

Temporary

Name Heyerly Brothers

Address attn: Jeff Heyerly
31958 S Palmer rd
mobila or 97038

Change in POA POA

Date Filed 12/23/2021

Initial notice date 11/4/2022

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 12/20/2023 Vol 129 Page 549-553

Correcting 1/8/2024 Vol 129 Pg 637-638

Order _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream well

Trib. of Kaiser Creek, Willamette river basin

Use Irrigation County Clackamas

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

Name of ditch _____

App# 63721 Per # 63517 Cert # 38507 PR Date 11/14/1966

App# 614525 Per # 617897 Cert # 95232 PR Date 5/20/1997

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

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

FEES PAID		
Date	Amount	Receipt #
12-23-2021	\$1,404.72	137163

FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent Orann Hamilton Pacific hydro Phgdmb@gmail

CWRE _____

CC's list Clackamas County dot Planning division

- Oversized map - Location _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13881

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

Applicant: JEFF HEYERLY 31958 S PALMER RD MOLALLA, OR 97038 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741 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 Clackamas County Transportation & Development 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"/>	G3721	G3517	38507	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	G14525	G17897	95232	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: December 23, 2021	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1404.72	WM District: 16	ODFW District:
Initial Public Notice: January 4, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <u>12/6/23</u> Initials: <u>Scott</u>	Date: <u>12/11/23</u> Initials: <u>Tom</u>	Date: _____ Initials: _____	Date: <u>12/13/23</u> Initials: <u>PKS</u>	Date: <u>12/13/23</u> Initials: <u>Scott</u>	Date: <u>12/13/23</u>	Date: <u>12/20/2023</u>
	Date: <u>12/28/23</u> Initials: <u>Scott</u>	Date: <u>1-24-24</u> Initials: <u>Tom</u>		Date: <u>1/31/24</u> Initials: <u>PKS</u>	Date: <u>1/5/24</u> Initials: <u>Scott</u>	Date: <u>1/5/24</u>	Date: <u>1/8/24</u>
Special Order	Volume: Vol. <u>129</u> Pages <u>549-553</u>						
Correcting Order	Volume: Vol. <u>129</u> Pages <u>637-638</u>						

Correcting Order
Special Issues: Scott

Transfer Cover Sheet



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 8, 2024

Jeff Heyerly
31958 S Palmer Rd
Mollala, OR 97038

Reference: T-13881 Superseding Correcting Final Order and Superseding Certificate

Enclosed is a correcting final order recorded in Special Order Vol. 129, Page 637, issued to correct a scrivener's error in the order recorded in Special Order Vol. 129, Page 549. A correcting certificate is also enclosed.

If you have any questions please contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at scott.a.grew@water.oregon.gov.

Sincerely,

Elyse Richman
Water Right Support
Transfers and Conservation Section

cc: Watermaster Dist. #16 , Gregory J. Wacker (*via email*)
Doann Hamilton, Agent
Clackamas County Transportation and Development Planning Dept, Local Government

Enclosures

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Special Order Volume 129,)
Pages 549-553 approving T-13881,) CORRECTING ORDER
Clackamas County)

Applicant

HEYERLY BROTHERS C/O JEFF HEYERLY
31958 S. PALMER RD
MOLALLA, OR 97038

Findings of Fact

1. On December 20, 2023, the Department issued an order approving Transfer T-13881. The order was recorded at Special Order Volume 129, Pages 549-553.

2. The order contained a scrivener's error in the TO lands for Certificate 38507:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SE NW	13.6

3. The correct table for the TO lands for Certificate 38507:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SW NW	13.6

4. The order contained a scrivener's error in the TO lands for Certificate 95232:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 E	WM	13	NE SW		20.0
5 S	2 E	WM	7	NE SW	40	13.4
5 S	2 E	WM	7	NW SW	40	6.6
					Total	40.0

5. The correct table for the TO lands for Certificate 95232:

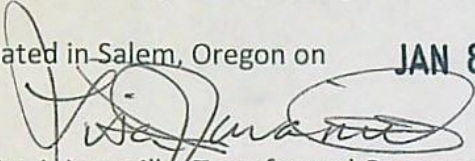
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 E	WM	13	NE SW		20.0
5 S	2 E	WM	7	NE NW	40	13.4
5 S	2 E	WM	7	NW NW	40	6.6
					Total	40.0

6. The order contained a scrivener's error describing the rate for the transfer lands for Certificate 95232 as 0.37 CFS.
7. The correct rate for Certificate 95232 is 0.33 CFS.

Now, therefore, it is ORDERED:

1. The order approving T-13881, as recorded in Special Order Volume 129, Pages 549-553 is corrected to describe the correct quarter-quarters and the correct rate for certificate 95232.
2. All other provisions of Special Order Volume 129, Pages 549-553 remain in effect.

Dated in Salem, Oregon on **JAN 8 - 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **JAN 9 - 2024**

GREW Scott A * WRD

From: phggeek at bctonline.com <phggeek@bctonline.com>
Sent: Friday, December 29, 2023 3:03 PM
To: GREW Scott A * WRD
Cc: JARAMILLO Lisa J * WRD; phgdmh@gmail.com
Subject: Fwd: Final order T-13881 errors
Attachments: T-13881 FO.pdf; T_13881 maps.pdf

Scott,

I am just now catching up with this message. I have also reviewed the Final Order for T-13881, and I concur with the items mentioned by Doann. I also note what appears to be an error in calculating the transferred rate for Certificate 95232, which is given as 0.37 cfs in the Final Order. This right allows a rate of 2.3 cfs for 280 acres, which equals 0.0082 cfs per acre. If we multiply that rate per acre times the number of acres transferred, we get 0.0082 cfs per acre x 40 acres = 0.33 cfs.

Regards,

Greg Kupillas
Pacific Hydro-Geology Inc.
503.939.3167

From: "phgdmh@gmail.com" <phgdmh@gmail.com>
To: "GREW Scott A * WRD" <Scott.A.GREW@water.oregon.gov>, "jeff heyerly" <jrheylerly@canby.com>, "Steve Heyerly" <sheyerly@canby.com>, "Greg Kupillas" <phggeek@bctonline.com>, "JARAMILLO" <lisa.j.jaramillo@water.oregon.gov>
Sent: Thursday, December 21, 2023 7:02:52 AM
Subject: Final order T-13881 errors

Hi Scott and Lisa
We just recently received the final order for our client
Heyerly Brothers T-13881 temporary transfer

Unfortunately there are several errors describing the new place of use
I will list them here:

Certificate 38507 page 2 item 4
- states the new place of use to be

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SE NW	13.6

That should be SW NW

GREW Scott A * WRD

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Thursday, December 21, 2023 7:03 AM
To: GREW Scott A * WRD; jeff heyerly; Steve Heyerly; Greg Kupillas; JARAMILLO Lisa J * WRD
Subject: Final order T-13881 errors
Attachments: T-13881 FO.pdf; T_13881 maps.pdf

Hi Scott and Lisa

We just recently received the final order for our client
Heyerly Brothers T-13881 temporary transfer

Unfortunately there are several errors describing the new place of use
I will list them here:

Certificate 38507 page 2 item 4
- states the new place of use to be

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SE NW	13.6

That should be SW NW

Certificate 95232 page 3 item 7
- states the new place of use to be

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 E	WM	13	NE SW		20.0
5 S	2 E	WM	7	NE SW	40	13.4
5 S	2 E	WM	7	NW SW	40	6.6
					Total	40.0

This should be:
In Section 7 **NE NW** DLC 40 13.4 acres
In Section 7 **NW NW** DLC 40 6.6 acres

Thank you
Doann



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

December 20, 2023

Jeff Heyerly
31958 S Palmer Rd
Molalla, OR 97038

REFERENCE: District Temporary Transfer Application T-13881

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 2024 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2027 irrigation season**.

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

Sincerely,

Elyse Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
Doann Hamilton, Agent
Clackamas County Transportation and Development, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-13881, Clackamas County)	CHANGES IN PLACE OF USE AND POINT
)	OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 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 appropriation 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

HEYERLY BROTHERS C/O JEFF HEYERLY
31958 S. PALMER RD
MOLALLA, OR 97038

Findings of Fact

1. On December 23, 2021, HEYERLY BROTHERS C/O JEFF HEYERLY, filed an application to temporarily change the place of use and change the point of appropriation to serve the proposed place of use under Certificates 38507 and 95232 for a period of 4 years. The Department assigned the application number T-13881.
2. Notice of the application for transfer was published on January 4, 2022, pursuant to OAR 690-380-4000.
3. The first right to be transferred is as follows:

Certificate: 38507 in the name of LEWIS O. VELLE (perfected under Permit G-3517)
Use: IRRIGATION of 13.6 ACRES
Priority Date: NOVEMBER 14, 1966
Rate: 0.11 CUBIC FOOT PER SECOND
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

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.

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: A WELL, a tributary of KAISER CREEK (ROCK CREEK)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	14	SE SW	930 FEET NORTH AND 260 FEET WEST FROM THE S1/4 CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	14	SE SW	13.6

4. Temporary Transfer Application T-13881 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SE NW	13.6

5. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13881 proposes to move the authorized point of appropriation approximately 1.9 miles northeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	12	NE SE	WELL 1 - 420 FEET SOUTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 12
5 S	1 E	WM	12	SW SE	WELL 2 - 1355 FEET SOUTH AND 2480 FEET WEST FROM THE E1/4 CORNER OF SECTION 12

6. The portion of the second right to be transferred is as follows:

Certificate: 95232 in the name of HEYERLY BROTHERS (perfected under Permit G-17897)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MAY 20, 1997

Rate: 0.37 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.

Period of Use: MAY 1 THROUGH OCTOBER 30

Source: WELL 1 AND WELL 2 in WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	12	NE SE	WELL 1 (ORIGINAL) - 420 FEET SOUTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 12
5 S	1 E	WM	12	SW SE	WELL 2 (ADDITIONAL) - 1355 FEET SOUTH AND 2480 FEET WEST FROM THE E1/4 CORNER OF SECTION 12

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Glots	DLC	Acres
5 S	1 E	WM	12	NW SE			1.9
5 S	1 E	WM	12	SW SE			2.0
5 S	1 E	WM	13	NE NE		37	3.4
5 S	1 E	WM	13	NE NE	1		0.2
5 S	1 E	WM	13	NW NE	2		15.7
5 S	1 E	WM	13	NW NE		37	3.6
5 S	1 E	WM	13	SW NE		37	4.3
5 S	1 E	WM	13	SE NE	7		0.9
5 S	1 E	WM	13	SE NE		37	8.0
						Total	40.0

7. Temporary Transfer Application T-13881 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 E	WM	13	NE SW		20.0
5 S	2 E	WM	7	NE SW	40	13.4
5 S	2 E	WM	7	NW SW	40	6.6
					Total	40.0

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 right is 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

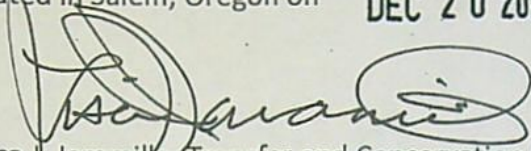
The temporary changes in place of use and points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13881 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13881 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2024, 2025, 2026, 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season. The authorization to use the temporary points of appropriation 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. The quantity of water diverted at the proposed temporary points of appropriation (Wells 1 and 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).
6. A subsequent application for permanent transfer of Certificates 38507 and 95232 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.
7. 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 38507 and 95232.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. 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 appropriation.
 - 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.

10. The use of the remaining water rights described by Certificates 38507 and 95232 shall continue to be in accordance with the terms and conditions of Certificates 38507 and 95232.

Dated in Salem, Oregon on **DEC 20 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **DEC 21 2023**

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13881 (Temp)

GW Reviewer Gabriela Ferreira / Travis Brown Date Review Completed: November 28, 2023

Summary of Same Source Review:

- The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

- The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other: Temporary Transfer

Application: T-13881

Applicant Name: Heyerly Brothers

- Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Gabriela Ferreira / Travis Brown

Date of Review: November 28, 2023

Date Returned to WRSD: November 28, 2023

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other _____

1. Basic description of the changes proposed in this transfer: The applicant proposes to temporarily change the POAs for Certificate 38507 and Certificate 95232 for Irrigation Use. The proposed changes would be in effect through 2025.

Certificate	Authorized POU [acres]	POU Portion to be Changed [acres]	Rate for Changed Portion of POU [cfs]	Volume for Changed Portion of POU [af]	Authorized From-POA	Proposed To-POA
38507	13.6	13.6	0.11	34	CLAC 2503	CLAC 53757 CLAC 74503
95232	280.0	40.0	0.33	100	CLAC 53757 CLAC 74503	No change
TOTAL	--	43.6	0.44	224.5	--	--

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: For the proposed changes to the POAs (Certificate 38507), currently authorized From-POA CLAC 2503 and the proposed To-POAs (CLAC 53757 and CLAC 74503) produce from the alluvial aquifer.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

Yes No N/A

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes No Comments: Compared to the currently authorized From-POA CLAC 2503, both proposed To-POAs will be substantially closer to CLAC 66134, an authorized POA under Certificate 92166 and Permits G-15254 and G-18008. The closer proximity of the proposed To-POA will likely lead to an increase in interference with CLAC 66134.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes No If yes, explain: The well nearest to the proposed To-POAs is CLAC 66134, which is 437 feet deep whereas the proposed To-POAs are 411 to 422 feet deep. The sedimentary aquifer in this area is estimated at ~650-700 feet thick (Gannett and Caldwell, 1998). Given the substantial water column in CLAC 66134 (approximately 300 feet) and distance from the proposed To-POAs, the proposed change is not likely to result in CLAC 66134 not receiving water to which it is legally entitled.

a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes No Comments: The proposed To-POAs are nearest to Bear Creek relative to the currently authorized From-POA. The closer proximity of the proposed To-POA is likely to increase interference with this surface water source.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Bear Creek Minimal Significant

Provide context for minimal/significant impact: The substantial thickness of fine-grained sediments between the bottom of the streambeds for Bear Creek and the top of the water-bearing zones tapped by the proposed To-POAs is anticipated to buffer these streams from depletion due to pumping. The change in degree of interference due to the proposed temporary transfer is expected to be minimal.

4. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: N/A

5. What conditions or other changes in the application are necessary to address any potential issues identified above: None

6. Any additional comments: Certificate 95232 established reference levels for both proposed To-POAs (126.67 feet bls for CLAC 53757 and 128.08 feet bls for CLAC 74503). CLAC 53757 has declined a maximum of 22.44 feet below the reference level. These reference levels should be maintained in association with the proposed To-POAs.

References

Application File T-13881

Certificates 95232 and 38507

Gannett, M.W. and Caldwell, R., 1998, *Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington*, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

Watershed Sciences, 2009, *LIDAR remote sensing data collection, Department of Geology and Mineral Industries, Willamette Valley Phase I, Oregon*: Portland, OR, December 21.

T-13881, Heyerly Brothers T5S, R1E



Main Map Scale = 1:24,000

Service Layer Credits. Copyright © 2013 National Geographic Society, routed

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-13881

Review Due Date: 02/03/2022

Applicant Name: Heyerly Brothers Jeff Heyerly

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): G. Wacker

Date of Review: 01/26/2022

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:
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

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: ___

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13881



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: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301

Phone: 971-719-6262

Email: gregory.j.wacker@water.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

January 4, 2022

HEYERLY BROTHERS
JEFF HEYERLY
31958 S PALMER RD
MOLALLA, OR 97038

Reference: Application T-13881

On December 23, 2021, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1404.72. Our receipt number 137163 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 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) 979-9931.

Cc: Watermaster Dist. #16, Gregory J. Wacker (via email)
Clackamas County Department of Transportation Planning Division
Doann Hamilton, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137163**

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

INVOICE # _____

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

RECEIVED FROM: East Valley Seed Co.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13881</u>

CASH: CHECK: # X 22412 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,404.72

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	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
		<u>\$1,404.72</u>	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	OTHER (IDENTIFY)		0220 \$

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 (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **137163**

DATED: 12-23-2021 BY: [Signature]

**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.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

OWRD

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

- 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: 38507 and 95232**
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: 2022 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: 13881 / ==

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Heyerly Brothers c/o Jeff Heyerly		PHONE NO. (503) 651-3515	ADDITIONAL CONTACT NO. QWRD
ADDRESS 31958 S. Palmer Rd			FAX NO.
CITY Molalla	STATE OR	ZIP 97038	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.			

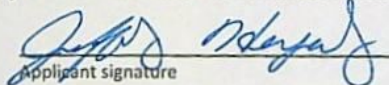
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Doann Hamilton / Pacific Hydro-Geology, Inc.		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946 (cell)
ADDRESS 18487 S. Valley Vista Road			FAX NO. (503) 632-5983
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
We are applying for new groundwater rights (Application G-18967) on the acres being irrigated. Until this new groundwater application can be completed, we need to do a temporary transfer to cover these acres.

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.

 Jeffrey Heyerly 12-6-21
 Applicant signature Print Name (and Title if applicable) Date

 Applicant signature Print Name (and Title if applicable) 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.

13881

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 Clackamas Co. Department of Transportation and Development, Planning Division	ADDRESS 150 Beaver Creek Road	
CITY Oregon City	STATE Oregon	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5a of 5b – 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 # 38507

RECEIVED

Description of Water Delivery System

DEC 23 2021

System capacity: 0.11 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the well using a 5 Hp submersible pump to convey water through a portable mainline to irrigate grass seed using portable impact sprinklers.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 2503	5	S	1	E	14	SE	SW	1300	930 feet north and 260 feet west from the S ¼ corner, Section 14.
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	CLAC 53757	5	S	1	E	12	NE	SE	1800	420 feet south and 690 feet west from the E ¼ corner, Section 12.
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	CLAC 74503	5	S	1	E	12	SW	SE	1700	1,355 feet south and 2,480 feet west from the E ¼ corner, Section 12.

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.

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 # 38507

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										POU, POA	5	S	1	E	13	SW	NW	301	NA	13.6	IR	Wells 1&2	11-14- 1966
TOTAL ACRES							TOTAL ACRES										13.6						

Additional remarks: None

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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: NA

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
Authorized Well	YES	CLAC 2503	See Well Log CLAC 2503							
Well 1	YES	CLAC 53757	See Well Log CLAC 53757							Not less than the allowed rate
Well 2	YES	CLAC 74503	See Well Log CLAC 74503							

Part 5b of 5b – 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 # 95232

RECEIVED

Description of Water Delivery System

DEC 23 2021

System capacity: 2.3 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 sometime within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the Well 1 (CLAC 53757) using a 75 Hp submersible pump with a variable speed drive to make up the supply demand differences if Well 2 (CLAC 74503) water levels drops. Well 2 uses a 60 Hp submersible pump to convey water through the same 6-inch mainline supplied by both wells. Water is conveyed through the 8- and 6-inch buried PVC mainline with hydrants located every 270 feet where portable 6- and 5-inch aluminum mainlines with hydrants can be attached, and/or portable 40-foot-long aluminum hand lines with impact sprinklers. Hard hose travelers can also be attached to the hydrants

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)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 53757	5	S	1	E	12	NE	SE	1800	420 feet south and 690 feet west from the E ¼ corner, Section 12.
Well 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 74503	5	S	1	E	12	SW	SE	1700	1,355 feet south and 2,480 feet west from the E ¼ corner, Section 12.

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?

13881

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.

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 95232

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	
5	S	1	E 12 NW SE	1700	NA	1.9	IR	Authorized Well 1 & 2	5-20-1997	POU	5	S	1	E 13 NE SW	401	NA	20.0	IR	Authorized Well 1 & 2	5-20-1997	
5	S	1	E 12 SW SE	1700	NA	2.0	IR	Authorized Well 1 & 2	5-20-1997	POU	5	S	2	E 7 NE NW	1000, 1100	DLC 40	13.4	IR	Authorized Well 1 & 2	5-20-1997	
5	S	1	E 13 NE NE	200	Lot 1	0.2	IR	Authorized Well 1 & 2	5-20-1997	POU	5	S	2	E 7 NW NW	1000	DLC 40	6.6	IR	Authorized Well 1 & 2	5-20-1997	
5	S	1	E 13 NE NE	100	DLC 37	3.4	IR	Authorized Well 1 & 2	5-20-1997	POU											
5	S	1	E 13 NW NE	100	DLC 37	3.6	IR	Authorized Well 1 & 2	5-20-1997	POU											
5	S	1	E 13 NW NE	200	Lot 2	15.7	IR	Authorized Well 1 & 2	5-20-1997	POU											
5	S	1	E 13 SW NE	100	DLC 37	4.3	IR	Authorized Well 1 & 2	5-20-1997	POU											
5	S	1	E 13 SE NE	100	DLC 37	8.0	IR	Authorized Well 1 & 2	5-20-1997	POU											
5	S	1	E 13 SE NE	200	Lot 7	0.9	IR	Authorized Well 1 & 2	5-20-1997	POU											
TOTAL ACRES						40.0	TOTAL ACRES										40.0				

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Additional remarks: None

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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: NA

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
Well 1	YES	CLAC 53757	See Well Log CLAC 53757							Not less than the allowed rate
Well 2	YES	CLAC 74503	See Well Log CLAC 74503							

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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 CLACKAMAS

I, STEVE HEYERLY, in my capacity as OPERATOR,
 mailing address 31958 S. PALMER RD, MOLALLA, OR 97038

telephone number (503) 407-6738, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # _____; OR

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

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

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)

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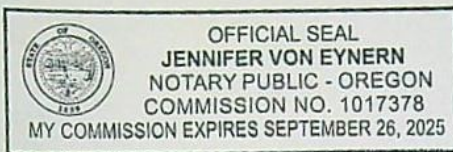
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3. The water right was used for: (e.g., crops, pasture, etc.): ROW CROPS
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Stacy Hayes
Signature of Affiant

12-15-21
Date

Signed and sworn to (or affirmed) before me this 15th day of December, 2021.



Jennifer Von Eyern
Notary Public for Oregon

My Commission Expires: 9/26/2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • 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

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-13439, Clackamas County)
)
)
) FINAL ORDER APPROVING A
TEMPORARY CHANGE IN PLACES
OF USE AND POINTS OF
APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 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 appropriation 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

HEYERLY BROTHERS c/o JEFF HEYERLY
31958 S PALMER RD
MOLALLA, OR 97038

Findings of Fact

1. On May 15, 2020, HEYERLY BROTHERS c/o JEFF HEYERLY filed an application to temporarily change the place of use and change the points of appropriation to serve the proposed place of use under Certificates 38044, 38507 and 75769 for a period of 2 years. The Department assigned the application number T-13439.

2. Notice of the application for transfer was published on June 2, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. The portion of the first right to be transferred is as follows:

Certificate: 38044 in the name of RICHARD MOORHOUSE (perfected under Permit G-3992)
Use: IRRIGATION of 42.9 ACRES
Priority Date: FEBRUARY 13, 1968
Rate: 0.53 CUBIC FEET PER SECOND

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.

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: A WELL a tributary of GRIBBLE CREEK

Authorized Point Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 E	WM	31	SW SE	670 FEET NORTH AND 830 FEET EAST FROM THE S1/4 CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	2 E	WM	31	SE SW	23.2
4 S	2 E	WM	31	SW SE	19.7
Total					42.9

4. Temporary Transfer Application T-13439 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SW NW	19.6
5 S	1 E	WM	13	NE SW	10.3
5 S	2 E	WM	7	NE NW	87
5 S	2 E	WM	7	NW NW	4.3
Total					42.9

5. A change in points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13439 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in miles (mi.)
5 S	1 E	WM	12	NE SE	WELL 1 - 420 FEET SOUTH AND 690 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 12	1.9 mi.
5 S	1 E	WM	12	NW SE	WELL 2 - 1940 FEET NORTH AND 620 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 12	2.2 mi.

6. The second right to be transferred is as follows:

Certificate: 38507 in the name of LEWIS O. VELLE (perfected under Permit G-3517)
Use: IRRIGATION of 13.6 ACRES
Priority Date: NOVEMBER 14, 1966
Rate: 0.11 CUBIC FOOT PER SECOND

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: A WELL within the KAISER CREEK (ROCK CREEK)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	14	SE SW	930 FEET NORTH AND 260 FEET WEST FROM THE S1/4 CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	14	SE SW	13.6

7. Temporary Transfer Application T-13439 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	13	SE NW	13.6

8. A change in points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13439 proposes to move the authorized points of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in miles (mi.)
5 S	1 E	WM	12	NE SE	WELL 1 - 420 FEET SOUTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 12	1.9 mi.
5 S	1 E	WM	12	NW SE	WELL 2 - 1940 FEET NORTH AND 620 FEET WEST FROM THE S1/4 CORNER OF SECTION 12	1.9 mi.

9. The portion of the third right to be transferred is as follows:

Certificate: 75769 in the name of GEORGE KYLLO (perfected under Permit G-2958)

Use: IRRIGATION of 33.3 ACRES

Priority Date: JUNE 8, 1965

Rate: 0.27 CUBIC FEET PER SECOND

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 a diversion of 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.

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Source: A WELL a tributary of MOLALLA RIVER

Authorized Point of Appropriation:

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Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	2 E	WM	7	NE SW	41	1030 FEET SOUTH AND 1330 FEET EAST FROM THE NW CORNER OF DLC 41

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 E	WM	12	SE SE	41	0.7
5 S	1 E	WM	13	NE NE	41	2.8
5 S	2 E	WM	7	NW SW	41	8.6
5 S	2 E	WM	7	SW SW	41	16.5
5 S	2 E	WM	18	NW NW	41	4.7
Total						33.3

10. Temporary Transfer Application T-13439 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
5 S	1 E	WM	13	SE NW	24.2	
5 S	1 E	WM	13	NE SW	9.1	
Total					33.3	

11. A change in points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13439 proposes to move the authorized points of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Miles (mi.)
5 S	1 E	WM	12	NE SE	WELL 1 - 420 FEET SOUTH AND 690 FEET WEST FROM THE E1/4 CORNER OF SECTION 12	0.6 mi.
5 S	1 E	WM	12	NW SE	WELL 2 - 1940 FEET NORTH AND 620 FEET WEST FROM THE S1/4 CORNER OF SECTION 12	0.5 mi.

Temporary Transfer Review Criteria

12. Water has been used within the last five years according to the terms and conditions of the rights.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
14. The proposed changes would not result in enlargement of the rights.
15. 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.

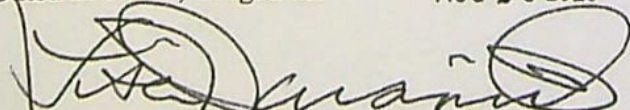
Conclusions of Law

The temporary change in places of use and points of appropriation to serve the temporary places of use proposed in Temporary Transfer Application T-13439 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-13439 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2020 and 2021 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season. The authorization to use the temporary point of appropriation 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 38044, 38507, and 75769 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 38044, 38507, and 75769.
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. The use of the remaining water rights described by Certificates 38044, 38507, and 75769 shall continue to be in accordance with the terms and conditions of Certificates 38044, 38507 and 75769.

Dated in Salem, Oregon on AUG 26 2020


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

Mailing Date: AUG 27 2020

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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 CLACKAMAS

I, STEVE HEYERLY, in my capacity as OPERATOR,

mailing address 31958 S. PALMER RD, MOLALLA, OR 97038

telephone number (503) 407-6738, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # _____; OR

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

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

OR

- Confirming Certificate # 95232 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)

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3. The water right was used for: (e.g., crops, pasture, etc.): ROW CROPS
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

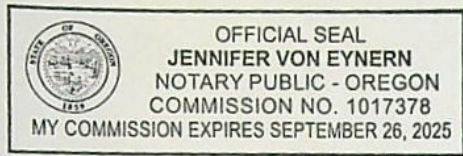
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Stewart Hargis
 Signature of Affiant

12-6-21
 Date

Signed and sworn to (or affirmed) before me this 6th day of December, 2021.

Jennifer Von Eynern
 Notary Public for Oregon



My Commission Expires: 9/26/2025

Supporting Documents	Examples
<input checked="" 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 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.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

HEYERLY BROTHERS
31958 S. PALMER RD.
MOLALLA OR 97038

confirms the right to the use of water perfected under the terms of Permit G-17897. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14525

SOURCE OF WATER: WELL 1 AND WELL 2 IN WILLAMETTE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 280.0 ACRES

MAXIMUM RATE: 2.3 CUBIC FEET PER SECOND

PERIOD OF USE: MAY 1 THROUGH OCTOBER 30

DATE OF PRIORITY: MAY 20, 1997

POINT OF APPROPRIATION LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	12	NE SE	WELL 1 (ORIGINAL) - 420 FEET SOUTH AND 690 FEET WEST FROM E1/4 CORNER, SECTION 12
5 S	1 E	WM	12	SW SE	WELL 2 (ADDITIONAL) - 1355 FEET SOUTH AND 2480 FEET WEST FROM E1/4 CORNER, SECTION 12

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.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	1 E	WM	12	NE SE			23.7
5 S	1 E	WM	12	NW SE			29.5
5 S	1 E	WM	12	SW SE			36.5
5 S	1 E	WM	12	SE SE	1		21.3

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	1 E	WM	13	NE NE		37	3.4
5 S	1 E	WM	13	NE NE	1		0.2
5 S	1 E	WM	13	NW NE		37	3.6
5 S	1 E	WM	13	NW NE	2		17.0
5 S	1 E	WM	13	SW NE		37	5.2
5 S	1 E	WM	13	SW NE	3		26.6
5 S	1 E	WM	13	SE NE		37	8.1
5 S	1 E	WM	13	SE NE	7		0.9
5 S	1 E	WM	13	NE SE		37	35.6
5 S	1 E	WM	13	NW SE		37	10.0
5 S	1 E	WM	13	NW SE	4		26.6
5 S	1 E	WM	13	SW SE	5		7.3
5 S	2 E	WM	18	NE SW		42	0.1
5 S	2 E	WM	18	NW SW		42	24.4

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Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right
- B. 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.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Following the first year of use, the user shall submit seven consecutive annual reports of static water level measurements. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which future annual measurements will be compared is 126.67 feet below land surface for Well 1 and 128.08 feet below land surface for Well 2.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Groundwater production is allowed only from the Deeper Troutdale groundwater reservoir between approximately 150 feet and 600 feet below land surface.

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

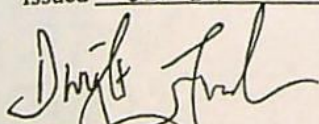
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Issued SEP 17 2020



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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OWNERSHIP INFORMATION

Owner(s) : Heyerly Ronald A Trustee
CoOwner(s) : Heyerly Judith C Tru
Site Address : *no Site Address*
Mail Address : 31958 S Palmer Rd Molalla Or 97038

Parcel Number : 01073377
Ref Parcel # : 51E13 00100
T: 05S R: 01E S: 13 Q: QQ:
Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 238.00 Block: 5
Neighborhood : Molalla Rural North All Other
Subdivision/Plat :
Improvement :
Land Use : 550 Vacant, Farm Land, Zoned
Legal : SECTION 13 TOWNSHIP 5S RANGE 1E TAX
LOT 00100

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$250,241
Mkt Structure :
Mkt Total : \$250,241
%Improved :
Assessed Total : \$9,162
Mill Rate : 11.7869
Levy Code : 035013
18-19 Taxes : \$107.99

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 30.00
Full Baths :	UpperFinSqFt :	Lot SqFt : 1,306,800
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Heyerly Ronald A Trustee	:02/01/1999	99-019838	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

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After recording return to:
John Hess-Yoder
Attorney at Law
P.O. Box 465
Wilsonville, OR 97070

Until a change is requested, send tax statements to:
Ronald A. Heyerly, Trustee and
Judith C. Heyerly, Trustee
11738 S. Hwy. 211
Molalla, OR 97038

Warranty Deed

Ronald A. Heyerly and Judith C. Heyerly, "Grantors," hereby convey and warrant, to Ronald A. Heyerly and Judith C. Heyerly, as Trustee of the Ronald A. Heyerly Revocable Living Trust U/T/A dated February 19, 1999, as to an undivided one-half (1/2) interest as tenant-in-common, and to Judith C. Heyerly and Ronald A. Heyerly, as Trustee of the Judith C. Heyerly Revocable Living Trust U/T/A dated February 19, 1999, as to an undivided one-half (1/2) interest as tenant-in-common, or to such Successor Trustees of such trusts created under such instrument(s) as may hereafter be appointed, "Grantees," the following real property, situated in the County of Clackamas, State of Oregon:

Seven (7) parcels of real property described in Exhibit "A" attached hereto and made a part hereof by this reference.

The property is free from encumbrances except for those of record.

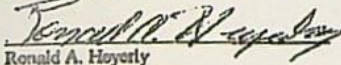
THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEEES AND GRANTEEES' HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

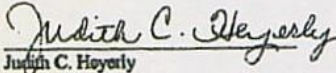
THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$-0-

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

WITNESS the hand of said Grantors on this 19th day of February, 1999.

GRANTORS:


Ronald A. Heyerly

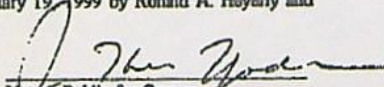

Judith C. Heyerly

STATE OF OREGON) ss
COUNTY OF CLACKAMAS)

99-019838

This instrument was acknowledged before me on February 19, 1999 by Ronald A. Heyerly and Judith C. Heyerly.




Notary Public for Oregon
My commission expires: 12/27/2000

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EXHIBIT "A" TO WARRANTY DEED

Page 1 of 2

PARCEL I:

Part of Section 12, Township 5 South, Range 1 East and Section 7, Township 4 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe driven on the Westerly boundary of that 33 foot roadway conveyed to V. C. Doppieb, by deed recorded in Book 100, Page 455, Clackamas County Deed Records, which point is North 89° 50' West, 140.96 feet distant and North 16° 44' East, 837.52 feet distant from the Southeast corner of said Section 12; thence North 1392.20 feet to an iron pipe driven in the center of Market Road No. 32; thence tracing the center of said road South 84° 08' West, 17.17 feet to a point of curve; thence along the center of said road on a 6° curve to the right through a central angle of 18° 39' a distance of 250.83 feet to a point of tangency; thence along the center of said road, North 80° 13' West, 824 feet to a point in the Easterly boundary of that certain tract of land conveyed to Benjamin Meyerly, by deed recorded in Book 100, Page 443, Clackamas County Deed Records; thence tracing the Easterly boundary of said tract South 8° 17' West, 2021.86 feet to a point on the Northerly boundary of the right of way of the Willamette Valley Southern Railway; thence tracing the Northerly boundary of said right of way, North 81° 44' East, 1300.60 feet to an intersection of said boundary line with the Westerly boundary of said V. C. Doppieb 33 foot roadway; thence tracing the Westerly boundary of said roadway, North 16° 44' East, 286.17 feet to the point of beginning.

EXCEPTING THEREFROM the following described tract:

Part of Section 12, Township 5 South, Range 1 East and Section 7, Township 4 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe driven on the Westerly boundary of that certain 33 foot roadway conveyed to V. C. Doppieb, by deed recorded in Book 100, Page 455, Clackamas County Deed Records, which point is North 89° 50' West, 140.96 feet distant and North 16° 44' East, 837.52 feet distant from the Southeast corner of said Section 12; thence North, 1392.20 feet to an iron pipe driven in the center of Market Road No. 32; thence tracing the center of said road, South 84° 08' West, 17.17 feet to a point of curve; thence along the center of said road on a 6° curve to the right through a central angle of 18° 39' a distance of 250.83 feet to a point; thence South, 1628.59 feet to a point in the Northerly boundary of the right of way of the Willamette Valley Southern Railway; thence tracing the Northerly boundary of said right of way, North 81° 44' East, 105.65 feet to an intersection of said boundary line with the Westerly boundary of said V. C. Doppieb roadway; thence tracing the Westerly boundary of said roadway, North 16° 44' East, 286.17 feet to the point of beginning.

PARCEL II

Part of Section 12, Township 5 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe driven in the South boundary of said Section 12, at a point which is South 89° 50' East, 1320.00 feet distant from the quarter section corner between Sections 12 and 13, said township and range, said point being the Southeast corner of a tract of land conveyed to Benjamin Meyerly, by deed recorded in Book 100, Page 443, Clackamas County Deed Records; thence North 7° East, tracing the East boundary of said tract, 276.10 feet to an iron pipe driven on the Southerly side line of the right of way of the Willamette Valley Southern Railway; thence tracing the Southerly side line of said right of way, North 81° 44' East, 1318.08 feet to an iron pipe driven on the Westerly line of a 33 foot roadway conveyed to V. C. Doppieb, by deed recorded in Book 100, Page 455, Clackamas County Deed Records; thence tracing the Westerly line of said roadway, South 16° 44' West, 485.15 feet to an iron pipe driven in the Southerly boundary of Section 12, which point is North 89° 50' West, 140.96 feet distant from the Southeast corner of said Section; thence North 89° 50' West, tracing the South boundary of said Section 12, 1189.00 feet to the point of beginning.

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EXHIBIT "A" TO WARRANTY DEED
Page 2 (Continued)

PARCEL III

Part of Section 12, Township 5 South, Range 1 East of the
Willamette Meridian, in Clackamas County, Oregon,
described as follows:

BEGINNING at the one-quarter section corner on the South
boundary of Section 12; thence East, 1220 feet to a
stake; thence North 7° East, 284 feet to the Southerly
line of the Willamette Valley Southern Railway right of
way; thence South 81° 50' East, along the Southerly line
of Willamette Valley Southern Railway right of way a
distance of 1388 feet to a point on the North and South
quarter section line through Section 12; thence South 78
feet to the point of beginning.

PARCEL IV

Government Lots 1, 2, 3, 4, 5, 6, and 7, in Section 13,
Township 5 South, Range 1 East, of the Willamette
Meridian, in Clackamas County, Oregon.

EXCEPTING therefrom that tract of land described in Book
91, Page 363, Clackamas County Deed Records; and

FURTHER EXCEPTING that tract of land described in deed
recorded as Recorder's Fee No. 75-6091, Clackamas County
Records.

PARCEL V

Part of the James Willens OLC, in Section 12, Township 5
South, Range 1 East, of the Willamette Meridian, in
Clackamas County, Oregon, described as follows:

BEGINNING at the Northwest corner of said Willens OLC;
thence East 15.18 chains; thence South 18.71 chains;
thence West 18.18 chains; thence North 18.71 chains to
the point of beginning.

PARCEL VI

Part of Section 12, Township 5 South, Range 1 East and
Section 7, Township 5 South, Range 2 East of the
Willamette Meridian, in Clackamas County, Oregon,
described as follows:

A roadway 2 rods in width, running in a Northerly
direction from the Northeast corner of the J. L. Oyle
homestead along the Westerly line of the B. S. Jackson
OLC to the Melville and Hubbard Road, as described in deed
recorded December 3, 1925, in Book 160, Page 455,
Clackamas County Deed Records.

PARCEL VII

Part of Section 12, Township 5 South, Range 1 East of the
Willamette Meridian, in Clackamas County, Oregon, being
that tract of land conveyed to the Willamette Valley
Southern Railway Company, by deed recorded in Book 137,
Page 182, Clackamas County Deed Records.

SUBJECT TO: (1) The rights of the public in and to that
portion of the premises herein described lying within the
limits of public roads and highways. (2) The rights of
the public and of governmental bodies in and to that
portion of the premises herein described lying below the
high water mark of Kaiser Creek.

STATE OF OREGON 99-019838
CLACKAMAS COUNTY

Received and placed in the public
records of Clackamas County

RECEIPT# AND FEE: 88380 845.00

DATE AND TIME: 02/26/99 02:02 PM
JOHN KAUFFMAN, COUNTY CLERK

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OWNERSHIP INFORMATION

Owner(s) : Heyerly Judith C Trustee
CoOwner(s) : Heyerly Ronald A Tru
Site Address : *no Site Address*
Mail Address : 31958 S Palmer Rd Molalla Or 97038

Parcel Number : 01073386
Ref Parcel # : 51E13 00200
T: 05S R: 01E S: 13 Q: QQ:
Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 238.00 Block: 5
Neighborhood : Molalla Rural North All Other
Subdivision/Plat :
Improvement : 300 Outbuilding
Land Use : 551 Agr, Farm Land, Improved, Zoned
Legal : SECTION 13 TOWNSHIP 5S RANGE 1E TAX
LOT 00200

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$512,277
Mkt Structure : \$8,320
Mkt Total : \$520,597
%Improved : 2
Assessed Total : \$86,077
Mill Rate : 11.7869
Levy Code : 035013
18-19 Taxes : \$1,014.58

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 115.62
Full Baths :	UpperFinSqFt :	Lot SqFt : 5,036,407
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Heyerly Judith C Trustee	:02/01/1999	99-019838	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

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After recording return to:
John Hess-Yoder
Attorney at Law
P.O. Box 465
Wilsonville, OR 97070

Until a change is requested, send tax statements to:
Ronald A. Hoyerly, Trustee and
Judith C. Hoyerly, Trustee
11738 S. Hwy. 211
Molalla, OR 97038

Warranty Deed

Ronald A. Hoyerly and Judith C. Hoyerly, "Grantors," hereby convey and warrant, to Ronald A. Hoyerly and Judith C. Hoyerly, as Trustees of the Ronald A. Hoyerly Revocable Living Trust U/T/A dated February 19, 1999, as to an undivided one-half (1/2) interest as tenant-in-common, and to Judith C. Hoyerly and Ronald A. Hoyerly, as Trustees of the Judith C. Hoyerly Revocable Living Trust U/T/A dated February 19, 1999, as to an undivided one-half (1/2) interest as tenant-in-common, or to such Successor Trustees of such trusts created under such instrument(s) as may hereafter be appointed, "Grantees," the following real property, situated in the County of Clackamas, State of Oregon:

Seven (7) parcels of real property described in Exhibit "A" attached hereto and made a part hereof by this reference.

The property is free from encumbrances except for those of record.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEEES AND GRANTEEES' HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$-0-

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

WITNESS the hand of said Grantors on this 19th day of February, 1999.

GRANTORS:

Ronald A. Hoyerly
Ronald A. Hoyerly

Judith C. Hoyerly
Judith C. Hoyerly

STATE OF OREGON) ss
COUNTY OF CLACKAMAS)

99-019838

This instrument was acknowledged before me on February 19, 1999 by Ronald A. Hoyerly and Judith C. Hoyerly.



John Hess-Yoder
Notary Public for Oregon
My commission expires: 12/22/2000

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EXHIBIT "A" TO WARRANTY DEED

Page 1 of 2

PARCEL 1:

Part of Section 12, Township 5 South, Range 1 East and Section 7, Township 5 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe driven on the westerly boundary of that 33 foot roadway conveyed to V. C. Doppleb, by deed recorded in Book 180, Page 455, Clackamas County Deed Records, which point is North 89° 50' West, 140.96 feet distant and North 16° 44' East, 837.92 feet distant from the Southeast corner of said Section 12; thence North 1392.25 feet to an iron pipe driven in the center of Market Road No. 21; thence tracing the center of said road South 84° 08' West, 17.17 feet to a point of curve; thence along the center of said road on a 6° curve to the right through a central angle of 18° 39' a distance of 250.03 feet to a point of tangency; thence along the center of said road, North 80° 13' West, 854 feet to a point in the easterly boundary of that certain tract of land conveyed to Benjamin Heyerly, by deed recorded in Book 100, Page 443, Clackamas County Deed Records; thence tracing the easterly boundary of said tract South 6° 17' West, 2021.96 feet to a point on the northerly boundary of the right of way of the Willamette Valley Southern Railway; thence tracing the northerly boundary of said right of way, North 81° 44' East, 1300.65 feet to an intersection of said boundary line with the westerly boundary of said V. C. Doppleb 33 foot roadway; thence tracing the westerly boundary of said roadway, North 16° 44' East, 288.17 feet to the point of beginning.

EXCEPTING THEREFROM the following described tract:

Part of Section 12, Township 5 South, Range 1 East and Section 7, Township 5 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe driven on the westerly boundary of that certain 33 foot roadway conveyed to V. C. Doppleb, by deed recorded in Book 180, Page 455, Clackamas County Deed Records, which point is North 89° 50' West, 140.96 feet distant and North 16° 44' East, 837.92 feet distant from the Southeast corner of said Section 12; thence North, 1392.25 feet to an iron pipe driven in the center of Market Road No. 21; thence tracing the center of said road, South 84° 08' West, 17.17 feet to a point of curve; thence along the center of said road on a 6° curve to the right through a central angle of 18° 39' a distance of 250.03 feet to a point; thence South, 1688.28 feet to a point in the northerly boundary of the right of way of the Willamette Valley Southern Railway; thence tracing the northerly boundary of said right of way, North 81° 44' East, 100.65 feet to an intersection of said boundary line with the westerly boundary of said V. C. Doppleb roadway; thence tracing the westerly boundary of said roadway, North 16° 44' East, 288.17 feet to the point of beginning.

PARCEL 2:

Part of Section 12, Township 5 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe driven in the South boundary of said Section 12, at a point which is South 69° 59' East, 1320.00 feet distant from the quarter section corner between Sections 12 and 13, said township and range, said point being the Southeast corner of a tract of land conveyed to Benjamin Heyerly, by deed recorded in Book 100, Page 443, Clackamas County Deed Records; thence North 7° East, tracing the East boundary of said tract, 278.19 feet to an iron pipe driven on the southerly side line of the right of way of the Willamette Valley Southern Railway; thence tracing the southerly side line of said right of way, North 81° 44' East, 1285.88 feet to an iron pipe driven on the westerly line of a 33 foot roadway conveyed to V. C. Doppleb, by deed recorded in Book 180, Page 455, Clackamas County Deed Records; thence tracing the westerly line of said roadway, South 16° 44' West, 485.15 feet to an iron pipe driven in the southerly boundary of Section 12, which point is North 89° 50' West, 140.96 feet distant from the Southeast corner of said Section; thence North 89° 50' West, tracing the South boundary of said Section 12, 1169.65 feet to the point of beginning.

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OWNERSHIP INFORMATION

Owner(s) : Heyerly Steven P Trustee
CoOwner(s) : Heyerly Rita A Trust
Site Address : 32897 S Dryland Rd Molalla 97038
Mail Address : 31958 S Palmer Rd Molalla Or 97038

Parcel Number : 01073867
Ref Parcel # : 51E14 01300
T: 05S R: 01E S: 14 Q: QQ:
Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 238.00 Block: 4
Neighborhood : Molalla Rural North All Other
Subdivision/Plat : Renaissance Heights
Improvement : 132 R1-3 Res 1 Story Basement
Land Use : 401 Tract, Tract Land, Improved
Legal : SECTION 14 TOWNSHIP 5S RANGE 1E TAX
LOT 01300

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$141,096
Mkt Structure : \$238,000
Mkt Total : \$379,096
%Improved : 63
Assessed Total : \$166,920
Mill Rate : 11.7869
Levy Code : 035007
18-19 Taxes : \$1,967.47

PROPERTY CHARACTERISTICS

Bedrooms : 4	BldgLivingSqFt : 3,258	BldgSqFt :
Bathrooms : 1.50	1st Floor SqFt :	Lot Acres : 3.04
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 132,422
Half Baths : 1	Finished SqFt :	Year Built : 1947
Fireplace : Single Fireplce	AbvGrdSqFt : 3,258	Foundation : Concrete
Heat Type : Forced Air-Oil	UpperTotSqFt :	Roof Type : Wd Shingle
Floor : Hardwd	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Shake
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Heyerly Steven P Trustee	:06/20/2016	016-040120	:	:Bargain & S :	:	:
:Heyerly Steven P	:05/03/2010	010-026428	:	:Bargain & S	:\$172,000	:Convent
:Heyerly Steven P & Rita A	:03/01/1998	0098-28193	:\$30,000	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	18881	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

ST

UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:
Steve and Rita Heyerly
31958 S. Palmer Rd.
Molalla, OR 97038

AFTER RECORDING RETURN TO:
Willamette Valley Estate Planning & Probate, LLC
388 State St. Suite 810
Salem OR 97301

Clackamas County Official Records
Sherry Hall, County Clerk

2016-040120



\$58.00

06/20/2016 11:31:18 AM

D-D Cnt=1 Str=52 CONNIE
\$10.00 \$18.00 \$22.00 \$10.00

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BARGAIN AND SALE DEED

OWRD

Steven P. Heyerly, 31958 S. Palmer Rd. Molalla, OR 97038, "Grantor," conveys to Rita A. Heyerly and Steven P. Heyerly, Trustees, or their successors in interest, of the Rita A. Heyerly Living Trust dated April 1, 2016, and any amendments thereto, 31958 S. Palmer Rd. Molalla, OR 97038, "Grantee," all interest in the following described real property, in the County of Clackamas, State of Oregon:

See Exhibit A, which is made a part hereof by this reference.

The true and actual consideration for this conveyance consists of or includes other property or value given as provided for estate planning consideration.

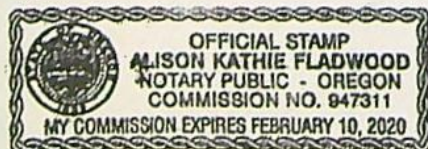
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: this 27th day of April, 2016

GRANTOR: *Steven P. Heyerly*
Steven P. Heyerly

State of OREGON
County of Marion

This instrument was acknowledged before me on April 27, 2016 by Steven P. Heyerly.



Alison Kathie Fladwood
Notary Public - State of Oregon

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EXHIBIT A

That portion of the Southeast one-quarter of the Southwest one-quarter of Section 14, Township 5 South Range 1 East of the Willamette Meridian of the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeast corner of the above described property; thence Northerly on the East property line a distance of 580.0 feet to the point of beginning of the tract herein described; thence continuing Northerly along said East property line a distance of 465.0 feet to a point; thence West 315 feet; thence Southerly and parallel with said East property line a distance of 465.0 feet; thence East 315.0 feet more or less, to the point of beginning of the tract herein described.

2

1300



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The RIGHT choice... your choice!

Customer Service
Phone: 503.219.1000
Email: Ticor.Resource@TicorTitle.com
Clackamas (OR)

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OWNERSHIP INFORMATION

Owner(s) : Heyerly Ronald A Trustee
CoOwner(s) : Heyerly Ronald A Liv
Site Address : *no Site Address*
Mail Address : 31958 S Palmer Rd Molalla Or 97038

Parcel Number : 01073876
Ref Parcel # : 51E14 01301
T: 05S R: 01E S: 14 Q: QQ:
Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 238.00 Block: 4
Neighborhood : Molalla Rural North All Other
Subdivision/Plat :
Improvement : 300 Outbuilding
Land Use : 551 Agr, Farm Land, Improved, Zoned
Legal : SECTION 14 TOWNSHIP 5S RANGE 1E TAX
LOT 01301

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$444,475
Mkt Structure : \$350
Mkt Total : \$444,825
%Improved :
Assessed Total : \$46,014
Mill Rate : 11.7869
Levy Code : 035007
18-19 Taxes : \$542.37

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 94.74
Full Baths :	UpperFinSqFt :	Lot SqFt : 4,126,874
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Heyerly Ronald A Trustee	:02/26/1999	099-019840	:	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

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After recording return to:
John Hess-Yoder
Attorney at Law
P.O. Box 465
Wilsonville, OR 97070

Until a change is requested, send tax statements to:
Ronald A. Hoyerly, Trustee and
Judith C. Hoyerly, Trustee
11738 S. Hwy. 211
Molalla, OR 97038

Warranty Deed

Ronald A. Hoyerly, "Grantor," hereby conveys and warrants, to Ronald A. Hoyerly and Judith C. Hoyerly, as Trustee of the Ronald A. Hoyerly Revocable Living Trust U/T/A dated February 19, 1999, as to an undivided one-half (1/2) interest as tenant-in-common, and to Judith C. Hoyerly and Ronald A. Hoyerly, as Trustee of the Judith C. Hoyerly Revocable Living Trust U/T/A dated February 19, 1999, as to an undivided one-half (1/2) interest as tenant-in-common, or to such Successor Trustees of such trusts created under such instrument(s) as may hereafter be appointed, "Grantees," the following real property, situated in the County of Clackamas, State of Oregon:

See Exhibit "A", attached hereto and made a part hereof by this reference.

The property is free from encumbrances except for those of record.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEEES AND GRANTEEES' HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$-0-

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

WITNESS the hand of said Grantor on this 19th day of February, 1999.

GRANTOR:

Ronald A. Hoyerly
Ronald A. Hoyerly

STATE OF OREGON) ss
COUNTY OF CLACKAMAS)

88-018840

This instrument was acknowledged before me on February 19, 1999, by Ronald A. Hoyerly.



John Hess-Yoder
Notary Public for Oregon
My commission expires: 12/22/2000

13881

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EXHIBIT "A" TO WARRANTY DEED

The southwest quarter of Section 14, T. 8 S., R. 1 E.,
W.M.
EXCEPT the Northwest quarter of the Northwest quarter of
the southwest quarter of said Section 14,
ALSO, a certain tract of land heretofore deeded to Ole L.
Veele, described as follows: Beginning at the Northeast
corner of the Southwest quarter of Section 14, T. 8 S.,
R. 1 E., W. M. and running West on the North line of said
Southwest quarter for 100 feet to center of county road;
thence along center of said county road southward on the
following courses: South 11' for 150 feet; thence South
34' East for 100 feet; thence South 21' East for 75 feet;
thence South 47'40" East for 110 feet; thence South
35'40" East for 215 feet; thence South 18'40" East for
300 feet to the East line of said southwest quarter;
thence North on said East line 1175 feet to the point of
beginning.
ALSO EXCEPTING a certain tract of land heretofore deeded
to JOHN HUNTER, described as follows: Beginning at a hub
in the middle of the county road 100 feet West of the
Northeast corner of the Southwest quarter of Section 14,
T. 8 S., R. 1 E., W. M.; running thence West along the
center of said county road 1881 feet to the Northeast
corner of the Northwest quarter of the Northwest quarter
of said Southwest quarter; thence South 815 feet to the
Southeast corner of the Northwest quarter of the
Northwest quarter of the said Southwest quarter; thence
West 655 feet to the Southwest corner of the Northwest
quarter of the Northwest quarter of the said Southwest
quarter; thence South along section line 385 feet to
large hub; thence East 2388.5 feet to a point in the
center of the county road; thence along center of county
road North 15'40" West 32 feet; thence North 24' East 500
feet; thence North 11' East 350 feet to the place of
beginning; subject to the rights of the public in and to
any of the above-described property situated within the
limits of roads and highways.
EXCEPTING THEREFROM that portion of the Southeast one-
quarter of the Southwest one-quarter of Section 14,
Township 8 South, Range 1 East of the Willamette Meridian
of the County of Clackamas and State of Oregon, described
as follows:
Beginning at the Southeast corner of the above described
property; thence Northerly on the East property line a
distance of 188.0 feet to the point of beginning of the
tract herein described; thence continuing Northerly along
said East property line a distance of 465.0 feet to a
point; thence West 315 feet; thence Southerly and
parallel with said East property line a distance of 465.0
feet; thence East 315.0 feet, more or less, to the point
of beginning of the tract herein described.

STATE OF OREGON 88-019840
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 88388 848.00
DATE AND TIME: 02/26/99 02:02 PM
JOHN KAUFFMAN, COUNTY CLERK

13881

u u u u u
Tax Lot 1700

24
10
10
11

AFTER RECORDING SEND TO:
Reif, Reif & Thalhofer, Attorneys
P. O. Box 729
Canby, OR 97013-0729

Clackamas County Official Records
Sherry Hall, County Clerk

2004-087389



\$31.00

09/20/2004 01:13:02 PM

UNTIL OTHERWISE REQUESTED,
SEND TAX STATEMENTS TO:
Heyerly Brothers
32899 S. Dryland Road
Molalla, OR 97038

D-D Cnt=1 Sln=2 BEVL.
\$10.00 \$11.00 \$10.00

Consideration: \$NIL.

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WARRANTY DEED

DEC 23 2021

OWRD

KNOW ALL MEN BY THESE PRESENTS, that RONALD HEYERLY, Successor Trustee of the Blanche Heyerly and Vernon Heyerly Trust U/T/D June 22, 1992, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto JEFF HEYERLY and STEVE HEYERLY, hereinafter called GRANTEE, each as to an undivided one-half interest as tenants in common, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

Beginning at the quarter section corner on the south boundary of Section 12, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence East 20 chains to a stake; thence North 7° East 35.90 chains to a rock in the center of the County Road; thence North 81° West 6.50 chains to a stake; thence North 88° 15' West 17.60 chains to a stake on the north and south quarter section line through Section 12; thence South 37.15 chains to the place of beginning, EXCEPTING therefrom the following tracts:

1. A tract conveyed to Clackamas County by deed from Benjamin Heyerly et al to Clackamas County recorded September 6, 1916, in Book 148 page 611, deed records, Clackamas County, State of Oregon.
2. A tract conveyed by Benjamin Heyerly et ux to Clemons H. Marsh et ux by deed recorded December 5, 1919, in Book 155, page 550 deed records, Clackamas County, Oregon.

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 \$NIL. This is a distribution of trust assets.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 16 day of September, 2004.

Ronald Heyerly

RONALD HEYERLY, Successor
Trustee of the Blanche and Vernon
Heyerly Trust dated June 22, 1992,
GRANTOR

STATE OF OREGON)
) ss.
County of Clackamas)

SEPT. 16, 2004

Before me personally appeared the above named Ronald Heyerly, Successor Trustee of the Blanche and Vernon Heyerly Trust, and acknowledged the foregoing instrument to be his voluntary act and deed.

Janice N. Vlcek
Notary Public for Oregon
My Commission Expires: 8-22-05



Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Clackamas)

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We Ronald and Judith Heyerly in our capacity as Trustees,
mailing address 31958 S. Palmer Rd, Molalla, OR 97038,
telephone number 503-407-6738, duly sworn depose and say that we
consent to the proposed change(s) to Water Right Certificate Number 38507
described in a Water Right Transfer Application (T-NA),
(transfer number, if known)
submitted by Heyerly Brothers c/o Jeff Heyerly
on the property in tax lot number(s) 1301,

Section 14 Township 5 South Range 1 East, W.M.,

located at Lot is just west o 32897 S. Dryland Rd, Molalla, 97038
(site address)

Ronald Heyerly
Signature of Affiant

12/6/21
Date

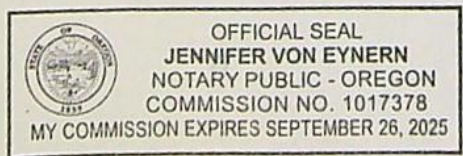
Judith Heyerly
Signature of Affiant

12/6/21
Date

Subscribed and Sworn to before me this 6th day of December, 2021.

Jennifer Von Eynern
Notary Public for Oregon

My commission expires 9/26/2025



NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON, 97310 within 30 days from the date of well completion.

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FEB 23 1966

WATER WELL REPORT

02503
CHAC

State Well No. 5/1-14 P

STATE OF OREGON
(Please type or print)

G-3721

State Permit No. _____

(1) OWNER:
Name Lewis Veele
Address Rt. 3, Box 365
Molalla, Oregon

(2) LOCATION OF WELL:
County Clackamas Driller's well number _____
SE 1/4 SW 1/4 Section 14 T. 5S R. 1E W.M.
Bearing and distance from section or subdivision corner _____

(3) TYPE OF WORK (check):
New Well Deepening Reconditioning Abandon
Abandonment, describe material and procedure in Item 12. _____

(4) PROPOSED USE (check):
Domestic Industrial Municipal
Irrigation Test Well Other

(5) TYPE OF WELL:
Rotary Driven
Cable Jetted
Dug Bored

(6) CASING INSTALLED: Threaded Welded
65/8" Diam. from 0 ft. to 192 ft. Gage 17.02
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS: Perforated? Yes No
Type of perforator used _____
Size of perforations in. by in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(8) SCREENS: Well screen installed? Yes No
Manufacturer's Name _____ Model No. _____
Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:
Well seal—Material used in seal Bentonite
Depth of seal 40 ft. Was a packer used? Yes
Diameter of well bore to bottom of seal 10 in.
Were any loose strata cemented off? Yes No Depth _____
Was a drive shoe used? Yes No
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.
Did any strata contain unusable water? Yes No
Type of water? _____ depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:
Static level 9 ft. below land surface Date 1/18/66
Artesian pressure _____ lbs. per square inch Date _____

(11) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
" " " " " "
" " " " " "
" " " " " "
Baller test 37 gal./min. with 70 ft. drawdown after 1 hrs.
Artesian flow _____ g.p.m. Date _____
Temperature of water 52 Was a chemical analysis made? Yes No

(12) WELL LOG: Diameter of well below casing 6
Depth drilled 210 ft. Depth of completed well 205 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	2
Clay, tan	2	12
Clay, tan soft, silty	12	27
Clay, blue	27	32
Gravel	32	34
Clay, blue to grey	34	107
Clay, dark grey some wood	107	112
Sand, black (18 gal. min.)	112	114
Clay, blue	114	137
Clay, grey	137	142
Sandy grey clay	142	146
Sand, black some coarse also wood	146	150
Clay, blue	150	167
Clay, Blue, gritty	167	175
Clay, blue	175	200
Sand, grey, med.	200	205
Clay, blue	205	210

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Work started 12/22 1965 Completed 1/18 1966
Date well drilling machine moved off of well 1/18 1966

(13) PUMP:
Manufacturer's Name Beda
Type: Sub H.P. 5

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME C. G. Westerberg
(Person, firm or corporation) (Type or print)
Address Rt. 1, Box 151, Mulino, Oregon

Drilling Machine Operator's License No. 138861 86

[Signed] C. G. Westerberg
(Water Well Contractor)
Contractor's License No. 86 Date 1/20 1966

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WELL I.D.# 13590

(START CARD) # 101527

OWRD

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

SEP 11 1998

Instructions for completing this report are on the last page of this form

(1) OWNER: Name Ron Heyerly & Sons
Address 32899 S. Dryland Rd.
City Molalla State OR Zip 97038

Well Number 13590
WATER RESOURCES DEPT.
SALEM, OREGON

(9) LOCATION OF WELL by legal description:
County Clackamas Latitude _____ Longitude _____
Township 5S N or S Range 1E E or W. WM.
Section 12 NE 1/4 SE 1/4
Tax Lot 1800 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 411 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL					
Diameter	From	To	Material	From	To	Sacks or pounds	
16"	0	180	cement &	0	180	89sacks	
			5% bentonite				
16"	180	411					

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 180 ft. to 411 ft. Size of gravel 5x8

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10"	+1 1/2'	347'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2"	+1'	343 1/2'	galv	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			gravel feed pipe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) None

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Material	Tele/pipe size	Casing	Liner
347'	374' 6 1/2"	.080		10"	Stainless	p.s.	<input type="checkbox"/>	<input type="checkbox"/>
374'	6 1/2" - 390'			10"			<input checked="" type="checkbox"/>	<input type="checkbox"/>
390'	395' 3"	.080		10"	p.s.		<input type="checkbox"/>	<input type="checkbox"/>
395'	3" - 411'			10"			<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

<input checked="" type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input type="checkbox"/> Air	<input type="checkbox"/> Flowing Artesian
Yield gal/min	Drawdown	Drill stem at	Time
680	113'		1 hr.
650	122' 6"		4 hrs
650	124'		6 hrs

Temperature of water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(10) STATIC WATER LEVEL:
122 ft. below land surface. Date 8/5/98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 347'

From	To	Estimated Flow Rate	SWL
347	365	200gpm	137'
368	374	200gpm	137'
390	395	300gpm	137'

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Topsoil	0	1	
Clay brown	1	5	
Gravel, clay	5	29	
Clay brown	29	34	
Gravel, clay	34	48	
Clay red-brown, gravel	48	52	
Clay gray sticky	52	59	
Clay red-brown w/sand	59	62	
Clay brownsandy	62	82	
Clay brown	82	86	
Clay brown sandy	86	102	
Clay gray sticky	102	105	
Clay gray w/sand & gravel	105	112	
Sand brown & clay	112	138	
Sandy clay gray	138	147	
Clay blue sandy	147	158	
Clay blue w/sand & gravel	158	165	
Clay blue	165	188	
Clay blue & claystone	188	194	
Clay brown See Attached Sheet			

Date started 4/29/98 Completed 8/7/98
(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed Jay A. Aoz WWC Number 1704 Date 9/8/98

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed Ivan Groves WWC Number 783 Date 9/4/98

Clac
53157

Ron Heyerly & Sons

Start Card # 101527

Well I.D.# L13590

Well Log Continued	From	To	SWL
Clay Green	194	203	
Clay gray	203	224	
Clay blue	224	229	
Clay blue sticky	229	247	
Clay brown	247	282	
Sand & clay brown	282	283	
Clay gray sticky	283	288	
Sand clay gray	288	306	
Clay gray w/blue claystone	306	329	
Clay & claystone blue	329	347	
Sandstone black	347	350	137'
Sand black coarse	350	354	137'
Sand black w/hard sandy clay	354	356	137'
Sand gravel, & clay	356	365	137'
Clay gray sticky	365	368	
Sand black	368	374	137'
Clay gray	374	390	
Sand black	390	395	137'
Clay gray	395	411	

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CLAC 74503

STATE OF OREGON
WATER SUPPLY WELL REPORT
 (as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# L 120911
 START CARD # 215098
 ORIGINAL LOG #

(1) LAND OWNER Owner Well I.D. _____
 First Name _____ Last Name _____
 Company East Valley Seed Co.
 Address 31958 S. Hwy 213
 City Molalla State OR Zip 97038

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
 Casing: Dia _____ From _____ To _____ Gauge _____ Stil _____ Plstc _____ Wld _____ Thrd _____
 Material _____ From _____ To _____ Amt _____ sacks/lbs
 Seal: _____

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
 Depth of Completed Well 422.25 ft.

BORE HOLE			SEAL			Amt	sacks/lbs
Dia	From	To	Material	From	To		
20	0	50	Bentonite Chips	0	50	98	S
16	50	422.25				Calculated	95
						Calculated	

How was seal placed: Method A B C D E
 Other Or 690-210-0340

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from 320 ft. to 422.25 ft. Material pea gravel Size 3/6

Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
 Proposed Amount _____ Pounds Actual Amount _____ Pounds

(6) CASING/LINER

Casing/Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	16	<input checked="" type="checkbox"/>	1.58	344		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	10	<input checked="" type="checkbox"/>	2.42	422.25		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

 Shoe Inside Outside Other Location of shoe(s) 344
 Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Type v wire Material stainless steel

Perf/S	Casing/Screen	Screen	Dia	From	To	Scr/slot	Slot	# of	Tele/
screen	liner					width	length	slots	pipe size
Screen			10	356.5	374	.08			10
Screen			10	393	410.25	.08			10

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
425	161		4

Temperature 53 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 97
 From _____ To _____ Description _____ Amount _____ Units _____

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(9) LOCATION OF WELL (legal description)

County CLACKAMAS Twp 5 S N/S Range 1 E E/W WM
 Sec 12 SW 1/4 of the SE 1/4 Tax Lot 01700
 Tax Map Number _____ Lot _____
 Lat _____ or _____ DMS or DD
 Long _____ or _____ DMS or DD
 Street address of well Nearest address
11738 S Hwy 213, Molalla OR 97038

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+ SWL(ft)
Completed Well	08-09-2018		147

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 318

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
06-10-2018	347	361	200		147
06-13-2018	393	399	200		147

(11) WELL LOG Ground Elevation _____

Material	From	To
topsoil	0	2
clay, brown, hard	2	5
claybound gravel, brown	5	41
clay, red and brown, sticky	41	57
red and brown clay, some gravel	57	59
clay, dark gray, sticky	59	64
brown, sandy clay	64	93
clay, dark gray, sandy	93	96
clay, dark gray, silty	96	98
clay, greenish green, sticky	98	106
clay, dark gray, hard, sticky	106	129
clay, greenish gray, sticky	129	136
clay, gray, gravel, drills open	136	143
claystone, bluish greenish gray, soft	143	157
clay, green, hard	157	163
clay, green and gray, med	163	188
claystone, dark gray, soft	188	191
silt, greenish gray, very dense	191	207
silt, gray, very dense	207	229

Date Started 04-06-2018 Completed 08-21-2018

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1704 Date 09-10-2018

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 783 Date 09-10-2018

Signed Joan Drossen
 Contact Info (optional) _____

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ORIGINAL - WATER RESOURCES DEPARTMENT
 THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.95

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CLAC 74503

WATER SUPPLY WELL REPORT -
continuation page

WELL I.D. LABEL# I	120911
START CARD #	215098
ORIGINAL LOG #	

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL			sacks/
Dia	From	To	Material	From	To	lbs
						Calculated
						Calculated
						Calculated
						Calculated

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/S	Casing/ Screen	Dia	From	To	Scr/slot	Slot	# of	Tele/
creen	Liner				width	length	slots	pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)

(11) WELL LOG

Material	From	To
clay, dark gray, hard	229	232
claystone, dark bluish green	232	274
clay, brown, hard	274	276
claystone, blueish green	276	281
clay, blueish gray, sticky	281	284
silt, gray, very dense	284	296
clay, gray, sandy	296	297
claystone, blueish gray	297	304
silt, grey,	304	316
clay, sandy, dark grey	316	318
sand, black, course	318	319
silt, blue/grey	319	337
clay, grey	337	342
silt, brown, soft	342	347
sand, med fine, brown	347	355
sand course, cemented black	355	359
sand, med course black	359	361
sand, Cemented grey	361	363
clay, blueish green	363	366
silt, brown, , with sand layers	366	374
silt, dark brown	374	378
clay, green, hard	378	383
silt, dark green,	383	386
silt, dark, green, hard	386	391
clay, grey, soft	391	393
sand, course, black	393	395
Sand, black, silt	395	399
silt, grey,	399	409
clay, sticky, green	413	422

Comments/Remarks

lift bail at 420.75
bottom plate at 422.25

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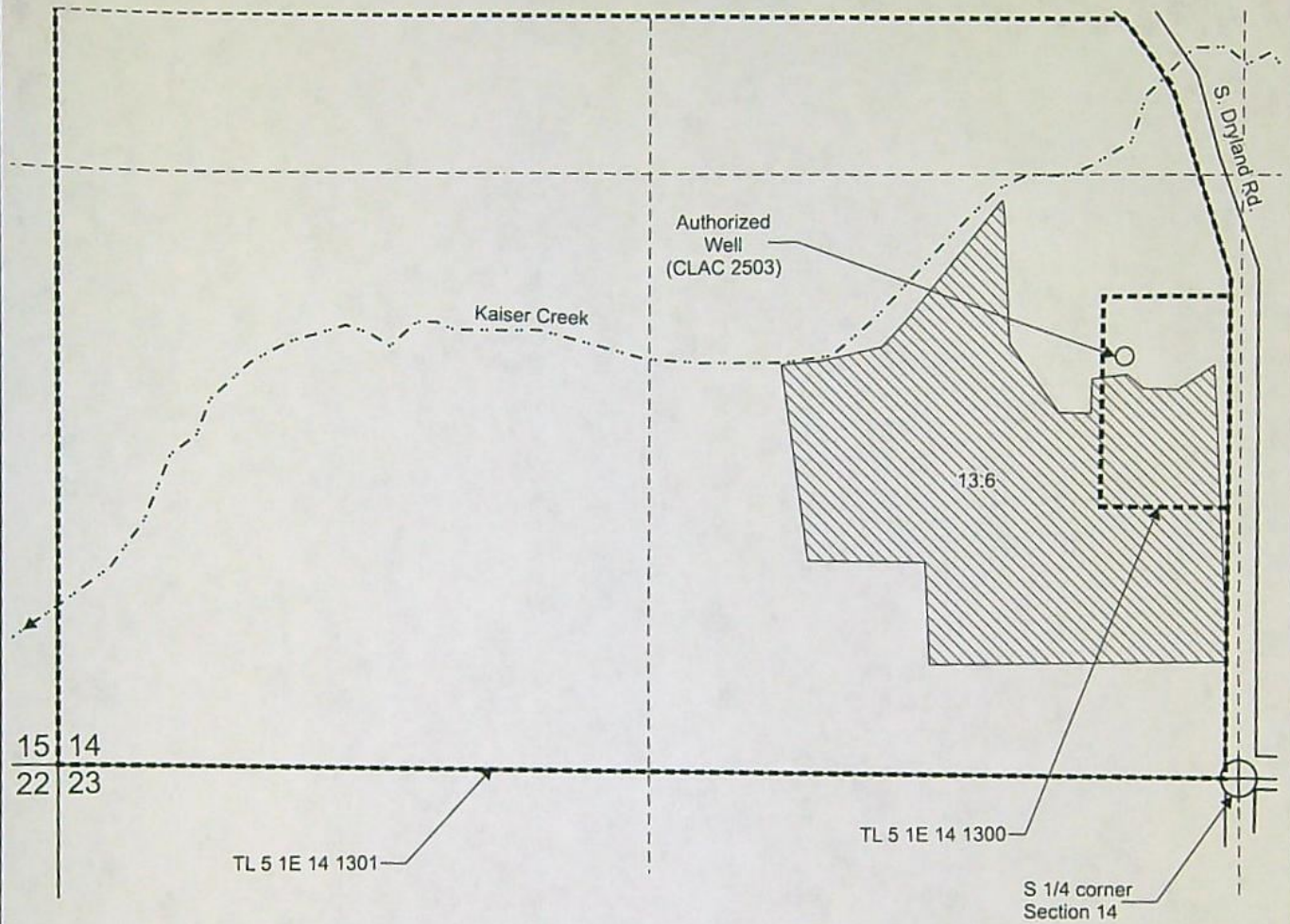
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T.5S. R.1E. Section 14, W.M.

OWRD



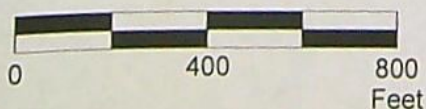
Authorized Well (CLAC 2503) is located 930 feet north and 260 feet west from the S 1/4 corner, Section 14

 "From" Area (13.6 Acres) irrigated under Certificate 38507, priority date 11-14-1966, to be temporarily transferred.

- Tax lot boundary
- Water main line, portable mainline

CERTIFIED WATER RIGHT EXAMINER
85503
Doann Hamilton
DOANN HAMILTON
MAY 10, 2012
STATE OF OREGON
EXPIRES: *June 30, 2023*

Scale: 1" = 400'



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This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Temporary Transfer Application "From" Map
Certificate 38507

Pacific Hydro-Geology Inc.

Heyerly Brothers
T.5S. R.1E. Section 14, W.M.

12/2021

HeyerlyTempTransMap.cdr

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T.5S. R.1E. Sec. 12 & 13 T.5S. R.2E. Sec. 7 & 18, W.M.

OWRD

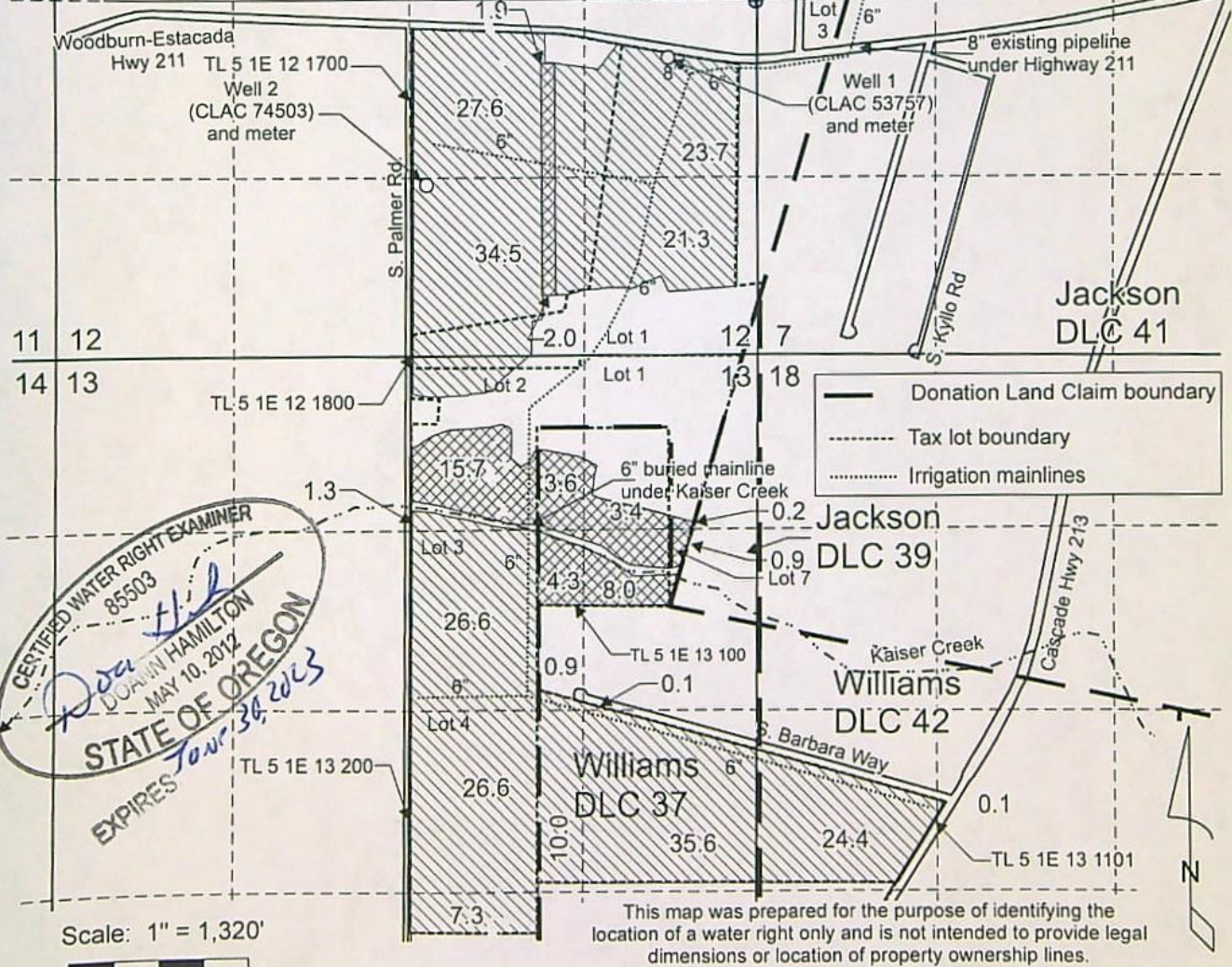
2 | 1
11 | 12

Authorized Well 1 (CLAC 53757) is located 420 feet south and 690 feet west from the E 1/4 corner, Section 12.

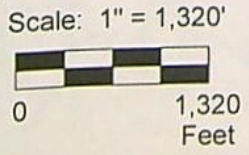
Authorized Well 2 is located 1,355 feet south and 2,480 feet west from the E 1/4 corner, Section 12.

Area (240.0 Acres) irrigated under Application G-14525, Permit G-13555, priority date 5-20-1997, not affected by transfer.

Area (40.0 Acres) irrigated under Application G-14525, Permit G-13555, priority date 5-20-1997, affected by this transfer.



CERTIFIED WATER RIGHT EXAMINER
85503
[Signature]
DORIAN HAMILTON
MAY 10, 2012
STATE OF OREGON
EXPIRES *Jan 30, 2023*



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Temporary Transfer Application "From" Map
Certificate 95232
Heyerly Brothers
T.5S. R.1E. Sec. 12 & 13,
T.5S. R.2E. Sec. 7 & 18, W.M.

Pacific Hydro-Geology Inc.

12/2021



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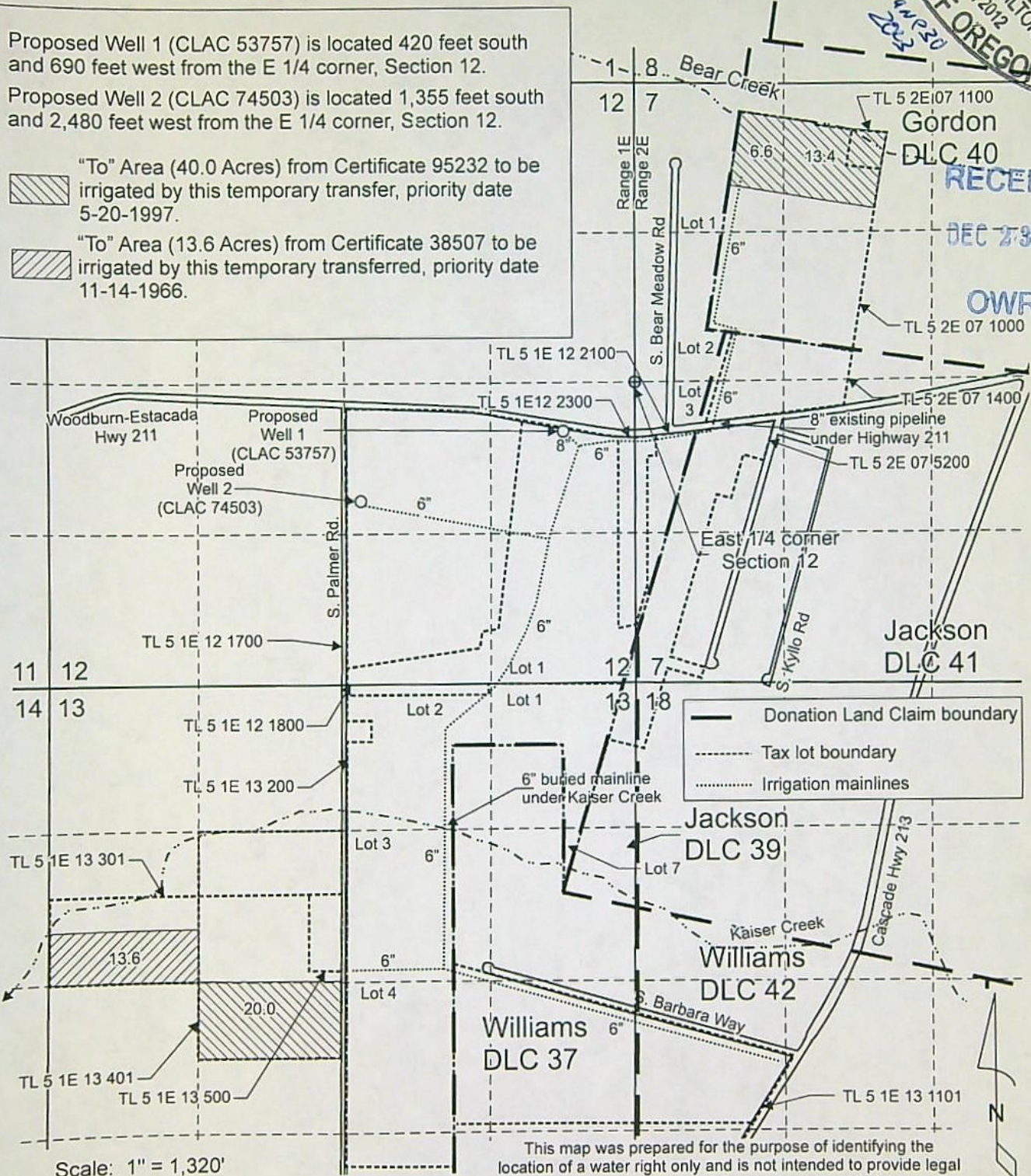
HeyerlyTempTransCert95232Map.cdr

T.5S. R.1E. Sec. 12 & 13 T.5S. R.2E. Sec. 7 & 18, W.M.

STATE OF OREGON
DOANN HAMILTON
MAY 10, 2012
85503
EXPIRES: 7/1/2012
RECEIVED WATER RIGHT EXAMINER

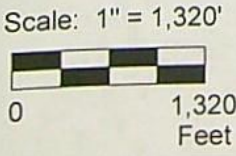
Proposed Well 1 (CLAC 53757) is located 420 feet south and 690 feet west from the E 1/4 corner, Section 12.
Proposed Well 2 (CLAC 74503) is located 1,355 feet south and 2,480 feet west from the E 1/4 corner, Section 12.

-  "To" Area (40.0 Acres) from Certificate 95232 to be irrigated by this temporary transfer, priority date 5-20-1997.
-  "To" Area (13.6 Acres) from Certificate 38507 to be irrigated by this temporary transferred, priority date 11-14-1966.



TL 5 1E 12 2100
TL 5 1E 12 2300
TL 5 1E 12 1700
TL 5 1E 12 1800
TL 5 1E 13 200
TL 5 1E 13 301
TL 5 1E 13 401
TL 5 1E 13 500
TL 5 2E 07 1100
TL 5 2E 07 1000
TL 5 2E 07 1400
TL 5 2E 07 5200
TL 5 1E 13 1101

— Donation Land Claim boundary
- - - Tax lot boundary
..... Irrigation mainlines



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Temporary Transfer Application "To" Map
Certificate 38507 and 95232
Heyerly Brothers
T.5S. R.1E. Sec. 12 & 13,
T.5S. R.2E. Sec. 7 & 18, W.M.

HayerlyTempTransCert95232Map.cdr

Pacific Hydro-Geology Inc.

12/2021

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Land Use Information Form



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

Applicant(s): Heverly Brothers c/o Jeff Heverly

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Mailing Address: 31958 S Palmer Rd

DEC 23 2021

City: Molalla

State: OR

Zip Code: 97038

Daytime Phone: _____

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A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5S	1E	12		1700	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	1E	12		1800	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	1E	12		2100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	1E	12		2300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	1E	13		200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	1E	13		301	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
5S	1E	13		401	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
5S	1E	13		500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	2E	7		1000	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
5S	2E	7		1100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
5S	2E	7		1400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR
5S	2E	7		5200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IR

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

Clackamas County

B. Description of Proposed Use

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

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0.44 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s) **13081**
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

This Land Use Information Form is to accompany a water right temporary transfer application that proposes to temporarily change the place of use and points of appropriation (wells) of two existing water rights: (Certificates 38507 & 95232).



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401

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

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

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

None.

Name: Anthony Ricelever Title: Sr Planner
 Signature: [Signature] Phone: 503 742 4500 Date: 12/14/2021
 Government Entity: Clatsop County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Checked by Cohen C

Date 12/29/21

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?
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?
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.