2	W	WM	16	SW	SW	40	4.8
57771	5	S	2	W	WM	16	SW	SW	99	10.8
57771	5	S	2	W	WM	21	NW	NW	40	4.4
57771	5	S	2	W	WM	21	NW	NW	99	12.0
									TOTAL	32.0

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)

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

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.

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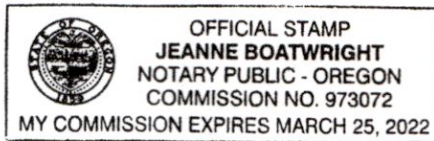
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M. A. D. M. [Signature]
Signature of Affiant

May 6, ~~2021~~ 2021
Date

OWRD

Signed and sworn to (or affirmed) before me this 6th day of May, 2021.



Jeanne Boatwright
Notary Public for Oregon

My Commission Expires: March 25, 2022

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	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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1000 ft

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Google Earth
July 16, 2018

Google Earth



NOTICE TO WATER WELL CONTRACTOR:
The original and first copy
of this report are to be
filed with the

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WATER WELL REPORT

FEB 13 1975

SEP 27 1974

STATE OF OREGON State Well No. 53/2W-21

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

STATE ENGINEER
SALEM, OREGON

STATE ENGINEER
SALEM, OREGON State Permit No. G-7672

(1) OWNER:

Name Cy Ferschweiler
Address Box 253
GRUIS OR

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

CASING INSTALLED:

12" Diam. from +6" to 266 ft. Gage 9250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

PERFORATIONS:

Type of perforator used mills knife Perforated? Yes No.
Size of perforations 3/8 in. by 2 1/2 in.
252 perforations from 120 ft. to 130 ft.
612 perforations from 220 ft. to 245 ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom Schnoeker
Yield: 1200 gal./min. with 58 ft. drawdown after 5 hrs.
NO TEST AT THIS TIME
Baller test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.
perature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal 2 sacks
Brand name of bentonite NATIONAL
Number of pounds of bentonite per 100 gallons
of water 30 lbs./100 gals.
Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County MARION Driller's well number _____
1/4 Section 21 T. 55 R. 2W W.M.
Bearing and distance from section or subdivision corner _____

WELL #2

(11) WATER LEVEL: Completed well.

Depth at which water was first found 93 ft.
Static level 13' 6" ft. below land surface. Date Sept 17
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 12
Depth drilled 260 ft. Depth of completed well 260 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
GREY CLAY	0	23	
GREY SANDY CLAY	23	48	
PACKED SAND	48	55	
BLACK GREY CLAY & SAND	55	74	
BLACK SAND	74	83	
CEMENTED GRAVEL	83	93	
COARSE BLACK SAND	93	98	16
GRAVEL PEAN TAMED	98	105	
GREY CLAY & SAND & GRAVEL	105	115	
GRAVEL & SAND TAMED	115	133	
SANDY GREY BLACK CLAY	133	158	
BLACK SAND	158	162	
STICKY GREY CLAY	162	186	
PACKED BLACK SAND	186	198	
PACKED SAND SOME GRAVEL	198	200	
GREY BLACK CLAY	200	216	
GRAVEL BLACK SAND TAMED	216	247	
BLACK SAND SOME GRAVEL	247	253	
MORNING BLUE GREY CLAY	253	260	

Work started Aug 5 19 74 Completed Sept 17 19 74
Date well drilling machine moved off of well Sept 17 19 74

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Hubert J. Tennell Date Sept 23 19 74
(Drilling Machine Operator)

Drilling Machine Operator's License No. 862

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name Robinson Coda Drilling
(Person, firm or corporation) (Type or print)
Address 4510 DAWSON RD W W SALEM OREG
[Signed] George H. Robinson
(Water Well Contractor)
Contractor's License No. 13 Date Sept 23 19 74

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

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MARI 66534

STATE OF OREGON
WATER SUPPLY WELL REPORT
 (as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 122820
START CARD # 1032449
ORIGINAL LOG #

(1) LAND OWNER Owner Well I.D. 5733
 First Name Mark Last Name Mckay
 Company _____
 Address 19393 French Prairie Rd. NE
 City St. Paul State OR Zip 97137

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
 Dia + From To Gauge Stl Plstc Wld Thrd
 Casing: _____
 Material From To Amt sacks/lbs
 Seal: _____

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

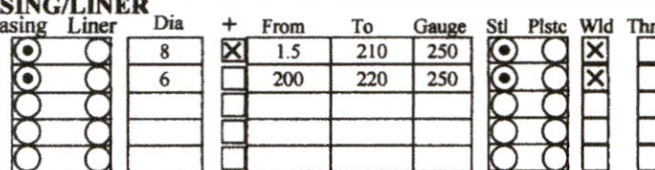
(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
 Depth of Completed Well 240 ft.

BORE HOLE				SEAL			
Dia	From	To	Material	From	To	Amt	lbs
12	0	19	Bentonite	0	34	27	S
8	19	240			Calculated	22	
					Calculated		

How was seal placed: Method A B C D E
 Other poured dry
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
 Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER
 Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd

 Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia 12 From 0 To 19

(7) PERFORATIONS/SCREENS
 Perforations Method Wire
 Screens Type _____ Material stainless

Perf/S	Casing/Screen	Scrn/slot	Slot	# of	Tele/
Screen	Liner	width	length	slots	pipe size
	6	220	240	.3	

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500		239	1

 Temperature 58 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 178

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description) WELL "A"
 County MARION Twp 5 S N/S Range 2 W E/W WM
 Sec 21 NW 1/4 of the NW 1/4 Tax Lot 300
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address
Ferschweiler LN. NE

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	10-10-2016		50

 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 90

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
10-05-2016	90	160	100		50
10-09-2016	170	240	500		50

(11) WELL LOG Ground Elevation _____

Material	From	To
Topsoil	0	2
Brown clay	2	15
Brown silty clay	15	22
Gray silty clay	22	57
Gray clay silty	57	60
Gray sandy clay	60	90
Black sand with small gravel	90	110
Black sand	110	120
Sand with small gravel	120	140
Cemented sand and gravel	140	160
Blue clay	160	170
Black sand	170	175
Heaving sand	175	190
Large gravel	190	220
Sand and gravel	220	240

 6"x8" Packer at 200'
 Date Started 10-04-2016 Completed 10-10-2016

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 License Number 1896 Date 10-13-2016
 Signed Karl Hellet

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 1684 Date 10-13-2016
 Signed _____
 Contact Info (optional) jonadrilling@hotmail.com

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TICOR TITLE

MAIL TAX STATEMENTS TO:
Mark A. McKay
19393 French Prairie Rd NE
St. Paul, OR 97137

AFTER RECORDING RETURN TO:
Douglas C. Alexander, II
c/o Saalfeld Griggs PC
P.O. Box 470
Salem, OR 97308

20060982

STATUTORY WARRANTY DEED

Dean A. McKay and Ann C. McKay, collectively *Grantor*," convey and warrant to *Mark A. McKay*, "*Grantee*," their entire interest in the following described real property free of encumbrances except as specifically set forth herein:

See *Exhibit "A"* attached hereto and by this reference made a part hereof.

Subject to and Excepting:

See *Exhibit "B"* attached hereto and by this reference made a part hereof.

Following this conveyance, this property shall be owned by Mark A. McKay and Mark McKay Farms, Inc. as tenants in common.

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352."

The true and actual consideration paid for this conveyance is Zero Dollars (\$0); however, the consideration for this transfer is the conveyance of other real property as part of a tax-deferred like kind exchange pursuant to IRC Section 1031.

Dated this 10 day of July, 2006.

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EXHIBIT A
Legal Description

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A parcel of land located in all of or portions of the following listed four (4) tracts of land:

- 1) That Ferschweiler Tract described by deed recorded in Volume 694, Page 665 of the Marion County Deed Records, hereinafter referred to as Ferschweiler Tract No.
- 2) That Ferschweiler Tract described by deed recorded in Reel 11, Page 1225 of the Marion County Deed Records, hereinafter referred to as Ferschweiler Tract No.2.
- 3) That Ferschweiler Tract described by deed recorded in Reel 265, Page 1359 of the Marion County Deed Records, hereinafter referred to as Ferschweiler Tract No.3.
- 4) That Ferschweiler Tract described by deed recorded in Volume 558, Page 602 of the Marion County Deed Records, hereinafter referred to as Ferschweiler Tract No.4.

The said parcel is located in Township 5 South, Range 2 West, Willamette Meridian, Marion County, Oregon and is more particularly described as follows:

Beginning at a point on the South line of the Felix Bergevn Donation Land Claim No, 99 in said township and range that is South 81°13' East 2.73 chains from the Southwest corner of said Bergevn Claim, which point being the Southwest corner of said Ferschweiler Tract No.1; thence South 81°13' East along the South of said Bergevn Claim 7.99 chains to the Southeast corner of said Ferschweiler Tract No.1; thence North 08°47' East 13.45 chains to a point on the North line of the G.A. Manning Estate and said point also being the Northeast corner of said Ferschweiler tract No.1; thence North 85° West. along the North line of said Ferschweiler Tract No.1; a distance of 0.2037 chains, more or less, to the Southwest corner of said Ferschweiler Tract No.2; thence North 03°19' East 11.011 chains. more or less, to the Northeast corner of said Ferschweiler Tract No.2, which point also being the most Northerly Southeast corner of said Ferschweiler Tract No.3; thence North 03°19' East 11.9045 chains, more or less, to the Northeast corner of said Ferschweiler Tract No.3; thence North 89°17' West along the North line of said Ferschweiler Tract No.3, a distance of 6.5514 chains to the East line of the Fabian Malvois Donation Land Claim No. 40 in said township and range: thence North 07° East along the East line of said Malvois Claim, 0.87 chains, more or less, to a point that is South 07° West 5.0191 chains from the Northeast corner of said Ferschweiler Tract No.4; thence South 72°35'18" West 1.4958 chains; thence South 65°51'49" West 0.7869 chains; thence South 17°40'59" West 2.3640 chains; thence South 01°15'34" West 2.2528 chains; thence South 18°42'23" West 1.6985 chains; thence South 18°37'44 "West 2.4029 chains; thence South 10°12'30" West 1.2574 chains; thence South 25°01'34" West 1.6389 chains; thence South 38°52'26" West 1.0583 chains; thence South 57°11 '39" West 0.3483 chains; thence South 38°40'17" West 2.1279 chains; thence South 35°25'05' West 4.23 chains; thence South 34°23'29" West 1.9126 chains; thence South 13°48'53" West 5.5786 chains to a point on the South line of said Malvois Claim; thence South 85° East along the South line of said Malvois Claim, 9.1589 chains to the Southeast corner of said Malvois Claim; thence South 08°13' West 10.22 chains to the Point of Beginning.

EXHIBIT B
Exceptions

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Portland General Electric Co.
For: right of way
Dated: May 25, 1951
Recorded: May 29, 1951
Volume: 429 Page: 111
in Marion County, Oregon.

Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
Grantor: Dean A. McKay and Ann McKay, Mark A. McKay and Lisa L. McKay, Dean McKay Farms, Inc. Mark McKay Farms, Inc. and McKay Land Limited Partnership
Trustee: Key Title Company
Beneficiary: The Prudential Insurance Company of America
Amount: \$2,300,000.00
Dated: June 9, 2003
Recorded: June 9, 2003
Reel: 2135 Page: 287
in Marion County, Oregon.

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REEL:2680

PAGE: 167

July 21, 2006, 03:39 pm.

CONTROL #: 172684

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 41.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

13705 -

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that CYRIL AND ANITA FERSCHWEILER, of 5555 FERSCHWEILER LANE NE, GERVAIS, OREGON 97026, has a right to the use of WELL #2 in the EAST CHAMPOEG CREEK BASIN for the purpose of IRRIGATION OF 129.2 ACRES.

The right has been perfected under Permit G-6292. The date of priority is JANUARY 9, 1975. The right is limited to not more than 1.62 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

DLC 51, NW1/4 NW1/4, SECTION 21, T5S, R2W, WM; 570 FEET SOUTH & 300 FEET WEST FROM SE CORNER MALVOIS DLC 40.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right 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, and to which such right is appurtenant, is as follows:

4.8 ACRES SW1/4 SW1/4
AS PROJECTED WITHIN DLC 40

10.8 ACRES SW1/4 SW1/4
AS PROJECTED WITHIN DLC 99
SECTION 16

27.4 ACRES NE1/4 NE1/4
1.7 ACRES NW1/4 NE1/4
15.0 ACRES SE1/4 NE1/4
ALL AS PROJECTED WITHIN DLC 51
SECTION 20

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SEE PAGE TWO

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12.4 ACRES NE1/4 NW1/4
AS PROJECTED WITHIN DLC 99

0.3 ACRE NE1/4 NW1/4
9.8 ACRES NW1/4 NW1/4
BOTH AS PROJECTED WITHIN DLC 51

4.4 ACRES NW1/4 NW1/4
AS PROJECTED WITHIN DLC 40

12.0 ACRES NW1/4 NW1/4
AS PROJECTED WITHIN DLC 99

26.0 ACRES SW1/4 NW1/4
4.6 ACRES SE1/4 NW1/4
BOTH AS PROJECTED WITHIN DLC 51
SECTION 21
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

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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.

WITNESS the signature of the Water Resources Director, affixed this date OCTOBER 10, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57771

G-6779

13705 -