

**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.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: C 40065**
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: 2022 End Year: 2025.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

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

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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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°).

13962

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	\$950.00
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » »	2	\$0.00
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 \$210.00, then enter on line 3	3	\$0.00
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 in the footprint of the place of use for the portions of the rights to be transferred: <u>20.9</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	\$56430
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1006.43
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 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » »	6	\$0.00
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	1006.43

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

*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 ($\times 45\ ac = 0.56\ cfs$).
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 \times 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*).

13962

Part 4 of 5 – Applicant Information and Signature

Applicant Information

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APPLICANT/BUSINESS NAME /Kauer Family Farms, Triple K Farms		PHONE NO. 503.835.1006	ADDITIONAL CONTACT NO.
ADDRESS 7325 SE Amity Dayton Hwy			FAX NO.
CITY Amity	STATE Oregon	ZIP 97309	E-MAIL 7325 SE Amity Dayton Hwy
<p>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</p>			

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

AGENT/BUSINESS NAME Bill Ferber/BK Water Right Consulting		PHONE NO. 503.910.9212	ADDITIONAL CONTACT NO.
ADDRESS PO Box 13434			FAX NO.
CITY Salem	STATE Oregon	ZIP 97309	E-MAIL bill@bkwrc.com
<p>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</p>			

Explain in your own words what you propose to accomplish with this transfer application and why:
 Temporarily Transfer senior water rights to ground planted in a high value crop.
 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

 David Kauer
 Print Name (and Title if applicable)

 3-11-2022
 Date

 Applicant signature

 Print Name (and Title if applicable)

 Date

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

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

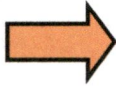
13962

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Yamhill County	ADDRESS 525 NE 4th Street	
CITY McMinnville	STATE Oregon	ZIP 97128

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 40065

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Description of Water Delivery System

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System capacity: _____ cubic feet per second (cfs) **OR**
>375 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. **Diesel portable pump delivers irrigation water to above ground mainline which delivers water to a big gun irrigation system**

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)
Div. Pt. #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	4	W	34	SE	NE	57	5040' North and 3090' West from SE CORNER, DLC 64
APOD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	S	4	W	35	SE	N W	67	550' North and 1940' East from the SW Corner, Lot 3 (SW NW), Section 35
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

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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 Temporary Changes to Water Right Certificate # 40065

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

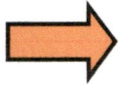
AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100			15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	S	4	W	34	SW	NE	700	57	4.9	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	NE	SW	500	67	1.6	Irrigation	APOD	1964	
4	S	4	W	34	SW	NE	700	6	7.2	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	NW	SE	500	67	5.3	Irrigation	APOD	1964	
4	S	4	W	34	SE	NW	700	7	0.7	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	SE	SW	500	67	9.1	Irrigation	APOD	1964	
4	S	4	W	34	SE	NE	700	5	0.4	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	SW	SE	500	67	4.9	Irrigation	APOD	1964	
4	S	4	W	34	NE	SW	700	2	1.0	Irrigation	Div. Pt. #1	1964	APOD	4	S	4	W	35	SE	NW		67	----	Irrigation	APOD	1964	
4	S	4	W	34	NW	SE	700	3	6.3	Irrigation	Div. Pt. #1	1964															
4	S	4	W	34	NE	SE	700	4	0.4	Irrigation	Div. Pt. #1	1964															
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											MAR 31 2022																
											OWRD																
TOTAL ACRES											20.9	TOTAL ACRES											20.9				

Additional remarks: _____

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: TO Lands: C 51060. At this time this water right will not be moved or used for the duration of the Temporary Transfer.



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

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

- Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department’s web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? Yes No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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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 YAMHILL)

I, David Kauer, in my capacity as CO-OWNER OF KAUER FAMILY FARMS, TRIPLE K FARMS,
 mailing address 7325 SE AMITY DAYTON HWY
 telephone number (503)835.1006, being first duly sworn depose and say:

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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 # 40065; **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)

13962

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.

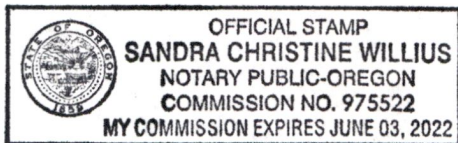
David Kamm
Signature of Affiant

3-11-2022
Date

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Signed and sworn to (or affirmed) before me this 11th day of March, 2022.

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Sandra Willius
Notary Public for Oregon

My Commission Expires: June 03, 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 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.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13962

Pennington Seed Proprietary Final Payment

02/18/2022

KAUER FAMILY FARMS LLC
7145 SE AMITY DAYTON HWY
AMITY OR 97101

Vendor #: 1017247

Rebel V

Payment Amt: 663,432.48

Contract: **3428** Crop Year: **2021**
 Contract Pounds: 985,000
 Contract Price/Cwt: 125.00
 Contract Value: 1,231,250.00
 Payments to Date: 663,432.48

Payment Plan

Pmt Date	Paid Date	Plan %	Est. Pounds	Actual Pmt	Pmt Adj.	Comment
01/15/2022	02/23/2022	100.00%	532,000	663,432.48		Payment is based on 532,000# clean seed

Purchase Order Details

PO / Item	Variety Seed Lot	Pounds	Price/Cwt	Comm	Testing	Other	Adj Price
4500889946/1 0	REBEL V Y28-21-TF52	52,500	125.00	-229.69	76.00		65,471.31
4500889946/2 0	REBEL V Y28-21-TF53	52,500	125.00	-229.69	76.00		65,471.31
4500889946/3 0	REBEL V Y28-21-TF54	52,500	125.00	-229.69	76.00		65,471.31
4500889946/4 0	REBEL V Y28-21-TF51	52,500	125.00	-229.69	76.00		65,471.31
4500889946/5 0	REBEL V Y28-21-TF56	52,500	125.00	-229.69	76.00		65,471.31
4500889946/6 0	REBEL V Y28-21-TF60	56,000	125.00	-245.00	76.00		69,831.00
4500889946/7 0	REBEL V Y28-21-TF55	52,500	125.00	-229.69	76.00		65,471.31
4500889946/8 0	REBEL V Y28-21-TF57	52,500	125.00	-229.69	76.00		65,471.31
4500889946/9 0	REBEL V Y28-21-TF58	52,500	125.00	-229.69	76.00		65,471.31
4500889946/1 00	REBEL V Y28-21-TF59	56,000	125.00	-245.00	76.00		69,831.00
Total		532,000		-2,327.52	760.00		663,432.48

Purchase Order Inbounds

Variety	Pounds
REBEL V	532,000
Total	532,000

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MAR 31 2022

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Pennington Seed Proprietary Payment #1

09/28/2021

KAUER FAMILY FARMS LLC
7145 SE AMITY DAYTON HWY
AMITY OR 97101

Vendor #: 1017247
PENNINGTON ATF1376

Payment Amt: **191,402.48**
Contract: **3427** Crop Year: **2021**
Contract Pounds: 925,000
Contract Price/Cwt: 125.00
Contract Value: 1,156,250.00
Payments to Date: 191,402.48

Payment Plan

Pmt Date	Paid Date	Plan %	Est. Pounds	Actual Pmt	Pmt Adj.	Comment
10/15/2021	10/06/2021	33.00 %	464,006	191,402.48		Payment is based upon 464,006# estimated clean weight, which is 50.16% of contract. 50.16% x 33% = 16.55%. Any discrepancies will be adjusted on remaining payments.
01/15/2022		67.00 %				

Purchase Order Details

PO / Item	Variety	Seed Lot	Pounds	Price/Cwt	Comm	Testing	Other	Adj Price
Total								

Purchase Order Inbounds

Variety	Pounds
Total	

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Pennington Seed Out of State Resale Certificate

Printed 2/23/2021

Pennington Seed, Inc.
 270 Hansard Ave.
 Lebanon, OR 97355
 Federal Tax ID Number: 58-2394553

Purchase Value **\$657,869.64**
 Approximation Ratio for In-State Sales: **2.076%**
** Approximation Ratio is based upon 2020 commercial activity.*
 Estimated dollar amount of
 purchased property to be used
 outside of Oregon: **\$644,212.27**

Pennington Seed, Inc. is a wholesaler as that term is defined in Oregon Laws 2019, chapter 122, section 58(20), as amended by Oregon Laws 2019, chapter 579, section 50.



Terri Burr
 Field Department Production Manager

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Kauer Family Farms LLC

7325 Amity Dayton Highway
 AMITY OR 97101-
 Phone

Payment Date:

OWRD

Contract year: **2020**

Contract #: **3323**

Lots Received

Inning	Date	Lot	Variety	Pounds	Bags	Price	Total Adj	Comm	Testing	Adj Price
139549	12/23/2020	Y28-20-TF70	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139548	12/23/2020	Y28-20-TF71	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139545	12/23/2020	Y28-20-TF74	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139547	12/23/2020	Y28-20-TF75	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139550	12/23/2020	Y28-20-TF76	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139540	1/13/2021	Y28-20-TF68	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139546	1/13/2021	Y28-20-TF69	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139536	1/13/2021	Y28-20-TF72	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139539	1/13/2021	Y28-20-TF73	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139642	1/13/2021	Y28-20-TF77	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139634	1/13/2021	Y28-20-TF78	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139635	1/13/2021	Y28-20-TF79	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139643	1/13/2021	Y28-20-TF80	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139636	1/13/2021	Y28-20-TF81	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139637	1/13/2021	Y28-20-TF82	Rebel V (ATF1736)	40,250	805	\$80.00	\$0.00	(\$112.70)	\$76.00	\$32,163.30
139644	1/14/2021	Y28-20-TF83	Rebel V (ATF1736)	48,450	969	\$80.00	\$0.00	(\$135.66)	\$76.00	\$38,700.34
				823,700			\$0.00	(\$2,306.36)	\$1,216.00	\$657,869.64

13962



(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # 2313040000

Service Address:
KAUER FARMS
ON STOCKHOFF RD
AMITY, OR 97101

Previous Amount Due 2,021.64
Adjustments 2,021.64 CR
Balance Forward 0.00
Current Charges 1,378.84

Cycle: 09

AMOUNT DUE \$1,378.84
Due date for current bill 08/31/21

This month's charges (Turn over for details)

Meter # 31013755AB, Schedule 49	
Energy Charges (8921 kWh)	1,275.10
Adjustments	52.81
	<hr/>
	1,327.91
Other Charges/Credits	5.92
Total Taxes and Fees	45.01
	<hr/>
Current Energy Charges	1,378.84

This is a corrected bill.

If you've already paid the balance forward amount, please subtract that from the total amount due when submitting your payment.

Your energy use

Meter # 31013755AB (Estimated)	
Schedule 49	
Service Period	Meter Reading
07/14/21	75616 (Estimated)
06/14/21	66695 (Estimated)
30 days of service	8921 kWh

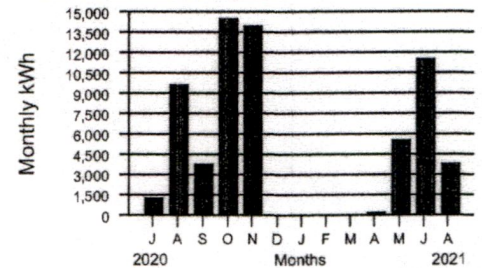
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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2021	70	3866	1,378.84
Jul 2020	69	1297	1,416.19

*Temperature source: McMinnville Municipal Airport



13962



(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # 2313040000

Previous Amount Due 1,378.84
Balance Forward 1,378.84
Current Charges 645.62

Service Address:
KAUER FARMS
ON STOCKHOFF RD
AMITY, OR 97101

Cycle: 09

AMOUNT DUE \$2,024.46
Due date for current bill 08/31/21

This month's charges (Turn over for details)

Meter # 31013755AB, Schedule 49	
Energy Charges (3866 kWh)	599.05
Adjustments	22.89
	<hr/>
	621.94
Other Charges/Credits	2.77
Total Taxes and Fees	20.91
	<hr/>
Current Energy Charges	645.62

If you've already paid the balance forward amount, please subtract that from the total amount due when submitting your payment.

Your energy use

Meter # 31013755AB	
Schedule 49	
Service Period	Meter Reading
08/12/21	79482
07/14/21	75616 (Estimated)
<hr/>	
29 days of service	3866 kWh

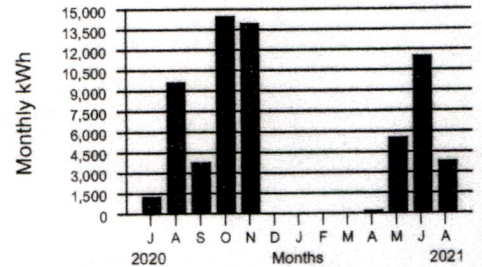
RECEIVED

MAR 31 2022

OWRD

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2021	71	3866	645.62
Jul 2020	69	1297	1,416.19

*Temperature source: McMinnville Municipal Airport



13962



(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # 5735410000

Previous Amount Due 306.97 CR
Balance Forward 306.97 CR
Current Charges 1,577.16

Service Address:
KAUER FARMS
10120 SE STOCKHOFF RD
AMITY, OR 97101-2108

Cycle: 09

AMOUNT DUE \$1,270.19
Due date for current bill 09/29/21

This month's charges (Turn over for details)

Meter # 31060684AB, Schedule 49	
Energy Charges (10217 kWh)	1,458.42
Adjustments	60.48
	<u>1,518.90</u>
Other Charges/Credits	6.77
Total Taxes and Fees	<u>51.49</u>
Current Energy Charges	<u>1,577.16</u>

Your energy use

Meter # 31060684AB	
Schedule 49	
Service Period	Meter Reading
09/13/21	37006
08/12/21	26789
32 days of service	10217 kWh

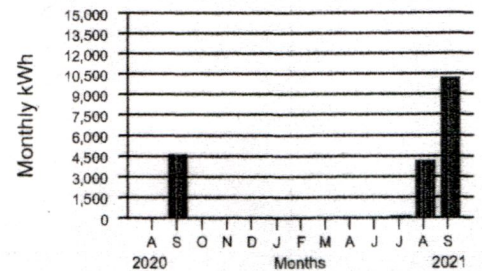
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MAR 31 2022

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Sep 2021	67	10217	1,577.16
Aug 2020	68	0	878.14

*Temperature source: McMinnville Municipal Airport



13962

KA

FILM 106 PAGE 1749



KNOW ALL MEN BY THESE PRESENTS, That R. M. ENGLE and RENA ENGLE, husband and wife,

in consideration of Ten and no/100 - - - - - Dollars,

to them paid by RAYMOND C. KAUER and BARBARA M. KAUER, husband and wife,

do hereby grant, bargain, sell and convey unto the said grantee S., their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Yamhill and State of Oregon, bounded and described as follows: to-wit:

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MAY 17 2018

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FILM 106 PAGE 1750

To Have and to Hold the above described and granted premises unto the said grantee S., their heirs and assigns forever.

And the grantor S. do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, as of April 1, 1963, excepting easement shown in Book 117, Page 614, Deed Records also easement shown in 187, Page 149, Deed Records; also mortgage shown in Book 151, page 644 Mortgage Records,

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand S and seal S this April 19 63

R. M. Engle (SEAL)

Rena Engle (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,

County of Yamhill

ss.

On this April 19 63,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named R. M. ENGLE and RENA ENGLE, husband and wife,

who are

known to me to be the identical individual S. described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Kathryn G. Hansen

Notary Public for Oregon.

My commission expires Oct 16, 1965



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MAR 31 2022

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MAY 17 2018

OWRD

FILM 105 PAGE 1750

OWRD

To Have and to Hold the above described and granted premises unto the said grantee S., their heirs and assigns forever.

And the grantor S. do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, as of April 1, 1963, excepting easement shown in Book 117, Page 614, Deed Records also easement shown in 187, Page 149, Deed Records; also mortgage shown in Book 151, page 644 Mortgage Records, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand S. and seal S. this April 19 63

R. M. Engle (SEAL)

Rena Engle (SEAL)

(SEAL)

STATE OF OREGON,

County of Yamhill

ss.

On this April 19 63,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named R. M. ENGLE and RENA ENGLE, husband and wife,

who are

known to me to be the identical individual S. described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]

Notary Public for Oregon.

My commission expires Feb 16 1965

STATE OF OREGON,

County of Yamhill

ss.

I certify that the within instrument was received for record on the day of April 19 63, at 10:06 o'clock A.M., and recorded in book 106 on page 1749. Record of Deeds of said County.

Witness my hand and seal of County affixed.

WANDA CATT, COUNTY CLERK

County Clerk—Recorder.

By [Signature] 13962 Deputy.

WARRANTY DEED

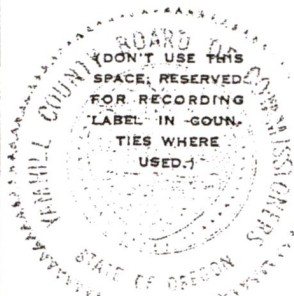
R. M. ENGLE, et ux

TO

RAYMOND C. KAUER, et ux

AFTER RECORDING RETURN TO

36646



DOCKET No.

1-1-74

WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, That RENA ENGLE, widow of R.M. Engle, deceased,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by RAYMOND G. KAUER and BARBARA M. KAUER, as equal tenants in common and not as tenants by the entire, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

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PARCEL 1. Commencing at the Southeast corner of the Richard Booth Donation Land Claim No. 57 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence West on the South boundary of same, 23.50 chains to corner of said Booth DLC, and Cyrus B. Hawley Donation Land Claim #67; thence South 23° 30' East on the West boundary of said Cyrus B. Hawley's Claim, 34.11 chains to a point; thence South 45-1/2° West, 26.00 chains; thence North 23° 30' West 61.50 chains to the south fork of the Yamhill River; thence downstream with the meanders of said river to its intersection of the boundary line between the Donation Land Claim of said Booth and Hawley; thence South 17° 30' West on said boundary line to the place of beginning.

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MAR 31 2022

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PARCEL 2. Commencing at a point in the Jane Armstrong Donation Land Claim Nos. 72 and 61 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said point being described as situated 13.14 chains North and 57.31 chains East of the Quarter Section corner on line between Sections 3 and 4, Township 5 South, Range 4 West of the Willamette Meridian; thence North 23° 30' West, 67.50 chains to the South Fork of the Yamhill River; thence downstream with the meanderings of said river to a point being the Northwest corner of Parcel #1 as described above; thence South 23° 30' East, 61.50 chains to the Southwest corner of said Parcel #1 as described above; thence South 45° 30' West 24.00 chains to the place of beginning.

PARCEL 3. Commencing on the East boundary line of the Donation Land Claim of Henry Hyde Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, South 18° 30' East, 4.30 chains from the Northeast corner of said Donation Land Claim; thence North 18° 30' West 4.30 chains to the Northeast corner of said Donation Land Claim; thence North 87° 30' West on the North boundary of same, 4.50 chains; thence North 7.00 chains to the South boundary of Ephraim Ford's Donation Land Claim; thence East 23.70 chains to the Southeast corner of said claim; thence North 12° West, 18 chains to the South fork of the Yamhill River, thence with the meanders of said river downstream to a point being the Northwest corner of Parcel #2 as described above; thence South 23° 30' East, 34.75 chains, thence West 58.00 chains to the place of beginning.

EXCEPT that portion thereof included within the boundaries of Lot 8 of Section 33, Township 4 South, Range 4 West of the Willamette Meridian.

PARCEL 4. Beginning at a point on the East boundary of Henry Hyde's Donation Land Claim Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon at a point South 18° 30' East 4.30 chains from the Northeast corner of said claim; thence South 18° 30' East, 19.00 chains; thence East 59.45 chains to the West boundary of Lot 2 as described above; thence North 23° 30' West 19.56 chains; thence West 58 chains to the place of beginning.

PARCEL 5. Commencing at a point on the East boundary of Henry Hyde's Donation Land Claim Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, 8.00 chains North 16° West from the Quarter Section corner on line between Sections 3 and 4, Township 5 South, Range 4 West of the Willamette Meridian; thence North 84° 30' East, 60.00 chains to the Southwest corner of Lot 2 as described above; thence North 23° 30' West 13.10 chains; thence West 59.45 chains to the East boundary line of said Hyde's Donation Land Claim; thence South 18° 30' East, 5.30 chains; thence South 16° East 13.60 chains to the place of beginning.

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MAR 31 2022

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MAY 17 2018

as hereinabove limited,

OWRD

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances as of April 1, 1963, subject to mortgage to Federal Land Bank of Spokane, recorded in Book 151, Page 644, Yamhill County Mortgage Records, which mortgage and balance thereon grantees assume and agree to pay,

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$130,000.00

However, the actual consideration consists of or includes either property or value given or promised which is part of the consideration (indicate which) (The language between the symbols is not applicable, should be deleted. See ORS 92.030)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 26 day of February, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Rena Engle
Rena Engle

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Yamhill, 26 February, 1975 ss.

STATE OF OREGON, County of ss. 19

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Personally appeared the above named RENA ENGLE, and acknowledged the foregoing instrument to be her voluntary act and deed.

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed. Before me:

Before me: James H. Stenard Notary Public for Oregon My commission expires Aug 4, 1975

Notary Public for Oregon My commission expires: (OFFICIAL SEAL)

RENA ENGLE
GRANTOR'S NAME AND ADDRESS
RAYMOND C. & BARBARA H. KAUER
Rt. 1, Box 372
Amity, Oregon 97101
GRANTEE'S NAME AND ADDRESS
RAYMOND C. & BARBARA H. KAUER
Rt. 1, Box 372
Amity, Oregon 97101
NAME, ADDRESS, ZIP

STATE OF OREGON, County of ss.
I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book on page or as file/reel number, Record of Deeds of said county.
Witness my hand and seal of County affixed.
Recording Officer
By Deputy

13962

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13624, Yamhill County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

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

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

Applicant

DAVE KAUER/KAUER FAMILY FARMS, TRIPLE K FARMS
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Findings of Fact

1. On February 16, 2021, DAVE KAUER/KAUER FAMILY FARMS, TRIPLE K FARMS filed an application to temporarily change the place of use under Certificate 40065 for a period of 5 years. The Department assigned the application number T-13624.
2. Notice of the application for transfer was published on March 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be temporarily transferred is as follows:

Certificate: 40065 in the name of RAYMOND C. KAUER (perfected under Permit S-29408)
Use: IRRIGATION of 50.0 ACRES
Priority Date: FEBRUARY 21, 1964
Rate: 0.54 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre

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

irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: SOUTH FORK YAMHILL RIVER a tributary of YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	4 W	WM	34	SE NE		57	5040 FEET NORTH AND 3090 FEET WEST FROM THE SE CORNER OF DLC 64

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	34	SW NE		57	4.9
4 S	4 W	WM	34	SW NE	6		7.2
4 S	4 W	WM	34	SE NE	5		0.3
4 S	4 W	WM	34	SE NW	7		0.7
4 S	4 W	WM	34	NE SW	2		5.4
4 S	4 W	WM	34	NE SE	4		0.5
4 S	4 W	WM	34	NW SE		72	0.4
4 S	4 W	WM	34	NW SE	3		30.6
						Total	50.0

- Temporary Transfer Application T-13624 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	4 W	WM	35	NE SW	67	4.2
4 S	4 W	WM	35	NW SW	67	24.2
4 S	4 W	WM	35	SW SW	67	9.3
4 S	4 W	WM	35	SE SW	67	12.3
					Total	50.0

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS

540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

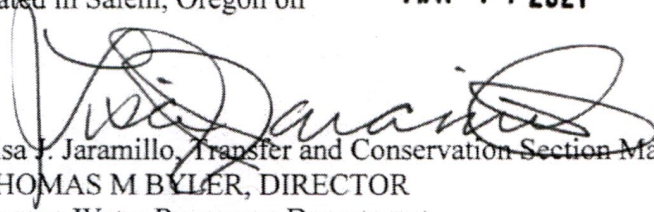
Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13624 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13624 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 40065 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 40065.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificates 40065 shall continue to be in accordance with the terms and conditions of Certificate 40065.

Dated in Salem, Oregon on **MAY 11 2021**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

MAY 12 2021

Mailing Date:

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13454, Yamhill County)	TEMPORARY CHANGE IN PLACE OF
)	USE AND ADDITIONAL POINT OF
)	DIVERSION

Authority

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

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

Applicant

KAUER FAMILY FARMS, TRIPLE K FARMS
ATTN: DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Findings of Fact

1. On June 9, 2020, KAUER FAMILY FARMS, TRIPLE K FARMS, ATTN: DAVE KAUER filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 40065 for a period of 5 years. The Department assigned the application number T-13454.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:
Certificate: 40065 in the name of RAYMOND C. KAUER (perfected under Permit S-29408)
Use: IRRIGATION of 126.8 ACRES
Priority Date: FEBRUARY 21, 1964
Rate: 1.38 CUBIC FEET PER SECOND

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

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

Source: SOUTH FORK YAMHILL RIVER a tributary of YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	4 W	WM	34	SE NE		57	NO. 1 - 5040 FEET NORTH AND 3090 FEET WEST FROM THE SE CORNER OF ARMSTRONG DLC 64
4 S	4 W	WM	34	NW SW	1		NO. 2 - 3750 FEET NORTH AND 6380 FEET WEST FROM THE SE CORNER OF ARMSTRONG DLC 64

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	33	NE SE	1		0.3
4 S	4 W	WM	33	SE SE	8		3.0
4 S	4 W	WM	33	SE SE		72	14.6
4 S	4 W	WM	34	NW SW	1		0.2
4 S	4 W	WM	34	SW SW	1		0.7
4 S	4 W	WM	34	SW SW		72	27.3
4 S	4 W	WM	34	SE SW		72	7.6
5 S	4 W	WM	3	NE NW		64	7.8
5 S	4 W	WM	3	NW NW	4		3.6
5 S	4 W	WM	3	NW NW		64	23.6
5 S	4 W	WM	3	SW NW		64	0.8
5 S	4 W	WM	3	SW NW		64	19.6
5 S	4 W	WM	3	SE NW		64	0.3
5 S	4 W	WM	4	NE NE	1		1.6
5 S	4 W	WM	4	NE NE		64	10.1
5 S	4 W	WM	4	SE NE	1		5.7
						Total	126.8

4. Temporary Transfer Application T-13454 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	
4 S	4 W	WM	28	NW SW	73	9.6	
4 S	4 W	WM	28	SW SW	73	28.9	
4 S	4 W	WM	29	NE SE	73	3.6	
4 S	4 W	WM	29	SE SE	73	36.1	
4 S	4 W	WM	32	NE NE	58	30.5	
4 S	4 W	WM	32	SE SE	58	0.6	
4 S	4 W	WM	33	NW NW	73	17.5	
						Total	126.8

- An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13454 proposes to move the authorized point of diversion approximately 1.4 miles:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	28	NW SE	83	560 FEET SOUTH AND 1720 FEET WEST FROM THE E1/4 CORNER OF SECTION 28

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

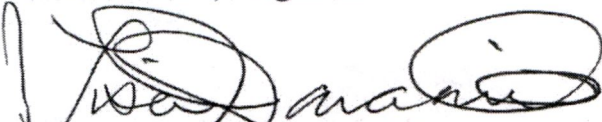
The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13454 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13454 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2020, 2021, 2022, 2023 and 2024 irrigation seasons.
- The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
- The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
- A subsequent application for permanent transfer of Certificate 40065 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 40054.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 40065 shall continue to be in accordance with the terms and conditions of Certificate 40065.

Dated in Salem, Oregon on **NOV 09 2020**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **NOV 10 2020**

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RAYMOND C. KAUER**

of **Route 1, Box 372, Asity**, State of **Oregon 97101**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **South Fork Yamhill River** a tributary of **Yamhill River** for the purpose of **irrigation of 427.1 acres** under Permit No. **29408** 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 **February 21, 1964**

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 **4.65 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **No. 1 - SE $\frac{1}{4}$ NE $\frac{1}{4}$** , as projected within **Booth DLC 57, No. 2 - Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)**, Section 34, T. 4 S., R. 4 W., W. M., No. 1 - 5040 feet North and 3090 feet West, No. 2 - 3750 feet North and 6380 feet West, both from SE Corner, **Armstrong DLC 64.**

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:

**0.3 acre Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
3.0 acres Lot 8 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
14.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within **Armstrong DLC 72**
Section 33
T. 4 S., R. 4 W., W. M.**

4.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
As projected within Boothe DLC 57
7.2 acres Lot 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
3.3 acres Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
0.7 acre Lot 7 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
14.3 acres Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
0.1 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within Armstrong DLC 72
0.2 acre Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
0.7 acre Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
27.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
26.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Both as projected within Armstrong DLC 72
25.9 acres Lot 4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
10.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
0.4 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
Both as projected within Armstrong DLC 72
30.6 acres Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
32.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
28.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Both as projected within Armstrong DLC 72
Section 34

0.1 acre Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
4.8 acres Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
5.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
13.7 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Both as projected within Armstrong DLC 72
Section 35
T. 4 S., R. 4 W., W. M.

19.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
30.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
13.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
25.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
26.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
All as projected within Armstrong DLC 64
3.6 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
19.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
1.0 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
13.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Both as projected within Armstrong DLC 64
Section 3

10.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
As projected within Armstrong DLC 64
1.6 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
5.7 acres Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 4
T. 5 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 28 day of March, 19 74

Chris L. Wheeler
State Engineer