

# 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.

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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? 1 List them here: Cert # 56861**

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.**

### 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.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](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°).

## FEE WORKSHEET for PERMANENT

## Part 3 of 5 – Fee Worksheet

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |         |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------|
| 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:<br><input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = <u>2 (2a)</u><br>Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i><br>Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                          | 2 | \$1,090 |
| 3 | Number of water rights included in transfer <u>1 (3a)</u><br>Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i><br>Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                           | 3 | 0       |
| 4 | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed _____ (4a)<br>Do you propose to add or change additional wells?<br><input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)<br>Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » » » » » » »                                                                      | 4 | 0       |
| 5 | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5<br><input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.24 cfs (5a)</u><br>Subtract 1.0 from the number in 5a above: <u>-0.76 (5b)</u><br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply<br>5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » » » » » » | 5 | 0       |
| 6 | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 6 | \$2,450 |
| 7 | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »                                                                                                                                                                                                                 | 7 | 0       |
| 8 | Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 8 | \$2,450 |

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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:

- For irrigation calculate cfs for each water right involved as follows:
  - Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - 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,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
- 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)<br>Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i><br>Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » » » » » » » » | 2 |          |
| 3 | Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>                                                                                                                                                     | 3 |          |

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                                    |                    |                     |                                             |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|---------------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Troy &amp; Chrissy Kleinschmit</b>                                                                                                                   |                    |                     | PHONE NO.<br><b>541-401-7929</b>            | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>41316 Green-Fitzwater Drive</b>                                                                                                                                      |                    |                     |                                             | FAX NO.                |
| CITY<br><b>Lebanon</b>                                                                                                                                                             | STATE<br><b>OR</b> | ZIP<br><b>97355</b> | E-MAIL<br><b>Trailbridgefarms@gmail.com</b> |                        |
| <b>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.</b> |                    |                     |                                             |                        |

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

|                                                                                                                                                                                    |       |     |           |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-----------|------------------------|
| AGENT/BUSINESS NAME                                                                                                                                                                |       |     | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS                                                                                                                                                                            |       |     |           | FAX NO.                |
| CITY                                                                                                                                                                               | STATE | ZIP | E-MAIL    |                        |
|                                                                                                                                                                                    |       |     |           |                        |
| <b>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.</b> |       |     |           |                        |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
Transfer of existing water right (Cert #56861) to new location for development of new Hazelnut Orchard  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

### Check One Box

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

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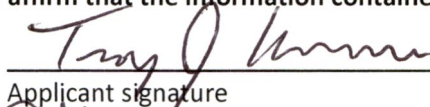
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By my signature below, I confirm that I understand:

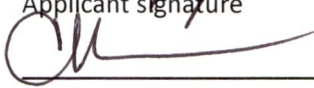
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Statesman Journal.
- 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.

  
Applicant signature

Troy Kleinschmit  
Print Name (and Title if applicable)

1-29-2024  
Date

  
Applicant signature

Chrissy Kleinschmit  
Print Name (and Title if applicable)

1-29-2024  
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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

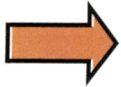
|                                                                                                                                            |       |     |             |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-------------|------------------------|
| RECEIVING LANDOWNER NAME                                                                                                                   |       |     | PHONE NO.   | ADDITIONAL CONTACT NO. |
| ADDRESS                                                                                                                                    |       |     | FAX NO.     |                        |
| CITY                                                                                                                                       | STATE | ZIP | E-MAIL      |                        |
| Describe any special ownership circumstances:                                                                                              |       |     | JAN 30 2024 |                        |
| The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner |       |     | Salem, OR   |                        |

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

|                          |         |     |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS |     |
| CITY                     | STATE   | ZIP |

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

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |



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

|                                   |                                                |                     |
|-----------------------------------|------------------------------------------------|---------------------|
| ENTITY NAME<br><b>Linn County</b> | ADDRESS<br><b>300 SW 4<sup>th</sup> Avenue</b> |                     |
| CITY<br><b>Albany</b>             | STATE<br><b>OR</b>                             | ZIP<br><b>97321</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing** in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page ~~5~~ 6 of ~~9~~ 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

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Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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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 # 56861**

### Description of Water Delivery System

System capacity: **0.24** 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 pumped from creek into drip system**

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp  | Rng | Sec | ¼ ¼   | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|------|-----|-----|-------|---------------------------|------------------------------------------------------|
| POD 1                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                    | 11 S | 1 E | 31  | NW SW |                           | 600' SOUTH, 580' EAST<br>E. 1/4 COR. SEC. 31         |
| POD 2                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                    | 11 S | 1 W | 36  | NE SE | 1400                      | 500' SOUTH, 300' EAST<br>W. 1/4 COR. SEC. 36         |
| POD 3                  | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |                                                    | 11 S | 1 W | 36  | NW SW | 800                       | 470' SOUTH, 243' EAST<br>W. 1/4 COR. SEC 36          |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |      |     |     |       |                           |                                                      |

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

- |                                                                        |                                                                   |
|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" 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 checked="" type="checkbox"/> Point of Diversion (POD)           | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)              |

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

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

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

**Table 2. Description of Changes to Water Right Certificate # 56861**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |         |                      |       |                                         |                                                         |                  |            |               | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|------------|---------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----|---------|----------------------|-------|--------------------|------------------------------------------------------|------------------|-----|--------------|------|------------|--------|------|--|--|--|--|------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp        | Rng           |                                                               | Sec                                                                                                     | ¼ ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |     |              |      |            |        |      |  |  |  |  |      |
| <b>EXAMPLE</b>                                                                                                                                                                           |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
| 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 |  |  |  |  |      |
| 11                                                                                                                                                                                       | S   | 1   | W   | 36      | NE                   | SE    | 1400                                    |                                                         | 13.5             | Irrigation | POD 1         | 1988                                                          | POD 3                                                                                                   | 11  | S       | 1                    | W     | 36                 | NW                                                   | SW               | 800 |              | 14.3 | Irrigation | POD 3  | NEW  |  |  |  |  |      |
| 11                                                                                                                                                                                       | S   | 1   | W   | 36      | SE                   | SE    | 1400                                    |                                                         | 5.3              | Irrigation | POD 2         | 1988                                                          | POD 3                                                                                                   | 11  | S       | 1                    | W     | 36                 | SW                                                   | SW               | 800 |              | 4.5  | Irrigation | POD 3  | NEW  |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     |              |      |            |        |      |  |  |  |  |      |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |         |                      |       |                                         |                                                         | 18.8             |            |               |                                                               |                                                                                                         |     |         |                      |       |                    |                                                      |                  |     | TOTAL ACRES: |      |            |        |      |  |  |  |  | 18.8 |

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Additional remarks: Transferring all acreage of Cert 56861 and both POD's to new location along with new POD #3 location on Beaver Creek .

**For Place of Use or Character of Use Changes**

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

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



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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # **56861**.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # **56861**

**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](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 |
|-------------------------------------------|------------------------------------|--------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------|
|                                           |                                    |                                                  |                  |                 |                         |                           |                                            |                                                |                                             |                                                                        |
|                                           |                                    |                                                  |                  |                 |                         |                           |                                            |                                                |                                             |                                                                        |
|                                           |                                    |                                                  |                  |                 |                         |                           |                                            |                                                |                                             |                                                                        |
|                                           |                                    |                                                  |                  |                 |                         |                           |                                            |                                                |                                             |                                                                        |

# 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](http://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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14397 -

# 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

Applicant(s): TROY & CRISSY KLEINSCHMIT

Mailing Address: 41316 GREEN-FITZWATER DR

City: LEBANON State: OR Zip Code: 97355 Daytime Phone: 541-401-7929

## 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: |
|----------|-------|---------|----------------|-----------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------|
| 11S      | 1W    | 36      | NW/SW<br>SW/SW | 800       | EDU                                             | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | IRRIGATION         |
|          |       |         |                |           |                                                 | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                       |                    |
|          |       |         |                |           |                                                 | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                       |                    |
|          |       |         |                |           |                                                 | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                       |                    |

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

LINN

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## B. Description of Proposed Use

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

- ☐ Permit to Use or Store Water
 ☒ Water Right 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) BEAVER CK

Estimated quantity of water needed: 0.24 ☒ 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:

IRRIGATION OF NEW HAZEL NUT ORCHARD

**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. →

**For Local Government Use Only**

JAN 30 2024

Salem, OR

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): LCC 928.310(3)(1)
- ☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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: Alyssa Boles Title: Planning Manager

Signature: Alyssa Boles Phone: 541-967-3811 Date: 1/30/24

Government Entity: Linn 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: \_\_\_\_\_

# 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 LINN

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JAN 30 2024

I, TROY KLEINSCHMIT, in my capacity as OWNER,

mailing address 41316 GREEN-FITZWATER DRIVE

Salem, OR

telephone number (541)401-7929, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 56861; **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) |
|---------------|----------|---|-------|---|-----|-----|-----|----|------------------|-----------------------|
| 56861         | 11       | S | 1     | W | WM  | 36  | NE  | SE |                  | 13.5                  |
| 56861         | 11       | S | 1     | W | WM  | 36  | SE  | SE |                  | 5.3                   |
|               |          |   |       |   |     |     |     |    |                  |                       |
|               |          |   |       |   |     |     |     |    |                  |                       |
|               |          |   |       |   |     |     |     |    |                  |                       |
|               |          |   |       |   |     |     |     |    |                  |                       |
|               |          |   |       |   |     |     |     |    |                  |                       |
|               |          |   |       |   |     |     |     |    |                  |                       |

OR

- ☒ Confirming Certificate # 56861 has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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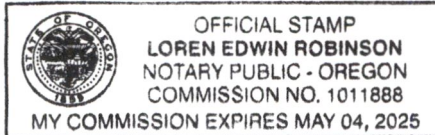
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF CROPS

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.

Tony J. Kinnaman  
Signature of Affiant

1-30-2024  
Date

Signed and sworn to (or affirmed) before me this 30<sup>th</sup> day of Jan, 2024.



Loren E. Robinson

Notary Public for Oregon

My Commission Expires: May 4, 2025

| 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 <b>confirming</b> 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"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>                                                                                                                                                                                                                                                                                                                                                                                               |
| <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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>                                                                                                                                                                                                                                                                                       |
| <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.<br/>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:<br/>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br/>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br/>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br/>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></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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Cert 56861

Google Earth photo dated 7-13-2022

Legend

- Green Fitzwater Dr
- Johnson Meadows Park & Adult?
- Lacomb Cemetery
- Trailbridge Farms

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Green Fitzwater Dr  
Green Fitzwater Dr

Beaver Creek

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CERT  
56861

Google Earth

N

1000 ft

r Hill Dr