

temporary

Name Alan Alanice Frost

Address 14010 Elkins Rd
Monmouth or 97201

Change in ADD

Date Filed 8/30/2021

Initial notice date 9/7/2021

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 1/25/2022 Vol 127 Page 349-53

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Little Luckiamute, Luckiamute river

Trib. of Wulkiamette river, Luckiamute river

Use Irrigation County Polk

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 541036 Per # 534380 Cert # 114889 PR Date _____

App# 524190 Per # 519639 Cert # 105744 PR Date 10/20/1990

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>8-30-2021</u>	<u>\$1530.⁰⁰</u>	<u>136311</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Polk County

- Oversized map - Location _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 25, 2022

ALAN & JANICE FROST
14060 ELKINS RD
MONMOUTH, OR 97361

REFERENCE: District Temporary Transfer Application T-13810

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the beginning of the 2021 irrigation season. The use shall revert to the original authorized place of use at the end of the 2025 irrigation season.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Polk County

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13810, Polk County)	TEMPORARY CHANGES IN PLACE
)	OF USE AND CHANGE IN POINT OF
)	DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ALAN AND JANICE FROST
14060 ELKINS ROAD
MONMOUTH, OR 97361

Findings of Fact

1. On August 30, 2021, ALAN AND JANICE FROST filed an application to temporarily change the place of use under Certificate 44889 and change the place of use and change the point of diversion to serve the proposed place of use under Certificate 65744 for a period of 5 years. The Department assigned the application number T-13810.
2. Notice of the application for transfer was published on September 7, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be temporarily transferred is as follows:
Certificate: 44889 in the name of C. A. TWISS (perfected under Permit S-34380)
Use: IRRIGATION of 50.0 ACRES
Priority Date: MAY 12, 1969 FOR 0.10 CUBIC FEET PER SECOND (CFS) FROM LUCKIAMUTE RIVER AND AUGUST 1, 1969 AND 0.53 FROM THE LITTLE LUCKIAMUTE RIVER

This is a final 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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Rate: 0.63 CFS, BEING 0.10 CFS FROM THE LUCKIAMUTE RIVER AND 0.53 FROM THE LITTLE LUCKIAMUTE RIVER

Limit/Duty: 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.

Source: LUCKIAMUTE AND LITTLE LUCKIAMUTE RIVERS, tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	8	SE SE	56	LUCKIAMUTE RIVER: 3720 FEET SOUTH AND 460 FEET EAST FROM THE SW CORNER OF LOT 5, SECTION 8; JAMES SMITH DLC 56
9 S	5 W	WM	16	NW SW	56	LITTLE LUCKIAMUTE RIVER: 460 FEET NORTH AND 550 FEET WEST FROM THE SW CORNER OF LOT 5 (SE¼ SE¼), SECTION 8; JAMES SMITH DLC 56
9 S	5 W	WM	17	SW SE	56	LUCKIAMUTE RIVER: 4870 FEET SOUTH AND 1600 FEET WEST FROM THE SW CORNER OF LOT 5 (SE¼ SE¼), SECTION 8; JAMES SMITH DLC 56

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Source
9 S	5 W	WM	16	NW NW	56	11.4	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	16	SW NW	56	3.7	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	NE NE	56	13.0	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	SE NE	56	14.3	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	SE NE	56	7.4	LUCKIAMUTE RIVER
9 S	5 W	WM	17	NE SE	56	0.2	LUCKIAMUTE RIVER
					Total	50.0	

4. Temporary Transfer Application T-13810 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	16	NW SW	56	5.0
9 S	5 W	WM	17	NE SE	56	20.0
9 S	5 W	WM	17	NW SE	56	19.6
9 S	5 W	WM	17	SW SE	56	5.4
					Total	50.0

5. The second right to be temporarily transferred is as follows:

Certificate: 65744 in the name of ALAN L. AND JANICE L. FROST (perfected under Permit S-19639)

Use: IRRIGATION of 50.0 ACRES
Priority Date: OCTOBER 26, 1950
Rate: 0.62 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation under this right, 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Source: LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	17	SE SE	69	POD 1: 630 FEET NORTH AND 1090 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	16	NW SW	56	5.0
9 S	5 W	WM	17	NE SE	56	20.0
9 S	5 W	WM	17	NW SE	56	19.6
9 S	5 W	WM	17	SW SE	56	5.4
					Total	50.0

6. Temporary Transfer Application T-13810 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	16	NW NW	56	9.1
9 S	5 W	WM	16	SW NW	56	6.0
9 S	5 W	WM	17	NE NE	56	13.0
9 S	5 W	WM	17	SE NE	56	21.7
9 S	5 W	WM	17	NE SE		0.2
					Total	50.0

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13810 proposes to move the authorized point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	16	NW SW	56	POD 2: 3720 FEET SOUTH AND 460 FEET EAST FROM THE SW CORNER OF LOT 5, SECTION 8; WITHIN JAMES SMITH DLC 56

Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed changes would prevent the lands from which the water rights are removed during the period of the temporary transfer from receiving water under the transferred rights as required by ORS 540.523(7).
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13810 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13810 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2025 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 44889 and 65744 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 44889 and 65744.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

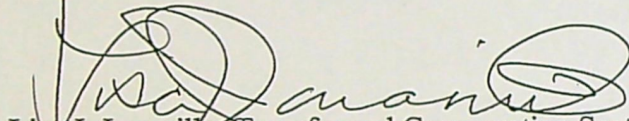
8. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

9. The use of the remaining water rights described by Certificates 44889 and 65744 shall continue to be in accordance with the terms and conditions of Certificates 44889 and 65744.

Dated in Salem, Oregon on

JAN 25 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M'BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JAN 26 2022**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13810

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

Applicant: ALAN L FROST JANICE FROST 14060 ELKINS RD MONMOUTH, OR 97361 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Polk County Planning Department Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S46036	S34380	44889	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<i>Temp</i>
<input type="checkbox"/>	S24190	S19639	65744	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<i>Temp</i>
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: September 2, 2021	Proposed Action(s): PLACE OF USE	
Fees Pd: 1530.00	WM District: 22	ODFW District:
Initial Public Notice: September 7, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>10/26/21</i> Initials: <i>Scott</i>	Date: <i>10/27/21</i> Initials: <i>CC</i>	Date: _____ Initials: _____	Date: <i>1/3/22</i> Initials: <i>PKS</i>	Date: _____ Initials: _____	CW Sent: _____	Date: _____ Initials: _____
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <i>1/13/22</i> Initials: <i>SCOTT</i>	Date: <i>1/13/22</i>	Date: <i>1/25/2022</i>

Special Issues: _____

Special Order Volume: Vol. 122 Pages 349-53

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 65744

RECEIVED

Description of Water Delivery System

AUG 30 2021

System capacity: 0.62 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9 S	5 W	17	SE	SE	69	630' N and 1090' W from SE Corner 17
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		9 S	5 W	16	N W	S W	56	3720' S & 460' E from SW corn lot 5 sec 8
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

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

13810

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 65744

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/POD	9	S	5	W	16	NW	NW		56	9.1	IR	POD 2	1950
													POU/POD	9	S	5	W	16	SW	NW		56	6.0	IR	POD 2	1950
													POU/POD	9	S	5	W	17	NE	NE		56	13.0	IR	POD 2	1950
													POU/POD	9	S	5	W	17	SE	NE		56	21.7	IR	POD 2	1950
													POU/POD	9	S	5	W	17	NE	SE			0.2	IR	POD 2	1950
TOTAL ACRES											TOTAL ACRES										50					

RECEIVED
AUG 30 2021
OWRD

13810

Additional remarks: _____

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ALAN L. and JANICE L. FROST
6707 N.W. NIAGARA PLACE
CORVALLIS, OREGON 97330

*entirely
at right*

confirms the right to use the waters of LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER, for the purpose of IRRIGATING 50.0 ACRES.

This right was perfected under Permit 19639. The date of priority is OCTOBER 26, 1950. THE QUANTITY OF WATER AVAILABLE AT THE NEW POINT OF DIVERSION, TOGETHER WITH THAT DIVERTED AT THE ORIGINAL DIVERSION SHALL NOT EXCEED 0.62 CUBIC FOOT PER SECOND or its equivalent in case of rotation, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: SW 1/4 SE 1/4, SECTION 17, T 9 S, R 5 W, W.M.; 730 FEET SOUTH AND 3370 FEET WEST FROM THE SE CORNER OF DLC 56, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 69, SECTION 17, T 9 S, R 5 W, W.M.; 630 FEET NORTH AND 1090 FEET WEST FROM THE SE CORNER OF SECTION 17.

The amount of water used for irrigation under this right, 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

NW 1/4 SW 1/4 5.0 ACRES
AS PROJECTED WITHIN DLC 56
SECTION 16
TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

NE 1/4 SE 1/4 20.0 ACRES
NW 1/4 SE 1/4 19.6 ACRES
SW 1/4 SE 1/4 5.4 ACRES
ALL AS PROJECTED WITHIN DLC 56
SECTION 17
TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION AND change in PLACE OF USE approved by an order of the Water Resources Director entered JULY 25, 1980 and supersedes certificate 24211, State Record of Water Right Certificates.

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

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 44889

RECEIVED

AUG 30 2021

Description of Water Delivery System

System capacity: **0.63** cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Little	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9 S	5 W	8	SE	SE	56	460 N & 550 W from SW Corner of Lot 5 Sec 8 DLC 56
Luckiamute	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9 S	5 W	16	N W	S W	56	3720 S & 460 E from SW Corn of lot 5 Sec 8 DLC 56
Luckiamute	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9 S	5 W	17	SW SE			4870 S & 1600 W from SW Corn of lot 5 Sec 8 DLC 56
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 44889

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
9	S	5	W 16 NW NW			11.4 ✓	IR	Little	1969	POU	9	S	5	W 16 NW SW			5	IR		1969			
9	S	5	W 16 SW NW			3.7 ✓	IR	Little	1969	POU	9	S	5	W 17 NE SE			20	IR		1969			
9	S	5	W 17 NE NE			13.0 ✓	IR	Little	1969	POU	9	S	5	W 17 NW SE			19.6	IR		1969			
9	S	5	W 17 SE NE			14.3 ✓	IR	Little	1969	POU	9	S	5	W 17 SW SE			5.4	IR		1969			
9	S	5	W 17 SE NE			7.4 ✓	IR	Luckiamute	1969														
9	S	5	W 17 NE SE			0.2 ✓	IR	Luckiamute	1969														
						TOTAL ACRES		50								TOTAL ACRES		50					

13810

RECEIVED
AUG 30 2021
OWRD

Additional remarks: _____

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. A. THISS

of Rt. 2, Box 32, Monmouth, State of Oregon, 97361, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Luckiamute and Little Luckiamute Rivers

a tributary of Willamette River for the purpose of irrigation of 115.8 acres

under Permit No. 34380 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 12, 1969 for 0.47 c.f.s., August 1, 1969 for 0.27 c.f.s. from Luckiamute * that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.45 cubic feet per second, being 0.74 c.f.s. from Luckiamute River and 0.71 c.f.s. from Little Luckiamute River

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SW 1/4 as projected within James Smith DLC 56, Section 16, SW 1/4 SE 1/4, as projected within James Smith DLC 56, Section 17, SE 1/4 SE 1/4 as projected within James Smith DLC 56, Section 8, T. 9 S., R. 5 W., W. M., Luckiamute River: 3720 feet South and 460 feet East, 4870 feet South and 1600 feet West, Little Luckiamute River: 460 feet North and 550 feet West, all from ** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

Handwritten calculation: 1.45 / 115.8 ac = 0.012521588 x 50 acres = 0.6260794. The result 0.63 is circled and labeled 'total'.

Handwritten calculation: 7.6 acres Luckiamute x 0.012521588 = 0.095164068. The result 0.10 is circled and labeled 'Luckiamute'.

Handwritten calculation: 42.4 acres Little Luckiamute x 0.012521588 = 0.530915331. The result 0.53 is circled and labeled 'Little Luckiamute'.

△

Remain

Luckiamute River
 6.1 acres NW $\frac{1}{2}$ NW $\frac{1}{2}$
 24.3 acres SW $\frac{1}{2}$ NW $\frac{1}{2}$
 0.3 acre NW $\frac{1}{2}$ SW $\frac{1}{2}$
 All as projected within Smith DLC 56
 Section 16
 14.9 acres SW $\frac{1}{2}$ NE $\frac{1}{2}$
 5.1 18.5 acres SE $\frac{1}{2}$ NE $\frac{1}{2}$
 0.9 acre SE $\frac{1}{2}$ NW $\frac{1}{2}$
 0 0.2 acre NE $\frac{1}{2}$ SE $\frac{1}{2}$
 0.2 acre NW $\frac{1}{2}$ SE $\frac{1}{2}$
 All as projected within Smith DLC 56
 Section 17
 T. 9 S., R. 5 W., W. M.

Little Luckiamute River
 0.1 acre SW $\frac{1}{2}$ SW $\frac{1}{2}$
 As projected within Smith DLC 56
 Section 9
 7.0 18.4 acres NW $\frac{1}{2}$ NW $\frac{1}{2}$
 - 3.7 acres SW $\frac{1}{2}$ NW $\frac{1}{2}$
 As projected within Smith DLC 56
 Section 16
 6.9 19.9 acres NE $\frac{1}{2}$ NE $\frac{1}{2}$
 - 14.3 acres SE $\frac{1}{2}$ NE $\frac{1}{2}$
 Both as projected within Smith DLC 56
 Section 17
 T. 9 S., R. 5 W., W. M.

5.1	18.5 acres SE $\frac{1}{2}$ NE $\frac{1}{2}$	7.4	5.1
0	0.9 acre SE $\frac{1}{2}$ NW $\frac{1}{2}$		
	0.2 acre NE $\frac{1}{2}$ SE $\frac{1}{2}$	6.2	0.0
	0.2 acre NW $\frac{1}{2}$ SE $\frac{1}{2}$		
7.0	18.4 acres NW $\frac{1}{2}$ NW $\frac{1}{2}$	11.4	7.0
-	3.7 acres SW $\frac{1}{2}$ NW $\frac{1}{2}$	3.7	0.0
6.9	19.9 acres NE $\frac{1}{2}$ NE $\frac{1}{2}$	13.0	6.9
-	14.3 acres SE $\frac{1}{2}$ NE $\frac{1}{2}$	14.3	
		50.0	65.8

* River; May 12, 1969 for 0.71 c.f.s. from Little Luckiamute River.

** the SW Corner, Lot 5 (SE $\frac{1}{2}$ SE $\frac{1}{2}$), Section 8.

This certificate describes that portion of the water right confirmed by prior certificate 39691, NOT modified by the provisions of an order entered on August 3, 1977, approving transfer application No. 3550.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affi d

this date. October 17, 1977

James E. Sexson
Water Resources Director

Map # 3

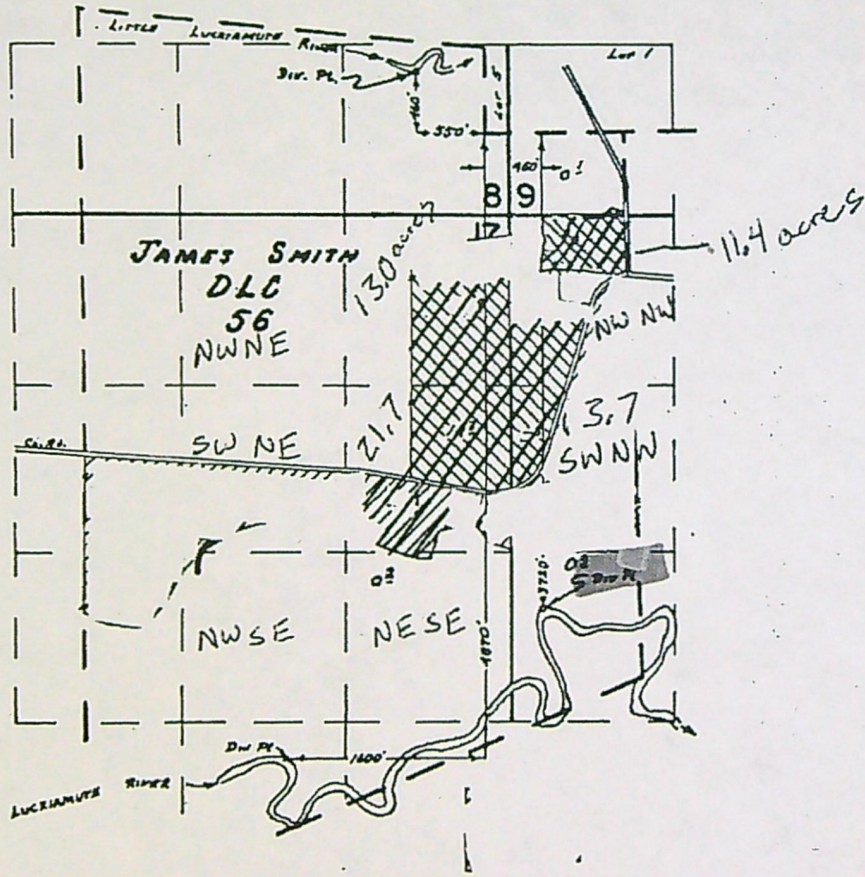
From Lands for Certificate 44889

RECEIVED

AUG 30 2021

OWRD

T. 9 S. R. 5 W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 15036 Permit No. 34380
IN NAME OF

C. A. TWISS

Surveyed MAR 15 1973, by R. B. MUESEN

13810

Map # 2



Too Lands for Certificate 65744

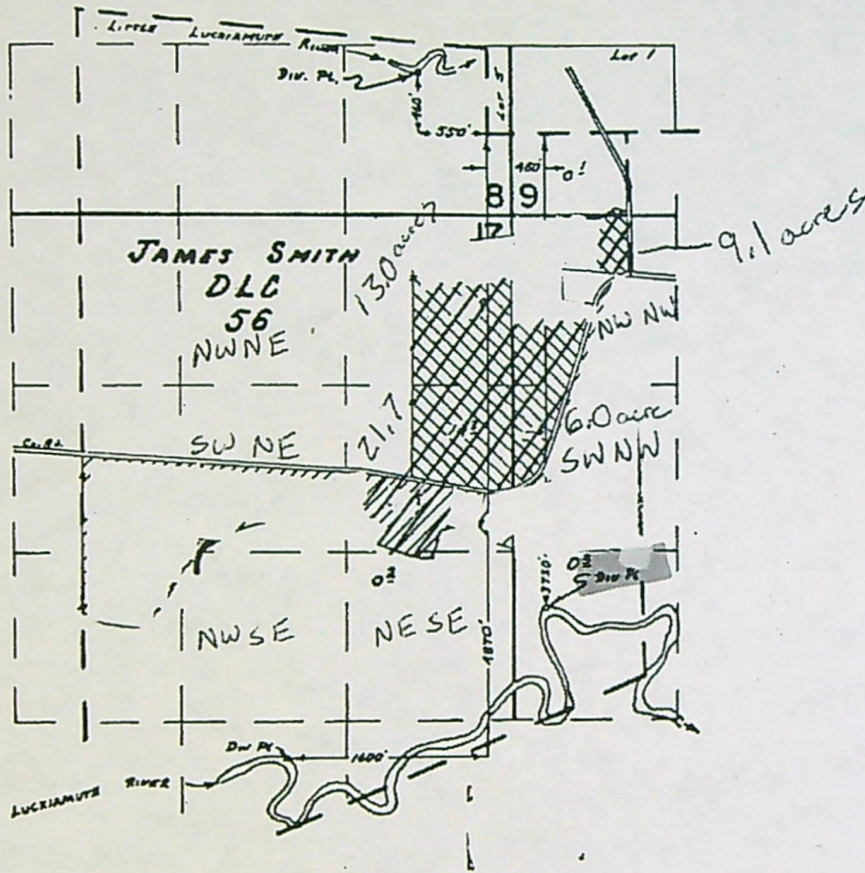
10-26-1950

RECEIVED

AUG 30 2021

T. 9 S. R. 5 W. W.M.

OWRD



FINAL PROOF SURVEY
UNDER

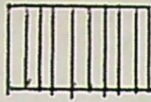
Application No. 45038 Permit No. 34380
IN NAME OF

C. A. TWISS

Surveyed MAR 15 1973, by R.B. MUCKEN

13810

Map # 1



Transfer From Certificate 65744 priority date 10-26-1950

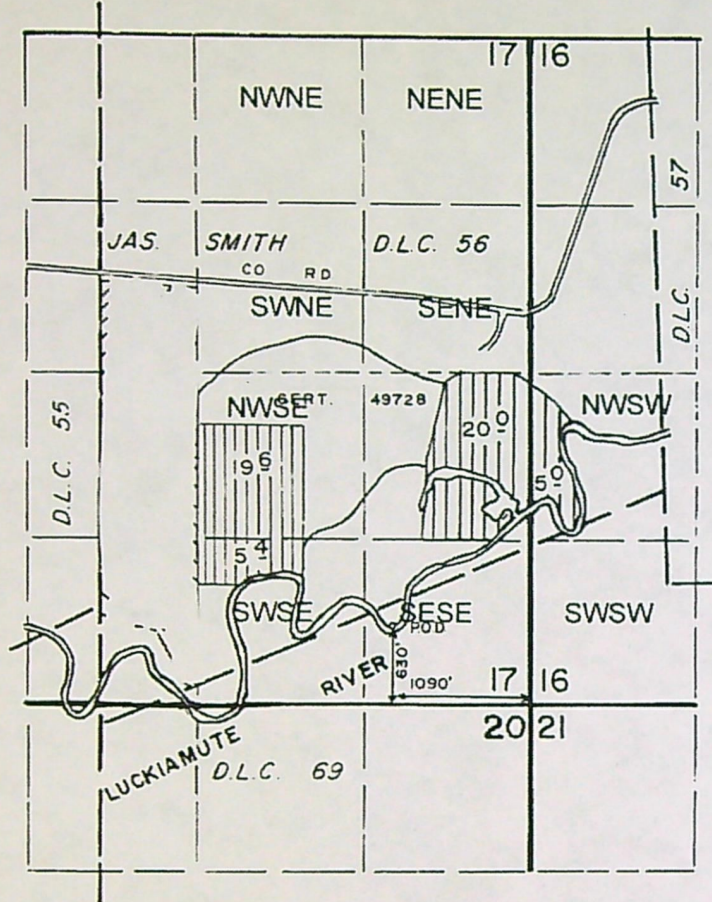
Transfer Certificate 44889 Too Lands priority date 5-12-1969

T. 9 S., R. 5 W., W.M.

RECEIVED

AUG 30 2021

OWRD



1" = 1320'



priority 10-26-50

FINAL PROOF SURVEY UNDER

TRANSFER NO. 4504, 4505, 4506, 4507

Application No. Permit No.
IN NAME OF

..... ALAN L. & JANICE L. FROST

Surveyed MAY 11 1987, by B.W. BISHOP

0-3-30
UFP-2P-7
41053-178-203D

13870

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13810

Review Due Date:

Applicant Name: Alan Frost

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Joel Plahn

Date of Review: 09/13/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Luckiamute River basin is regulated back to 6/22/1964 during some seasons. This occurred in 2015 and 2021 irrigation seasons.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

Weir

Parshall Flume

Other: ___

Submerged Orifice

Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13810

In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:

at each point of diversion/appropriation (new and existing) **OR**

at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Joel plahn

District: 22

Address: 725 summer st ne suite a

City/State/Zip: salem or 97301

Phone: 503-508-2394

Email: joel.m.plahn@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 7, 2021

ALAN L FROST
JANICE FROST
14060 ELKINS RD
MONMOUTH, OR 97361

Reference: Application T-13810

On September 2, 2021, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1530.00. Our receipt number 136311 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Polk County Planning Department

Enclosure

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



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

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

RECEIVED

FOR ALL TEMPORARY TRANSFER APPLICATIONS

AUG 30 2021

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

OWRD

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 44889, 65744**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2021 End Year: 2025.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):
 Application fee not enclosed/insufficient Map not included or incomplete
 Land Use Form not enclosed or incomplete
 Additional signature(s) required Part _____ is incomplete
 Other/Explanation _____
 Staff: _____ Phone: _____ Date: ____/____/____

18810

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

OWRD

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

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

13810

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2</u> (2a) Subtract 1 from the number in 3a above: <u>1</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » » » » »	2	310
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>100</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » » » » » » » » » » » » » » » » » » »	4	270
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » » » » » » » » Subtotal:	5	1530
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » » » » » » » » » » » » » » » » » » » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » » » » Transfer Fee:	7	1,530

RECEIVED
AUG 30 2021
OWRD

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » » » » » » » » » Transfer Fee:	3	NA

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

AUG 30 2021

Part 4 of 5 – Applicant Information and Signature

Applicant Information

OWRD

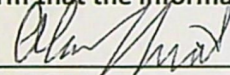
APPLICANT/BUSINESS NAME Alan & Janice Frost			PHONE NO. 503-409-8631	ADDITIONAL CONTACT NO.
ADDRESS 14060 Elkins RD				FAX NO.
CITY Monmouth	STATE OR	ZIP 97361	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

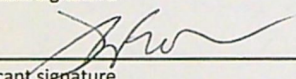
Explain in your own words what you propose to accomplish with this transfer application and why:
 Swap water rights POU so senior rights are on high valued land
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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


 Applicant signature

Alan L Frost
 Print Name (and Title if applicable)

8/20/21
 Date


 Applicant signature

Janice L Frost
 Print Name (and Title if applicable)

8/20/21
 Date

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

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

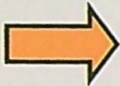
13810

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

DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Polk County	ADDRESS 850 Main St	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

RECEIVED

AUG 30 2021

OWRD

13810

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 44889

RECEIVED

AUG 30 2021

Description of Water Delivery System

System capacity: 0.63 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Little	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	5	W	8	SE	SE	56	460 N & 550 W from SW Cornder of Lot 5 Sec 8 DLC 56
Luckiamute	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	5	W	16	N W	S W	56	3720 S & 460 E from SW Corn of lot 5 Sec 8 DLC 56
Luckiamute	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	5	W	17	SE SW	SE		4870 S & 1600 W from SW Corn of lot 5 Sec 8 DLC 56
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

13810

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 44889

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
9	S	5	W 16 NW NW			11.4	IR	Little	1969	POU	9	S	5	W 16 NW SW			5	IR		1969			
9	S	5	W 16 SW NW			3.7	IR	Little	1969	POU	9	S	5	W 17 NE SE			20	IR		1969			
9	S	5	W 17 NE NE			13.0	IR	Little	1969	POU	9	S	5	W 17 NW SE			19.6	IR		1969			
9	S	5	W 17 SE NE			14.3	IR	Little	1969	POU	9	S	5	W 17 SW SE			5.4	IR		1969			
9	S	5	W 17 SE NE			7.4	IR	Luckiamute	1969														
9	S	5	W 17 NE SE			0.2	IR	Luckiamute	1969														
TOTAL ACRES						50	TOTAL ACRES										50						

RECEIVED
AUG 30 2021
OWRD

13810

Additional remarks: _____

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 65744

RECEIVED

Description of Water Delivery System

AUG 30 2021

System capacity: 0.62 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	5	W	17	SE	SE	69	630' N and 1090' W from SE Corner 17
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		9	S	5	W	16	N W	S W	56	3720' S & 460' E from SW corn lot 5 sec 8
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

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

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

13810

RECEIVED

AUG 30 2021

OWRD

For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

13810

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of POLK)

RECEIVED

AUG 30 2021

OWRD

I, ALLAN FROST, in my capacity as LAND OWNER,
mailing address 14060 ELKINS RD MONMOUTH OR 97361
telephone number (503)409-8631, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for
Certificate # 44889 & 65744; **OR**

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

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

OR

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

(continues on reverse side)

13810

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

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

RECEIVED

AUG 30 2021

OWRD

Alan Frost
Signature of Affiant

8-26-21
Date

Signed and sworn to (or affirmed) before me this 26th day of August, 2021.



Stephanie Marie Weston
Notary Public for Oregon

My Commission Expires: Dec. 17, 2022

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

13810



CONSUMERS POWER INC.
 P.O. BOX 1180
 6990 WEST HILLS ROAD
 PHILOMATH, OR 97370

(541) 929-3124 • (800) 872-9036

148 1 SP 0.470
 RIVERWOOD ORCHARD
 14060 ELKINS RD
 MONMOUTH OR 97361-9510

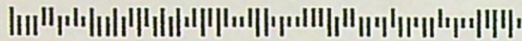
Account Number 8916201	
Statement Date 08/09/2018	Due Date 08/28/2018

Billing Summary	
LAST MONTH'S BILL	\$132.79
PAYMENTS - THANK YOU	\$132.79 CR
BALANCE FORWARD	\$0.00
Current Charges	\$549.46
Account Balance	\$549.46

ck# 2632
\$ 549.46
 C-1 P-2

8-16-18

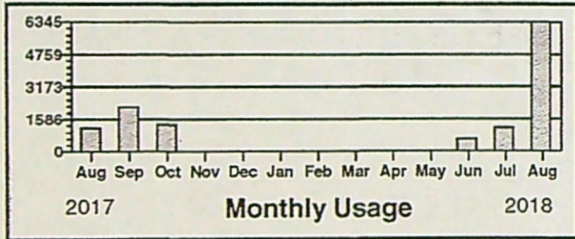
Creekside
419.06 ck# 13432
9-1-18



Messages
 CPI's annual business meeting is Saturday, September 15th. Doors open at 9 AM at our Philomath office. To help with our lunch count please RSVP to 800-872-9036 or email us at info@cpi.coop. Details for the meeting are in your August Ruralite. We look forward to seeing you there!

Location OSU NORTHSIDE - Irrigation

Meter	From	Through	Days	Type	End Read	Start Read	Mult	Usage	Code	Rate
TD561	06/30/18	07/30/18	30	KWH	43502	37157	1	6345		034
TD561	06/30/18	07/30/18	30	KW	26.875		1	26.875		034



Detail of Charges - Electric

Basic Service Charge	\$59.00
KWH Revenue	\$406.08
KW Revenue	\$84.38
Load Factor - 33%	
Total This Service	\$549.46

Creekside
 KW Revenue 84.38
 KWH + 334.68
419.06

Average KWH per Day: 212
 This Month Last Year: 38
Basic 59.00
2.38/day x 30 = 71.40 116 KWH

June KWH 1153 KW ÷ 31 = 37.19 KWH/day 130.40

RECEIVED
AUG 30 2021
OWRD

13810 -F3810



CONSUMERS POWER INC.

P.O. BOX 1180
6990 WEST HILLS ROAD
PHILOMATH, OR 97370

(541) 929-3124 • (800) 872-9036

ck # 3332
\$ 101.05
8-17-20

RIVERWOOD ORCHARD
14060 ELKINS RD
MONMOUTH OR 97361-9510

Account Number 8916202

Statement Date 08/10/2020 Due Date 09/01/2020

Billing Summary

LAST MONTH'S BILL	\$77.79
PAYMENTS - THANK YOU	\$77.79 CR
BALANCE FORWARD	\$0.00
Current Charges	\$101.05

Account Balance \$101.05

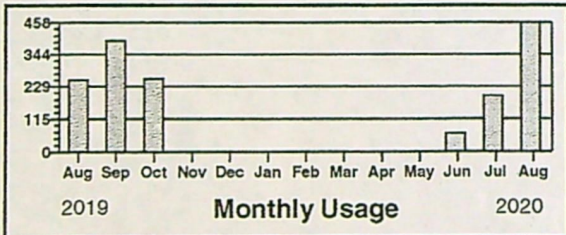
Any BALANCE FORWARD is subject to DISCONNECTION of services.

Messages

CPI's annual business meeting is Saturday, September 12. Doors open at 10 AM at our Philomath office. Attendance will be limited due to COVID-19. If you wish to attend you must contact CPI and enter a drawing for an invitation. Only members with an invitation will be able to attend. You can contact us at 800-872-9036 or by email at info@cpi.coop. Details for the meeting are in your August Ruralite or online. The meeting will be shortened, with no lunch, prizes, auction, or vendors. Members will receive a bill credit for attending.

Location LUCKIAMUTE SITE - Irrigation

Meter	From	Through	Days	Type	End Read	Start Read	Mult	Usage	Code	Rate
1600418	06/30/20	07/31/20	31	KWH	5715	5257	1	458		034
1600418	06/30/20	07/31/20	31	KW	10.820		1	10.820		034
1600418	06/30/20	07/31/20	31	KVAR	6.170		1	3.465		034



Average KWH per Day: 15
This Month Last Year: 8

Detail of Charges - Electric

Basic Service Charge	\$63.00
KWH Revenue	\$31.46
KW Revenue	\$4.51
Power factor - 86.800%	
Reactive Power Charge	\$2.08
Total This Service	\$101.05

RECEIVED

AUG 30 2021

OWRD

13810



CONSUMERS POWER INC.

P.O. BOX 1180
6990 WEST HILLS ROAD
PHILOMATH, OR 97370

(541) 929-3124 • (800) 872-9036

223 1 SP 0.470
RIVERWOOD ORCHARD
14060 ELKINS RD
MONMOUTH OR 97361-9510

4 223
C-1 P-3

Account Number 8916203

Statement Date 10/08/2018

Due Date 10/29/2018

Billing Summary

LAST MONTH'S BILL	\$1,731.62
NO PAYMENTS RECEIVED	\$0.00
BALANCE FORWARD	\$1,731.62
Current Charges	\$636.55

Account Balance \$2,368.17

Page 1 of 1

RECEIVED

AUG 30 2021

OWRD

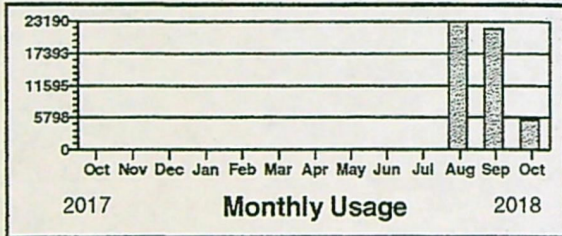


Messages

October is Electric Cooperative month. While electric cooperatives provide power and excellent services to their more than 42 million member customers, our focus is on you and our local community. That means you're in good company! Learn more about us at www.cpi.coop.

Location OSU SOUTHSIDE - Irrigation

Meter	From	Through	Days	Type	End Read	Start Read	Mult	Usage	Code	Rate
1600408	08/31/18	09/30/18	30	KWH	50338	45023	1	5315		034
1600408	08/31/18	09/30/18	30	KW	53.130		1	53.130		034
1600408	08/31/18	09/30/18	30	KVAR	49.510		1	36.228		034



Average KWH per Day: 177
This Month Last Year: 0

Detail of Charges - Electric

Basic Service Charge	\$59.00
KWH Revenue	\$340.16
KW Revenue	\$215.65
Load Factor - 14%	
Power factor - 73.100%	
Reactive Power Charge	\$21.74
Total This Service	\$636.55

Please Return This Stub With Your Payment Please do not staple or paperclip

Comments: _____

Cycle: 06

Account:	8916203
Due Date for Current Bill:	10/29/2018
Amount Due:	\$2,368.17
Amount Paying	_____

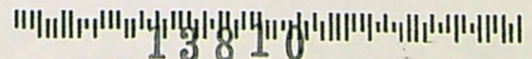


One-Time Operation Roundup Donation:

\$ _____

RIVERWOOD ORCHARD
14060 ELKINS RD
MONMOUTH OR 97361-9510

CONSUMERS POWER, INC.
PO BOX 1180
PHILOMATH OR 97370-1180



WARRANTY DEED

AMERICAN PACIFIC TITLE 9921

KNOW ALL MEN BY THESE PRESENTS, That OREGON STATE UNIVERSITY FOUNDATION, an Oregon Non-Profit Corporation, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ALAN L. FROST and JANICE L. FROST, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Polk and State of Oregon, described as follows, to-wit:



SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO THE FOLLOWING:

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
 2. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
 3. Any adverse claim based on the assertion that:
 - (a) Said land or any portion thereof is now or at any time has been below the ordinary high water mark of the Luckiamute River.
 - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - (c) Some portion of said land has been brought within the boundaries thereof by a change in location of the Luckiamute River.
 4. Such rights and easements of navigation, commerce, recreation and fishery which may exist over that portion of said land lying beneath the waters of Luckiamute River.
 5. Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of the Little Luckiamute River.
 6. Covenants, easements and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms thereof, recorded May 15, 1873, Volume 8, Page 98 as follows: "To be used as a burial ground."
 7. Certificates of Water Right, including the terms and provisions thereof, recorded August 21, 1958, Volume 3, Page 209; and recorded November 17, 1977, BOR 114, Page 222; and recorded November 17, 1977, BOR 114, Page 825.
- These documents are being shown for informational purposes only and no coverage for water rights will be provided for in the forthcoming policy.
8. An easement created by instrument, including the terms and provisions thereof, dated April 28, 1965, recorded May 18, 1965, Volume 195, Page 456, in favor of Consumers Power, Inc., an Oregon corporation, for utilities.

RECEIVED

AUG 30 2021

OWRD

RECEIVED

OCT 14 2015

OWRD

13810

112139

9. An easement created by instrument, including the terms and provisions thereof, dated June 19, 1972, recorded August 10, 1972, BOR 33, Page 597, in favor of Consumers Power, Inc., an Oregon corporation, for utilities.
10. An easement created by instrument, including the terms and provisions thereof, dated May 18, 1976, recorded July 27, 1976, BOR 91, Page 816, in favor of Consumers Power, Inc., an Oregon corporation, for utilities.
11. An easement created by instrument, including the terms and provisions thereof, dated April 6, 1984, recorded April 12, 1984, BOR 177, Page 774, in favor of Consumers Power, Inc., an Oregon corporation, for utilities.
12. An easement created by instrument, including the terms and provisions thereof, dated August 4, 1987, recorded August 26, 1987, BOR 206, Page 398, in favor of Consumers Power, Inc., an Oregon corporation, for utilities.
13. Subject to existing leases, copies of which have been provided grantees.



RECEIVED

AUG 30 2021

OWRD

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

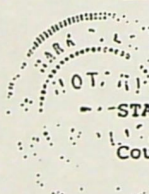
And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$487,000.00, and fulfillment of Exchange Agreement.

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

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.

IN WITNESS WHEREOF, the grantor has executed this instrument this 23rd day of October, 1990;



STATE OF OREGON)
County of Benton)

ss.

OREGON STATE UNIVERSITY FOUNDATION

By John W. Irving

By John V. Byrne

October 23 - 1990.

Personally appeared John W Irving and John V Byrne who, being duly sworn, each for himself and not one for the other, did say that the former is the ~~secretary~~ and that the latter is the secretary of OREGON STATE UNIVERSITY FOUNDATION, a non-profit corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was

RECEIVED

OCT 14 2015

OWRD

13810

T 12139

signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Mark D. [Signature]
NOTARY PUBLIC FOR OREGON
My Commission expires: 10/29/90



Grantor's Name & Address:

Oregon State University Foundation
Snell Hall #517
Corvallis OR 97331

Grantee's Name & Address:

Alan L. and Janice L. Frost
6707 N.W. Niagara Place
Corvallis, OR 97330

After recording return to:

Alan L And Janice L Frost
6707 NW Niagara Place
Corvallis OR 97330

Until a change is requested all tax statements shall be sent to the following address:

6707 N.W. Niagara Place
Corvallis, OR 97330

RECEIVED

AUG 30 2021

OWRD

RECEIVED

OCT 14 2015

OWRD

13810
772139

EXHIBIT 'A'

Beginning at the Southwest corner of the Donation Land Claim of James Smith, Notification No. 2696, Claim No. 56 in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and running thence North 5° West a distance of 11.65 chains; thence North 40.77 chains to the center line of State Highway No. 244, leading from Monmouth to Kings Valley; thence South 86° East following the center line of highway 24.00 chains; thence South 88°5' East following said center line 9.40 chains; thence South 81°35' East following said center line 5.87 chains; thence North 54.30 chains to the North boundary line of said Donation Land Claim; thence South 85°14' East a distance of 9.63 chains to the most Northerly Northeast corner of said Claim; thence South 10.00 chains to the re-entrant angle corner of said Claim; thence East 16.78 chains to the most Easterly Northeast corner of said Claim; thence South 2°10' East a distance of 64.45 chains to the Southeast corner of said Claim; thence South 67°30' West a distance of 72.19 chains to the place of beginning.

SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT that portion of the above described tract of land conveyed to Polk County, a political subdivision of the State of Oregon, as disclosed by instrument recorded June 14, 1971, in Volume 17, Page 547, Book of Records for Polk County, Oregon.



RECEIVED

AUG 30 2021

OWRD

343161

STATE OF OREGON)
County of Polk)

ss.

FILED
POLK COUNTY OREGON

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

OCT 24 P2:46

B.O.R. 236 Page 850

LINDA DAWSON
COUNTY CLERK

BY Am DEPUTY

RECEIVED

OCT 14 2015

OWRD

712139

13810

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

RECEIVED

AUG 30 2021

OWRD

THIS CERTIFICATE ISSUED TO

ALAN L. and JANICE L. FROST
6707 N.W. NIAGARA PLACE
CORVALLIS, OREGON 97330

confirms the right to use the waters of LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER, for the purpose of IRRIGATING 50.0 ACRES.

This right was perfected under Permit 19639. The date of priority is OCTOBER 26, 1950. THE QUANTITY OF WATER AVAILABLE AT THE NEW POINT OF DIVERSION, TOGETHER WITH THAT DIVERTED AT THE ORIGINAL DIVERSION SHALL NOT EXCEED 0.62 CUBIC FOOT PER SECOND or its equivalent in case of rotation, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: SW 1/4 SE 1/4, SECTION 17, T 9 S, R 5 W, W.M.; 730 FEET SOUTH AND 3370 FEET WEST FROM THE SE CORNER OF DLC 56, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 69, SECTION 17, T 9 S, R 5 W, W.M.; 630 FEET NORTH AND 1090 FEET WEST FROM THE SE CORNER OF SECTION 17.

The amount of water used for irrigation under this right, 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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

NW 1/4 SW 1/4 5.0 ACRES
AS PROJECTED WITHIN DLC 56
SECTION 16
TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M.

SEE NEXT PAGE

13810

STATE OF OREGON

RECEIVED

COUNTY OF POLK

AUG 30 2021

CERTIFICATE OF WATER RIGHT

OWRD

This Is to Certify, That C. A. THISS

of Rt. 2, Box 32, Monmouth, State of Oregon, 97361, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Luckiamute and Little Luckiamute Rivers

a tributary of Willamette River for the purpose of irrigation of 115.8 acres

under Permit No. 34380 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 12, 1969 for 0.47 c.f.s., August 1, 1969 for 0.27 c.f.s. from Luckiamute * that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.45 cubic feet per second, being 0.74 c.f.s. from Luckiamute River and 0.71 c.f.s. from Little Luckiamute River

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SW 1/4 as projected within James Smith DLC 56, Section 16, SW 1/4 SE 1/4, as projected within James Smith DLC 56, Section 17, SE 1/4 SE 1/4 as projected within James Smith DLC 56, Section 8, T. 9 S., R. 5 W., W. M., Luckiamute River: 3720 feet South and 460 feet East, 4870 feet South and 1600 feet West, Little Luckiamute River: 460 feet North and 550 feet West, all from ** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

SEE NEXT PAGE

RECEIVED

AUG 30 2021

OWRD

Luckiamute River
6.1 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
24.3 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.3 acre NW $\frac{1}{4}$ SW $\frac{1}{4}$
All as projected within Smith DLC 56
Section 16
14.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
12.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
0.9 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.2 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
0.2 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
All as projected within Smith DLC 56
Section 17
T. 9 S., R. 5 W., W. M.

Little Luckiamute River
0.1 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$
As projected within Smith DLC 56
Section 9
18.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
3.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
As projected within Smith DLC 56
Section 16
19.9 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
14.3 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Both as projected within Smith DLC 56
Section 17
T. 9 S., R. 5 W., W. M.

* River; May 12, 1969 for 0.71 c.f.s. from Little Luckiamute River.

** the SW Corner, Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 8.

This certificate describes that portion of the water right confirmed by prior certificate 39691, NOT modified by the provisions of an order entered on August 3, 1977, approving transfer application No. 3550.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 17, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44889

13810

Map # 1



Transfer From Certificate 65744 priority date 10-26-1950

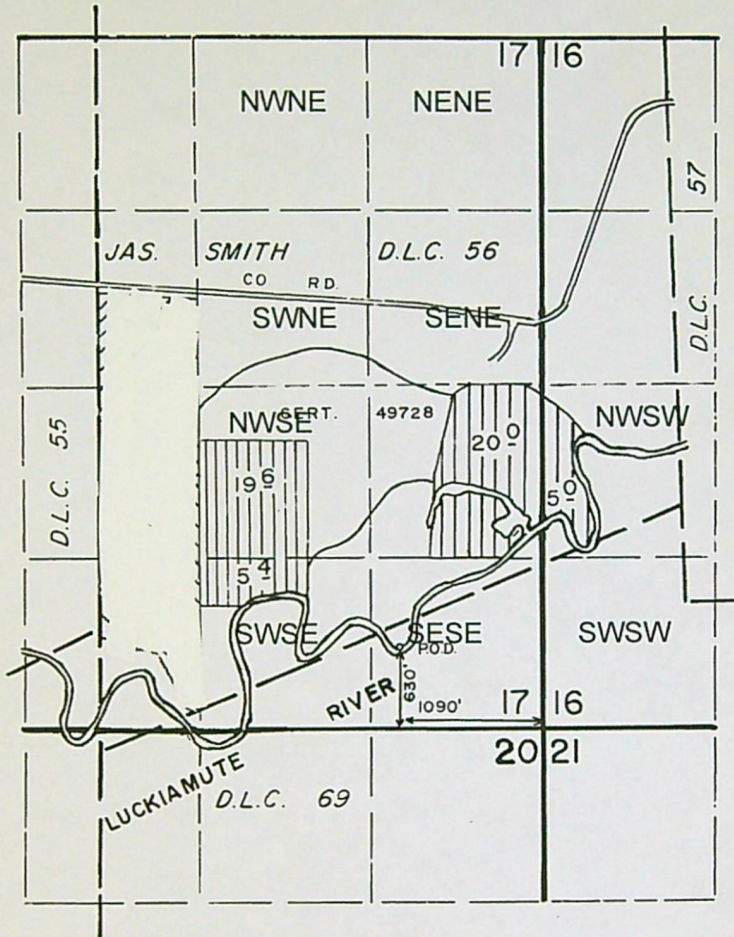
Transfer Certificate 44889 Too Lands priority date 5-12-1969

T. 9 S., R. 5 W., W.M.

RECEIVED

AUG 30 2021

OWRD



1" = 1320'



priority 10-26-50

FINAL PROOF SURVEY UNDER

TRANSFER NO. 4504, 4505, 4506, 4507

Application No. Permit No.
IN NAME OF

..... ALAN L. & JANICE L. FROST

Surveyed MAY 11 1987, by B.W. BISHOP

10-3-90
DFP-2P-7
41053-178-203 D

13810

Map # 2



Toor Lands for Certificate 65744

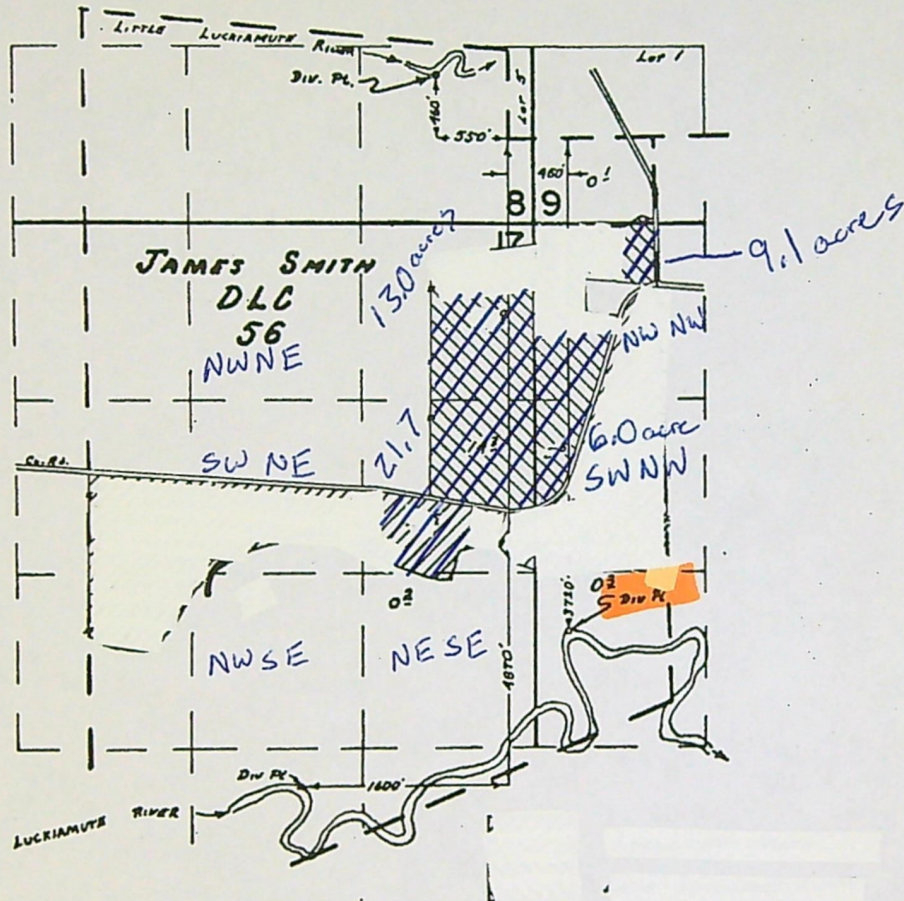
10-26-1950

RECEIVED

AUG 30 2021

T. 9S. R. 5W. W.M.

OWRD



FINAL PROOF SURVEY
UNDER

Application No. 46036 Permit No. 34380
IN NAME OF

C. A. TWISS

Surveyed MAR. 16 1973, by R. B. MUCKEN

13810

Map # 3

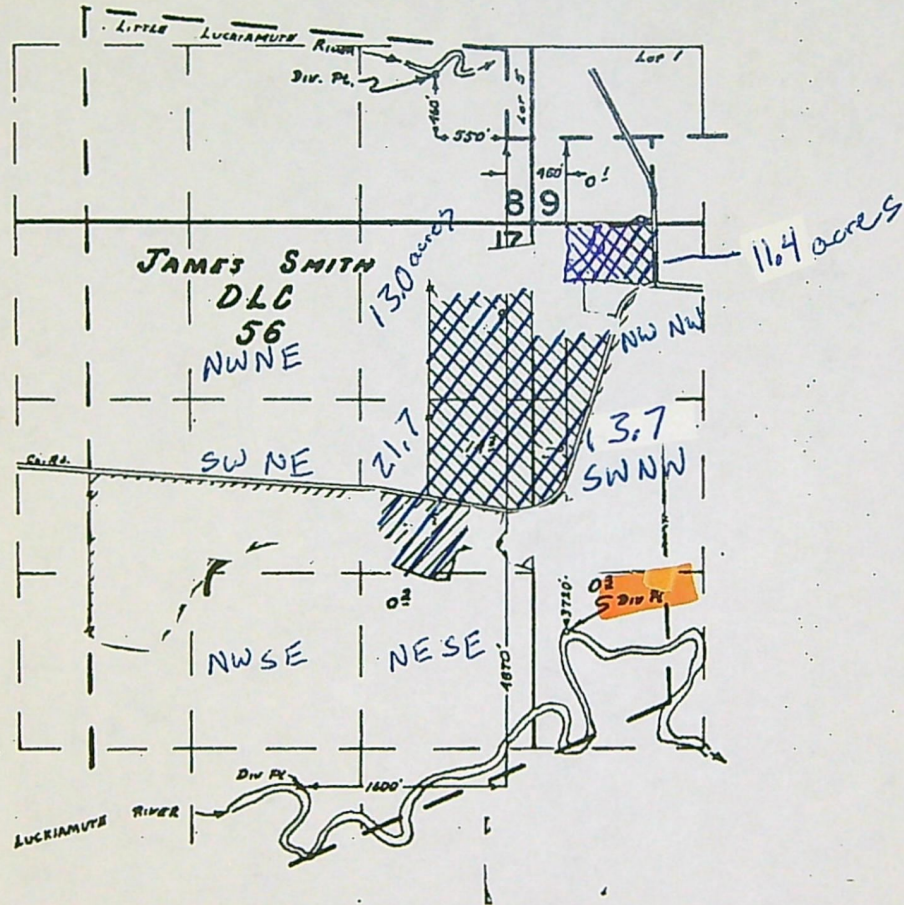
From Lands for Certificate 44889

RECEIVED

AUG 30 2021

OWRD

T. 9 S. R. 5 W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 46036 Permit No. 34380
IN NAME OF

C. A. TWISS

Surveyed MAR. 16 1973, by R. B. MUEHLEN

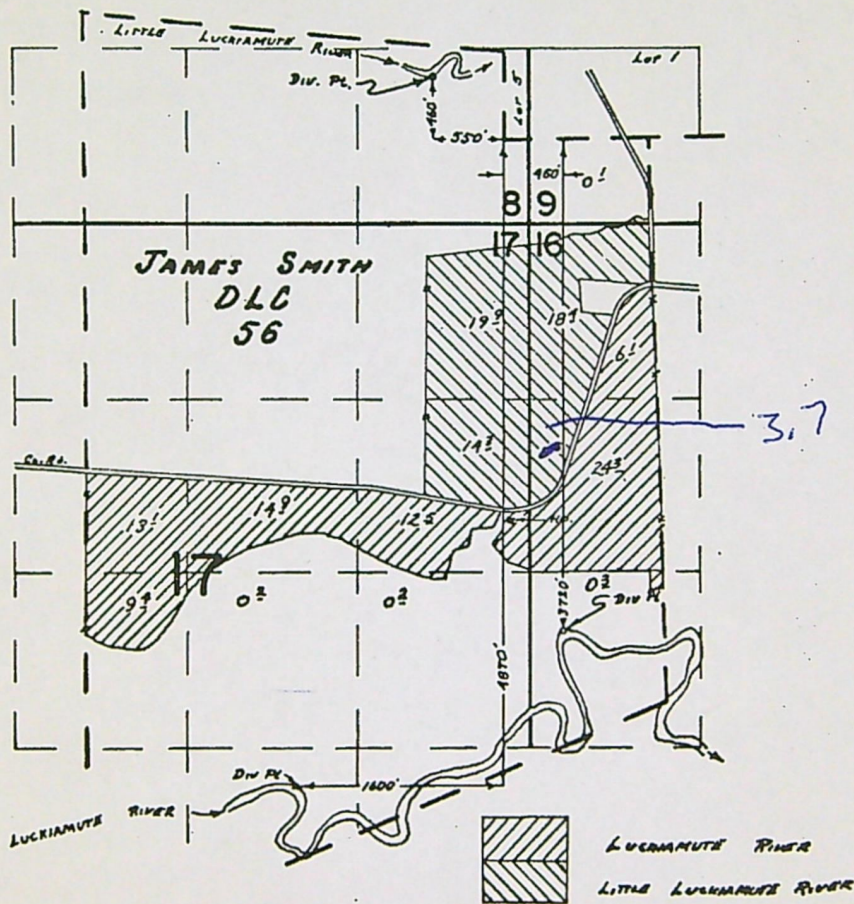
13810

RECEIVED

AUG 30 2021

T. 9 S. R. 5 W. W.M.

OWRD



FINAL PROOF SURVEY
UNDER

Application No. 46036 Permit No. 34380

IN NAME OF

C. A. TWISS

Surveyed MAR. 16 1973, by R. B. MUCKEN

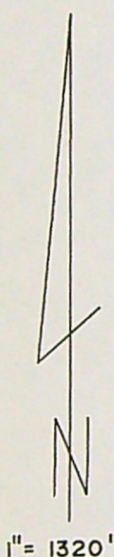
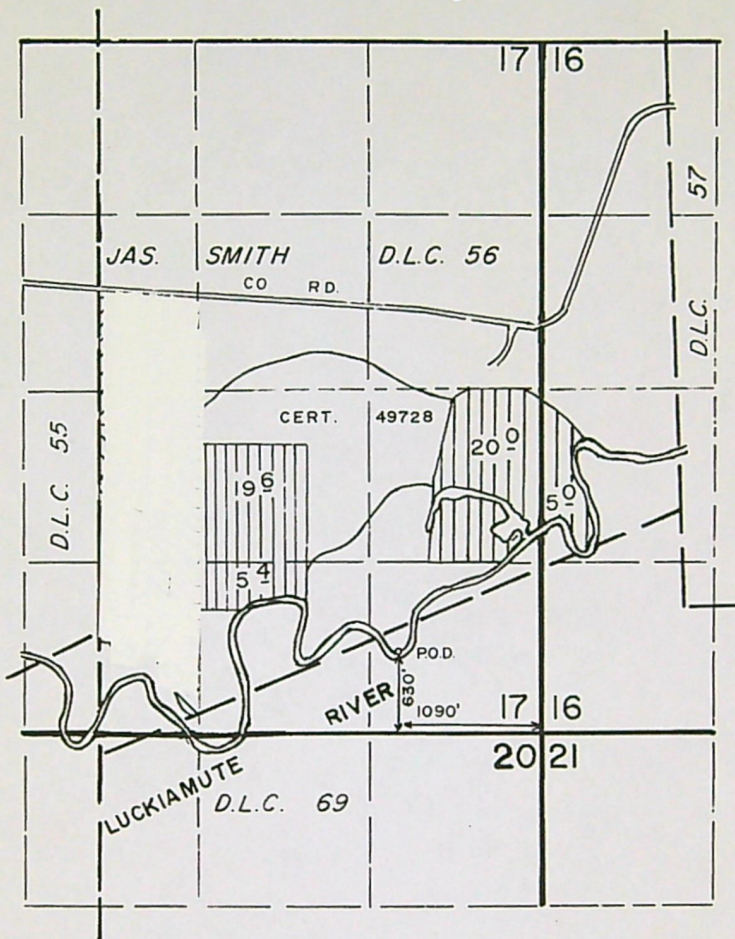
13810

T. 9 S., R. 5 W., W.M.

RECEIVED

AUG 30 2021

OWRD



1" = 1320'



priority 10-26-50

Cert 65744

FINAL PROOF SURVEY UNDER

TRANSFER NO. 4504, 4505, 4506, 4507

Application No. Permit No.
IN NAME OF

.....ALAN L. & JANICE L. FROST.....

Surveyed MAY 11 1987, by B.W. BISHOP.....

0-3-30
UFP-2P-7
41053-178-203D

13810

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

RECEIPT # **136311**

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Riverwood Orchard & Farm
 BY: LLC

APPLICATION	
PERMIT	
TRANSFER	1-13810

CASH: CHECK:# 337 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,530.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	RECORD FEE	\$
0203	GROUND WATER	\$	0204	RECORD FEE	\$
0205	TRANSFER	\$ <u>1530.00</u>			

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	LICENSE FEE	\$
	LANDOWNER'S PERMIT		0220	LICENSE FEE	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **136311**

DATED: 8-30-2021 BY: Mindy Calder

Regular Temporary Water Right Transfer Application Checklist

Checked by Scott

Date 9/1/21

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

(If OK, check box to left; if not, fill in the blank)

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
2. Are fees included and correct? 1530
If not, the correct fee would be: _____, so the amount missing is: _____
3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
4. Are all listed certificates shown by WRIS as non-cancelled? yes N/C
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from _____ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.