

regular

Name C. Thomas & Jane Johns

Address 11105 Aurie Rd
Monmouth or 97301

Change in USE
Date Filed 3/14/2022
Initial notice date 3/22/2022
DPD issued date _____
PD issued date 4/26/2024
PD notice date 4/30/2024
Date of FO 7/29/2024 Vol 131 Page 762-764

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Stream
Trib. of Berry creek
Use livestock County Polk
Quantity of water (CFS) _____ No. of Acres _____
Name of ditch _____
App# 244148 Per # 25093 Cert # 41739 PR Date 10/9/1967
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____

FEEES PAID
Date 3-14-2022 Amount \$1360.00 Receipt # 137678

FEEES REFUNDED
Date 5/22/2024 Amount \$144.75 Receipt # VP258032

Irrigation District _____

Agent _____

CWRE _____
CC's list Polk County Planning

- Oversized map - Location _____



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

July 29, 2024

C. Thomas Johns
11665 Airlie Rd.
Monmouth, OR 97361

REFERENCE: Transfer Application T-13943

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

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

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

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-13943, Polk County)	APPROVING A CHANGE IN CHARACTER OF
)	USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

C. THOMAS AND JANE A. JOHNS
11665 AIRLIE RD
MONMOUTH, OR 97361

Findings of Fact

1. On March 14, 2022, C. THOMAS AND JANE A. JOHNS filed an application to change the character of use under Certificate 41739. The Department assigned the application number T-13943.
2. Notice of the application for transfer was published on March 22, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 16, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13943 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 15, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. On April 26, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13943 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 30, 2024 and in the Polk County Itemizer Observer newspaper on May 5, and May 15, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 41739 in the name of R. ROLAND CROSIAR (perfected under Permit R-5093)

Use: STORAGE FOR STOCK USE

Priority Date: OCTOBER 9, 1967

Volume: 1.95 ACRE-FEET

Source: UNNAMED STREAM, tributary of BERRY CREEK

Authorized Place of Use:

STORAGE FOR STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Glod
9 S	5 W	WM	35	NE NW	4

6. Transfer Application T-13943 proposes to change the character of use to STORAGE FOR IRRIGATION.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13943.

9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

10. The proposed change, as conditioned, would not result in enlargement of the right.

11. The proposed change, as conditioned, would not result in injury to other existing water rights.

12. All other application requirements are met.

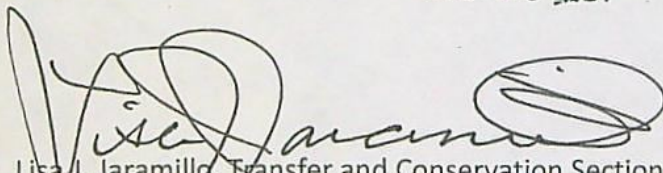
Conclusions of Law

The change in character of use proposed in Transfer Application T-13943 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-13943 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 41739 and any related decree.
3. Water right Certificate 41739 is cancelled.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUL 29 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JUL 30 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13943

Transfer Specialist:

Transfer Type: Regular Transfer

Janke

Applicant: C. THOMAS & JANE JOHNS 11665 AIRLIE RD MONMOUTH, OR 97361 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Polk County Planning Department Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<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: March 14, 2022	Proposed Action(s): USE	
Fees Pd: 1360.00	WM District: 22	ODFW District:
Initial Public Notice: March 22, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>4-3-23</u> Initials: <u>AJ</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>5-16-23</u> Initials: <u>PLS</u>	Date: <u>5-17-23</u> Initials: <u>AJ</u>	CW Sent: _____	N/A
PD	Date: <u>11-16-23</u> Initials: <u>AJ</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>11-17-23</u> Initials: <u>PLS</u>	Date: <u>Data Review</u> Initials: <u>11-22-23</u>	Date: _____	Date: <u>4/26/24</u>
FO	Date: <u>1-18-24</u> Initials: <u>BC</u>	Date: <u>1-18-24</u> Initials: <u>JS</u>	Date: <u>6-20-24</u> Initials: <u>AJ</u>	Date: <u>7-12-24</u> Initials: <u>SH</u>	Date: <u>7-25-24</u> Initials: <u>AJ</u>	Date: <u>Item 7-25-24</u>	Date: <u>7/29/24</u>

Special Issues: _____

Special Order Volume: Vol. 131 Pages 762-764

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **142786**

INVOICE # _____

RECEIVED FROM: C. Thomas Johns
BY: Jane A Johns

APPLICATION	
PERMIT	
TRANSFER	T-13943

CASH: CHECK.# 2934 OTHER: (IDENTIFY)

TOTAL REC'D	\$230.81
-------------	----------

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>46118</u>	\$
<u>0207</u> OTHER:	(IDENTIFY) <u>Newspaper Notice</u>	\$ <u>230.81</u>
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:		
	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	
WELL CONSTRUCTION		
	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **142786** DATED: 4-22-2024 BY: mm'illo

Received
MAY 31 2024
OWRD

Affidavit of Publication

State of Oregon, County of Marion, -ss.

I, Britiney Briles, being first duly sworn, depose and say that I am a Clerk of the Polk County Itemizer-Observer, 147 SE Court St., Dallas, OR 97338 a Newspaper of general circulation as defined by ORS 193.010 and 193.020 state; that

PCI24-2010 Notice of Preliminary Determination for Water Right Transfer T-13943 T-13943 filed by C. Thomas and Jane A. Johns, 11665 Airlie Rd, Monmouth, OR 97361, proposes a change in character of use under Certificate 41739.


a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:

May 8, 2024
May 15, 2024

PCI24-2010 Notice of Preliminary Determination for Water Right Transfer T-13943 T-13943 filed by C. Thomas and Jane A. Johns, 11665 Airlie Rd, Monmouth, OR 97361, proposes a change in character of use under Certificate 41739. The right allows the use of 1.95 acre feet from an unnamed stream in Sec. 35, T9S, R5W, WM for storage for stock use in Sec. 35. The applicant proposes to change the character of use to storage for irrigation. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000. Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, May 8, 2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

 Clerk's Name
Britiney Briles

Subscribed and sworn before me this
24 day of may, 2024.

County: Marion
 Austin

Notary Public for the State of Oregon
My Commission Expires 03/26/28

Received
MAY 31 2024
OWRD

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section**

DATE: 5-15-2024

FROM: Dante Luongo, Transfer Specialist
Phone: 971-304-5006

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: T-13943

RECEIPT #: 142786

Please prepare payment in the amount of \$ 144.75, made payable to:

Name: Jane A. Johns
Organization
Address: 11665 Airlie Rd
City: Monmouth, OR 97361

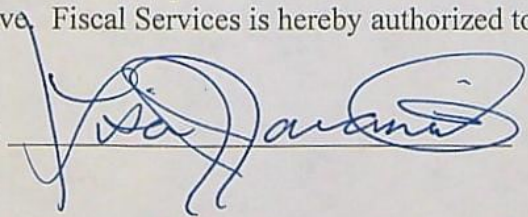
46118
0207

These funds are being paid or refunded as a result of (check one):

- Request for file to be Rejected/Withdrawn/Misfiled
- Excess fees were collected for application/PON
- Payment of PON
- Protest filing fee
- Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

5-16-2024

LUONGO Dante J * WRD

From: LUONGO Dante J * WRD
Sent: Friday, May 10, 2024 8:53 AM
To: RICHMAN Elyse D * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-13943

Hey Elyse,

Do you happen to have the receipt number for this payment? If not, no worries, I will get it next time I am in office.

Best,
Dante

From: RICHMAN Elyse D * WRD <Elyse.D.RICHMAN@water.oregon.gov>
Sent: Monday, April 29, 2024 10:45 AM
To: LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>
Subject: RE: Newspaper Estimate for Transfer Application T-13943

Hi Dante,

Alright, I spoke with Stacy and she advised that you will make the call as to whether or not you submit a refund to the applicant for the price difference. I'm attaching the original quote and the new quote PDFs that I received from the Polk County Itemizer. Below I'm including the prices with the 20% processing fee.

Original quoted cost = \$192.34
w/ processing fee = \$230.81

New cost = \$71.72
w/processing fee = \$86.06

Best,

Elyse D. Richman

She/Her/Hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 971-701-5485



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: RICHMAN Elyse D * WRD
Sent: Monday, April 29, 2024 9:43 AM
To: LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>
Subject: RE: Newspaper Estimate for Transfer Application T-13943

Hi Dante,

The publication dates for this notice are 5/8 and 5/15.

For some reason, the cost to print this notice came back as less than I was originally quoted. We may need to issue a refund to the applicant. I will check in with Stacy about this and will let you know. The original quoted cost for publishing was \$192.34 and the new cost they just gave me is for \$71.71 (this is before our 20% processing fee).

Thanks,

Elyse D. Richman

She/Her/Hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 971-701-5485



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: RICHMAN Elyse D * WRD <Elyse.D.RICHMAN@water.oregon.gov>

Sent: Thursday, April 18, 2024 8:23 AM

To: LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>

Subject: RE: Newspaper Estimate for Transfer Application T-13943

Hi Dante,

The total cost for publishing this legal notice is \$230.81.

Thanks,

Elyse D. Richman

She/Her/Hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 971-701-5485



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Sent: Thursday, April 11, 2024 1:01 PM

To: RICHMAN Elyse D * WRD <Elyse.D.RICHMAN@water.oregon.gov>

Cc: LUONGO Dante J * WRD <Dante.J.LUONGO@water.oregon.gov>

Subject: Newspaper Estimate for Transfer Application T-13943

Hi Elyse –

Dante will need a quote for the attached **TRANSFER** Application notice to run in the Polk County Itemizer-Observer. Run time is two weeks.

Thanks!



Oregon

Tina Kotek, Governor

April 26, 2024

VIA CERTIFIED MAIL AND E-MAIL

Applicant

C. THOMAS & JANE JOHNS
11665 AIRLIE RD
MONMOUTH, OR 97361

SUBJECT: Water Right Transfer Application T-13943

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13943. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Polk County Itemizer-Observer newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ Total Postage and Fees \$ _____	Postmark Here
Sent To _____ Street and Apt. No., or PO Box No. _____ City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7630-02-000-9047 See Reverse for Instructions	

7016 0680 0002 0041 9099

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a long horizontal flourish extending to the right.

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: T-13943
Joel M. Plahn, District 22 Watermaster (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13943, Polk County)	PROPOSING APPROVAL OF A CHANGE IN
)	CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

C. THOMAS AND JANE A. JOHNS
11665 AIRLIE RD
MONMOUTH, OR 97361

Findings of Fact

1. On March 14, 2022, C. THOMAS AND JANE A. JOHNS filed an application to change the character of use under Certificate 41739. The Department assigned the application number T-13943.
2. Notice of the application for transfer was published on March 22, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 16, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13943 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 15, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
4. The portion of the right to be transferred is as follows:
Certificate: 41739 in the name of R. ROLAND CROSIAR (perfected under Permit R-5093)
Use: STORAGE FOR STOCK USE
Priority Date: OCTOBER 9, 1967

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

Volume: 1.95 ACRE-FEET
Source: UNNAMED STREAM, tributary of BERRY CREEK

Authorized Place of Use:

STORAGE FOR STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Glnt
9 S	5 W	WM	35	NE NW	4

5. Transfer Application T-13943 proposes to change the character of use to STORAGE FOR IRRIGATION.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

6. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13943.
8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other existing water rights.
11. All other application requirements are met.

Determination and Proposed Action

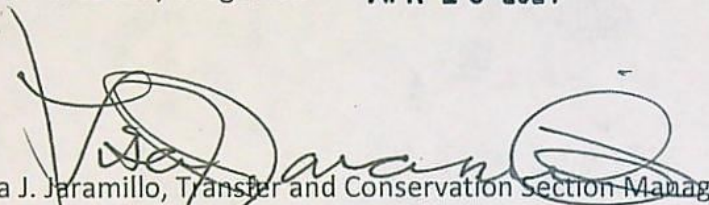
The change in character of use proposed in Transfer Application T-13943 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13943 is approved, the final order will include the following:

1. *The change in character of use proposed in Transfer Application T-13943 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 41739 and any related decree.*
3. *Water right Certificate 41739 is cancelled.*

4. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
5. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **APR 26 2024**


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

This Preliminary Determination was prepared by Dante J. Luongo. If you have any questions about the information in this document, you may reach me at 971-304-5006 or dante.j.luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;

- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



First American Title™

First American Title Insurance Company

777 Commercial Street SE, Suite 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Thomas Johns
11665 AIRLIE RD
MONMOUTH, OR 97361
Phone:
Fax:

Date Prepared : June 09, 2023
Effective Date : 8:00 A.M on May 26, 2023
Order No. : 7089-4072835
Subdivision :

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of POLK, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.



First American Title™

First American Title Insurance Company

777 Commercial Street SE, Suite 100

Salem, OR 97301

Phone: (800)742-2414 / Fax: (866)849-3065

PR: NWEST

Ofc: 7089 (992)

Final Invoice

To: Thomas Johns
11665 AIRLIE RD
MONMOUTH, OR 97361

Invoice No.: 992 - 708936322

Date: 06/09/2023

Our File No.: 7089-4072835

Title Officer: Lauren May

Escrow Officer:

Customer ID: AD9128344

Liability Amounts

Attention: Thomas Johns

Your Ref.:

RE: Property:
11665 Airlie Road, MONMOUTH, OR 97361

Buyers: THOMAS C JOHNS, JANE A JOHNS

Sellers: THOMAS C JOHNS

Description of Charge	Invoice Amount
Misc Title Processing Fee	\$200.00

INVOICE TOTAL \$200.00

Comments:

Thank you for your business!

To assure proper credit, please send a copy of this Invoice and Payment to:

Attention: Accounts Receivable Department

To pay electronically go to, <https://firstam.us/paytitleinvoice>, or mail check to PO Box 31001-2281

Pasadena, CA 91110-2281

EXHIBIT "A"
(Land Description Map Tax and Account)

BEGINNING AT A POINT WHICH IS 20.00 CHAINS SOUTH AND 2.96 CHAINS EAST FROM THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 9 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; AND RUNNING THENCE SOUTH 33.00 CHAINS AND 75 LINKS; THENCE EAST 12.00 CHAINS AND 10 LINKS; THENCE NORTH 50 LINKS; THENCE EAST 12.00 CHAINS AND 10 LINKS; THENCE NORTH 33.00 CHAINS AND 25 LINKS; THENCE WEST 24.00 CHAINS AND 20 LINKS TO THE PLACE OF BEGINNING.

ALSO: LOTS NUMBERED FOUR (4) AND FIVE (5) IN SECTION 35, TOWNSHIP 9 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON.

NOTE: This Legal Description was created prior to January 01, 2008.

Map No.: 095350000200
Tax Account No.: 220204

EXHIBIT "B"
(Vesting)

C. Thomas Johns and Jane A. Johns

EXHIBIT "A"

Beginning at a point which is 20.00 chains South and 2.96 chains East from the Northwest corner of Section 35, Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; and running thence South 33.00 chains and 75 links; thence East 12.00 chains and 10 links; thence North 50 links; thence East 12.00 chains and 10 links; thence North 33.00 chains and 25 links; thence West 24.00 chains and 20 links to the place of beginning.

ALSO: Lots Numbered Four (4) and Five (5) in Section 35, Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon.

212

EXHIBIT "C"
(Liens and Encumbrances)

1. We are unable to report on unpaid taxes as the amounts are not available at this time. As soon as we receive said information we will advise you.
(Affects Personal Property Tax 31807)
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Regulations, including levies, liens, assessments, rights of way, and easements of Luckiamute Domestic Water Cooperative.
5. An easement reserved in a deed, including the terms and provisions thereof;
Recording Information: January 14, 1948 as Book 134, Page 78, Deed Records
From: United States of America
To: Harry Kester et ux
6. Easement, including terms and provisions contained therein:
Recording Information: September 17, 1969 as Book 219, Page 407, Deed Records
In Favor of: Luckiamute Domestic Water Cooperative
For: water pipelines and related facilities
7. Easement, including terms and provisions contained therein:
Recording Information: December 13, 1996 in Book 327, Page 1414, Book of Records
In Favor of: Consumers Power Inc.,
For: Underground Easement
8. Water Rights Certificate , including terms and provisions thereof.
Recorded: March 17, 1975, in Book 69, Page 181, Book of Records
9. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: C. Thomas Johns and Jane A. Johns, husband and wife, Elliott T. Johns, a single person
Grantee/Beneficiary: Northwest Farm Credit Services, FLCA, a corporation organized under the Farm Credit Act of 1971, as amended
Trustee: Fidelity National Title Company of Oregon, a corporation
Amount: \$275,000.00
Recorded: September 27, 2001
Recording Information: Document No. 2001-12627, Book of Records

The beneficial interest under said Deed of Trust has been assigned to Peter C. McCord, an Oregon Attorney, by Assignment recorded July 18, 2005 as Document No. 2005-011670, Book of Records.

10. Easement, including terms and provisions contained therein:
Recording Information: August 15, 2008 as Document No. 2008-010294, Book of Records
In Favor of: Consumers Power Inc., an Oregon Corporation
For: construction, erection, perpetual operation, maintenance, repair, alteration, inspection, replacement and removal of electrical, communication and related transmission and distribution lines.

11. Mortgage and the terms and conditions thereof.

Mortgagor: C. Thomas Johns and Jane A. Johns, husband and wife
Mortgagee: ZB, N.A. Dba Zions First National Bank
Amount: \$698,500.00
Recorded: February 24, 2016
Recording Information: Document No. 2016-002129, Book of Records

The beneficial interest was assigned by successive assignments, the last of which was; Recorded: February 24, 2016 Recording information: Document No. 2016-002134, Book of Records To: U.S. Bank National Association, as Custodian/Trustee for Federal Agricultural Mortgage Corporation programs.

12. Unrecorded leases or periodic tenancies, if any.

13. We are unable to complete our examination regarding the Domestic Relations Dissolution between Jane A. Johns and C. Thomas Johns Case No. 08P2382 due to the temporary unavailability of such records. A supplemental letter regarding such status and an appropriate exception, if any, will follow.

NOTE: Taxes for the year 2022-2023 PAID IN FULL

Tax Amount: \$5,000.55
Map No.: 095350000200
Property ID: 220204
Tax Code No.: 1308

NOTE: This Public Record Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American Title™

First American Title Insurance Company
777 Commercial Street SE, Suite 100
Salem, OR 97301

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

NN

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Elliott T. Johns

STATE OF OREGON, } ss.
County of _____

Grantor's Name and Address
C. Thomas Johns/Jane A. Johns
11665 Airlie Rd
Monmouth, OR 97361

I certify that the within instrument was received for recording on _____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception

After recording, return to (Name, Address, Zip):

RECORDED IN POLK COUNTY 2004-018207
Valerie Unger, County Clerk

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Same as above



\$31.00

00120580200400182070020022

11/12/2004 02:13:44 PM

REC-BS Cnt=1 Stn=1 A. CAPTAIN
\$10.00 \$10.00 \$11.00

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL GRANTOR)

Elliott T. Johns

_____, Grantor,
conveys to C. Thomas Johns and Jane A. Johns

_____, Grantee,
the following real property situated in Polk County, Oregon, to-wit:

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ _____ (Here, comply with the requirements of ORS 93.030.)

DATED _____

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.

STATE OF OREGON, County of Marion) ss.
This instrument was acknowledged before me on November 10, 2004
by Elliott T. Johns



Notary Public for Oregon
My commission expires 4-23-05

Fidelity National Title 503933

1/2

581 MAY 69

SP-1400-11A

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. ROLAND UROSIAR 97361
of Route 1, Box 194, Monmouth, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
an unnamed stream, tributary of Berry Creek, in Oakshire Reservoir

for the purposes of
stock under Reservoir Permit No. R-5093 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from October 9, 1967

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed 1.95 acre feet

The reservoir is located in

Lot 4 (NE 1/4 NW 1/4)
Section 35
T. 9 S., R. 5 W., W. N.

WITNESS the signature of the State Engineer, affixed
this date, February 13, 1975

[Signature]
State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41739

18000
18000
18000

18000

CERTIFICATE OF WATER RIGHT

208686

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

STATE OF OREGON, }
County of Polk } #.

I CERTIFY, that the within was received
and duly recorded by me in Volume 67
of Record of Water Right Certificates, at
page 181 on the 17 day
of March, 1915

ALVINE KETTERSON, State Clerk
Alvina C. Kettersen



1915
B. 2



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

March 23, 2022

C. THOMAS & JANE JOHNS
11665 AIRLIE RD
MONMOUTH, OR 97361

Reference: Application T-13943

On March 14, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 137678 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.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

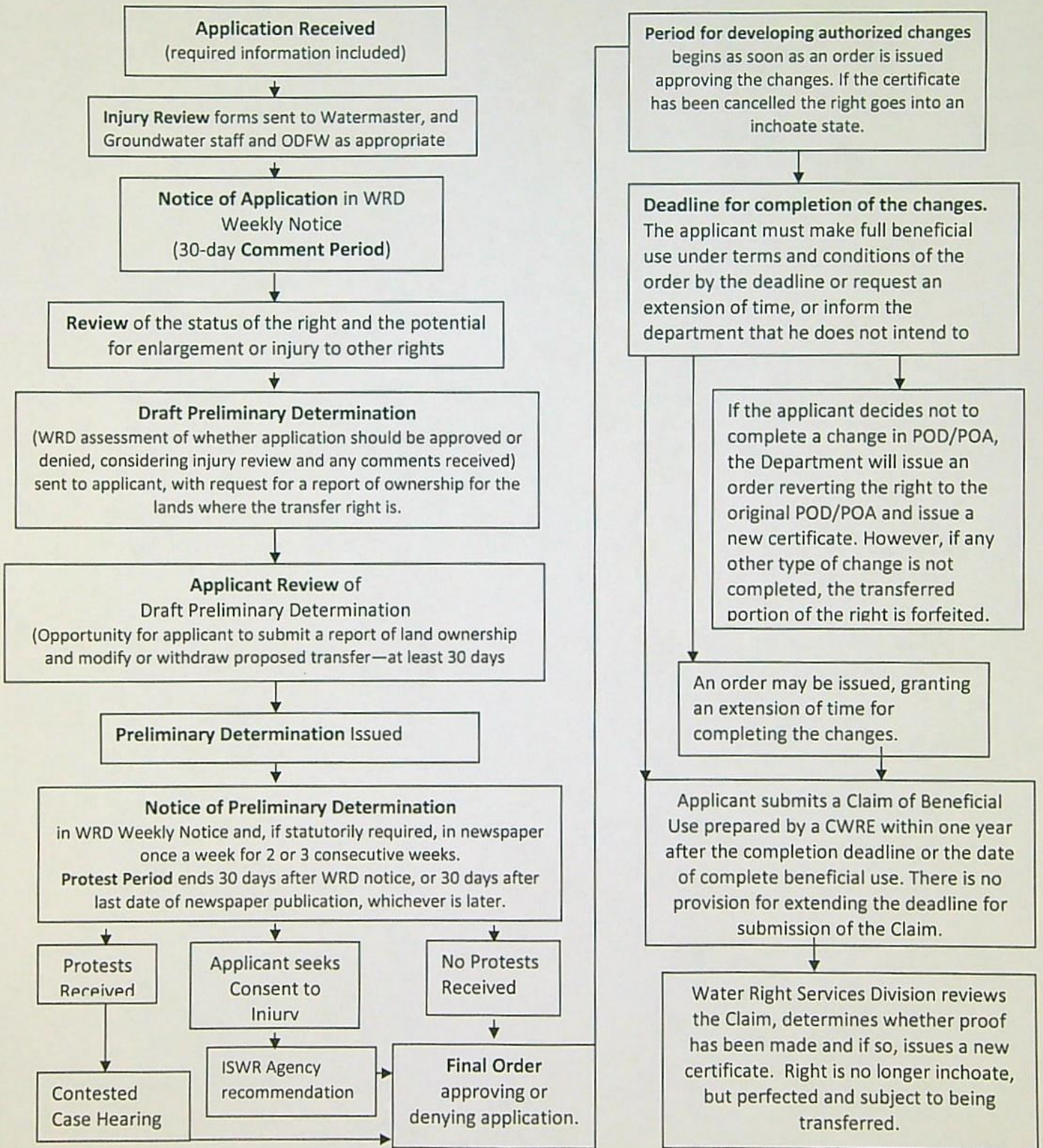
If you have any questions, please contact the Transfer Section at (503) 979-9931.

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

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **137678**

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: ETJ LLC dba Emerson
 BY: Vineyards

APPLICATION _____
 PERMIT _____
 TRANSFER T-13943

CASH: CHECK: # 7396 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 OTHER: (IDENTIFY) \$ _____
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

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

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER		\$ _____	0202 \$ _____
0203 GROUND WATER		\$ _____	0204 \$ _____
0205 TRANSFER		\$ <u>1360.00</u>	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR		\$ _____	0219 \$ _____
LANDOWNER'S PERMIT			0220 \$ _____
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
 0231 HYDRO LICENSE FEE (FWWRD) \$ _____
 HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **137678**

DATED: 3-14-2022 BY: Mindy Carlson


Checking, Citizens Ba

RECEIVED
MAR 14 2022
OWRD

1,360.00

ETJ LLC dba EMERSON VINEYARDS
 Oregon Water Resources Department
 Date 3/10/2022 Type Bill Reference
 Original Amt 1,360.00
 Balance Due 1,360.00
 3/10/2022 Discount
 Payment 1,360.00
 Check Amount 1,360.00
 7396

Application for Permanent Water Right Transfer

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


Part 1 of 5 – Minimum Requirements Checklist

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

RECEIVED

MAR 14 2022

OWRD

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 41739**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME C. Thomas and Jane A. Johns		PHONE NO. 503-838-0944	ADDITIONAL CONTACT NO.
ADDRESS 11665 Airlie Road			FAX NO.
CITY Monmouth	STATE OR	ZIP 97361	E-MAIL Tom@Emersonvineyards.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.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
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 requesting to change the character of use to storage for irrigation.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

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

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Polk County Itemizer-Observer.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



[Signature]
Applicant signature

[Signature]
Applicant signature

Jane A. Johns
Print Name (and Title if applicable)

G. Thomas Johns
Print Name (and Title if applicable)

3/4/22
Date

3/4/22
Date

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

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

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Polk County Planning Division	ADDRESS 850 Main Street	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 41739

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Description of Water Delivery System

System capacity: 1.95 Acre Feet 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. The water is stored in a pond.

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)
Oakshire Reservoir	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	5	W	35	NE	NW	4	Not provided
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- | | |
|--|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 41739

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
										USE	9	S	5	W 35 NE NW	200	4	N/A	Storage for Irrigation	Oakshire Reservoir	10/9/ 1967			
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OWRD																							
TOTAL ACRES:														TOTAL ACRES:									

Additional remarks: We want to change our water right to allow storage for irrigation.

For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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From: STARNES Patrick K * WRD Patrick.K.STARNES@water.oregon.gov
Subject: RE: Emerson Vineyards - Storage Certificate 41739
Date: February 7, 2022 at 2:31 PM
To: TOM JOHNS Tom@emersonvineyards.com



Good Afternoon Mr. Johns,

The Department has reviewed the attached map and approves it for use in your upcoming transfer application.

Please include a printed copy of this e-mail in your transfer application when you file it.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

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Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: TOM JOHNS <Tom@emersonvineyards.com>
Sent: Saturday, February 05, 2022 1:26 PM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: Emerson Vineyards - Storage Certificate 41739

Mr Starnes,

I intend to file a transfer application to request a change in the character of use for my storage certificate 41739. I would like to request approval to use the final proof survey map as my transfer application map. There has been no change in the place of use or point of diversion. A copy of the map is attached.

Thank you,
Tom

TOM JOHNS
Tom@emersonvineyards.com
Owner
Emerson Vineyards
503-838-0944

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Application for Water Right Transfer Evidence of Use Affidavit

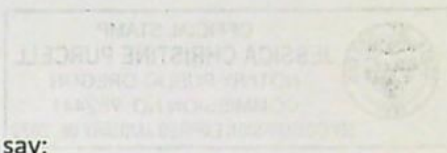


Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

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 POLK)

I, TOM JOHNS, in my capacity as PROPERTY OWNER,
 mailing address 11665 AIRLIE ROAD, MONMOUTH, OR 97361
 telephone number (503)838-0944, being first duly sworn depose and say:



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 OWRD

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 # 41739; OR
 My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

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

(continues on reverse side)

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

Tom [Signature]
Signature of Affiant

3/9/2022
Date

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Signed and sworn to (or affirmed) before me this 9th day of March, 2022.

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[Signature]
Notary Public for Oregon

My Commission Expires: 1/6/2023

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 checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – 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

Aerial photo of Oakshire Reservoir

August 12, 2020

Legend

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Oakshire Reservoir

Google Earth

300 ft



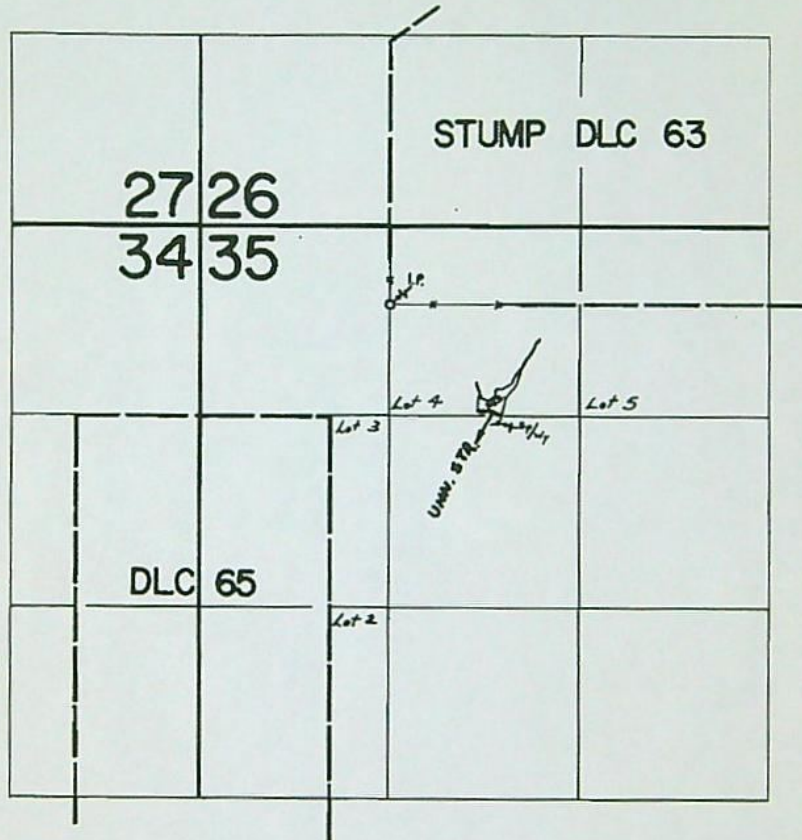
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T.9S. R.5W. W.M.

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FINAL PROOF SURVEY
UNDER

Application No. R-44142 Permit No. R-5093
IN NAME OF

R. ROLAND CROSIAR

Surveyed MARCH 14, 1973, by R. MUCKEN

13943

Land Use Information Form

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

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

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NAME C. Thomas and Jane A. Johns		PHONE (HM) 503-838-0944
PHONE (WK) 503-838-0944	CELL	FAX
ADDRESS 11665 Airlie Road		
CITY Monmouth	STATE OR	ZIP 97361 E-MAIL* Tom@Emersonvineyards.com

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>9S</u>	<u>5W</u>	<u>35</u>	<u>NE NW</u>	<u>200</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>storage</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Polk 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: 1.95
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

We are applying for a transfer to allow storage for irrigation in our existing pond.

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.

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): *See comments below.*
- 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	MAR 14 2022	<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
	OWRD	<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.

No development proposed, only "use" proposed is storage and irrigation, which is permitted pursuant to RCZO 136.020(A) "Farm use". Any other uses would require a new LUC.

Name: Sidney Mader Title: Planning Manager
 Signature: *[Signature]* Phone: 503-623-9237 Date: 3-8-22
 Government Entity: Polk 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: _____

STATE OF OREGON
 COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. ROLAND CROSIAR

of **Route 1, Box 194, Memmouth**, State of **Oregon**, **97361**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of **an unnamed stream, tributary of Barry Creek, in Oakshire Reservoir**

for the purposes of **stock**
 under Reservoir Permit No. **R-5093** of the State Engineer, and that said right to store said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **October 9, 1967**

that the amount of water entitled to be stored each year under such right, for the purposes aforesaid, shall not exceed **1.95 acre feet**

The reservoir is located in

**Lot 4 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
 Section 35
 T. 9 S., R. 5 W., W. M.**

WITNESS the signature of the State Engineer, affixed

this date. **February 13, 1975**

Chris L. Wheeler

State Engineer

Oregon Water Resources Department Transfer Fee Calculation for Permanent (Non-District) Transfer

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Friday, March 18, 2022	Fee Calculation
Base Fee (includes one type of change to one water right for up to 1 cfs)	\$1,360.00
Fill in information below-- Check each box that applies.	
Types of Change Proposed:	
<input type="checkbox"/> Place of Use	
<input type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD	
<input checked="" type="checkbox"/> Character of Use	\$0.00
Enter total number of water rights included in transfer. <input style="width: 50px;" type="text"/>	\$0.00
<input type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.	<input style="width: 50px;" type="text"/>
Enter total number of groundwater wells (POAs) included in transfer. <input style="width: 50px;" type="text"/>	\$0.00
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.	
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for an irrigation right.	
Total Transfer CFS(rounded up to the next whole cfs):	<input style="width: 50px;" type="text"/>
Subtotal:	\$1,360.00
Check each box that applies.	
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	

The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13943

Checked by- <u>Aula</u>	Type of Change(s) <i>Proposed:</i> <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	POU	POD	APOD
Date- _____		Gov Action	Surface to Ground	<input checked="" type="checkbox"/> USE	<input type="checkbox"/> POA	<input type="checkbox"/> APOA
Fee Received: <u>1360.00</u>			How many rights to be Transferred? Certificate # <u>41739</u>			
Calculated Fee:						
Additional Observations: _____						

If OK and complete, check box to the left; if NOT, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? N/A.
Name of the district: _____
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? Yes No
7. If a change in point of appropriation (POA), have the well logs been included? N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.

OR: If all boxes to the left are **NOT** checked, then this application is deficient and **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.

Actions taken: _____ Date: _____

