

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: Certificates 75779 and 86849**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

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Attachments:

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

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(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$1090 and enter »	2	
3	Number of water rights included in transfer <u>2 (3a)</u> Subtract 1 from the number in 3a above: <u>1 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter »	3	\$610
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>3 (4b)</u> Add line 4a to line 4b and enter »	4	\$1,230
5	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$3,200
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$3,200

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*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:
 1. For irrigation calculate cfs for each water right involved as follows:
 a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
 2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0.*)

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$480 and enter »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	NA

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME David and Barbara Brazelton			PHONE NO. (541) 954-5283	ADDITIONAL CONTACT NO. OWRD
ADDRESS 39938 McKenzie Highway				FAX NO.
CITY Springfield	STATE OR	ZIP 97478	E-MAIL DaveB@fallcreeknursery.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Shonee Langford Schwabe, Williamson & Wyatt			PHONE NO. (503) 540-4261	ADDITIONAL CONTACT NO.
ADDRESS 530 Center Street, Suite 730				FAX NO.
CITY SALEM	STATE OR	ZIP 97301	E-MAIL slangford@schwabe.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:
We are requesting authorization to drill up to four wells on our property to replace a POD on the McKenzie River that is located on a neighbor’s property. The requested change will only affect the portion of the authorized place of use located on our property under Certificates 75779 and 86849. In addition, we are canceling rights under a reservoir (Permit R- 15428, Application R-88763), a roadway and buildings. We do not expect to drill all four wells, but want flexibility in where we finally site a well or wells.

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

Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Register Guard.
- Amendments to the application may only be made in response to the Department’s Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.



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

[Signature]
Applicant signature

David Brazelton, Landowner
Print Name (and Title if applicable)

Nov 14 2023
Date

[Signature]
Applicant signature

Barbara Brazelton, Landowner
Print Name (and Title if applicable)

November 14, 2023
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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

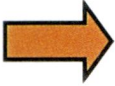
RECEIVING LANDOWNER NAME NA		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

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

IRRIGATION DISTRICT NAME NA	ADDRESS		
CITY	STATE	ZIP	

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

ENTITY NAME NA	ADDRESS		
CITY	STATE	ZIP	



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

ENTITY NAME Lane County Land Management Division	ADDRESS 3050 N. Delta Highway	
CITY Eugene	STATE OR	ZIP 97408

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 75779

Description of Water Delivery System

System capacity: **0.8 cubic feet per second (cfs) for the 12.9 acres being transferred 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 diverted from the POD on the McKenzie River using a 30-hp centrifugal pump. The lift from the pump to the river is approximately 10 feet and the operating pressure is 1200 psi. The fields are at approximately the same elevation as the pump. The pump's capacity is 0.63 cfs based on the Department's online calculators for CWREs.

Water is conveyed to the place of use by approximately 440 feet of buried 8-inch-diameter mainline and 1,200 feet of above ground 5-inch-diameter pipe. There are approximately 600 feet of 3-inch-diameter lateral handlines. Water is applied using a traveling reel gun equipped with 1,200 feet of hose and a 1.2-inch nozzle that delivers approximately 0.66 cfs. In addition, supplemental handlines with a maximum of 25 3/16" nozzles that can deliver an estimated 0.43 cfs are used in areas not practical to irrigate with the reel.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp			Rng			Sec		¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	40		1030 ft S and 780 ft E from NW corner Sec 26	
Proposed Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3		480 ft S and 1190 ft E from NW corner Sec 26	
Proposed Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3		430 ft S and 1270 ft E from NW corner Sec 26	
Proposed Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3		150 ft S and 1030 ft E from NW corner Sec 26	
Proposed Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3		160 ft S and 1070 ft E from NW corner Sec 26	

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 75779

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date									
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			
																									POD #6	1901			
17	S	1	W	23	SW	SW	800	L3	6.1	Irrigation	POD	6/15/ 1949	SW/GW	17	S	1	W	23	SW	SW	800	L3	6.1	No Change	Wells 1, 2, 3 & 4	6/15/ 1949			
17	S	1	W	23	SE	SW	800	--	2.4	Irrigation	POD	6/15/ 1949	SW/GW	17	S	1	W	23	SE	SW	800	--	2.4	No Change	Wells 1, 2, 3 & 4	6/15/ 1949			
17	S	1	W	26	NE	NW	800	L2	2.0	Irrigation	POD	6/15/ 1949	SW/GW	17	S	1	W	26	NE	NW	800	L2	2.0	No Change	Wells 1, 2, 3 & 4	6/15/ 1949			
17	S	1	W	26	NW	NW	800	L3	2.4	Irrigation	POD	6/15/ 1949	SW/GW	17	S	1	W	26	NW	NW	800	L3	2.4	No Change	Wells 1, 2, 3 & 4	6/15/ 1949			
TOTAL ACRES:						12.9																	TOTAL ACRES:						12.9

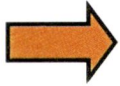
Additional remarks: _____.

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For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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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 (gpm). If less than full water right
Proposed Well 1	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--
Proposed Well 2	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--
Proposed Well 3	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--
Proposed Well 4	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 86849

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Description of Water Delivery System

System capacity: **0.8 cubic feet per second (cfs) for the 24.1 acres being transferred 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. The same pumping and distribution system equipment previously described in Part 5 of 5 for Certificate 75779 is used to irrigate the lands authorized under Certificate 86849.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	40	1030 ft N and 780 ft E from NW corner Sec 26
Proposed Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3	480 ft S and 1190 ft E from NW corner Sec 26
Proposed Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3	430 ft S and 1270 ft E from NW corner Sec 26
Proposed Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3	150 ft S and 1030 ft E from NW corner Sec 26
Proposed Well 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	--	17	S	1	W	26	NW	NW	Lot 3	160 ft S and 1070 ft E from NW corner Sec 26

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 86849

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
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
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
17	S	1	W	22	SE	SE	800	40	6.7	Irrigation	POD	7/25/ 1940	SW/GW	17	S	1	W	22	SE	SE	800	40	6.7	No Change	Wells 1, 2, 3 & 4	7/25/ 1940
17	S	1	W	23	SW	SW	800	40	16.2	Irrigation	POD	7/25/ 1940	SW/GW	17	S	1	W	23	SW	SW	800	40	16.2	No Change	Wells 1, 2, 3 & 4	7/25/ 1940
17	S	1	W	26	NE	NW	800	40	1.2	Irrigation	POD	7/25/ 1940	SW/GW	17	S	1	W	26	NE	NW	800	40	1.2	No Change	Wells 1, 2, 3 & 4	7/25/ 1940
TOTAL ACRES:								24.1						TOTAL ACRES:								24.1				

Additional remarks: _____.

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For Place of Use or Character of Use Changes

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

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



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

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

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

Surface water primary Certificate # **NA.**

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. 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
Proposed Well 1	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--
Proposed Well 2	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--
Proposed Well 3	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--
Proposed Well 4	No	--	110 ft +/-	8 in	0 to 110 ft +/-	0 to 20 ft	70 to 110 ft +/-	NA	Alluvium	--

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 LANE)

I, DAVID BRAZELTON, in my capacity as LANDOWNER,
 mailing address 39938 MCKENZIE HIGHWAY SPRINGFIELD, OR 97478
 telephone number (541) 954-5283, 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 # _____; **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)
75779	17	S	1	W	WM	23	SW	SW	L3	6.1
75779	17	S	1	W	WM	23	SE	SW	--	2.4
75779	17	S	1	W	WM	26	NE	NW	L2	2.0
75779	17	S	1	W	WM	26	NW	NW	L3	2.4
86849	17	S	1	W	WM	22	SE	SE	40	6.7
86849	17	S	1	W	WM	23	SW	SW	40	16.2
86849	17	S	1	W	WM	26	NE	NW	40	1.2

OR

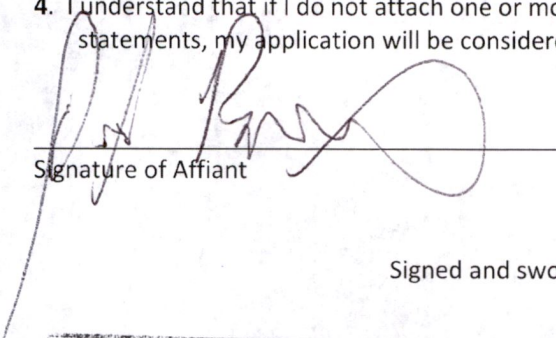
- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of 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.

Signature of Affiant



Nov 14 2023
Date

Signed and sworn to (or affirmed) before me this 14 day of Nov, 2023.



Karri J. Mealy
Notary Public for Oregon

My Commission Expires: 15 Aug 2026

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water <u>Attached is a seed invoice (Egge Seed and Nursery, LLC leases our fields).</u>	<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 <u>Aerial photographs we obtained from a drone are attached.</u>	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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SMITH SEED
SERVICES

POST OFFICE BOX 288
26890 POWERLINE ROAD
HALSEY, OREGON 97348
TELEPHONE 541-369-2831
FAX 541-369-2757

Invoice

NO 283658

SOLD TO:

EGGE SEED & NURSERY, LLC
30991 CROSSROADS LANE W
EUGENE, OR 97408

DATE: 9/11/2023

TERMS: Net 30 Days

Service Charge 1½% per month
on overdue Invoices.
Annual Percentage Rate 18%

SEEDSTOCK TICKET(S): 107773

QUANTITY	LOT NO.	DESCRIPTION	PER
2,650	L73-18-30AA	ED ANNUAL RYEGRASS	100.00
3,350	M22-22-200	ED ANNUAL RYEGRASS	100.00
150	L178-20-19	ATTAIN TETRAPLOID ANNUAL RYEGRASS	100.00
X 1,144	M22-21-206	ATTAIN TETRAPLOID ANNUAL RYEGRASS	100.00
3,500	M22-22-201	LOWBOY ANNUAL RYEGRASS	100.00
4,000	L43-23-24FP	FROSTPROOF ANNUAL RYEGRASS	100.00
Total			

* See below

* Seed for Brazelton - 39938 McKenzie Hwy
800lbs of the 1,144 lbs.

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Please Remit To: Smith Seed Services
P.O. Box 288
Halsey, OR 97348

ANY SHORTAGES MUST BE
REPORTED AT TIME OF DELIVERY

PLEASE REFERENCE INVOICE
NUMBER WITH PAYMENT

14351 -



NOV 15 2023 10/17/2023 4:19 PM
OWE 122° 47' 12" W 44° 4' 10" N



10/20/2023 10:35 AM

122° 46' 57" W 44° 4' 19" N



10/20/2023 10:42 AM NOV 15 2023
122° 46' 55.002" W 44° 4' 15" N

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10/20/2023 10:49 AM RECEIVED
122° 46' 51" W 44° 4' 17" N



Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: We are voluntarily canceling 0.6 acres of the place of use authorized by Certificate 75779 as part of a water-right transfer. The lands to be canceled are under a driveway and a building that have been in place for more than 5 years and in a 40-foot-wide buffer along the bank of the McKenzie River that has not been irrigated in more than 5 years.

Certificate of Water Right Information:

Certificate Number: 75779

Issued for use within the State of Oregon, County of Lane.

Issued in the name of: J. Ira McNutt.

Date of priority: June 15, 1949

Rate or Volume on entire certificate: 0.18 cfs (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: McKenzie River.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 14.6, supplemental IR NA.

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Statements of Oath:

We (or authorized agent), David and Barbara Brazelton,

residing at 39938 McKenzie Highway Springfield, OR 97478,

with a mailing address of (if different) See Above,

and a telephone number of (541) 954-5283, being **first duly sworn depose and say:**

- 1. We are the legal owners of property appurtenant to all **or** a portion (**check one box**) of the water right described above. Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T17S, R1W, Sec 26: Lot 2 (NENW) & Lot 3 (NWNW) all within Tax Lot 800.

2. We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # ____.

voluntary cancellation of and have abandoned any and all interest in a PORTION of water right Certificate # **75779**.

voluntary diminution of the ENTIRE water right Certificate # ____.

voluntary diminution of a PORTION of water right Certificate # ____.

3. The appurtenant water right is **or** is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: ____.

a. The water right, or portion thereof, being cancelled **or** diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

NA _____
Signature of district manager Printed Name
Date _____

4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 1.2
- In the amount of 0.015 cubic foot per second
- From the water source (s) McKenzie River
- At the following location(s) (attach a larger table if needed):

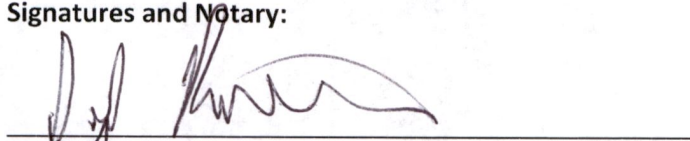
ABANDONED PORTION TO BE CANCELLED											
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #	
17	S	1	W	WM	26	--	Lot 2	NE NW	0.9	800	
17	S	1	W	WM	26	--	Lot 3	NW NW	0.3	800	

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled) **SEE TRANSFER MAP**
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is **NOT** to be cancelled. **SEE TRANSFER MAP**

Signatures and Notary:



Signature of legal owner as listed on deed, or authorized agent

Printed Name **David Brazelton**

Date Nov 14 2023



Signature of legal co-owner as listed on deed (if applicable)

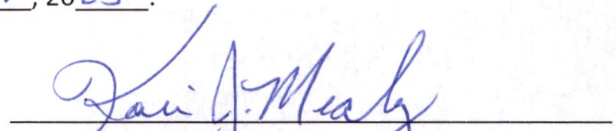
Printed Name **Barbara Brazelton**

Date November 14, 2023

Subscribed and Sworn to Before Me this 14 day of Nov, 2023.



My Commission Expires 15 Aug 2026


Signature of Notary Public for Oregon

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REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right **NOT** being cancelled or diminished, if any.

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

ATTACHMENT FOR Affidavit for the VOLUNTARY CANCELLATION of a Portion of a Water Right Certificate

The following is the name and address of the neighboring property owner with lands appurtenant to portions of Water-Right Certificate 75779 not legally owned by the person(s) signing the affidavit:

- Mike and Cathy Stickel P.O. Box 58 Walterville, OR 97489

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COPY

After Recording Return to:
Barbara Brazelton
P.O. Box 156
Walterville, OR 97489

Until Further Notice, Send Tax Statements to:
Barbara Brazelton
P.O. Box 156
Walterville, OR 97489

Tax Lot No.: 17-01-22-44-00800

BARGAIN & SALE DEED

Barbara Brazelton, Grantor, conveys to David Brazelton, Grantee, an undivided 50% interest in the real property commonly known as 39938 McKenzie Highway in the County of Lane and State of Oregon and legally described as:

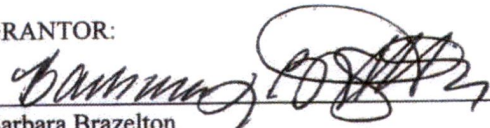
SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

The true and actual consideration paid for this conveyance is: Love, affection and other value given.

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.

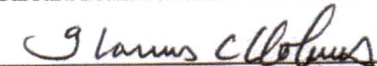
EXECUTED this 21st day of NOVEMBER, 2014

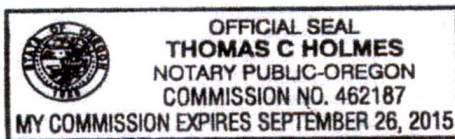
GRANTOR:


Barbara Brazelton

STATE OF OREGON/ County of WALTON ss.

This instrument was acknowledged before me, a notary public in and for said County and State, this 21st day of NOVEMBER, 2014, by the within named Barbara Brazelton as her free and voluntary act and deed.


NOTARY PUBLIC FOR OREGON



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EXHIBIT A
Legal Description
39938 McKenzie Highway, Waltherville Oregon
Tax Lot No.: 17-01-22-44-00800

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A POINT REFERENCED BY A 5/8 INCH IRON ROD SET ON THE SOUTH MARGIN OF THE EUGENE WATER AND ELECTRIC BOARD (E.W.E.B.) POWER CANAL, SAID POINT BEING NORTH 00° 30' 00" EAST 210.38 FEET FROM A 2½ INCH IRON PIPE SET IN COUNTY SURVEY FILE NO. 16545 TO MARK THE SOUTHEAST CORNER OF THE JOHN LATTA DONATION LAND CLAIM NO. 42 IN TOWNSHIP 17 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE SOUTH MARGIN OF SAID E.W.E.B. POWER CANAL THE FOLLOWING COURSES AND DISTANCES: SOUTH 00° 20' 59" EAST 10.14 FEET, SOUTH 70° 00' 53" WEST 149.03 FEET AND SOUTH 43° 53' 55" WEST 209.93 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH MARGIN OF SAID E.W.E.B. POWER CANAL SOUTH 81° 37' 07" WEST 808.74 FEET AND NORTH 78° 12' 44" WEST 310.61 FEET; THENCE LEAVING SAID SOUTH MARGIN AND RUNNING SOUTH 1° 03' 30" WEST 646.16 FEET; THENCE SOUTH 88° 56' 30" EAST 175.43 FEET; THENCE NORTH 1° 03' 30" EAST 52.00 FEET; THENCE SOUTH 88° 56' 30" EAST 174.53 FEET; THENCE SOUTH 1° 03' 30" WEST 52.60 FEET; THENCE EAST 998.43 FEET; THENCE SOUTH 43° 30' 00" EAST 894.31 FEET TO A POINT ON THE RIGHT BANK OF THE MCKENZIE RIVER; THENCE UPSTREAM ALONG THE RIGHT BANK OF THE MCKENZIE RIVER THE FOLLOWING COURSES AND DISTANCES: NORTH 51° 15' 35" EAST 182.33 FEET, NORTH 54° 12' 19" EAST 118.68 FEET AND NORTH 59° 00' 22" EAST 139.41 FEET; THENCE LEAVING SAID RIGHT BANK AND RUNNING NORTH 34° 56' 18" WEST 1144.26 FEET; THENCE WEST 604.70 FEET; THENCE NORTH 106.80 FEET TO THE TRUE POINT OF BEGINNING, ALL IN LANE COUNTY, OREGON.

ALSO: BEGINNING AT A POINT REFERENCED BY A 5/8 INCH IRON ROD SET ON THE SOUTH MARGIN OF THE EUGENE WATER AND ELECTRIC BOARD (E.W.E.B.) POWER CANAL, SAID POINT BEING NORTH 00° 30' 00" EAST 210.38 FEET FROM A 2½ INCH IRON PIPE SET IN COUNTY SURVEY FILE NO. 16545 TO MARK THE SOUTHEAST CORNER OF THE JOHN LATTA DONATION LAND CLAIM NO. 42 IN TOWNSHIP 17 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE SOUTH MARGIN OF SAID E.W.E.B. POWER CANAL, THE FOLLOWING COURSES AND DISTANCES: SOUTH 00° 20' 59" EAST 10.14 FEET, SOUTH 70° 00' 53" WEST 149.03 FEET; SOUTH 43° 53' 55" WEST 209.93 FEET, AND SOUTH 81° 31' 07" WEST 763.30 FEET; THENCE LEAVING SAID SOUTH MARGIN AND RUNNING SOUTH 1° 03' 30" WEST 827.76 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM MCNUTT TO LYNN RECORDED OCTOBER 22, 1996, RECEPTION NO. 96-71219, OFFICIAL RECORDS OF LANE COUNTY, OREGON; THENCE ALONG THE NORTH LINE OF SAID TRACT EAST 660.77 FEET; THENCE SOUTH 49° 28' 59" EAST 934.44 FEET TO A POINT ON THE RIGHT BANK OF THE MCKENZIE RIVER; THENCE UPSTREAM ALONG THE RIGHT BANK OF THE MCKENZIE RIVER THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 38° 33' 34" EAST 76.57 FEET; NORTH 52° 13' 54" EAST 68.63 FEET; AND NORTH 54° 27' 10" EAST 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE RIGHT BANK OF THE MCKENZIE RIVER BEARING NORTH 49° 00' 00" WEST 918.96 FEET; THENCE WEST 1167.93 FEET; THENCE NORTH 1° 03' 30" EAST 111.64 FEET; THENCE SOUTH 88° 56' 30" EAST 175.43 FEET; THENCE NORTH 1° 03' 30" EAST 52.00 FEET; THENCE SOUTH 88° 56' 30" EAST 174.53 FEET; THENCE SOUTH 1° 03' 30" WEST 52.60 FEET; THENCE EAST 998.43 FEET; THENCE SOUTH 48° 30' 00" EAST 894.31 FEET TO A POINT ON THE RIGHT BANK OF THE MCKENZIE RIVER; THENCE DOWNSTREAM ALONG THE RIGHT BANK OF THE MCKENZIE RIVER SOUTH 53° 44' 54" WEST 96.58 FEET,

AND SOUTH 54° 27' 10" WEST 99.33 FEET TO THE TRUE POINT OF BEGINNING, ALL IN
LANE COUNTY, OREGON.

BEARINGS USED HEREON ARE BASED ON C.S.F. NO. 16545 ON FILE IN THE OFFICE OF THE
LANE COUNTY SURVEYOR. (THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY
01, 2008.)

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STATE OF OREGON
COUNTY OF LANE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. IRA MCNUTT
ROUTE 2, BOX 350
SPRINGFIELD, OREGON 97477

confirms the right to use the waters of the MCKENZIE RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 14.6 ACRES.

This right was perfected under Permit 18782. The date of priority is JUNE 15, 1949. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.18 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, AS PROJECTED WITHIN JAMES W. STORMENT DLC 40,
SECTION 26, T 17 S, R 1 W, W.M..

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

LOT 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 6.1 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.4 ACRES
SECTION 23

LOT 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 2.9 ACRES
LOT 3 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 3.2 ACRES
SECTION 26

TOWNSHIP 17 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 28872, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 31 1998 , approving Transfer Application 7484.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

14351 -

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources

Director, affixed AUG 31 1998.

/s/ Thomas Paul (for)
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75779.

T-7484.PKS

14351 -

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J IRA MCNUTT
 351 1/2 EAST BROADWAY
 EUGENE, OR 97401

confirms the right to use the waters of MCKENZIE RIVER, tributary to WILLAMETTE RIVER, for IRRIGATION of 68.7 ACRES.

This right was perfected under Permit S-14388. The date of priority is JULY 25, 1940. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.86 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
17 S	1 W	WM	26	NW NW	40

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

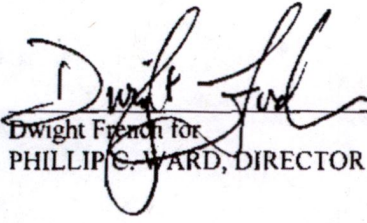
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
17 S	1 W	WM	22	NE SE	42	0.6
17 S	1 W	WM	22	SE SE	40	8.8
17 S	1 W	WM	22	SE SE	42	8.0
17 S	1 W	WM	23	NW SW	42	2.0
17 S	1 W	WM	23	SW SW	42	4.6
17 S	1 W	WM	23	SW SW	40	17.6
17 S	1 W	WM	26	NW NW	40	15.1
17 S	1 W	WM	27	NE NE	40	12.0

This certificate describes that portion of the water right confirmed by Certificate 75778, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 04 2011 approving Transfer Application T-10908 and together with Certificate 86848 supersedes Certificate 75778.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed MAR 04 2011.


Dwight French for
PHILLIP C. WARD, DIRECTOR



November 14, 2023
Project No. 10194.001

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

Via UPS Ground

**Application for a Permanent Transfer
Portions of Water Right Certificates 75779 and 86849
Lane County, Oregon**

To Whom It May Concern,

Skookum Water Associates Inc. is filing this Application for a Permanent Water Right Transfer on behalf of David and Barbara Brazelton. As indicated in the application form, Shonee Langford of Schwabe, Williamson & Wyatt is the Brazelton's designated agent.

The application requests a surface-water to groundwater transfer for the portions of Certificates 75779 and 86849 that are located on the Brazelton's property. The intent of the transfer is to replace the McKenzie River point of diversion (POD) for the two rights with up to four wells sited on the Brazelton's property. This change is requested because the POD is located on a neighboring property.

The Brazelton's will abandon use of the authorized McKenzie River POD for the portion of the rights that are appurtenant to their property, assuming the transfer is approved. In addition, a total of 2.6 acres of water rights on the Brazelton's property will be voluntarily canceled due to non-use for more than 5 years.

The enclosed application package consists of the following documents:

- An Application for Permanent Water Right Transfer signed on November 14, 2023 by David and Barbara Brazelton;
- November 8, 2023 From and To Maps (Figures 1 and 2) prepared by Skookum Water Associates Inc. (color copies of the map are included);
- Check Number 1566 issued by David and Barbara Brazelton for \$3,200 to pay the transfer application fee;
- A Land Use Information form signed on July 10, 2023 by Luis Soria of the Lane County Planning Department;
- A notarized Evidence of Use Form signed by David Brazelton on November 14, 2023 with supporting Evidence of Use documents; and
- Notarized Affidavits of Voluntary Cancellation of a Water Right Certificate for portions of Certificates 75779 and 86849 signed by David and Barbara Brazelton on November 14, 2023 and supporting information, including maps and a deed.

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Thank you for your assistance.

Sincerely,

SKOOKUM WATER ASSOCIATES INC.



Steven R. Bruce, RG, CWRE
Principal Hydrogeologist

Enclosures

cc. David Brazelton (via email)
Shonee Langford; Schwabe Williamson & Wyatt (via email)

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Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: We are voluntarily canceling 1.4 acres of the place of use authorized by Certificate 86849 as part of a water-right transfer. The lands to be canceled are under a driveway and a building that have been in place for more than 5 years and a permitted reservoir (Application R-88763, Permit R-15428).

Certificate of Water Right Information:

Certificate Number: 86849

Issued for use within the State of Oregon, County of Lane.

Issued in the name of: J. Ira McNutt.

Date of priority: July 25, 1940

Rate or Volume on entire certificate: 0.86 cfs (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: McKenzie River.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 68.7, supplemental IR NA.

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Statements of Oath:

We (or authorized agent), David and Barbara Brazelton,

residing at 39938 McKenzie Highway Springfield, OR 97478,

with a mailing address of (if different) See Above,

and a telephone number of (541) 954-5283, being **first duly sworn depose and say:**

1. I/We are the legal owners of property appurtenant to all **or** a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T17S, R1W Sec 22 SESE (DLC 40) and Sec 23 SWSW (DLC 40), all within Tax Lot 800.

2. We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # _____.

voluntary cancellation of and have abandoned any and all interest in a PORTION of water right Certificate # **86849**.

voluntary diminution of the ENTIRE water right Certificate # _____.

voluntary diminution of a PORTION of water right Certificate # _____.

3. The appurtenant water right is **or** is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: _____.

a. The water right, or portion thereof, being cancelled **or** diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager Printed Name
Date _____

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4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

A place of use, or use.

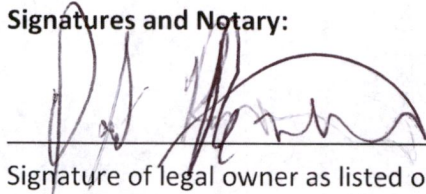
- For the use of (specify irrigation, domestic, etc.) **Irrigation**
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled **1.4**
- In the amount of **0.018** cubic foot per second
- From the water source (s) **McKenzie River**
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED											
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #	
17	S	1	W	WM	22	40	--	SE SE	1.0	800	
17	S	1	W	WM	23	40	--	SW SW	0.4	800	

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled) **SEE TRANSFER MAP**
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is **NOT** to be cancelled. **SEE TRANSFER MAP**

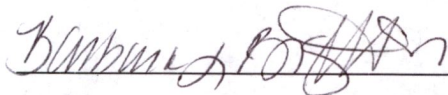
Signatures and Notary:



Signature of legal owner as listed on deed, or authorized agent

Printed Name **David Brazelton**

Date Nov 14 2023

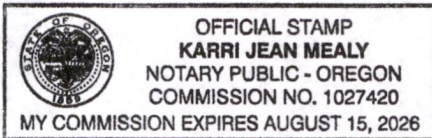


Signature of legal co-owner as listed on deed (if applicable)

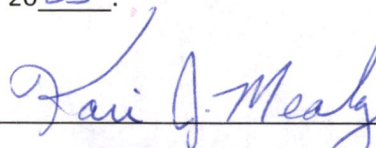
Printed Name **Barbara Brazelton**

Date November 14, 2023

Subscribed and Sworn to Before Me this 14 day of Nov, 2023.



My Commission Expires 15 Aug 2026



Signature of Notary Public for Oregon

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REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right **NOT** being cancelled or diminished, if any.

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

ATTACHMENT FOR Affidavit for the VOLUNTARY CANCELLATION of a Portion of a Water Right Certificate

The following is the name and address of the neighboring property owner with lands appurtenant to portions of Water-Right Certificate 86849 not legally owned by the person(s) signing the affidavit:

- Mike and Cathy Stickel P.O. Box 58 Walthville, OR 97489
- Brian and Amber Jackson 39920 McKenzie Highway Springfield, OR 97478

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COPY

After Recording Return to:
Barbara Brazelton
P.O. Box 156
Walterville, OR 97489

Until Further Notice, Send Tax Statements to:
Barbara Brazelton
P.O. Box 156
Walterville, OR 97489

Tax Lot No.: 17-01-22-44-00800

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BARGAIN & SALE DEED

Barbara Brazelton, Grantor, conveys to David Brazelton, Grantee, an undivided 50% interest in the real property commonly known as 39938 McKenzie Highway in the County of Lane and State of Oregon and legally described as:

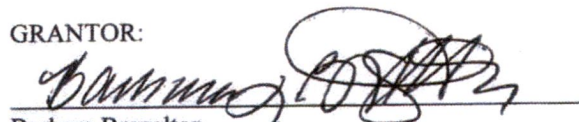
SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

The true and actual consideration paid for this conveyance is: Love, affection and other value given.

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.

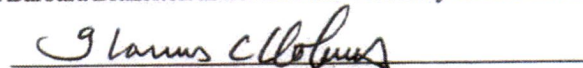
EXECUTED this 21st day of NOVEMBER, 2014

GRANTOR:


Barbara Brazelton

STATE OF OREGON/ County of WALTON ss.

This instrument was acknowledged before me, a notary public in and for said County and State, this 21st day of NOVEMBER, 2014, by the within named Barbara Brazelton as her free and voluntary act and deed.


NOTARY PUBLIC FOR OREGON

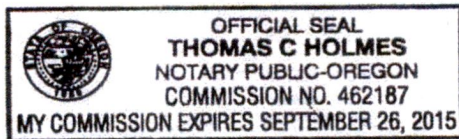


EXHIBIT A
Legal Description
39938 McKenzie Highway, Walterville Oregon
Tax Lot No.: 17-01-22-44-00800

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LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A POINT REFERENCED BY A 5/8 INCH IRON ROD SET ON THE SOUTH MARGIN OF THE EUGENE WATER AND ELECTRIC BOARD (E.W.E.B.) POWER CANAL, SAID POINT BEING NORTH 00° 30' 00" EAST 210.38 FEET FROM A 2½ INCH IRON PIPE SET IN COUNTY SURVEY FILE NO. 16545 TO MARK THE SOUTHEAST CORNER OF THE JOHN LATTA DONATION LAND CLAIM NO. 42 IN TOWNSHIP 17 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE SOUTH MARGIN OF SAID E.W.E.B. POWER CANAL THE FOLLOWING COURSES AND DISTANCES: SOUTH 00° 20' 59" EAST 10.14 FEET, SOUTH 70° 00' 53" WEST 149.03 FEET AND SOUTH 43° 53' 55" WEST 209.93 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH MARGIN OF SAID E.W.E.B. POWER CANAL SOUTH 81° 37' 07" WEST 808.74 FEET AND NORTH 78° 12' 44" WEST 310.61 FEET; THENCE LEAVING SAID SOUTH MARGIN AND RUNNING SOUTH 1° 03' 30" WEST 646.16 FEET; THENCE SOUTH 88° 56' 30" EAST 175.43 FEET; THENCE NORTH 1° 03' 30" EAST 52.00 FEET; THENCE SOUTH 88° 56' 30" EAST 174.53 FEET; THENCE SOUTH 1° 03' 30" WEST 52.60 FEET; THENCE EAST 998.43 FEET; THENCE SOUTH 43° 30' 00" EAST 894.31 FEET TO A POINT ON THE RIGHT BANK OF THE MCKENZIE RIVER; THENCE UPSTREAM ALONG THE RIGHT BANK OF THE MCKENZIE RIVER THE FOLLOWING COURSES AND DISTANCES: NORTH 51° 15' 35" EAST 182.33 FEET, NORTH 54° 12' 19" EAST 118.68 FEET AND NORTH 59° 00' 22" EAST 139.41 FEET; THENCE LEAVING SAID RIGHT BANK AND RUNNING NORTH 34° 56' 18" WEST 1144.26 FEET; THENCE WEST 604.70 FEET; THENCE NORTH 106.80 FEET TO THE TRUE POINT OF BEGINNING, ALL IN LANE COUNTY, OREGON.

ALSO: BEGINNING AT A POINT REFERENCED BY A 5/8 INCH IRON ROD SET ON THE SOUTH MARGIN OF THE EUGENE WATER AND ELECTRIC BOARD (E.W.E.B.) POWER CANAL, SAID POINT BEING NORTH 00° 30' 00" EAST 210.38 FEET FROM A 2½ INCH IRON PIPE SET IN COUNTY SURVEY FILE NO. 16545 TO MARK THE SOUTHEAST CORNER OF THE JOHN LATTA DONATION LAND CLAIM NO. 42 IN TOWNSHIP 17 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE SOUTH MARGIN OF SAID E.W.E.B. POWER CANAL, THE FOLLOWING COURSES AND DISTANCES: SOUTH 00° 20' 59" EAST 10.14 FEET, SOUTH 70° 00' 53" WEST 149.03 FEET; SOUTH 43° 53' 55" WEST 209.93 FEET, AND SOUTH 81° 31' 07" WEST 763.30 FEET; THENCE LEAVING SAID SOUTH MARGIN AND RUNNING SOUTH 1° 03' 30" WEST 827.76 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED FROM MCNUTT TO LYNN RECORDED OCTOBER 22, 1996, RECEPTION NO. 96-71219, OFFICIAL RECORDS OF LANE COUNTY, OREGON; THENCE ALONG THE NORTH LINE OF SAID TRACT EAST 660.77 FEET; THENCE SOUTH 49° 28' 59" EAST 934.44 FEET TO A POINT ON THE RIGHT BANK OF THE MCKENZIE RIVER; THENCE UPSTREAM ALONG THE RIGHT BANK OF THE MCKENZIE RIVER THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 38° 33' 34" EAST 76.57 FEET; NORTH 52° 13' 54" EAST 68.63 FEET; AND NORTH 54° 27' 10" EAST 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE RIGHT BANK OF THE MCKENZIE RIVER BEARING NORTH 49° 00' 00" WEST 918.96 FEET; THENCE WEST 1167.93 FEET; THENCE NORTH 1° 03' 30" EAST 111.64 FEET; THENCE SOUTH 88° 56' 30" EAST 175.43 FEET; THENCE NORTH 1° 03' 30" EAST 52.00 FEET; THENCE SOUTH 88° 56' 30" EAST 174.53 FEET; THENCE SOUTH 1° 03' 30" WEST 52.60 FEET; THENCE EAST 998.43 FEET; THENCE SOUTH 48° 30' 00" EAST 894.31 FEET TO A POINT ON THE RIGHT BANK OF THE MCKENZIE RIVER; THENCE DOWNSTREAM ALONG THE RIGHT BANK OF THE MCKENZIE RIVER SOUTH 53° 44' 54" WEST 96.58 FEET,

AND SOUTH 54° 27' 10" WEST 99.33 FEET TO THE TRUE POINT OF BEGINNING, ALL IN
LANE COUNTY, OREGON.

BEARINGS USED HEREON ARE BASED ON C.S.F. NO. 16545 ON FILE IN THE OFFICE OF THE
LANE COUNTY SURVEYOR. (THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY
01, 2008.)

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