

**Application for Water Right  
Temporary or Drought Temporary Transfer  
Part 1 of 5 – Minimum Requirements Checklist**



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

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

**FOR ALL TEMPORARY TRANSFER APPLICATIONS** Received by OWRD

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

AUG 02 2024

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist. Salem, OR
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Cert. 33868**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2025.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

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

**(For Staff Use Only)**

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

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

**Part 2 of 5 – Temporary Transfer Application Map Checklist**

AUG 02 2024

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

Salem, OR

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

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



**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

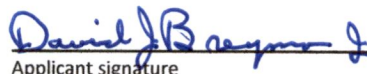
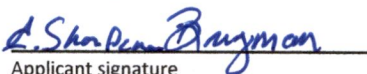
APPLICANT/BUSINESS NAME <b>Blue Heaven Properties, LLC</b>		PHONE NO. <b>(503) 932-1180</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 607</b>			FAX NO.
CITY <b>Independence</b>	STATE <b>OR</b>	ZIP <b>97351</b>	E-MAIL <b>breymanfarms@aol.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE 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 <b>Will McGill Surveying, LLC</b>		PHONE NO. <b>(503) 931-0210</b>	ADDITIONAL CONTACT NO. <b>(503) 510-3026</b>
ADDRESS <b>15333 Pletzer Rd. SE</b>			FAX NO.
CITY <b>Turner</b>	STATE <b>OR</b>	ZIP <b>97392</b>	E-MAIL <b>willmcgill.surveying@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>			

Explain in your own words what you propose to accomplish with this transfer application and why:  
*It is proposed to move Cert. 33868 to cover crops on TL 200 with a better priority date and protect them from regulation. Cert. 41566 will be layered on the "To" lands, but will just remain unused in its current place of use until Cert. 33868 reverts back to the original POU.*

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

 Applicant signature	<b>DAVID J. BREYMAN JR</b> Print Name (and Title if applicable)	<b>11/28/23</b> Date
 Applicant signature	<b>E. Shastenc Breyman</b> Print Name (and Title if applicable)	<b>11/28/23</b> Date

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

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

Received by OWRD

AUG 02 2024

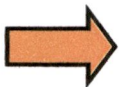
Salem, OR

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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Polk County</b>	ADDRESS <b>820 Church St.</b>	
CITY <b>Dallas</b>	STATE <b>OR</b>	ZIP <b>97338</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Received by OWRD

AUG 02 2024

Salem, OR

**Part 5 of 5 – Water Right Information**

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

**Water Right Certificate # 33868**

Received by OWRD

**Description of Water Delivery System**

AUG 02 2024

System capacity: 1.3 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Salem, OR

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. **25 HP centrifugal pump delivered water through 5" aluminum mainline to 3" handlines with 25 rainbird impact sprinklers.**

**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)
<b>Brostrom POD</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	6	W	24	SE	SW	49	1850' S and 740' W from the NE corner, DLC 49
<b>POD A</b>	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		9	S	5	W	19	SE	NE	70	1530' S and 740' W from the NE corner, Section 19

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

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

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

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

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

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

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 33868**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU/POD	9	S	5	W	19	SE	NE	200	70	17.9	Irrigation	POD A	1961
										POU/POD	9	S	5	W	19	NE	SE	200	70	2.3	Irrigation	POD A	1961
										POU/POD	9	S	5	W	20	NW	NW	200	70	0.6	Irrigation	POD A	1961
										POU/POD	9	S	5	W	20	SW	NW	200	70	9.0	Irrigation	POD A	1961
TOTAL ACRES																							
						TOTAL ACRES 29.8																	

Additional remarks: \_\_\_\_\_

Received by OWRD

AUG 02 2024

Salem, OR

**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: Cert. 41566



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

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

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

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

Received by OWRD

AUG 02 2024

Salem, OR



# Business Registry Business Name Search

[New Search](#)

## Business Entity Data

09-19-2023  
09:14

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
696865-83	DLLC	ACT	OREGON	06-21-1999	06-21-2024	
<b>Entity Name</b>	BLUE HEAVEN PROPERTIES, LLC					
<b>Foreign Name</b>						

Received by OWRD

AUG 02 2024

[New Search](#)

## Associated Names

Salem, OR

Type	PPB	PRINCIPAL PLACE OF BUSINESS	Country
<b>Addr 1</b>	6985 RIVERSIDE DR S		
<b>Addr 2</b>			
<b>CSZ</b>	SALEM	OR 97306	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	Resign Date
<b>Of Record</b>	<a href="#">1224169-93</a>	SG CORPORATE SERVICES, LLC		
<b>Addr 1</b>	250 CHURCH ST SE STE 200			
<b>Addr 2</b>				
<b>CSZ</b>	SALEM	OR 97301	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS	Country
<b>Addr 1</b>	PO BOX 607		
<b>Addr 2</b>			
<b>CSZ</b>	INDEPENDENCE	OR 97351	UNITED STATES OF AMERICA

Type	MGR	MANAGER	Resign Date
<b>Name</b>	DAVID	J BREYMAN	JR
<b>Addr 1</b>	PO BOX 607		
<b>Addr 2</b>			
<b>CSZ</b>	INDEPENDENCE	OR 97351	UNITED STATES OF AMERICA

Type	MGR	MANAGER	Resign Date
<b>Name</b>	E	SHARLENE BREYMAN	
<b>Addr 1</b>	PO BOX 607		
<b>Addr 2</b>			
<b>CSZ</b>	INDEPENDENCE	OR 97351	UNITED STATES OF AMERICA

AFTER RECORDING RETURN TO:

Lane P. Shetterly  
PO Box 105  
Dallas, OR 97338


SEND TAX STATEMENTS TO:

Donald E. Brostrom and Frances E. Brostrom, Trustees of The Donald E. Brostrom and Frances E. Brostrom Trust  
16804 Maple Grove Rd.  
Monmouth, OR 97361

*Space for Recording Label*

**RECORDED IN POLK COUNTY**      **2021-004643**  
 Valerie Unger, County Clerk

**\$101.00**



00396129202100046430030030      03/16/2021 10:10:03 AM

REC-WD      Cnt=1    Stn=1    K. WILLIAMS  
 \$15.00 \$10.00 \$11.00 \$60.00 \$5.00

CONSIDERATION: \$0.00

Received by OWRD

AUG 02 2024

SPECIAL WARRANTY DEED

Salem, OR

Donald E. Brostrom and Frances E. Brostrom, Grantors, convey and warrant to The Donald E. Brostrom and Frances E. Brostrom Trust, Donald E. Brostrom and Frances E. Brostrom, Trustees, Grantees, the following described real property, located in Polk County, Oregon, free of encumbrances except as specifically set forth herein, to wit:

See Exhibit A

Grantors covenant that Grantors are seized of an indefeasible estate in the real property described above in fee simple, that Grantors have good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of the Grantors to preserve any existing title insurance coverage.

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,

Received by OWRD

AUG 02 2024

Salem, OR

OREGON LAWS 2010.

There is no consideration for this conveyance.

DATED: March 15, 2021.

*Donald E. Brostrom*  
Donald E. Brostrom

*Frances E. Brostrom*  
Frances E. Brostrom

STATE OF OREGON,     )  
  ) ss.  
County of Polk.         )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2021, by Donald E. Brostrom.



*Sarah Anna Buhler*  
NOTARY PUBLIC FOR OREGON

STATE OF OREGON,     )  
  ) ss.  
County of Polk.         )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2021, by Frances E. Brostrom.



*Sarah Anna Buhler*  
NOTARY PUBLIC FOR OREGON

H:\Wills&TrustsA-M\L\BrostromDonaldFrances\SpecialWarrantyDeed.wpd

Received by OWRD

AUG 02 2024

Salem, OR

**EXHIBIT A**

LEGAL DESCRIPTION:

BEGINNING AT AN IRON PIPE ONE-HALF INCH IN DIAMETER 18 INCHES LONG IN THE MIDDLE OF THE OLD COUNTY ROAD AT 16.22 CHAINS SOUTH AND 13.25 CHAINS WEST OF THE NORTH EAST CORNER OF THE JOHN M. ZUMWALT AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 5076, CLAIM NO. 49, IN SECTION 24 OF TOWNSHIP 9 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE WEST A DISTANCE OF 11.27 CHAINS TO AN IRON PIPE ONE-HALF INCH IN DIAMETER, 18 INCHES IN THE GROUND; THENCE SOUTH A DISTANCE OF 11.00 CHAINS TO A ONE-HALF INCH IRON PIPE, THENCE NORTH 89° 18' EAST A DISTANCE OF 2.05 CHAINS TO A ONE-HALF INCH IRON PIPE; THENCE NORTH 1° 23' EAST A DISTANCE OF 4.78 CHAINS TO AN IRON PIPE ONE-HALF INCH IN DIAMETER; THENCE NORTH 89° 57' EAST A DISTANCE OF 9.10 CHAINS TO A ONE-HALF INCH IRON PIPE; THENCE NORTH A DISTANCE OF 6.24 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF SAID LAND DESCRIBED IN DEED TO POLK COUNTY, RECORDED MARCH 18, 1963 IN BOOK 185 AND PAGE 168, DEED RECORDS.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

FURNISHED AS A COURTESY BY UNION TITLE INSURANCE CO. 800 COURT STREET S.E., TALLAM

ACROSS THE STREET FROM THE COUNSELOR

Received by OWE  
AUG 02 2024  
Salem, OR

This Indenture Witnesseth, That SARA MADDOX now by marriage SARA TILL and GROVER C. TILL her husband

for the sum of Ten and no/100 DOLLARS to them, paid, have bargained and sold and by these presents do bargain, sell and convey to DONALD BROSTROM and FRANCES BROSTROM

husband and wife as tenants by the entirety the following described premises situate in Polk County, Oregon, to-wit:

Beginning at a stone 15.22 chains South of the Northeast corner of the John M. Zumwalt and wife Donation Land Claim, Notification No. 5076, Claim No. 49, in Section 24 of Township 9 South, Range 6 West of the Willamette Meridian in Polk County Oregon; thence West along the center of the old County Road 24.52 chains to an iron pipe one-half inch in diameter, 18 inches in the ground; thence South 22.61 chains to an iron pipe 1/2 inch in diameter, 18 inches in the ground; thence East 4.82 chains; thence North 52°20' East 24.85 chains; thence North 7.42 chains to the place of beginning.

SAVE AND EXCEPT therefrom, Beginning at an iron pipe 1/2 inch in diameter, 18 inches long in the middle of the old County Road at 16.22 chains South and 13.25 chains West of the Northeast corner of the said John M. Zumwalt and wife Donation Land Claim; thence West 11.27 chains to an iron pipe 1/2 inch in diameter, 18 inches in the ground; thence South 11.00 chains to a 1/2 inch iron pipe; thence North 89°18' East 2.05 chains to a 1/2 inch iron pipe; thence North 1°23' East 4.78 chains to an iron pipe 1/2 inch in diameter; thence North 89°57' East 9.10 chains to a 1/2 inch iron pipe; thence North 6.24 chains to the place of beginning.

SAVE AND EXCEPT from the last above described tract a strip of land 20 feet wide for a roadway, beginning at the Northeast corner of said tract and running thence West 8.00 chains to the State Highway.



To Have and to Hold unto the said grantees, as tenants by entirety, their Heirs and Assigns forever. AND the said SARA TILL do hereby covenant to and with the said grantees, their Heirs and Assigns, that she is the owner... in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT easement to Mountain States Power Company recorded in Volume 137, page 571, Deed Records for Polk County, Oregon.

and that she will WARRANT and DEFEND the same from all lawful claims whatsoever save and except as above stated.

WITNESS their hand, s. and seal, this 17 day of May, 1960.  
Sara Till (SEAL)  
Grover C. Till (SEAL)  
(SEAL)  
(SEAL)

STATE OF OREGON  
County of Polk  
On this 17 day of May, 1960  
personally appeared the above named  
SARA TILL and GROVER C. TILL, her  
husband

STATE OF OREGON  
County of Polk 125136  
I certify that the within instrument was received for record on the 17 day of May, 1960, at 10:30 o'clock A.M. and recorded in Book 174 Page 182 Records of Deeds of said county.

and I fully advised the foregoing instrument to be their voluntary act and deed.  
Notary Public for Oregon.  
My Commission Expires Oct 15, 1961

By Donald Brostrom Deputy.  
Return to: Donald Brostrom  
RT #1, Box 195  
Salem

Received by QW  
AUG 02 2024  
Salem, OR

KNOW ALL MEN BY THESE PRESENTS, That  
Leon S. Post and Ethel M. Post, his wife,

grantors  
in consideration of Ten and 00/100 Dollars,  
to them paid by Lester P. Hill and Inez Hill, his wife,  
grantee

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

Beginning at an Iron Pipe 21.75 chains South from the Northwest corner of the John Sheldon D. L. C. No. 41 in T. 6 S. R. 6 W. M. 5, in Polk County, Oregon; and running South 0.09 chains; thence N. 53° E. 7.88 chains; thence N. 06° E. 6.60 chains to the County Road; thence S. 33° 15' W. 4.75 chains; thence S. 12° E. 1.66 chains; thence S. 25° W. 6.97 chains; thence S. 51° W. 4.54 chains; thence N. 39° 37' W. 11.03 chains to an Iron Pipe on the South line of the Falls City property; thence 75° E. 1.67 chains to an Iron Pipe; thence N. 66° E. 1.51 chains to the place of beginning.

Save and except, Beginning at a point which is South 33° 15' West 313.5 feet from the Northeast corner of the land deeded to R. E. Cranford et al by deed recorded in Vol. 115, Page 529, Deed Records for Polk County, Oregon; thence South 68° West 198 feet to a point; thence South 12° East 370 feet, more or less, to the west line of the Falls City - Valsey County Road; thence northeasterly along the west boundary of said County Road to a point which is South 12° East 110 feet from the place of beginning; thence North 12° West 110 feet to the place of beginning; situate in the D. L. C. of John Sheldon Claim 41, T. 6 S. R. 6 W. M. 5 in Polk County, Oregon.

Net acreage conveyed, 10.17 acres, more or less.

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

And the grantors do hereby covenant that we are lawfully seized in fee simple of the above granted premises free from all incumbrances, Except Taxes if any.

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

Witness our hands here and last this 29 day of Oct 1959  
Mamie M. Adams  
Ethel M. Post (SEAL)  
Lester P. Hill (SEAL)  
In witnesses to signatures of LEON S. POST  
Ethel M. Post (SEAL)  
STATE OF OREGON

County of Multnomah On this 29 day of Oct 1959  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named  
Leon S. Post, together with his wife, Mrs. Ethel M. Post

who I am known to me to be the identical individual(s) described in and who executed the within instrument, and acknowledged to me that he(s) executed the same freely and voluntarily.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



William A. Johnson  
Notary Public - Oregon  
My Commission Expires August 22, 1960

Warranty Deed

STATE OF OREGON  
County of Polk  
I certify that the within instrument was properly recorded on the 29th day of October 1959 at 11:20 AM in Book 174 Page 183 and is a true and correct copy of the original as recorded in the office of said County's Clerk.  
Witness my hand and seal of said County this 29th day of October 1959.  
By: [Signature]  
Lester P. Hill  
Inez Hill  
Falls City, Ore.

# 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)

Received by OWRD

AUG 02 2024

Salem, OR

## 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.

# Land Use Information Form

Received by OWRD

AUG 02 2024

Salem, OR

Applicant(s): Luckiamute Valley Farms, LLC/Blue Heaven Properties, LLC

Mailing Address: PO Box 607

City: Independence

State: OR

Zip Code: 97351

Daytime Phone: (503) 932-1180

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>SENE</u>	<u>200</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>NESE</u>	<u>200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>20</u>	<u>NWNW</u> <u>SWNW</u>	<u>200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>8</u>	<u>SWNE</u> <u>NESW</u>	<u>103</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>8</u>	<u>NWSE</u>	<u>103</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>

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

Polk

## B. Description of Proposed Use

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) Luckiamute River/Little Luckiamute River

Estimated quantity of water needed: 114.25    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:

It is proposed to do two temporary transfers to improve priority dates and continue irrigating through a stream regulation in this basin. Certificates 33103 and 33868 are the involved rights.



**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

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): PC20 136.030(A) "Farm Use"
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

\* See Attached

Name: Michael Burns Title: Associate Planner

Signature: Michael C. Burns Phone: (503)623-9237 Date: 9/12/2023

Government Entity: Polk County Community Development

**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: \_\_\_\_\_

Received by OWRD

AUG 02 2024

Salem, OR

WR / FS

Polk County Planning Comments:

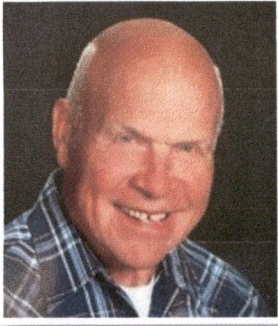
The subject property contains wetland identified on the National Wetlands Inventory (NWI) Map. According to the Polk County Significant Resource Areas (SRA) Map, some of these wetlands are associated with inventoried fish bearing streams. Therefore, the standards listed in Polk County Zoning Ordinance (PCZO) Chapter 182 are applicable. This serves as notice to the property owner of the presence of wetland on the property. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW).

A portion of the subject property is located within the regulated floodplain. Any structural or non-structural development within the floodplain such as mining, dredging, excavation, filling, etc. would require a land use permit pursuant to Polk County Zoning Ordinance (PCZO) 178.060.

Received by OWRD

AUG 02 2024

Salem, OR



## Donald "Don" Brostrom

March 03, 1933 - September 22, 2023

Monmouth, Oregon

It is with extreme sadness that we announce the death of our beloved, Don Brostrom on September 22, 2023.

Don was born, Donald Ellis Brostrom, on March 3, 1933, in Ceresco, NE. to Carl Julius, Brostrom and Edna Lorene (Peason) Brostrom.

Farming was not going well in Nebraska in 1940, so Oregon relatives invited them to come west where there were many jobs. The family came west in March, shortly after Don's birthday. There were three sons by then and they all settled in the Airlie community. When Camp Adair was established in the area the family moved to Falls City, then bought a farm in the Airlie area when WWII ended.

Don was in the first graduation class at Central high schools in 1951. He enrolled as a freshman at Oregon College of Education (OCE now Western Oregon University) in the fall, and by December 1953 married classmate, Frances Williams. Thus started their careers as teachers. Don also got into coaching (especially basketball). He taught in several communities including Pedee, Ione, Central Linn, Albany, Bend, Willamina, and finally retired from teaching in the Dallas School district system.

Teaching was his career, but other than family, his greatest love was the outdoors where he was involved in farming, cattle, and logging.

Don is survived by his wife (of almost 70 years) Frances, sons Tracy (Nancy), Tod (Kathie), and daughter Lori. Also mourning his loss are grandchildren Kelsey (Jordan), Morgyn (Henry), Tyler, Brittany (Raymond), Riley (Jared) and Zachary. Three great-granddaughters also survive. Don was predeceased by his parents and brother Glenn. Surviving are brother Roger (Irene) and sister-in-law Phyllis.

A Celebration of Don's Life will be held on Thursday, October 12th at 1:00PM at Trinity Lutheran Church in Dallas. Memorial Contributions may be made to Trinity Lutheran Church. There will be a private family burial. Bollman's Tribute Center is caring for the family. To leave an online condolence or share a story with the family go to [www.bollmantributecenter.com](http://www.bollmantributecenter.com)

Received by OWRD

AUG 02 2024

Salem, OR



# Application for Water Right Transfer

## Evidence of Use Affidavit



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
 County of POLK)

I, FRANCES BROSTROM, in my capacity as OWNER,  
 mailing address 16804 MAPLE GROVE RD., MONMOUTH, OR 97361  
 telephone number (503)623-2111, being first duly sworn depose and say:

Received by OWRD  
 AUG 02 2024  
 Salem, OR

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 # 33868; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

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

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

(continues on reverse side)

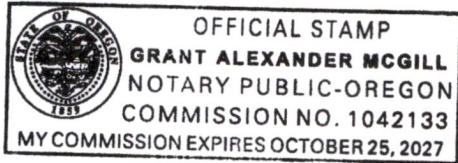
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Frances Brostrom  
Signature of Affiant

8-2-24  
Date

Signed and sworn to (or affirmed) before me this 2 day of Aug., 2024.



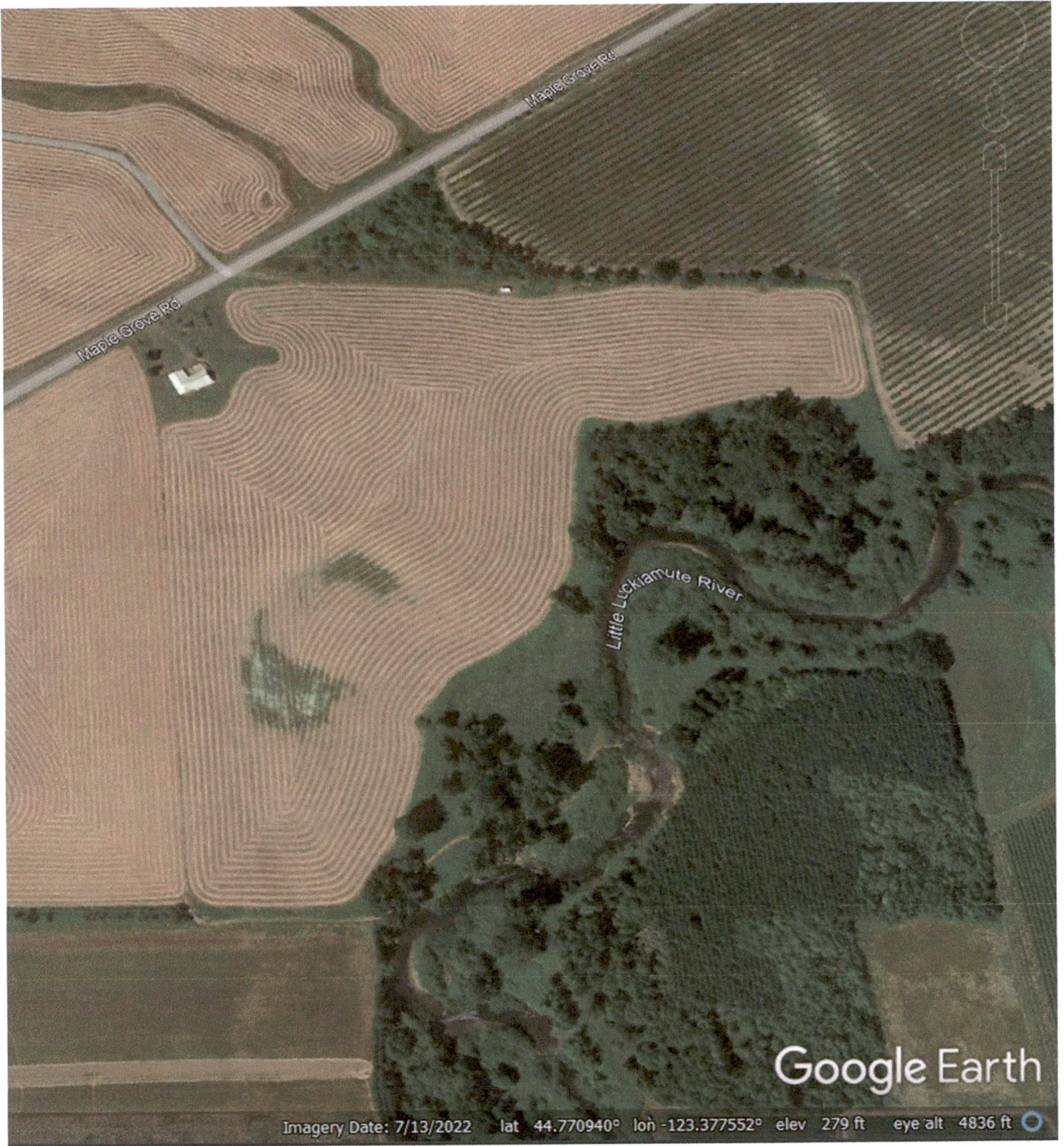
Grant McGill  
Notary Public for Oregon  
My Commission Expires: 10/25/2027

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. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> 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

Received by OWRD

AUG 02 2024

Salem, OR



Received by OWRD

AUG 02 2024

Salem, OR