

**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

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

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- 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. **The application fee of \$1017.23 is enclosed.**
- 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: Certificate 32343 (Attachment A)**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2025.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

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

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

Explain in your own words what you propose to accomplish with this transfer application and why:
The Applicant is requesting to temporarily change the place of use and points of diversion for a 24.9-acre portion of Certificate 32343. This certificate is currently included in the Applicant’s temporary transfer T-13815. The Applicant has requested that OWRD terminate the 24.9-acre portion of T-13815 that changed the portion of Certificate 32343 included in this transfer. (This portion of Transfer T-13815 has not been used to authorize irrigation during the 2023 irrigation season.)

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

Kevin Lehar, General Manager
 Print Name (and Title if applicable)

7/25/23
 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 **See Attachment E – Consent to Transfer**

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

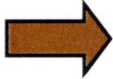
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

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

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 # 32343

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Description of Water Delivery System

System capacity: 1.14 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
M3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	5	W	19	NW	SW	600	None provided in certificate
M2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	6	W	24	SE	SE	700	None provided in certificate
M1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	6	W	24	NW	SE	Lot 3	None provided in certificate
Proposed POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9	S	4	W	27	SE	SW	DLC 67	20 feet North and 700 feet West from the South ¼ corner of Section 27

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): N/A

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 32343

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 M1, M2, M3	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
9	S	6	W	25	NW	NE	400	GL 1	19.8	Irrigation	M1, M2, M3	1/18/63	POU/POD	9	S	4	W	27	SE	NW	400		9.5	Irrigation	Proposed POD	1/18/63
9	S	6	W	25	NE	NE	400	GL 1	5.1	Irrigation	M1, M2, M3	1/18/63		9	S	4	W	27	SW	NE	400		1.4	Irrigation	Proposed POD	1/18/63
														9	S	4	W	27	NW	SE	400		12.5	Irrigation	Proposed POD	1/18/63
														9	S	4	W	27	SW	SE	400		1.5	Irrigation	Proposed POD	1/18/63
TOTAL ACRES									24.9	TOTAL ACRES												24.9				

Additional remarks: The Applicant is requesting to temporarily change the place of use and points of diversion for a 24.9-acre portion of Certificate 32343. This certificate is currently included in the Applicant's temporary transfer T-13815. The Applicant has requested that OWRD terminate the 24.9-acre portion of T-13815 that changed the portion of Certificate 32343 included in this transfer. (This portion of Transfer T-13815 has not been used to authorize irrigation during the 2023 irrigation season.)

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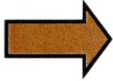
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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: _____



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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Attachment A

Certificates 32343

Application for a Temporary Transfer – Green Spring Farms

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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That V. L. MATHANY

of Route 1, Box 225, Marmouth, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Big Lucklamute River

a tributary of Willamette River for the purpose of irrigation of 91.3 acres

under Permit No. 28593 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 January 18, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.14 cubic feet 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 NW 1/4 SW 1/4, Section 19, T. 9 S., R. 5 W., W. M.; SE 1/4 SE 1/4 and Lot 3 (NW 1/4 SE 1/4) Section 24, T. 9 S., R. 6 W., W. M.

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 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:

- 20.4 acres NE 1/4 NE 1/4
- 18.5 acres Lot 1 (NW 1/4 NE 1/4)
- Section 25
- T. 9 S., R. 6 W., W. M.

- 11.4 acres NE 1/4 NW 1/4
- 38.0 acres NW 1/4 NW 1/4
- Section 30
- T. 9 S., R. 5 W., W. M.

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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 date. August 9, 1965

CHRIS L. WHEELER

State Engineer

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Attachment B

Temporary Transfer Application Maps

Application for a Temporary Transfer – Green Spring Farms

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Attachment C

Evidence of Use Affidavit

Application for a Temporary Transfer – Green Spring Farms

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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 POLK)

I, KEVIN LEHAR, in my capacity as GENERAL MANAGER, Green Spring Farms
 mailing address 8930 SUVER ROAD, MONMOUTH, OR, 97361
 telephone number (503) 838-7333, 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 # 32343 AS MODIFIED BY TEMPORARY TRANSFER T-13815; **OR**

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

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

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

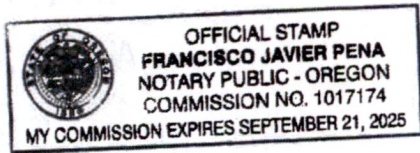
(continues on reverse side)

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

Francisco Javier Pena
Signature of Affiant

7/25/23
Date

Signed and sworn to (or affirmed) before me this 25 day of July, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: 09/21/2023

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

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Aerial Imagery Certificate 32343 - April 8, 2021. Source: ESRI Wayback Living Atlas.



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Attachment D

Recorded Deed for Current Place of Use
Application for a Temporary Transfer - Green Spring Farms

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RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2017-001478 02/06/2017 11:54:59 AM
REC-WD Cnt=1 Str=0 C. PARIS \$20.00 \$11.00 \$10.00 \$20.00 \$5.00	\$66.00

STATUTORY WARRANTY DEED

**UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO:**

Mathany Family Farms, LLC
11600 Staats Road
Monmouth, OR 97361

**AFTER RECORDING,
RETURN TO:**

Con P. Lynch, Attorneys at Law, PC
841 Saginaw St. S.
Salem, OR 97302

JULE A. MATHANY and ALLAN R. MATHANY, Trustees, or their successors in trust, under the JULE A. MATHANY LIVING TRUST, dated January 16, 2002, and any amendments thereto, Grantor, conveys and warrants to MATHANY FAMILY FARMS, LLC, an Oregon Limited Liability Company, Grantee, all right, title and interest in the real property owned by Grantor, located in Polk County, Oregon, and described as follows:

See the legal description attached hereto as Exhibit A and by this reference incorporated herein.

SUBJECT TO: All liens and encumbrances of record or apparent on the property by inspection.

The true and actual consideration for this conveyance consists of or includes other property or value given as provided which is the whole consideration.

The liability and obligations of Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to Grantee at the time Grantor acquired such property. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

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BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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JULE A. MATHANY LIVING TRUST dated January 16, 2002, and any amendments thereto

DATED: February 6, 2017

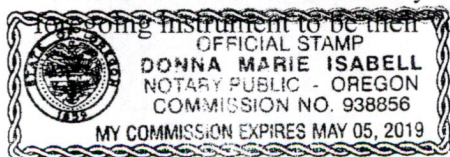
Allan R. Mathany
ALLAN R. MATHANY, Trustee

DATED: February 6, 2017

Jule A. Mathany
JULE A. MATHANY, Trustee

STATE OF OREGON)
) ss.
COUNTY OF MARION)

On February 6, 2017 personally appeared the above-named JULE A. MATHANY and ALLAN R. MATHANY, Trustees, or their successors in trust, under the JULE A. MATHANY LIVING TRUST dated January 16, 2002, and any amendments thereto, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Donna Marie Isabell
Notary Public for Oregon
My Commission Expires: 5-5-2019

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EXHIBIT A PAGE 1 OF 2

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564844

EXHIBIT A

Beginning at a rock at the Southeast corner of the John M. Zumwalt D.L.C., Not. No. 5076, Claim No. 49, in Township 9 South, Range 6 West of the Willamette Meridian, running thence North on the East line of said D.L.C. No. 49, 22.00 chains to an iron pipe in the center of the County Road; thence West 13.75 chains to an iron pipe; thence South 22.00 chains to an iron pipe on the South line of said D.L.C. No. 49; thence East 13.75 chains to the place of beginning.

SAVE AND EXCEPTING from the above-described property the following: Beginning at a point which is 22 chains North of the Southeast corner of the John M. Zumwalt D.L.C. Not. No. 5076, Claim No. 49, in Township 9 South, Range 6 West of the Willamette Meridian, and running thence West 13.75 chains; thence South 3.64 chains; thence East 13.75 chains; thence North 3.64 chains to the place of beginning.

ALSO the following: Beginning at an iron pipe on the South line of the John M. Zumwalt D.L.C. Not. No. 5076, Claim No. 49, in Township 9 South, range 6 West of the Willamette Meridian, which pipe is 13.75 chains West of the Southeast corner of said Claim No. 49; thence West 16.50 chains to the center of the channel of the Luckiamute River; thence down the center of said river following as of this date which is 3 rods from the right bank of said river, the meander of which is as follows: Beginning 15.84 chains West of the place of beginning; thence North 56° 30' West 2.64 chains; North 24° East 2.42 chains; North 62° East 2.17 chains; North 72° 30' East 1.43 chains; South 86° 45' East 3.55 chains; North 75° 30' East 3.16 chains; South 86° 30' East 1.43 chains; North 42° East 2.19 chains; North 19° East 2.62 chains; North 22° 30' West 3.20 chains; North 76° West 3.27 chains; North 74° 15' West 1.23 chains; North 18° West 1.76 chains; North 6° 30' East 1.63 chains; North 52° 30' East 2.63 chains; North 48° East 2.69 chains; North 45° East 1.61 chains; North 31° East 1.85 chains; North 31° 30' East 2.41 chains; North 31° East 2.27 chains; North 58° 45' East 1.09 chains to an iron pipe on right bank of said river; thence leaving river South 0° 55' West 27.60 chains to the place of beginning, and being a part of said D.L.C. No. 49. SAVE AND EXCEPTING therefrom the following described tract: Beginning at an iron pipe on the South line of John M. Zumwalt D.L.C. Not. No. 5076, Claim No. 49, in Township 9 South, Range 6 West of the Willamette Meridian, in Polk County, Oregon, which iron pipe is 16.614 chains South 89° 40' West from the Southeast corner of said Zumwalt D.L.C., and also 9.905 chains North 89° 40' East from the Northwest corner of the William Sebring Claim No. 59; and running thence South 89° 40' West 13.636 chains to the center of the channel of the Luckiamute River; thence down the center of said river which is 3 rods from the right bank of said river, the meander of which is as follows: Beginning at a point 12.976 chains South 89° 40' West of the place of beginning; North 56° 30' West 2.64 chains; North 24° East 2.42 chains; North 62° East 2.17 chains; North 72° 30' East 1.43 chains; South 86° 45' East 3.55 chains; North 75° 30' East 3.16 chains; South 86° 30' East 1.43 chains; North 42° East 2.19 chains; thence leaving river North 88° 55' East 1.387 chains to an iron pipe; thence South 0° 15' East 7.197 chains to the place of beginning, in the County of Polk and State of Oregon.

SUBJECT TO the rights of the public in and to any portion of said property lying within the boundaries of roads and highways.

Property ID Numbers: 184324, 451215, 451228, 451202, 417486, 417556

Parcel 1

Beginning at a point 26.50 chains South from the Northeast corner from the J. N. Zumwalt Donation land Claim No. 49 in Township 9 South, Range 6 West of the Willamette Meridian in Polk County, Oregon, at a stake on the south bank of the Luckiamute River; and running thence South along the east line of said Zumwalt Donation Land Claim No. 49, 2461.14 feet to the Southwest corner of that tract of land conveyed to Virgil L. Mathany and Frances L. Mathany by deed recorded in Book 144, Page 391, Deed Records of Polk County, Oregon; thence East along the South line of said Mathany tract, 2966.91 feet; thence North, parallel with the East line of said Zumwalt Donation Land Claim, 2845.58 feet to the North line of said Mathany tract; thence South 82°37' West 2991.71 feet to the point of beginning.

SUBJECT TO the rights of the public in and to that portion of the above described parcel lying within public roads and highways.

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Parcel 2

A part of the Donation land Claim of John M. Zumwalt and wife, Notification No. 5076, Claim No. 49, in Township 9 South, Range 6 West of the Willamette Meridian, described as beginning at a point 34 chains North from the Southeast corner of said claim, and running thence West 13.75 chains; thence South 15.64 chains; thence East 13.75 chains; thence North 15.64 chains to the place of beginning.

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Attachment E

Affidavit of Consent from Landowner

Application for a Temporary Transfer – Green Spring Farms

14296

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Attachment F

Land Use Information Form

Application for a Temporary Transfer – Green Spring Farms

14296

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

Applicant(s): **Green Springs Farms**

Mailing Address: **8930 Suver Rd.**

City: **Monmouth**

State: **OR**

Zip Code: **97361**

Daytime Phone: **503-838-7333**

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>9S</u>	<u>4W</u>	<u>27</u>	<u>SE</u> <u>NW</u>	<u>400</u>	<u>EFU 80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>4W</u>	<u>27</u>	<u>SW</u> <u>NE</u>	<u>400</u>	<u>EFU 80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>4W</u>	<u>27</u>	<u>NW</u> <u>SE</u>	<u>400</u>	<u>EFU 80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>4W</u>	<u>27</u>	<u>SW</u> <u>SE</u>	<u>400</u>	<u>EFU 80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>4W</u>	<u>27</u>	<u>SE</u> <u>SW</u>	<u>400</u>	<u>EFU 80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>

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

Polk County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Temporary Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Luckiamute River

Estimated quantity of water needed: 0.31 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

The Applicant is proposing to temporarily change the place of use and point of diversion for a portion of water right Certificate 32343 to allow irrigation of different lands. The proposed point of diversion is already in use. *(of the applicant's farm)*



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A)

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Hannah Brickner Title: Associate Planner

Signature: [Signature] Phone: 503-623-9237 Date: 7/27/2023

Government Entity: Polk County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

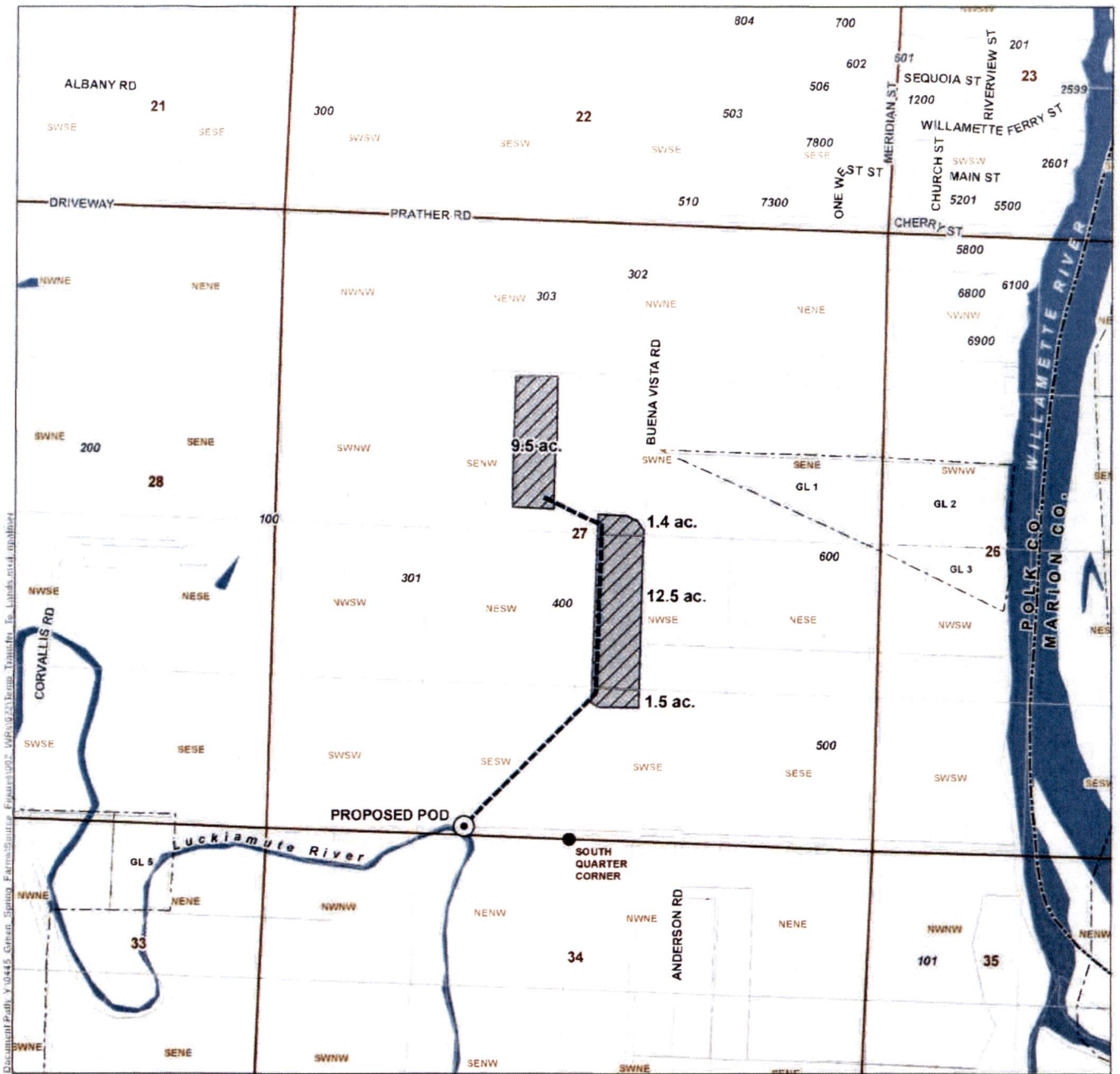


Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



LEGEND

- Proposed Point of Diversion (POD)
- To Lands 24.9 Acres
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

**Application for a Temporary Water Right Transfer
in the Name of Green Spring Farms
To Lands and Proposed Point of Diversion**

Certificate 32343

Township 9 South, Range 4 West (W.M.)

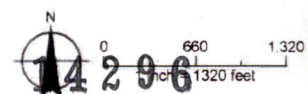
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POD LOCATION DESCRIPTION

Proposed POD
20 feet North and 700 feet West from the South 1/4 corner of
Section 27, Township 9 South, Range 4 West (W.M.)

DISCLAIMER
This map was prepared for the purpose of
identifying the location of a water right only and
it is not intended to provide legal dimensions
or location of property ownership lines.

Date: July 17, 2023
Data Sources: BLM, ESRI, OWRD, USGS





July 31, 2023

Kelly Starnes
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Temporary Transfer Application for Certificates 32343 – Green Spring Farms

Dear Kelly:

Green Spring Farms (Applicant) is applying for a temporary transfer to change the place of use and points of diversion for a 24.9 acre portion of Certificate 32343. This certificate is currently included in the Applicant's temporary transfer T-13815. The Applicant has requested that OWRD terminate the portion of T-13815 that changed the portion of Certificate 32343 included in this transfer.

Please find enclosed a temporary transfer application, attachments, and a check for the application fee in the amount of \$1,017.23.

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

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

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Temporary transfer application
Check in the amount of \$1,017.23.

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Temporary Transfer Application Intake Checklist

Transfer # T-14296

Reviewer Nick	Type of Change(s) Proposed: MUST INCLUDE A CHANGE IN PLACE OF USE		
Date 8/8/2023	<input type="checkbox"/> POU	<input checked="" type="checkbox"/> POU/POD	<input type="checkbox"/> POU/APOD
	<input type="checkbox"/> POU/POA	<input type="checkbox"/> POU/APOA	
Calculated Fee \$1017.23		Fee Received \$1017.23	
Certificate(s): 32343		Check ALL Certs in WRIS to confirm they are not cancelled	
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes: Kevin Lehar does not show up on business registry			

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have ALL of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?		

Map Requirements: OAR 690-380-3100			
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Map included and meets mapping requirements?
5.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	Map Waiver? The map waiver must be issued by the Department		
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?
	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Affidavit of Consent from Landowner(s) described on the deed?		
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Land Use Form included and signed by the County?		
8.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Consent Form included, signed, and notarized?		
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	District: Place of use is in <u>or</u> near an irrigation district?		
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
	If Yes, is Form D included? Name of the District		
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	For changes in POA/APOA – are the well logs included?		
11.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	For change in POU within Umatilla County, Supplemental Form U included?		

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

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