

6921

Name ASSIGNED  
Montecucco Farms

By .....

Address 4120 N. Locust  
Canby, OR 97013Change in POD + USEDate filed 3-5-93

Date of hearing .....

Place of hearing 10-4-99 53 1314Date of order 3/27/95 Vol. 49, page 124Date for application of water 10-1-94, 10-1-97, 10-1-98, 10-1-2001 Adjudication, Vol. ...., page .....

Proof mailed .....

Proof received .....

Certificate issued 3/27/95 Vol. ...., page 68450

6921

## DESCRIPTION OF WATER RIGHT

Name of stream WellTrib. of Senecal Creek County of MarionUse Irrigation

Quantity of water ..... No. of acres .....

Name of ditch .....

Date of priority 11-21-84In name of Montecucco FarmsApp. No. G-11322 Per. No. G-10449 Cert. No. 65274

Certificate cancelled .....

Notation made on record by 10/8/01 HW

## FEES PAID

Date	Amount	Receipt No.
<u>3/5/93</u>	<u>\$305.00</u>	<u>97648</u>
<u>10/21/96</u>	<u>\$100.00</u>	<u>7747</u>
<u>9/29/97</u>	<u>\$100.00</u>	<u>16283</u>
<u>TOTAL</u>	<u>125.00</u>	<u>32225</u>
<u>12/02/01</u>	<u>100.00</u>	<u>49933</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>3-9-95</u>	<u>82.50</u>	<u>004570</u>
<u>3-9-95</u>	<u>72.50</u>	<u>004569</u>

MAR 1 1995

## REMARKS

Extended 15p. 51-28 on 1-21-97  
to  
10-1-97ASSIGNED. See Miss. Rec., Vol. 8 Page 481 on 8/20/99Extended to 10-1-98 V51 P1255 on 11-3-97Ext of time 10-1-2004 V55 p. 1301TO: Bill Clinger Properties LLC  
1834 SW 55th St Ste 204 6215 SW Sweet Briar Ct.  
Portland OR 97221 ph. 297-0142



G11322

The Woodburn Independent  
(weekly paper  
of choice)

TRANSFER PROCEDURE  
CHECK-OFF LIST

CONTENTS CODED	(✓)
CONTENTS COPIES	(✓)
CERTIFICATE MARKED	(✓)
CERTIFICATE COPIED	(✓)
DECREE MARKED (VAULT)	(✓)
DECREE PAGE COPIED (MICRO-FISCHE)	(✓)
TRANSFER FOLDER MARKED	(✓)
PERMIT FOLDER MARKED & ATTACHED	(✓)
NAME CARD MADE	(✓)
STREAM CARD MADE	(✓)
CALENDAR CARD MADE	(✓)
ENTERED IN LOG	(✓)
PLAT CARD MARKED	(✓)
PLAT CARD COPIED	(✓)
ACKNOWLEDGEMENT DRAFTED	(✓)
ACKNOWLEDGEMENT & RECEIPT MAILED	(✓)
PON DRAFTED	(✓)
PON MAILED	(✓)
W/M REPORT SENT/DATE-----	(3-15-93)
W/M REPORT REC'D/DATE-----	(6/18/93)
GW REPORT SENT/DATE-----	( )
GW REPORT RECEIVED/DATE-----	( )

ORIGINAL

ACTION  
CODE

B

03-00-0

82.50

004570

AGENCY VOUCHER NO.

DATE

03-07-95

VENDOR NUMBER

A69000

PAYEE AND ADDRESS

THE WOODBURN INDEPENDENT

AUDITED BY

WATER RESOURCES  
158 12TH ST NE  
SALEM OR 97310-0210

TOTAL

\$82.50

PAYMENT OF: INVOICE

REFERENCE 004570

82.50

NET PAID

\$82.50

MESSAGE: PON T-6921 97648

ACCOUNT CODING:	AGY	69000	BCH	N24	INV	TC	40	ID	950307	REF	004570
DESCRIPTION	PCD	PROJECT	FUND	BI	COST CENTER	ACCOUNT	AMOUNT				
THE WOODBURN INDEPEN		062300	425	5	06 23 00 01	899900	82.50				

## NOTICE TO VENDOR

## REMITTANCE ADVICE

Enclosed is warrant in full payment of claim listed above. Please refer to Voucher Number indicated if you have any question regarding this payment.

By

## FOR STATE AGENCY USE ONLY

This certifies that the materials, services, cash advanced, or expenses covered by this claim have been furnished, rendered or expended on behalf of the State of Oregon. The provision for payment is made by law and appropriation, the obligation or expenditure is authorized by law and the claim otherwise satisfies the requirements as provided by ORS 293.295. This claim has been approved for payment in the above amount.

By

ORIGINAL

ACTION  
CODE

B

03-00-0

72.50

004569

AGENCY VOUCHER NO.

DATE

03-07-95

VENDOR NUMBER

A69000

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MONTECUCCO FARMS

AUDITED BY

WATER RESOURCES  
158 12TH ST NE  
SALEM OR 97310-0210

TOTAL

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AUDITED BY

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SALEM OR 97310-0210

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AGENCY VOUCHER NO.

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VENDOR NUMBER

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MONTECUCCO FARMS

AUDITED BY

WATER RESOURCES  
158 12TH ST NE  
SALEM OR 97310-0210

TOTAL

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REFERENCE 004569

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NET PAID .....

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DESCRIPTION PCD PROJECT FUND BI COST CENTER ACCOUNT AMOUNT

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By



T-6921

**Timmie Brandt**

---

**From:** Timmie Brandt

**Sent:** Tuesday, January 05, 2010 9:28 AM

**To:** Mary Rohling

**Cc:** Timmie Brandt

**Subject:** G-14994 - Address Change

Please update WRIS with the following information:

Groundwater file G-14994 / Permit G-13936/ NO CERTIFICATE

BILL OLINGER PROPERTIES LLC

OLINGER, KYLE

5987 SE DRAKE STREET

HILLSBORO OR 97123-7339

OLD ADDRESS:

6215 Sweetbriar Court OR 1834 SW 58<sup>th</sup> Avenue  
Portland OR 97221 Portland OR 97221

T6921

RECEIVED

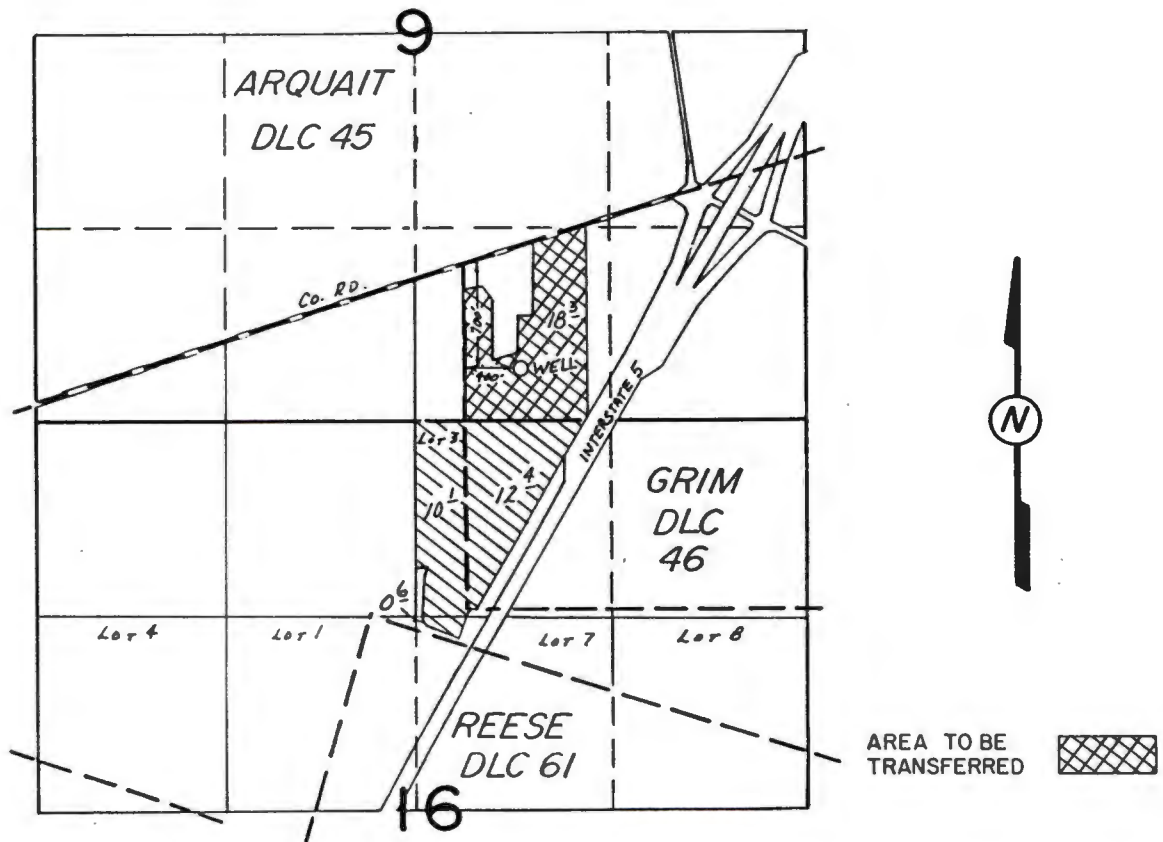
MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

T.4S., R.1W., W.M

MARION

COUNTY



SCALE : 1" = 1320'

## APPLICATION TO TRANSFER WATER RIGHT

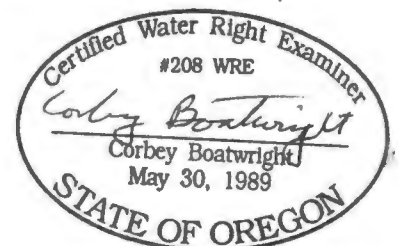
Application No. G-11322 Permit No. G-10449



### MONTECUCCO FARMS

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

MARCH 4, 1993





STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS  
4120 NORTH LOCUST STREET  
CANBY, OREGON 97013

confirms the right to use the waters of A WELL in the SENECA CREEK BASIN for IRRIGATION OF 23.1 ACRES.

This right was perfected under Permit G-10449. The date of priority is NOVEMBER 21, 1984. This right is limited to 0.29 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within DLC 46, SECTION 9, T 4 S, R 1 W, WM; 700 FEET SOUTH AND 400 FEET EAST FROM THE NW CORNER, DLC 46.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 $\frac{1}{2}$  acre-feet for each acre irrigated during the irrigation season of each year.

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

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

NW $\frac{1}{4}$  NE $\frac{1}{4}$  12.4 ACRES  
as projected within DLC 46  
LOT 3 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 10.1 ACRES  
LOT 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 0.6 ACRE  
SECTION 16  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 65974, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 27 1995, approving Transfer Application 6921.

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

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

WITNESS the signature of the Water Resources Director,  
affixed MAR 27 1995.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68450.

T-6921.LHN

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6921 submitted by

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY, OREGON 97013.

The right to be modified, as evidenced by a PORTION of Certificate 65974, was perfected under Permit G-10449 with a date of priority of NOVEMBER 21, 1984. The right allows the use of A WELL, a tributary of SENECA CREEK BASIN, for IRRIGATION OF 18.3 ACRES. The right is limited to 0.23 cubic foot per second, if available at the original well; SW¼ SE¼, as projected within DLC 46, SECTION 9, T 4 S, R 1 W, WM; 700 FEET SOUTH AND 400 FEET EAST FROM THE NW CORNER, DLC 46, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2¼ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW¼ SE¼ 18.3 ACRES  
as projected within DLC 46  
SECTION 9  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

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

The applicant proposes to change the character of use to COMMERCIAL USE.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

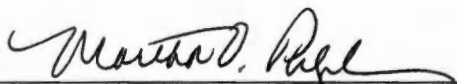
1. The proposed change shall be completed on or before October 1, 1996.
2. The former place of use shall no longer be irrigated as part of this water right, except this right shall include the use of water for not to exceed ¼ acre landscape maintenance.



3. The use of water is restricted to the irrigation season between March 1 and October 31 of each year.
4. The rate of water appropriated shall not exceed 0.23 cfs. The volume of water appropriated shall not exceed 45.8 acre-feet per irrigation season.

Certificate 65974 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed MAR 27 1995.

  
\_\_\_\_\_  
Martha O. Pagel, Director

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**MARION COUNTY**

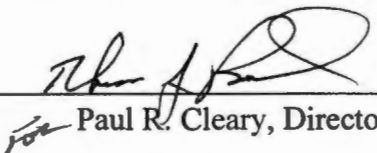
**EXTENSION OF TIME**

The change approved under Transfer 6921, in the name of Bill Olinger Properties, LLC, were to have been completed by October 1, 2001. Bill Olinger Properties, LLC, has requested additional time to complete the changes.

Bill Olinger Properties, LLC provided evidence of reasonable diligence in completing the project. If at the end of that time the change has not been completed, the applicant may file for another extension of time. At that time, they must again provide evidence of reasonable diligence in completing the change. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 6921, in the name of Bill Olinger Properties, LLC, shall be extended to October 1, 2004.

Witness the signature of the Water Resources Director, affixed DEC 12 2001.

  
\_\_\_\_\_  
for Paul R. Cleary, Director

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.



ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder ☒ ## T-6921  
G-11322

Permit ☒ ## G-10449

Certificate ( ) ## \_\_\_\_\_

Trans App Register ☒  
Trans Name Index ☒

Sp. OR ( )  
Decree ( ) Vol \_\_\_\_\_ Page \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

COPIES MADE

Order ☒ Certificate ( )

File ☒ ( ) Data Center ☒ ( ) Watermaster ☒ ( ) Applicant ☒ ( )

ISWR Liason ( ) ( ) \_\_\_\_\_ Water Use Reporting ( ) ( ) \_\_\_\_\_

Other ( ) ( ) \_\_\_\_\_ Other ( ) ( ) \_\_\_\_\_

LETTER TO:

Applicant ☒ Other ( ) \_\_\_\_\_

Other ( ) \_\_\_\_\_ Other ( ) \_\_\_\_\_

EMAIL PROCESSOR

NWR ( ) NCR ( ) SWR ( ) SCR ( ) ER ( )

ENCLOSURES

Special Order ☒ Vol 55 Page 1301  
( ) Vol \_\_\_\_\_ Page \_\_\_\_\_

Certificate ( ) \_\_\_\_\_  
( ) \_\_\_\_\_  
( ) \_\_\_\_\_

DATE SIGNED: 12/12/2001

FILE SET-UP

<u>File Number</u>	<u>Set - Up Date</u>	<u>For Whom</u>
<u>T-6921</u>	<u>10/1/2004</u>	<u>Completion date</u>
<u>"</u>	<u>10/1/2005</u>	<u>CBU due date</u>

SEND TO:

Fiscal Section ( ) Other ( ) \_\_\_\_\_

NOTES:

*Remember to sent receipt w/order. Thanks!*

Oregon

WATER RESOURCES  
DEPARTMENT

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172

RECEIVED

DEC 26 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

Bill Olinger Properties, LLC

~~1834 SW 58<sup>th</sup> Suite 204~~

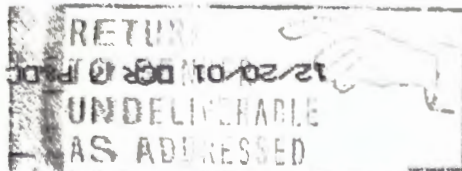
~~Portland, Oregon 97221~~

T-6921  
6215 SW Sweetbriar Ct.  
Portland, OR 97221

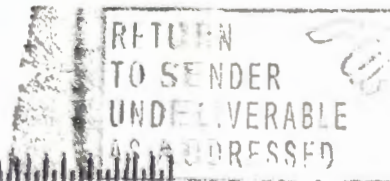
PRESORTED  
FIRST CLASS



PORTLAND OR 97208



97301-4172





Made from Recycled Paper



DECEMBER  
1994





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

December 18, 2001

Bill Olinger Properties, LLC  
1834 SW 58<sup>th</sup> Suite 204  
Portland, Oregon 97221

REFERENCE: File Transfer 6921

We have received your application for extension of the time limits to complete construction and make complete application of water under Transfer 6921. We also have your check in the amount of \$100.00. Our receipt number 49933 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 2004. The order approving the extension was entered 12/12/2001.

You should make every attempt to complete your project on or before that date. It is doubtful that any further extensions could be allowed.

If you have any questions, please contact the Transfer Section at 378-3739.

Sincerely,

*for* Bernadette Williams  
Transfer Program Coordinator

BW:sh

Enclosures

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**MARION COUNTY**

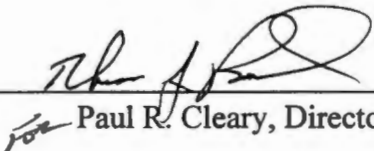
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Bill Olinger Properties, LLC provided evidence of reasonable diligence in completing the project. If at the end of that time the change has not been completed, the applicant may file for another extension of time. At that time, they must again provide evidence of reasonable diligence in completing the change. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 6921, in the name of Bill Olinger Properties, LLC, shall be extended to October 1, 2004.

Witness the signature of the Water Resources Director, affixed DEC 12 2001.

  
\_\_\_\_\_  
for Paul R. Cleary, Director

**This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).**

**Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.**



## **BILL OLINGER PROPERTIES, LLC**

**Kyle Olinger**

(503) 939-4284

Fax: 203-6758

6215 S.W. Sweetbriar Ct.  
Portland, OR 97221



6921

13381

G-10856

+6963

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G-13325

G-11962

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**MARION COUNTY**

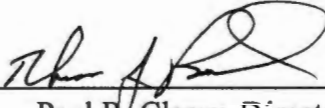
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Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

TRANSFER EXTENSION OF TIME CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

TRANSFER 6921

December 12, 2001

1. What area or change was anticipated by applicant at the time the transfer was approve?

A: Change in use from irrigation to commercial use.

2. What steps has the applicant completed to date?

A: They have built the pump house reservoir (280,000 gallons), a pump house, pump equipment and water lines.

3. Is the applicant currently meeting all conditions of the right and transfer?

A: Yes.

4. What is the current use of water under the transfer?

A: The only use of the system currently is the use of water under another existing permit for farm irrigation of adjoining property. Possibly using some water for construction.

5. What percent of the total change does the current use represent?

A: Unknown.

6. Have there been any unforeseen events (over which the applicant has no control) which could reasonably have delayed development under the transfer?

A: The market for commercial properties has been bad. However, they currently has two earnest money agreements on two parcels in development.



7. If the extension request is denied, is the current level of water use under transfer economically feasible?

A: No.

8. Is there an alternate source of water available at this time?

A: No.

9. Have there been claims of injury to other water right holders or water users?

A: No.

10. Special Requests?

A: Yes, they would like an extension of time to October 1, 2004 (three years).

11. Any previous extensions of time? If so, any special conditions?

A: Yes, three previous extensions of time were approved. No special conditions attached.

12. Staff Recommendation: Approve   X   Deny           

13. Discussion: Under the current economic climate, I think it would be reasonable for the Department to grant an extension of three years. From all the evidence submitted, it appears that there has been due diligence and the reason for not being able to complete the project has been "out of their hands".

14. Approved            Denied

**APPLICATION FOR EXTENSION OF TIME  
TO THE WATER RESOURCES DIRECTOR OF OREGON**

I, Bill Olinger Properties LLC  
NAME

6215 SW Sweetbriar Ct. Portland, OR 97221 503-939-4284  
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. T-6921, Permit No. G10449, do hereby request that the time in which to:

☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2004.

and/or the time in which to: Sell property to a user that would build on the land and use the water system in place.  
☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, \_\_\_\_\_, be extended to October 1, \_\_\_\_\_.

**NOTE:** The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Enclosed is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?  
\_\_\_\_\_

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]? \_\_\_\_\_

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

The building of the pump house Reservoir and water lines is now complete.

SEE Attached.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

See Attached.

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

We have built a 280,000 gallon tan Reservoir, A pump house, pump equipment, and extended water lines to reach the length of the property. Cost was approximately \$500,000. Completed in October of 2000.

Also see Attached.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

See Attached

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

The only use of the system so far has been for farm irrigation of adjoining property under a separate Water Rights permit.



4-Cost of project to date \$500,000. Estimated remaining cost to complete the project \_\_\_\_\_.

The only cost remaining will be to hook up individual meters to property owners as they develop.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

We are making efforts every day to get developers and users to move to our property and begin using the water system we have developed for it. We now have the system in place, but marketing the property has been slower than expected.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

To build a road into the property and begin work on the water system, the permit took 7 months. We applied for a permit in February of 1999 and did not get the permit until September of 1999.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

A) Has there been any change in this market since the permit was issued?

The market for property has been both good and bad since the permit was issued. Now the market is very slow. We do have 2 earnest money agreements on 2 parcels in the development.

B) Have these changes, if any, affected the economic feasibility of your project?

Our project is still feasible. There is no turning back. We have a huge investment in Road and water system. To be able to finish the project we may be faced with selling property for less than we originally planned.

7-Are there other present competing demands for water in your community? No

A) Has there been any change in these demands for water since the permit was issued? No

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? No

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

*It may, but it all depends on how much water each development will demand when they come on ~~the~~ line.*

9-If the extension request is denied, is the current level of water use economically feasible?

*No*

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

*Bill Olvinger Properties, LLC.*

Signature

Date

*12/04/01*

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12TH ST NE  
SALEM, OREGON 97310



## **Attachment to Application for Extension of Time**

**Permit No. G-11962**

### **Initial Comments:**

A prior, timely Application for Extension of Time was filed by Montecucco Farms and the fee of \$100 was previously paid. Consideration of this application was halted due to the development and implementation of new rules. (See attached letter from Dallas Miller dated September 29, 1997). Now that the rule making process is complete, the applicant renews its early request for extension of time as modified and enhanced through the submission of this new application documentation.

**1. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:**

**(A&B) Within AND Prior to the past year.**

- a. The property was transferred to Bill Olinger Properties, LLC ("Olinger") on or around January 9, 1998. Montecucco Farms retained an express easement allowing ingress and egress to the Well and allowing Montecucco Farms continued use of and access to the Well and the water rights associated with the Well.
- b. Since the transfer of the property to Olinger and the Express Easement retention by Montecucco Farms, Olinger (on behalf of the applicant) has diligently pursued the commercial development of the property.
- c. A Well and pumping system is installed on the Property.
- d. Olinger has legally partitioned the property to allow for commercial development. Plans for the development have been approved by Marion County and construction of newly permitted access and commercial improvements on the Property began on or around June 1999.
- e. Olinger has paid \$25,000 for the engineering of a new pumping system to replace the existing pumping system to provide for commercial use of the property and water.
- f. Olinger has expended substantial funds to begin construction of the new pumping system which will better allow commercial use of the water from the well pursuant to Permit G-11962.

**RECEIVED**  
**DEC 07 2001**  
**WATER RESOURCES DEPT.**  
**SALEM, OREGON**

2. **“7. For what reasons was the project not completed within permit time limits?”**

Despite the diligent efforts of Montecucco Farms and now Olinger, the beneficial use of the water under this permit could not have been completed because of delays by Marion County attendant to obtaining first the Partition and then the authorization to provide a new access point to the property. The permits have now been issued and construction has begun, but the time needed to complete the project (including a complete upgrade of the existing and installed pumping system) and make beneficial use of the water pursuant to Permit No. G-11962 needs to be extended until the new commercial development is completed.

**Final Comments:**

**If the requested Extension of Time is granted, Applicant through Olinger will:**

- a. Complete in a diligent manner the new private commercial improvements which have now begun on the property.
- b. Complete the construction of the new pumping system and replace the existing pump with this newly constructed and superior commercial pumping system.

Work toward completing the perfection of the right through beneficial use of the water has been diligent and ongoing, and the applicant respectfully requests that the time for completion of the new construction be extended to October 1, 2003 and accomplishment of beneficial use to the full extent under the terms of the permit be extended to October 1, 2004.

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DEC 07 2001  
WATER RESOURCES DEPT.  
SALEM, OREGON

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **49933**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Bill Olinger Properties</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER <u>1 6921</u>

CASH: <input type="checkbox"/>	CHECK: # <u>24-22</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>100.00</u>
--------------------------------	-----------------------	--	------------------------------

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
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PCA AND OBJECT CLASS

VOUCHER # 66111

**0427 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$

**WATER RIGHTS:**

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ <u>100.00</u>	0206	\$
	<b>WELL CONSTRUCTION</b>			<b>LICENSE FEE</b>
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY) _____			

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
------	------------------	----

**0467 HYDRO ACTIVITY**

0233	POWER LICENSE FEE (FW/WRD)	\$	LIC NUMBER	
0231	HYDRO LICENSE FEE (FW/WRD)	\$		
	HRDRO APPLICATION	\$		

RECEIPT # **49933**

DATED: 12/7/01 BY: C. Vance

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal





# Oregon

John A. Kitzhaber, M.D., Governor

September 29, 1997

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY, OR 97013

Reference File G 13325, Permit G 11962

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We feel that processing your request under the new rules may be to your advantage. We anticipate that the rules will be adopted in March 1998.

If you must have an extension of time before that date, we may be able to process it if you can provide a statement that you can complete the project within one year.

Your patience is appreciated and we will process your request as soon as possible.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller  
Natural Resource Specialist 2

Watermaster Dist 16

RECEIVED  
DEC 07 2001  
WATER RESOURCES DEPT.  
SALEM, OREGON



# APPLICATION FOR EXTENSION OF TIME

## TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Montecucco Farms and Leathers Oil Company by Montecucco Farms

ADDRESS	CITY	STATE	ZIP	PHONE
4120 N. Locust	Canby	Oregon	97013	(503) 263-6066

record owner of application No. G-13325 permit No. G-11962, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 2003, and/or the time in which to

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2004.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]? Yes - Well drilling and pumping system installed. New pumping system engineering also now complete.

2-Have you put any water to use under this permit [yes/no]? No  
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? N/A If no, please explain.  
Which terms and/or conditions have not been completely fulfilled at this time. \_\_\_\_\_

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within past year See Attachment

(b) prior to this past year See Attachment

RECEIVED  
DEC 8 7 2001  
WATER RESOURCES DEPT.  
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)  
Yes. Now that the road and development have been approved, 7 acres are currently

under construction for an approved use in this Interchange District. Income from servicing the traveling public will provide returns sufficient to offset investment in the project and to provide an eventual profit.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No. See answer to number 12 below.

12-Is there an alternative source of water available (yes/no please explain)? No. Although this permit is to supplement use under

Transfer 6921, this permit will be the ONLY source that will allow year-round use of commercial water as necessary for the planned commercial development.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain)

N/A at this time.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

I am the permittee or have authorization from the permittee to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Signature Montecucco Farms and Leathers Oil Company by Montecucco Farms  
By: Paul Montecucco, Partner in Montecucco Farms 8/19/99  
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 TO:  
WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12<sup>TH</sup> ST NE  
SALEM, OR 97310

RECEIVED

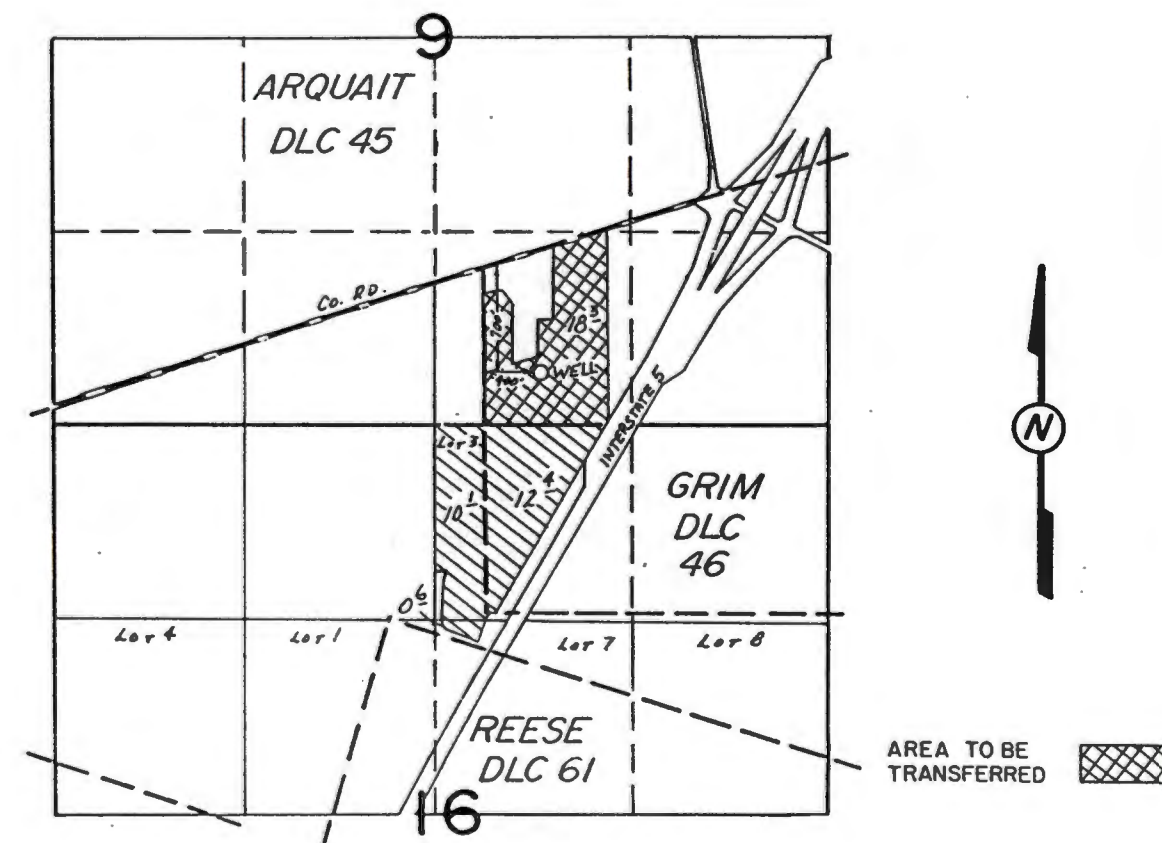
MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

T.4S., R.1W., W.M

MARION

COUNTY



SCALE : 1" = 1320'

APPLICATION TO TRANSFER WATER RIGHT

ORDER and CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

file folder ☒ No. T-6921 Permit ( ) No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

certificate ( ) No. \_\_\_\_\_ Trans App Reg ( )  
\_\_\_\_\_ Trans Name Index ( )  
\_\_\_\_\_

Sp. OR ( )  
Decree ( ) Vol 49 Page 124 Vol \_\_\_\_\_ Page \_\_\_\_\_

COPIES MADE Order ( ) Certificate ( )

file ☒ ( ) Data Center ☒ ( ) Watermaster ☒ ( )

Applicant ☒ ( ) Other \_\_\_\_\_ ( ) ( )

Other \_\_\_\_\_ ( ) ( ) Other \_\_\_\_\_ ( ) ( )

LETTER TO:

Applicant ☒ Other ( ) \_\_\_\_\_

Other ( ) \_\_\_\_\_ Other ( ) \_\_\_\_\_

ENCLOSURES

Sp Order ( ) Vol 53 Page 1314 Certificate ( ) \_\_\_\_\_  
( ) Vol \_\_\_\_\_ Page \_\_\_\_\_ ( ) \_\_\_\_\_  
( ) \_\_\_\_\_  
( ) \_\_\_\_\_

DATE SIGNED 10/4/99

FILE SET-UP

<u>FILE NUMBER</u>	<u>SET-UP DATE</u>	<u>FOR WHOM</u>
<u>T-6921</u>	<u>C-01</u>	_____
_____	_____	_____
_____	_____	_____

SEND TO

Fiscal Section ( ) Other ( ) \_\_\_\_\_

NOTES:



**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**MARION COUNTY**

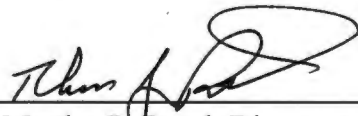
**EXTENSION OF TIME**

The change approved under Transfer 6921, in the name of Bill Olinger Properties, LLC, were to have been completed by October 1, 1998. Montecucco Farms, former landowner and transfer holder, has requested additional time to complete the changes.

Montecucco Farms provided evidence of reasonable diligence in completing the project. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 6921, in the name of Bill Olinger Properties, LLC, shall be extended to October 1, 2000.

Witness the signature of the Water Resources Director, affixed OCT 04 1999.

  
for Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

TRANSFER EXTENSION OF TIME CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

TRANSFER 6921

DATE: October 4, 1999

1. What area or change was anticipated by applicant at the time the transfer was approved?

A: Change in use from irrigation to commercial use.

2. What steps has the applicant completed to date?

A: Obtained county permits and began construction.

3. Is the applicant currently meeting all conditions of the right and transfer?

A: Yes

4. What is the current use of water under the transfer?

A: Most likely, some water for construction.

5. What percentage of the total change does the current use represent?

A: Unknown

6. Have there been any unforeseen events (over which the applicant has no control) which could reasonably have delayed development under the transfer?

A: County permits have been delayed.

7. If the extension request is denied, is the current level of water use under the transfer economically feasible?

A: No

8. Is there an alternate source of water available at this time?

A: No

9. Have there been claims of injury to other water rights holders or water users?

A: No

10. Special Requests?

A: No

11. Any previous extensions of time? If so, any special conditions?

A: Yes, two. No special conditions.

12. Staff recommendation: Approve LHN Deny \_\_\_\_\_

13. Special Conditions: None

14. Discussion: Construction of the project has actually started. The extension should be allowed.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

October 6, 1999

Bill Olinger Properties LLC  
1834 SW 58<sup>th</sup> Suite 204  
Portland, Oregon 97221

REFERENCE: File T-6921

Your application for extension of the time limit in which to make complete application of water under the terms of your Transfer 6921 was received. We also have your check in the amount of \$100.00 for which our receipt 32225 is enclosed.

The application indicates reasonable diligence has been exercised to complete the proposed project. The time limit to make complete application of water is extended to October 1, 2001.

Sincerely,

*Hannah Wood*

*for* LARRY H. NUNN  
Water Rights Specialist

LHN:jh

Enclosure

cc: Bill Ferber, Watermaster  
Corbey Boatwright, CWRE





**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**MARION COUNTY**

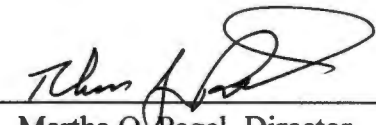
**EXTENSION OF TIME**

The change approved under Transfer 6921, in the name of Bill Olinger Properties, LLC, were to have been completed by October 1, 1998. Montecucco Farms, former landowner and transfer holder, has requested additional time to complete the changes.

Montecucco Farms provided evidence of reasonable diligence in completing the project. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 6921, in the name of Bill Olinger Properties, LLC, shall be extended to October 1, 2000.

Witness the signature of the Water Resources Director, affixed OCT 04 1999.

  
For Martha O. Pagel, Director

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

RECEIVED

AUG 20 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

## Hughes & Zehntbauer, LLP

Attorneys at Law

James D. Hughes  
J. David Zehntbauer

Suite 1020  
Bank of America Financial Center  
121 SW Morrison  
Portland, Oregon 97204-3140

Tel. (503) 226-2260  
Fax. (503) 226-4290

August 19, 1999

Larry H. Nunn, Transfer Coordinator  
Water Resources Department  
Commerce Building  
158 12<sup>th</sup> Street, N.E.  
Salem, OR 97310-0210

**Re: Application for Extension of Time  
Request for Assignment of Transfer  
Transfer No. 6921**

Dear Mr. Nunn:

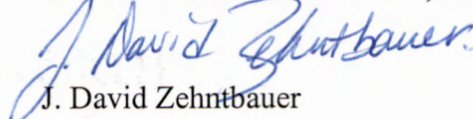
Enclosed for your consideration and processing are two documents relating to Transfer 6921. The first enclosure is an Application for Extension of Time for Transfer of Water Right, and the second is a Request for Assignment of Transfer. I have enclosed Montecucco Farms check no. 0139 in the amount of \$125.00 in payment of the \$100.00 fee for the Application for the Extension of Time and the \$25.00 fee for the Request for Assignment of Transfer.

Please contact me immediately if further input or information would be helpful in approving the Application for Extension of Time. Once this Application for Extension of Time is approved, please assign the newly extended transfer no. 6921 to Bill Olinger Properties, LLC pursuant to the Request for Assignment of Transfer.

Please call me immediately if you have any questions, comments, or concerns.

Very truly yours,

HUGHES & ZEHNTBAUER, LLP

  
J. David Zehntbauer

JDZ:pb

CC: Montecucco Farms (w/o enclosures)  
Bill Olinger Properties, LLC (w/enclosures)

Enclosures

G:\Client Files\l-m\Montecucco 846-7-a Water Rights, Continuing Olinger matters\8-19-99 LT L. Nunn.wpd

APPLICATION FOR EXTENSION OF TIME  
FOR TRANSFER OF WATER RIGHT**RECEIVED**

AUG 20 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Montecucco Farms (Name of Applicant)  
 of 4120 N. Locust, Canby  
 (Mailing Address) (City)  
 State of Oregon, 97013, (503) 263-6066  
 (Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

( ) point of diversion ( ) place of use (x) use heretofore made  
 of water under the terms of an order of the Water Resources Director entered  
 on March 27, 19 95, approving Transfer 6921, in the name  
 of Montecucco Farms as Extended to October 1, 1999 (see attached letter),  
 for SW 1/4 SE 1/4 18.3 acres as projected within DLC 46, Section 9, T4S, R1W, WM  
Marion County

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time  
 allowed, which expired on October 1, 1999 :

See Attachment Paragraph 1

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the  
 following: See Attachment Paragraph 2

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,  
 because See Attachment Paragraph 3

\_\_\_\_\_ and request that the  
 time for completion be extended to October 1, ~~19~~ 2000.

Montecucco Farms By: Paula Montecucco, Partner  
 (signature of applicant)

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:

WATER RESOURCES DEPARTMENT  
 158 12TH STREET NE  
 SALEM OR 97310



**RECEIVED**

**AUG 20 1999**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

**Attachment to Application for Extension of Time for  
Transfer of Water Right**

**Transfer 6921**

- 1. In order to complete the change within the time allowed, the following diligent efforts have been made:**
  - a. The property was transferred to Bill Olinger Properties, LLC ("Olinger") on or around January 9, 1998. Montecucco Farms retained an express easement allowing ingress and egress to the Well and allowing Montecucco Farms continued use of and access to the Well and the water rights associated with the Well.
  - b. A Request for Assignment of Transfer 6921 from Montecucco Farms to Olinger is being submitted concurrently with this application.
  - c. Since the transfer of the property to Olinger and the Express Easement retention by Montecucco Farms, Olinger has diligently pursued the commercial development of the property.
  - d. Construction of the Well and the existing pumping system is complete.
  - e. Olinger has legally partitioned the property to allow for commercial development. Plans for the development have been approved by Marion County and construction of newly permitted access and commercial improvements on the Property began on or around June 1999.
  - f. Olinger has paid \$25,000 for the engineering of a new pumping system to replace the existing pumping system to provide for commercial use of the property and water.
  - g. Olinger has expended substantial funds to begin construction of the new pumping system which will better allow commercial use of the water from the well pursuant to Transfer 6921.
- 2. To fully complete the change, it will be necessary to:**
  - a. Complete in a diligent manner the construction and private improvements which have now begun on the property.
  - b. Complete the construction of the new pumping system and replace the existing pump with this newly constructed and superior commercial pumping system.



RECEIVED  
AUG 20 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

3. **I am unable to Complete the change under the terms of the order, withing the time allows because:**

Despite the diligent efforts of Montecucco Farms and now Olinger, the change cannot be completed because of delays by Marion County attendant to obtaining first the Partition and then the authorization to provide a new access point to the property. The permits have now been issued and construction has begun, but the time needed to complete the project and make beneficial use of the water pursuant to Transfer 6921 needs to be extended until the new commercial development is completed.

Work toward completing the change of use for this right has been diligent and ongoing, and the applicant respectfully requests that the time for completion be extended to October 1, 2000.



# Oregon

John A. Kitzhaber, M.D., Governor

July 1, 1999

RECEIVED

AUG 20 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97310-0210

(503) 378-3739

FAX (503) 378-8130

Montecucco Farms  
4120 N Locust  
Canby, Oregon 97013

REFERENCE: Transfer 6921

This letter is in regard to your water use Transfer 6921. As we pointed out to you in our letter of October 21, 1998, your claim of beneficial use must be received in this office by October 1, 1999.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported...as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received in 90 days, by October 1, 1999, your transfer may be canceled without further notice.

If you have any questions, please contact me at extension 275 at the number above, or toll-free 1-800-624-3199

Sincerely,

*Hannah Wood*

✓ LARRY H. NUNN  
Transfer Coordinator

LHN:jh

cc: Bill Ferber, Watermaster 16  
Corbey Boatwright, CWRE

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **32225**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Montecucco Farms  
BY: \_\_\_\_\_

APPLICATION	6921
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 2122 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$ 25.00

(low) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$

0202

**RECORD FEE**

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

**WELL CONSTRUCTION**

**EXAM FEE**

0218 WELL DRILL CONSTRUCTOR

\$

0219

**LICENSE FEE**

\$

LANDOWNER'S PERMIT

0220

\$

*plat # 66111*

*Assignment*

0240 OTHER (IDENTIFY) E.L.T. OF TIME \$100.00

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$

**0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **32225**

DATED: 3-7-99 BY: Roger Wright

Distribution-White Copy-Customer. Yellow Copy-Fiscal. Blue Copy-File. Buff Copy-Fiscal





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

August 23, 1999

BILL OLINGER PROPERTIES LLC  
1834 SW 58<sup>TH</sup> STE 204  
PORTLAND OR 97221

REFERENCE: File T-6921

The assignment of Transfer 6921 from Montecucco Farms to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignment is enclosed.

Sincerely,

Dallas S. Miller  
Water Rights Specialist

DSM:jh

enclosure

cc: Bill Ferber, Watermaster  
Data Center, OWRD  
Corbey Boatwright, CWRE  
J. David Zehntbauer, Atty. - 121 SW Morrison, Ste 1020 - Portland, OR 97204-3140





RECEIVED

AUG 20 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

REQUEST FOR ASSIGNMENT OF TRANSFER

I, we, Montecucco Farms of  
(name of landowner initiating the transfer)

4120 N. Locust Canby Oregon 97013 (503) 263-6066  
(mailing address) (city) (state) (zip) (phone)

do hereby assign all of my interest in and to water right transfer application  
numbered 6921, as filed in the office of the

Water Resources Director, TO:

Bill Olinger Properties, LLC of  
(name of the new landowner where the water is to be used)

1834 S.W. 58th, Suite 204 Portland Oregon 97221  
(mailing address) (city) (state) (zip)

Telephone number (503) 297-0142.

WITNESS my hand this 8-19 day of 1999, 19 99.

Montecucco Farms By: Paul A. Montecucco, Partner  
(signature of initial landowner)

(signature of initial landowner)

This form should be used when the transfer holder of the place where the water  
is used sells or otherwise conveys the place where water is used to someone else.  
IF THE PURPOSE OF THE TRANSFER WAS TO CHANGE THE PLACE WHERE WATER IS USED TO  
LAND OWNED BY SOMEONE ELSE, THIS FORM IS NOT NEEDED.

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON, )

County of Marion. )

I certify that the within was  
received by me on the 20th day of  
August, 1999, at 8 o'clock  
A. m., and was recorded in the  
Miscellaneous Records, Vol. 8  
Page 481

Water Resources Director

The completed assignment  
must be submitted to the  
Water Resources  
Department together  
with a recording fee of  
\$25. Additional pages  
will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM, OREGON 97310-0210

M:\GROUPS\WR\SUPPORT\JANET\FORMS\ASSIGN-TRANSFER

OK  
JSM



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

July 1, 1999

Montecucco Farms  
4120 N Locust  
Canby, Oregon 97013

REFERENCE: Transfer 6921

This letter is in regard to your water use Transfer 6921. As we pointed out to you in our letter of October 21, 1998, your claim of beneficial use must be received in this office by October 1, 1999.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received in 90 days, by October 1, 1999, your transfer may be canceled without further notice.

If you have any questions, please contact me at extension 275 at the number above, or toll-free 1-800-624-3199

Sincerely,

*Hannah Wood*

*for* LARRY H. NUNN  
Transfer Coordinator

LHN;jh

cc: Bill Ferber, Watermaster 16  
Corbey Boatwright, CWRE

CERTIFIED MAIL - RETURN RECEIPT REQUESTED





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

October 21, 1998

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY OR 97013

REFERENCE FILE: T-6921

The date for the completion of your transfer was October 1, 1998.

If the project was completed, you should promptly submit the notice of completion, which was enclosed with the transfer order. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. A form will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed change. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the order, whichever occurs first. Accordingly, the claim of beneficial use must be received in this office on or before **October 1, 1999**.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the right.

If you have any questions, please contact me at extension 275 at 503-378-3739 or toll-free 1-800-624-3199.

Sincerely,

LARRY H. NUNN  
Transfer Section

LHN:jh

cc: Bill Ferber, Watermaster  
Corbey Boatwright, CWRE

RECEIVED

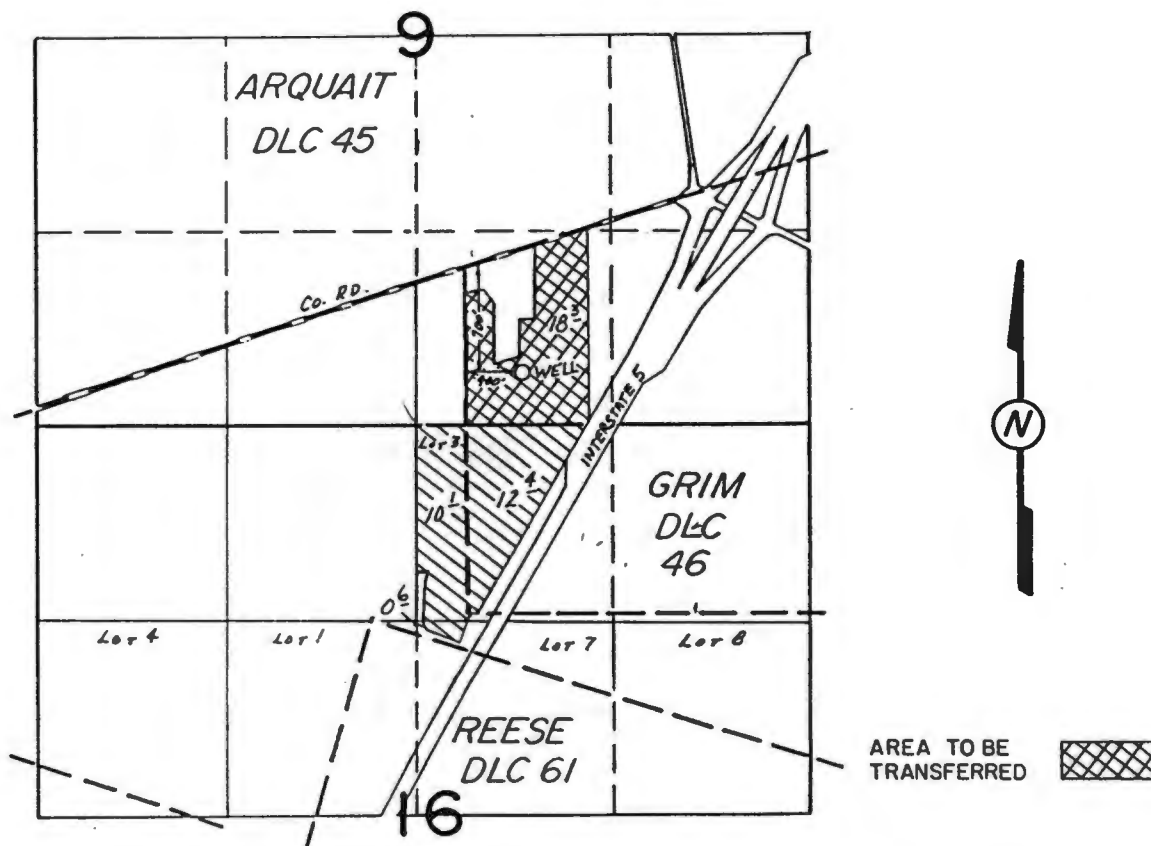
MAR 05 1993

WATER RESOURCES DEPT  
SALEM, OREGON

T.4S., R.1W., W.M

MARION

COUNTY



SCALE : 1" = 1320'

## APPLICATION TO TRANSFER WATER RIGHT

Application No. G-11322 Permit No. G-10449



### MONTECUCCO FARMS

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

MARCH 4, 1993







# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

November 6, 1997

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY OR 97013

REFERENCE: File T-6921

Your application for extension of the time limit in which to make complete application of water under the terms of your Transfer 6921 was received.

The application indicates reasonable diligence has been exercised to complete the proposed project. The time limit to make complete application of water is extended to October 1, 1998. Enclosed is a copy of the order approving the extension.

Sincerely,

LARRY H. NUNN  
Water Rights Specialist

LHN:jh

Enclosure

cc: Bill Ferber, Watermaster  
Corbey Boatwright, CWRE

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

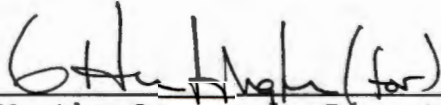
EXTENSION OF TIME

The changes approved under Transfer 6921, in the name of Montecucco Farms, were to have been completed by October 1, 1997. Paul Montecucco has requested additional time to complete the changes.

Mr. Montecucco provided evidence of reasonable diligence in completing the project. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 6921, in the name of Montecucco Farms, shall be extended to October 1, 1998.

WITNESS the signature of the Water Resources Director,  
affixed NOV 03 1997.

  
\_\_\_\_\_  
Martha O. Page, Director

APPLICATION FOR EXTENSION OF TIME  
FOR TRANSFER OF WATER RIGHT**RECEIVED****SEP 29 1997**

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Montecucco Farms (Name of Applicant) WATER RESOURCES DEPT.  
of 4120 N. Locust, Canby, SALEM, OREGON  
 (Mailing Address) (City)  
 State of Oregon, 97013, (503) 263-6066  
 (Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion ☐ place of use ☒ use heretofore made  
 of water under the terms of an order of the Water Resources Director entered  
 on March 27, 19 95, approving Transfer 6921, in the name  
 of Montecucco Farms,  
 for SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , 18.3 acres, as projected within DLC 46  
Section 9, T 4 S, R 1 W, WM, Marion County

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time  
allowed, which expired on October 1, 19 97 :Well is constructed.Sanitary sewer system has been constructed.

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the  
 following: Construct the subdivision improvements and also the on-site  
structures and other improvements

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,  
 because The subdivision approval has been appealed to LUBA and this has  
held up our ability to plat and construct the subdivision.

and request that the  
 time for completion be extended to October 1, 19 98.

*Paul Montecucco*  
 (signature of applicant)

*Ehlen Corp President*

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$100 TO:

WATER RESOURCES DEPARTMENT  
 3850 PORTLAND ROAD N.E.  
 SALEM, OR 97310



TRANSFER EXTENSION OF TIME CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

TRANSFER 6921

DATE October 6, 1997

1. What area or change was anticipated by applicant at the time the transfer was approve?

A: Change in use from irrigation to Industrial

2. What steps has the applicant completed to date?

A: Well constructed prior to transfer application. Sewer system constructed since last extension of time.

3. Is the applicant currently meeting all conditions of the right and transfer?

A: Yes

4. What is the current use of water under the transfer?

A: None Claimed

5. What percent of the total change does the current use represent?

A: 0%

6. Have there been any unforeseen events (over which the applicant has no control) which could reasonably have delayed development under the transfer?

A: Land use approval appealed to LUBA

7. If the extension request is denied, is the current level of water use under transfer economically feasible?

A: No

8. Is there an alternate source of water available at this time?

A: No

9. Have there been claims of injury to other water right holders or water users?

A: No



10. Special Requests?

A: No

11. Any previous extensions of time? If so, any special conditions?

A: Yes. No special conditions.

12. Staff Recommendation: Approve \* John Deny \_\_\_\_\_

\* This extension should be allowed. Construction has started on a similar project across the road from this project. Construction on this project probably should start within the next year. If not, we should look hard at any additional extension requests.

13. Special Conditions:

14. Approved \_\_\_\_\_ Denied \_\_\_\_\_

I N T E R

# MEMO

O F F I C E

**To:** Transfer 6921  
**From:** Bill Ferber *Bf.*  
**Subject:** Conditions status  
**Date:** October 27, 1997

To the best of my knowledge the applicant is meeting all conditions of the right and transfer.

RECEIVED

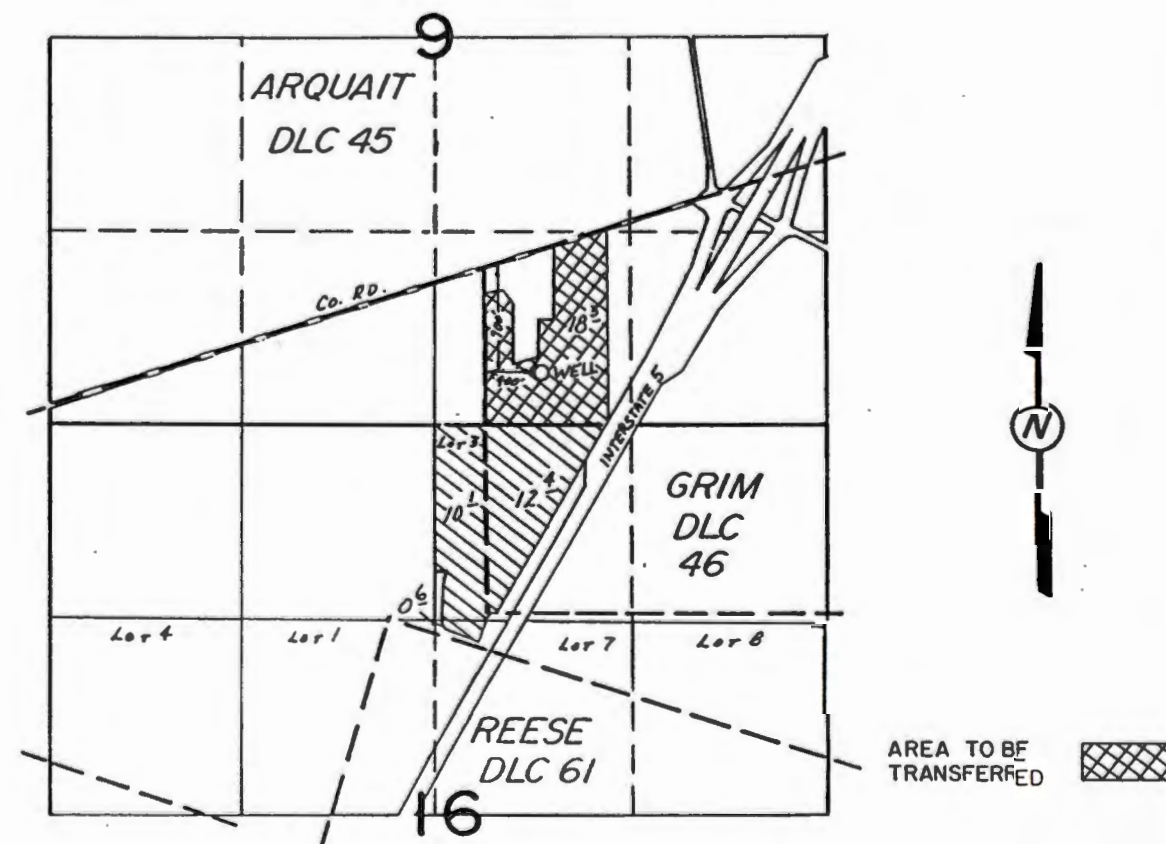
MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

T.4S., R.1W., W.M

MARION

COUNTY



SCALE : 1" = 1320'

APPLICATION TO TRANSFER WATER RIGHT

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6921 submitted by

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY, OREGON 97013.

The right to be modified, as evidenced by a PORTION of Certificate 65974, was perfected under Permit G-10449 with a date of priority of NOVEMBER 21, 1984. The right allows the use of A WELL, a tributary of SENECA CREEK BASIN, for IRRIGATION OF 18.3 ACRES. The right is limited to 0.23 cubic foot per second, if available at the original well; SW¼ SE¼, as projected within DLC 46, SECTION 9, T 4 S, R 1 W, WM; 700 FEET SOUTH AND 400 FEET EAST FROM THE NW CORNER, DLC 46, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2¼ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW¼ SE¼ 18.3 ACRES  
as projected within DLC 46  
SECTION 9  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

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

The applicant proposes to change the character of use to COMMERCIAL USE.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

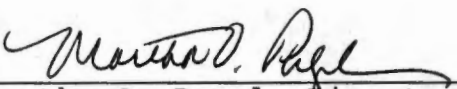
1. The proposed change shall be completed on or before October 1, 1996.
2. The former place of use shall no longer be irrigated as part of this water right, except this right shall include the use of water for not to exceed ¼ acre landscape maintenance.



3. The use of water is restricted to the irrigation season between March 1 and October 31 of each year.
4. The rate of water appropriated shall not exceed 0.23 cfs. The volume of water appropriated shall not exceed 45.8 acre-feet per irrigation season.

Certificate 65974 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed MAR 27 1995.

  
Martha O. Pagel, Director

January 21, 1997

WATER  
RESOURCES  
DEPARTMENT

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY OR 97013

REFERENCE: File T-6921

Your application for extension of the time limit in which to make complete application of water under the terms of your Transfer 6921 was received.

The application indicates reasonable diligence has been exercised to complete the proposed project. The time limit to make complete application of water is extended to October 1, 1997.

Sincerely,

LARRY H. NUNN  
Water Rights Specialist

LHN:jh

enclosure

cc: Watermaster, District 16  
Corbey Boatwright, CWRE



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

ORDER APPROVING AN EXTENSION OF TIME

The change approved under Transfer 6921, in the name of Montecucco Farms, were to have been completed by October 1, 1996. Paul Montecucco has requested additional time to complete the change.

Mr. Montecucco provided evidence of reasonable diligence in completing the project. The request for extension of time should be approved.

The time for completion of the change approved by Transfer 6921, in the name of Montecucco Farms, shall be extended to October 1, 1997.

WITNESS the signature of the Water Resources Director,  
affixed January 21, 1997.



Martha O. Pagel, Director

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **7747**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Ellen Corp.  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	6921

CASH: ☐ CHECK: # 6215 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**RECEIVED  
OVER THE COUNTER**

**REDUCTION OF EXPENSE**

PCA AND OBJECT CLASS

CASH ACCT.

VOUCHER #

**0427 WRD OPERATING ACCT**

**MISCELLANEOUS**  
0407 COPY & TAPE FEES  
0410 RESEARCH FEES  
0408 MISC REVENUE: (IDENTIFY)  
TC165 DEPOSIT LIAB. (IDENTIFY)

POA 6011  
Ext. of Time

**WATER RIGHTS:**

0201 SURFACE WATER  
0203 GROUND WATER  
0205 TRANSFER

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR  
LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202

0204

0206

0219

0220

\$
\$
\$100.00
\$

**RECORD FEE**

\$
\$
\$
\$
\$
\$

**LICENSE FEE**

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE  
0210 MONITORING WELLS

OTHER (IDENTIFY)

\$
\$

CARD #

CARD #

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$
----

**0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)  
0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION


\$
\$
\$

RECEIPT #

**7747**

DATED:

10/21/96

BY:

C. Richards




TRANSFER EXTENSION OF TIME CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

TRANSFER 6921

DATE January 13, 1997

1. What area or change was anticipated by applicant at the time the transfer was approve?  
A: Change in use from irrigation to commercial use.
2. What steps has the applicant completed to date?  
A: According to the applicant the well is constructed. However, it was already constructed prior to the transfer.
3. Is the applicant currently meeting all conditions of the right and transfer?  
A: Unknown
4. What is the current use of water under the transfer?  
A: None claimed
5. What percent of the total change does the current use represent?  
A: 0%
6. Have there been any unforeseen events (over which the applicant has no control) which could reasonably have delayed development under the transfer?  
A: According to the applicant, Marion County has been slow in approving the subdivision plats.
7. If the extension request is denied, is the current level of water use under transfer economically feasible?  
A: Probably not
8. Is there an alternate source of water available at this time?  
A: Probably not
9. Have there been claims of injury to other water right holders or water users?  
A: No
10. Special Requests?  
A: No
11. Any previous extensions of time? If so, any special conditions?  
A: No
12. Staff Recommendation: Approve  Deny \_\_\_\_\_
13. Special Conditions:
14. Approved \_\_\_\_\_ Denied \_\_\_\_\_

APPLICATION FOR EXTENSION OF TIME  
FOR TRANSFER OF WATER RIGHT

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Montecucco Farms  
(Name of Applicant)  
of 4120 N. Locust, Canby,  
(Mailing Address) (City)  
State of Oregon, 97013, (503) 263-6066,  
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion ( ) place of use ☒ use heretofore made  
of water under the terms of an order of the Water Resources Director entered  
on March 27, 19 95, approving Transfer 6921, in the name  
of Montecucco Farms,  
for SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , 18.3 acres, as projected within DLC 46  
Section 9, T 4 S, R 1 W, W.M., Marion County

(give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time  
allowed, which expired on October 1, 19 96 :

well is constructed

(if for irrigation, how many acres, total, are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the  
following: Const. the subdivision improvements and also the on-site structures  
and other private improvements.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,  
because Marion Co. has been slow to review the subdivision plat and permits  
won't be issued until the plat is recorded with the County Clerk's office.

\_\_\_\_\_ and request that the  
time for completion be extended to October 1, 19 97 .

Paul A. Montecucco  
(signature of applicant)

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT \$ 500.00**RECEIVED**

WATER RESOURCES DEPARTMENT  
3850 PORTLAND ROAD N.E.  
SALEM, OR 97310

**OCT 21 1996**



ORDER and CERTIFICATE CHECK LIST

STEPS COMPLETED:

Order prepared, date, volume and page number assigned, order signed. Certificate prepared, date and number assigned, certificate signed.

STEPS TO BE COMPLETED:

RECORD MARKING (transfer section)

plat cards ( ) other \_\_\_\_\_ other \_\_\_\_\_

RECORD MARKING (support services)

file folder ☒ No. 7-6921 permit ( ) No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

certificate ( ) No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~Trans App Reg ( )~~  
~~Trans Name Index ( )~~  
~~Trans Stream Index ( )~~

decree ( ) Vol. \_\_\_\_\_, Page \_\_\_\_\_ Vol. \_\_\_\_\_, Page \_\_\_\_\_

COPIES MADE order ☒ certificate ( )

file ☒ ( ) Data Center ☒ ( ) Watermaster ☒ ( )  
applicant ☒ ( ) other CWRE ☒ ( )  
other \_\_\_\_\_ ( ) ( ) other \_\_\_\_\_ ( ) ( )

LETTER TO:

applicant ☒ other ( ) \_\_\_\_\_  
other ( ) \_\_\_\_\_ other ( ) \_\_\_\_\_

ENCLOSURES:

copy of order ☒ Vol. 51, Page 28 original certificate ( ) \_\_\_\_\_  
copy of order ( ) Vol. \_\_\_\_\_, Page \_\_\_\_\_ remaining certificate ( ) \_\_\_\_\_  
refund check ( ) No. \_\_\_\_\_ Completion Notice ☒ \_\_\_\_\_

FILE SET-UPS

FILE NUMBER

SET-UP DATE

FOR WHOM

7-6921 C-9.7 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

ORDER APPROVING AN EXTENSION OF TIME

COPY

The change approved under Transfer 6921, in the name of Montecucco Farms, were to have been completed by October 1, 1996. Paul Montecucco has requested additional time to complete the change.

Mr. Montecucco provided evidence of reasonable diligence in completing the project. The request for extension of time should be approved.

The time for completion of the change approved by Transfer 6921, in the name of Montecucco Farms, shall be extended to October 1, 1997.

WITNESS the signature of the Water Resources Director, affixed January 21, 1997.



Martha O. Pagel, Director



WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

March 24, 1995

TO: Martha Pagel, Director  
FROM: Larry Nunn, Transfer Specialist  
SUBJECT: Transfer 6921

This transfer application requests to change 18.3 acres of irrigation to commercial use. This use is near some existing truck stops on I-5. The water use will be on the same property as the former irrigation

Notice was published in the local newspaper. No comments were received. The Watermaster said the change could be made without injury.

Several non-standard conditions are included in the transfer order.

1. the period of use is limited to the irrigation season, March 1 to October 1. This is the period described in OAR 690-250-070, which also happens to agree with the Willamette Basin Plan.
2. The rate and duty are limited to 0.23 cfs and 45.8 acre-feet.
3. Commercial use, as defined in OAR 690-11-010(6), includes up to  $\frac{1}{2}$  acre irrigation or landscape maintenance. I added this provision to the standard condition which says the right can no longer be used for irrigation. So, while the water user may no longer irrigate, he will be able to water landscaping as part of his commercial use. This is similar to a domestic water user being able irrigate a lawn as part of a domestic right.

These are the same conditions put on a transfer approved last July for a right located just across the road from this place of use.

This transfer, as conditioned, should be approved.



STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS  
4120 NORTH LOCUST STREET  
CANBY, OREGON 97013

confirms the right to use the waters of A WELL in the SENECA CREEK BASIN for the purpose of IRRIGATING 41.4 ACRES.

The right has been perfected under Permit G-10449. The date of priority is NOVEMBER 21, 1984. The right is limited to not more than 0.52 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

$$\frac{0.52}{41.4} = \frac{0.23}{18.3} = \frac{0.29}{23.1}$$

SW 1/4 SE 1/4, AS PROJECTED WITHIN DLC 46, SECTION 9, T 4 S, R 1 W, W.M.; 700 FEET SOUTH AND 400 FEET EAST FROM THE NW CORNER OF DLC 46.

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

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

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SW 1/4 SE 1/4 18.3 ACRES - 18.3  
AS PROJECTED WITHIN DLC 46  
SECTION 9

NW 1/4 NE 1/4 12.4 ACRES  
AS PROJECTED WITHIN DLC 46  
LOT 3 (NW 1/4 NE 1/4) 10.1 ACRES  
LOT 7 (SW 1/4 NE 1/4) 0.6 ACRE  
SECTION 16  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed  
JUNE 10, 1991.

/s/ WILLIAM H. YOUNG  
William H. Young

Recorded in State Record of Water Right Certificates numbered 65974.

G-11322.JW

T6921

DTS & Photo



ORDER and CERTIFICATE CHECK LIST

STEPS COMPLETED:

Order prepared, date, volume and page number assigned, order signed. Certificate prepared, date and number assigned, certificate signed.

STEPS TO BE COMPLETED:

RECORD MARKING (transfer section)

plat cards (☒) other \_\_\_\_\_ other \_\_\_\_\_

RECORD MARKING (support services)

file folder (☒) No. T-6921 permit ( ) No. \_\_\_\_\_  
G-11322

certificate (☒) No. 65974

Trans App Reg (☒)  
Trans Name Index (☒)  
Trans Stream Index ( )

decree ( ) Vol. \_\_\_\_\_, Page \_\_\_\_\_ Vol. \_\_\_\_\_, Page \_\_\_\_\_

COPIES MADE order (☒) certificate (☒)

file (☒) ( ) Data Center (☒) ( ) Watermaster (☒) ( )

applicant (☒) ( ) other CWRE (☒) ( )

other \_\_\_\_\_ ( ) ( ) other \_\_\_\_\_ ( ) ( )

LETTER TO:

applicant ( ) other ( ) \_\_\_\_\_

other ( ) \_\_\_\_\_ other ( ) \_\_\_\_\_

ENCLOSURES:

copy of order (☒) Vol. 49, Page 124-125 original certificate ( ) \_\_\_\_\_

copy of order ( ) Vol. \_\_\_\_\_, Page \_\_\_\_\_ remaining certificate (☒) 68450

refund check ( ) No. \_\_\_\_\_ Completion Notice (☒)

FILE SET-UPS

FILE NUMBER

SET-UP DATE

FOR WHOM

T-6921

6-96

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS  
4120 NORTH LOCUST STREET  
CANBY, OREGON 97013

confirms the right to use the waters of A WELL in the SENECA CREEK BASIN for IRRIGATION OF 23.1 ACRES.

This right was perfected under Permit G-10449. The date of priority is NOVEMBER 21, 1984. This right is limited to 0.29 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within DLC 46, SECTION 9, T 4 S, R 1 W, WM; 700 FEET SOUTH AND 400 FEET EAST FROM THE NW CORNER, DLC 46.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 $\frac{1}{2}$  acre-feet for each acre irrigated during the irrigation season of each year.

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

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

NW $\frac{1}{4}$  NE $\frac{1}{4}$  12.4 ACRES  
as projected within DLC 46  
LOT 3 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 10.1 ACRES  
LOT 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) 0.6 ACRE


SECTION 16  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 65974, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 27 1995, approving Transfer Application 6921.

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

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

WITNESS the signature of the Water Resources Director,  
affixed MAR 27 1995.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68450.

T-6921.LHN



COPY

76741

RECEIVED

MAR 05 1993

35 Point  
100 Commercial  
120 Publication  
305.00

State of Oregon  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON  
APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: Montecucco Farms  
Mailing Address: 4120 N Locust  
Canby, Oregon 97013 263-6066

Type of change: point of diversion and type of use  
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? YES If not, list name below:  
(Yes, No)

B) Was the water right determined by a court decree? NO  
(Yes, No)

1. If yes, list the title of the proceedings: \_\_\_\_\_

2. Certificate No: \_\_\_\_\_

C) Was the water right acquired by a water permit? yes  
(Yes, No)

1. If yes, list the Permit No: G-10449

2. Certificate No: 65974

D) Date of priority right: November 21, 19 84

E) What are your reasons for the proposed changes? part of this land, as shown, is  
proposed to be changed to a commercial use.

F) The water will be completely applied to the proposed use on or before: \_\_\_\_\_, 19 \_\_\_\_\_

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? well - trib Senecal Cr.

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
700'S & 400'E from NW Cor DLC 46	SW $\frac{1}{4}$ SE $\frac{1}{4}$	9	4S	1W
	<u>w/in DLC 46</u>			

C) What is the name of the ditch used? \_\_\_\_\_

D) What is the use to which the water is applied? irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
4S	1W	9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.3
<del>4S</del>	<del>1W</del>	<del>16</del>	<del>NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></del>	<del>12.4</del>
<del>4S</del>	<del>1W</del>	<del>16</del>	<del>NW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></del>	<del>10.1</del>
<del>4S</del>	<del>1W</del>	<del>16</del>	<del>SW<math>\frac{1}{4}</math> NE<math>\frac{1}{4}</math></del>	<del>0.6</del>

F) Is the land within an irrigation district? Yes \_\_\_\_\_ No X  
If Yes, which district? \_\_\_\_\_

G) County Marion

3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
700'S & 400' E from NW Cor DLC 46	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7	4S	1W
<u>see remark</u>				

Need info  
about Dist  
& Dir of  
Well B from  
Well A

Amended by  
Hr 1/25/95

Exam 50-  
use 100/  
150



NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? Yes  
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? Commercial

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
4S	1W	9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.3

#### 4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- ok A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- ok A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- Need D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

6. REMARKS:

see attached sheet

I (we) Paul A. Montecucco, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 5th day of March, 1993.

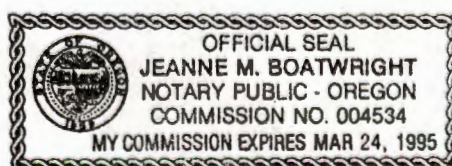
Paul A. Montecucco  
(Signature)  
  
(Signature)

Subscribed and sworn to before me

(Notarial Seal)

Jeanne M. Boatwright  
Notary Public for Oregon

My commission expires: March 24, 1995



T6921

RECEIVED

Application for Transfer for Paul A. Montecucco MAR 05 1993

REMARKS:

WATER RESOURCES DEPT.  
SALEM, OREGON

There are two well casings side by side. 'A' has the water right. A portion of the 'A' right is being transferred to well 'B' to serve the commercial use. The remainder of the right will stay at 'A' and continue to supply the remaining irrigation right. Also a new application will be filed to supplement the commercial use.



March 27, 1995

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY OR 97013

REFERENCE: File T-6921

Enclosed is a copy of the order approving your water right transfer application T-6921.

A time to complete the transfer is given in the order. A form for reporting completion is enclosed for your convenience.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the completion date authorized in the transfer. A list of CWRE's will be sent to you when we receive your notice that the project is complete and beneficial use of the water has been made.

Sincerely,

LARRY H. NUNN  
Senior Water Rights Specialist

LHN:jh

Enclosure

cc: Dave Jarrett, Watermaster  
Corbey Boatwright, CWRE



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

Montecucco Farms

RECEIVED

JAN 25 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

January 25, 1995

Water Resources Department  
158 12th St NE  
Salem, OR 97310

Reference: Transfer 6921

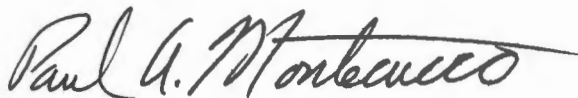
Please amend water right transfer application 6921 to remove reference to lands not involved in the transfer.

We propose to change the character of use of the water from irrigation to commercial use on 18.3 acres in the SW~~1~~ SE~~1~~, Section 9, T 4 S, R 1 W, WM.

Please amend water right transfer application 6921 to remove references to changes in point of diversion.

The well was originally constructed with two casings. We intend to begin using the second casing. We now realize this is not a change in point of diversion.

Sincerely,



Paul A. Montecucco

RECEIVED

JAN 25 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

January 25, 1995

Oregon Water Resources Department

Larry H. Nunn

Reference: 6921

Concerning transfer 6921, I have irrigated,  
all of the five years in accordance with the terms  
and conditions of the water rights certificate.

Sincerely,

Paul A. Montanucci  
Farmer

RECEIVED

JAN 24 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

January 24 , 1995

Oregon Water Resources Department  
Commerce Building  
158 12th St. N.E.  
Salem , OR. 97310-0210

Larry Nunn ,

We the owners of the property involved in the water rights transfer # 6921 give permission for the transfer requested.

REFERENCE : Transfer 6921

Virgil A. Montecucco  
Virgil A. Montecucco

Evelyn L. Montecucco  
Evelyn L. Montecucco

Paul S. Montecucco  
Paul S. Montecucco

R. Frances Montecucco  
R. Frances Montecucco

Edward V. Montecucco  
Edward V. Montecucco

Marilyn S. Montecucco  
Marilyn S. Montecucco

Paul A. Montecucco  
Paul A. Montecucco

Janice C. Montecucco  
Janice C. Montecucco

Sincerely,

Paul A. Montecucco

cc : ~~Larry W. Jebousck~~, CWRE  
Corbey Boatwright

STATE OF OREGON  
COUNTY OF Clackamas

PERSONALLY APPEARED BEFORE ME

THIS 24th January 1995

Kathy L. Wolfer

NOTARY PUBLIC

Residing at Canby





January 13, 1995

Montecucco Farms  
4120 N. Locust  
Canby, OR 97013

REFERENCE: Transfer 6921

We are examining your water right transfer application for the land near the Donald interchange. There are some problems which need to be resolved.

The transfer appears to involve on the northern 18.3 acres of the water right. Your application form lists the entire right. The land not involved in the transfer should be removed. If you agree, please give us written permission to amend your application to remove reference to the lands not involved in the transfer.

The wells are described a two casings side by side. Casing A is the original well. Casing B is a new well. We need to know the distance between the two casing and the direction from Casing A to Casing B.

The deed submitted with the application indicates the land is owned by several family members. The rules require that all legal owners must submit notarized statements giving permission for the transfer. We need notarized statements from Virgil A. and Evelyn L. Montecucco, Paul S. and R. Francis Montecucco, Edward V. and Marilyn Montecucco, and Jan Montecucco.

We need evidence that the water was used in accordance the terms and conditions of the water right certificate within the last five years. The best evidence would be a statement from a knowledgeable person describing the water use.



Montecucco Farms  
REFERENCE: Transfer 6921  
January 13, 1995

Page 2

Please return the requested information within thirty days. If you have any questions, please call the Water Rights Section, (503) 378-3739.

Sincerely,

LARRY H. NUNN  
Senior Water Rights Specialist

cc: Corbey Boatwright, CWRE

RECEIVED

MAR 05 1993

WATER RESOURCES DEPT.  
SALEM OREGONSPECIAL WARRANTY DEEDAFTER RECORDING SEND TO: Reif & Reif Attorneys  
273 North Grant Street, Canby, Oregon 97013SEND TAX STATEMENTS TO: No Change

KNOW ALL MEN BY THESE PRESENTS, that NORMAN L. YERGEN and HELEN D. YERGEN, husband and wife, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto VIRGIL A. MONTECUCCO and EVELYN L. MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety; PAUL S. MONTECUCCO and R. FRANCES MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety; EDWARD V. MONTECUCCO and MARILYN MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety; and PAUL A. MONTECUCCO and JAN MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And the GRANTOR hereby covenants to and with the said GRANTEE and GRANTEE'S heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by GRANTOR and that GRANTOR will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

THIS INSTRUMENT WILL 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 APPROVED USES.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$192,000.00.

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

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 12 day of October, 1992.

NORMAN L. YERGEN - Grantor

HELEN D. YERGEN - Grantor

STATE OF OREGON )

County of Clackamas )

Oct. 12

, 1992

Before me personally appeared the above named NORMAN L. YERGEN and HELEN D. YERGEN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Carol A. Herdt

Notary Public for Oregon

My Commission Expires: 8-6-93





RECEIVED

MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

EXHIBIT "A"

SPECIAL WARR. DEED

YERGEN, et ux, to MONTECUCCO, et al

That part of the hereinafter described real property which lies West of Interstate Highway I-5 (which said highway bisects the hereinafter described premises):

PARCEL 1: Beginning at a point in the South line of the Donation Land Claim of Jacob Grimm and wife in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said point of beginning being 23.88 chains East from the most Westerly Southwest corner of said Donation Land Claim and from thence running North 8.76 chains; thence South 77° 15' West 12.24 chains, thence North 33.01 chains to the North boundary of said Jacob Grimm Donation Land Claim; thence South 72° 45' West along the North boundary of the said Claim 12.50 chains to the Northwest corner of the same; thence South 35.36 chains to the most Westerly Southwest corner of the said Claim; thence East 23.88 chains to the place of beginning.

ALSO: Beginning on the North boundary of and 12.50 chains North 72° 45' East of the Northwest corner of the Donation Land Claim of Jacob Grimm and wife, same being Claim #46, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence running South 33.01 chains; thence North 77° 15' East 93 links; thence North 33.08 chains to the North boundary of said Claim #46;

thence South 72° 45' West 95 links to the place of beginning.

ALSO: Beginning at the quarter section corner between Sections 9 and 16 in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence East 4.86 chains to the West line of the Jacob Grimm Donation Land Claim; thence South 19.48 chains to the Southwest corner of said Grimm Claim; thence East 35.23 chains to Section line between Sections 15 and 16; thence South 15.38 chains to the most Easterly Northeast corner of the W.H. Rees Donation Land Claim; thence North 71° 25' West 42.18 chains along the North line of said Rees Donation Land Claim to a point due South of the quarter section corner between Sections 9 and 16; thence North 21.00 chains to the place of beginning.

SAVE AND EXCEPT: That portion conveyed to the State of Oregon by and through its State Highway Commission, in Book 456, Page 119 and Book 701, Page 32, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT that portion conveyed to Marion County, Oregon in Book 574, Page 341, Book 575, Page 642, Deed Records for Marion County, Oregon.



RECEIVED

MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON

County of Marion

I hereby certify that  
the within was received  
and duly recorded by  
me in Marion County  
records:

Fee \$ 40-

Hand Returned ☐

REEL      PAGE  
998      100

OCT 20 10 07 AM '92  
ALAN H. DAVIDSON  
MARION COUNTY CLERK  
BY HQ DEPUTY



*lhm*

**Boatwright Engineering Inc.**

2613 12th ST SE, SALEM, OREGON 97302

civil engineers • land surveyors

(503) 363-9225 (FAX) 363-1051

December 23, 1994

Larry Nunn  
Water Rights Section  
Oregon Department of Water Resources  
158 12th Street NE  
Salem, Oregon 97310

RECEIVED  
DEC 27 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON

Re: T-6921  
Montecucco Farms

Dear Larry,

Our clients, Montecucco Farms, submitted an application for the transfer of point of diversion and type of use on March 5, 1993. The subject area is at the Aurora Interchange of I-5. The proposed commercial development has been held up over the past 1½ years as land-use issues have been resolved. Now that these issues are settled, the owners are anxious to begin work in the coming construction season in order to re-coup their financial outlays.

We respectfully submit our request that this application be processed as soon as possible so that the landowners do not suffer further economic hardship.

Sincerely,

*Jeanne Plasker Boatwright*

Jeanne Plasker Boatwright

CC: Montecucco Farms

3/20/93

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s G13318, G13320, G13321, G13314, T6921, \_\_\_\_\_

RECEIVED

MAR 23 1993

Send to:

Steve Schneider  
21881 River Road NE  
St. Paul, OR 97137

WATER RESOURCES DEPT  
SALEM, OREGON

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon 97310

This Comment corresponds to the MAR/17/1993 Public Notice.



## INTEROFFICE MEMO

TO: TRANSFER SECTION

DATE: 3/17/93

WATER  
RESOURCES  
DEPARTMENT

FROM: ✓ WATERMASTER, DISTRICT # 16  
GROUNDWATER SECTION  
(SIGNATURE) *David Smith*

SUBJECT: WATER RIGHT TRANSFER # 6921

A change in POU POD POA USE of water.

In the name(s) of Montecucco Farms.

In my opinion (assuming the right is valid), the proposed change MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

The existing right may not be valid because \_\_\_\_\_

Headgate notices HAVE HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (yes or no) Yes

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- \_\_\_\_\_ (1) PRIOR to the diverting of water at the new point of diversion....
- X (2) WHEN IN the judgement of the watermaster it becomes necessary....

The enclosed copy of the transfer application and map(s) is for your records.



1317W

3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130



March 15, 1993

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY OR 97013

REFERENCE: Transfer 6921

We have received your Transfer Application requesting approval of a change in point of diversion and use for use of water from a well for irrigation. The application was received with supporting data, map and fees of \$305. Our receipt 97648 was handed to you in our office on March 5, 1993.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to other water rights by approval of your application.

Due to the unusually high number of applications received over the past two years, we are unable to complete the examination for your application at this time. We will endeavor to complete the examination as soon as possible.

Applications are normally examined in the order they are received. If you have an extraordinary need for a decision within the next 90 to 120 days, please advise us, in writing, of the nature of your need.

We will notify you if additional information is needed, or corrections to the application or map are required.

Contact water rights information at 378-3066, if you have questions.

LHN:jh

Enclosure

cc: Dave Jarrett, Watermaster, District 16  
Corbey Boatwright, CWRE



TL6921

**RECEIVED**

Application for Transfer for Paul A. Montecucco MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

**REMARKS:**

There are two well casings side by side. 'A' has the water right. A portion of the 'A' right is being transferred to well 'B' to serve the commercial use. The remainder of the right will stay at 'A' and continue to supply the remaining irrigation right. Also a new application will be filed to supplement the commercial use.

RECEIPT # **97648**

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE

SALEM, OR 97331

378-8455/378-8130 (FAX)

RECEIVED  
OVER THE COUNTER

RECEIVED FROM: Montecarlo Farms

BY:

APPLICATION

PERMIT

TRANSFER

6921

CASH:

CHECK: #

OTHER: (IDENTIFY)



☒ 24-22 ☐

TOTAL REC'D

\$ 305.00

**01-00-0 WRD MISC CASH ACCT**

842.010 ADJUDICATIONS

831.087 PUBLICATIONS/MAPS

830.650 PARKING FEES Name/month

OTHER: (IDENTIFY)

\$

\$

\$

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

\$

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS:**

840.001 COPY FEES

850.200 RESEARCH FEES

880.109 MISC REVENUE: (IDENTIFY)

520.000 OTHER (P-6): (IDENTIFY)

\$

\$

\$

\$

**WATER RIGHTS:**

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

**WELL CONSTRUCTION**

842.022 WELL DRILL CONSTRUCTOR

842.016 WELL DRILL OPERATOR

LANDOWNER'S PERMIT

**EXAM FEE**

\$

\$

\$ 50.00

**EXAM FEE**

\$

\$

842.002

842.004

842.006

842.023

842.019

842.024

**RECORD FEE**

\$

\$

\$ 255.00

**LICENSE FEE**

\$

\$

\$

**06-00-0 WELL CONST START FEE**

842.013 WELL CONST START FEE

MONITORING WELLS

\$

\$

CARD #

CARD #

**45-00-0 LOTTERY PROCEEDS**

864.000 LOTTERY PROCEEDS

\$

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)

842.115 HYDRO LICENSE FEE(FW/WRD)

HYDRO APPLICATION

\$

\$

\$

RECEIPT #

**97648**

DATED:

3/5/93

BY:

C. Richards

Distribution—White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal



T692

RECEIVED

MAR 05 1993

 35 Point  
 100 Commercial  
 120 Publication  
 305-00

State of Oregon  
 WATER RESOURCES DEPARTMENT  
 APPLICATION FOR TRANSFER OF WATER RIGHT

Applicant: Montecucco Farms  
 Mailing Address: 4120 N Locust  
Canby, Oregon 97013 263-6066  
City or town State Zip Phone  
 Type of change: point of diversion and type of use  
 (In point of diversion: place of use; use heretofore made of the water)

## 1. WATER RIGHT

- A) Is the water right in your name? YES If not, list name below:  
(Yes, No)
- B) Was the water right determined by a court decree? No  
(Yes, No)
1. If yes, list the title of the proceedings: \_\_\_\_\_  
 2. Certificate No: \_\_\_\_\_
- C) Was the water right acquired by a water permit? yes  
(Yes, No)
1. If yes, list the Permit No: G-10449  
 2. Certificate No: 65974
- D) Date of priority right: November 21, 19 84
- E) What are your reasons for the proposed changes? part of this land, as shown, is  
proposed to be changed to a commercial use.
- F) The water will be completely applied to the proposed use on or before: \_\_\_\_\_, 19 \_\_\_\_\_

## 2. LOCATION OF AUTHORIZED USE

- A) What is the source of water (river, stream, well)? well

- B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
700'S & 400'E from NW Cor DLC 46	SW $\frac{1}{4}$ SE $\frac{1}{4}$	9	4S	1W

- C) What is the name of the ditch used? \_\_\_\_\_  
 D) What is the use to which the water is applied? irrigation

- E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
4S	1W	9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.3
4S	1W	16	NW $\frac{1}{4}$ NE $\frac{1}{4}$	12.4
4S	1W	16	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.1
4S	1W	16	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.6

- F) Is the land within an irrigation district? Yes \_\_\_\_\_ No x  
 If Yes, which district? \_\_\_\_\_
- G) County Marion

## 3. LOCATION OF PROPOSED USE:

NOTE: Answer question A only if the application is for a change in the point of diversion.

- A) Describe the proposed point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
700'S & 400' E from NW Cor DLC 46	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7	4S	1W
see remark				



NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? Yes  
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? Commercial

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
4S	1W	9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	18.3

#### 4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, land from the existing right that would not be subject to transfer.
- B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- D) Evidence that the water has been used within the last five years.

#### 5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

\_\_\_\_\_  
\_\_\_\_\_

#### 6. REMARKS:

see attached sheet

I (we) Paul A. Montecucco, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 5th day of March, 1993.

Paul A. Montecucco  
(Signature)

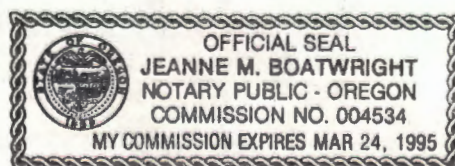
\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me

(Notarial Seal)

Jeanne M. Boatwright  
Notary Public for Oregon

My commission expires: March 24, 1995





T6921

# Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. **DO NOT FILL OUT THIS FORM IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

RECEIVED

MAR 05 1993

Applicant's Name: Montecucco FarmsAddress: 4120 N. LocustCity: CanbyState: OR Zip: 97013Phone: 213-6066WRD Application No.: G-11322WATER RESOURCES DEPT.  
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
41w09DC 100	10/ ID	X	X	X
41w09DC 400			X	X

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

## For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_ . Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of - Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)



**b) Please provide printed name and written signature.**

Name: Sam Little

Title: ASST PLANNER

Date: 3-4-93

Phone: 588-5038

Signature: Sam Tithe

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

**Continuations or Additional Comments:**



## Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Montecucco Farms  
 Address: 4120 N Locust  
Canby, Oregon 97013  
 Phone: 263-6066

RECEIVED

MAR 05 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- ☒ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- ☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_
- ☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- ☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- ☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- ☐ Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	<u>0.52</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	



March 15, 1995

THE WOODBURN INDEPENDENT  
PO BOX 96  
WOODBURN OR 97071-0096

RE: Transfer 6921

Enclosed is payment of \$82.50 for publication of notice on the  
above Water Right Transfer application.

Sincerely,

Janet Halladey  
Water Rights Section

enclosure



## WATER RESOURCES DEPARTMENT

## INTEROFFICE MEMO

DATE:

2/27/95

TO:

Fiscal Section

FROM:

Larry Nunn

SUBJECT:

Request for payment or refund

Please pay / refund \$ 82.50 to The Woodburn Independent  
file T-6921, receipt 97648. These funds are paid /  
refunded due to:

☐ File Rejected / Withdrawn / Mis-filed  
☐ Excess fees collected for application / PON  
☒ Payment of PON  
☐ Protest filing fee  
☐ other: \_\_\_\_\_

842006

## WATER RESOURCES DEPARTMENT

## INTEROFFICE MEMO

DATE:

2/27/95

TO:

Fiscal Section

FROM:

Larry Nunn

SUBJECT:

Request for payment or refund

Please pay / refund \$ 72.50 to Montecucco Farms  
file T-6921, receipt 97648. These funds are paid /  
refunded due to:

☐ File Rejected / Withdrawn / Mis-filed  
☒ Excess fees collected for application / PON  
☐ Payment of PON  
☐ Protest filing fee  
☐ other: \_\_\_\_\_

MAR

THE WOODBURN INDEPENDENT  
Publishing and Commercial Printing  
Telephone 981-3441 — P.O. Box 96 — 650 N. First St.  
Woodburn, Oregon 97071-0096

STATEMENT/INVOICE

DATE 2/22/95

NUMBER

Water Resources  
Commerce Bldg.  
158 12th Dt. NE  
Salem, Oregon 97310-0210

PLEASE RETURN UPPER PORTION WITH PAYMENT

2/22/95	Transfer 6921	\$ 82.50
2/22/95	Transfer 6603	\$ 140.25

RECEIVED

FEB 24 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

March 15, 1995

MONTECUCCO FARMS  
4120 N LOCUST  
CANBY OR 97013

RE: Transfer 6921

Enclosed is a refund of \$72.50 in excess publication of notice fees collected.

Sincerely,

Janet Halladey  
Water Rights Section

enclosure





RECEIVED

FEB 24 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

**NOTICE OF WATER RIGHT  
TRANSFER 6921**

Montecucco Farms filed an application with the Water Resources Department for a change in character of use of water from groundwater as provided by ORS 537.705 and 540.510 to 540.530.

Certificate 65974, in the name of Montecucco Farms, includes a right limited to 0.23 cubic foot per second from a well, with a priority date of November 21, 1984 for irrigation of 18.3 acres.

The point of appropriation for this right is in the SW 1/4 SE 1/4, as projected within DLC 46, Section 9, T 4 S, R 1 W, WM; 700' South and 400' East from the NW corner, DLC 46.

The application proposes to change the character of use from irrigation to commercial use.

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 378-8455. If a protest is filed a hearing may be held.

**IF NO PROTEST IS FILED BY MARCH 14, 1995, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.**

Published: February 8, February 15, and February 22, 1995.

## Affidavit Of Publication

STATE OF OREGON, }  
County of Marion } ss.

I, Les Reitan, being first duly sworn, depose and say I am the PUBLISHER of the Woodburn Independent, a newspaper of general circulation as defined by ORS 193.010 and 193.020, printed and published at Woodburn in the aforesaid county and state, that the

notice of water right transfer 6921

, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three week/weeks in the following issues:

February 8, February 15 and February 22, 1995

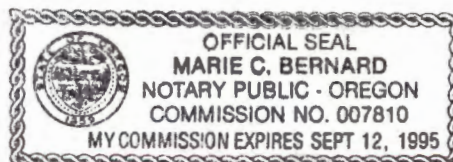
Les Reitan

Subscribed and sworn to before me this 22nd day of February, 19 95

Marie C. Bernard

Notary Public for Oregon

(My Commission Expires 9/12/95)



RECEIVED

FEB 24 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

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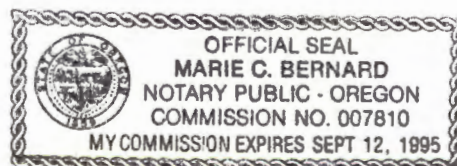
Les Reitan

Subscribed and sworn to before me this 22nd  
day of February, 19 95

Marie C. Bernard

Notary Public for Oregon

(My Commission Expires 9/12/95)



January 25, 1995

Woodburn Independent  
P.O. Box 96  
Woodburn, OR 9797071

REFERENCE: Transfer 6921

Enclosed is a notice for publication in the February 8, February 15, and February 22, 1995, issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

LARRY H. NUNN  
Senior Water Right Specialist

cc: Dave Jarrett, Watermaster  
Corbey Boatwright, CWRE  
Montecucco Farms





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