

T-13944

T-13944

Regular
withdrawalName Southeast Ag Investments, LLCAddress 2018 Eastwood Rd. Suite 103
Wilmington, NC 28403
petersjason79@gmail.comChange in USE, POUDate Filed 3-15-2022Initial notice date 3-22-2022

DPD issued date

PD issued date

PD notice date

Date of FO 12/19/2022 Vol 127 Page 145

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Unnamed Stream / Sophy 1 ReservoirTrib. of Thomas CreekUse Irrigation / Livestock County Linn

Quantity of water (CFS) No. of Acres

Name of ditch

App# S-58690 Per # S-45558 Cert # 54635 PR Date 5/1/1979

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>3-15-2022</u>	<u>\$2450.00</u>	<u>137681</u>
<u>3-15-2022</u>	<u>\$125.00</u>	<u>137680</u>

FEES REFUNDED		
Date	Amount	Receipt #
<u>12/28/2022</u>	<u>\$2305.00</u>	<u>18054908</u>

Assignments:

Irrigation District

Agent Will McGill Surveying - willmcgill.surveying@gmail.com

CWRE

CC's list Linn County☐ - Oversized map - Location

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: December 12, 2022

FROM: Kim French

RE: Request for Refund

APPLICATION: T 13944

RECEIPT #: 137681

Please prepare a refund in the amount of \$2,305, made payable to:

Name: WILL MCGILL SURVEYING

Address: 15333 PLETZER RD SE

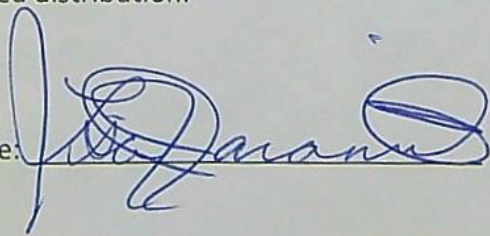
City: TURNER OR 97392

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

- ☒ Request for file to be withdrawn
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☐ Permit recording fees – Application denied
- ☐ 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: 12-21-2022



Date refund was requested 10-27-2022



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 21, 2022

Will McGill Surveying
15333 Pletzer Road SE
Turner, Oregon 97392

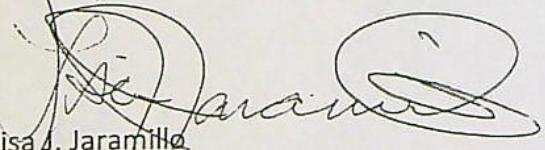
Reference: Transfer Application T-13944

On October 27, 2022, the Department received a request from the applicant's agent to withdraw Transfer Application T-13944 and issue a refund of application fees. A final order withdrawing the application was issued by the Department on December 19, 2022.

Because the withdrawal request was submitted prior to preparation of a Draft Preliminary Determination, it was determined that a refund of unearned application fees is appropriate.

A refund check in the amount of \$2,305.00 is currently being processed and will be arriving separately at a later time.

Sincerely,



Lisa J. Jaramillo
Transfer and Conservation Section Manager

cc: Transfer Application T-13944



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 19, 2022

SOUTHEAST AG INVESTMENTS LLC
2018 EASTWOOD RD STE 103
WILMINGTON, NC 28403

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-13944

The above referenced transfer application was withdrawn from the record of the Water Resources Department on December 19, 2022, by Special Order Volume 127, Page 145 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Kim French, by telephone at (503)979-9607 or by e-mail at Kim.R.French@water.oregon.gov.

Sincerely,

Julie C. Baustian

Water Right Services Support
Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
William E. McGill, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER WITHDRAWING
T-13944, Linn County, Oregon)	AN APPLICATION FOR A WATER RIGHT
)	TRANSFER

Authority

ORS 540.505 to 540.580 establishes 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.

Applicant

SOUTHEAST AG INVESTMENTS LLC
2018 EASTWOOD RD, SUITE 103
WILMINGTON NC 28403

Findings of Fact

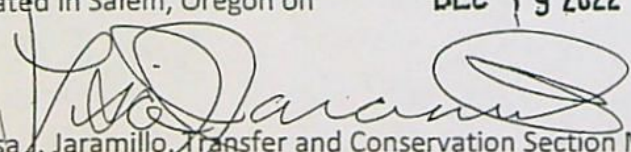
1. Transfer Application T-13944, in the name of SOUTHEAST AG INVESTMENTS LLC, was filed on March 15, 2022.
2. On October 27, 2022, Will McGill Surveying, agent for the applicant, submitted a written request on behalf of the applicant asking that Transfer Application T-13944 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-13944, in the name of Southeast Ag Investments LLC, is withdrawn and is of no further force or effect.

Dated in Salem, Oregon on

DEC 19 2022


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

Mailing date: DEC 20 2022

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.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13944

Transfer Specialist:

Transfer Type: Regular Transfer

Applicant: SOUTHEAST AG INVESTMENTS LLC 2018 EASTWOOD RD STE 103 WILMINGTON, NC 28403 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392 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 Linn County 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"/>	S-58690	S-45558	54635	<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 15, 2022	Proposed Action(s): PLACE OF USE; USE	
Fees Pd: 2450.00	WM District: 16	ODFW District:
Initial Public Notice: March 22, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

Withdraw Order Vol 127 , Page 145

coord
PLS/12/7/2022



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From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Thursday, October 27, 2022 2:24 PM
To: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Subject: Withdraw T-13944

Hi Kim,

As we just discussed over the phone, the applicant, Southeast Ag Investments, would like to withdraw transfer T-13944. Plans have changed and the requested use will no longer be necessary. We request that any refund be sent to Will McGill Surveying LLC since we paid the application fees.

Thank you and let me know if you have any questions!

--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

www.mcgillwaterrights.com

STARNES Patrick K * WRD

From: PHILLIPS Stacy H * WRD
Sent: Monday, November 14, 2022 8:07 AM
To: Maureen S. Bayer
Cc: Linda Duman; STARNES Patrick K * WRD
Subject: RE: T-13944 Status

Good Morning Maureen,

Transfer file T-13944 has been requested to be withdrawn (per the email below). I believe it is in the process of having the withdrawal order written. So yes, WRIS is correct, the application is still under review. I've cc'd Kelly Starnes, as he will be the caseworker to draft the withdrawal order. Please let him know if you have any further questions regarding this file.

Thanks,

Stacy H. Phillips

Restoration Program Technician
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



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RESOURCES
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From: Maureen S. Bayer <maureen.bayer@jordanramis.com>
Sent: Friday, November 11, 2022 10:14 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: Linda Duman <lindaduman@gmail.com>
Subject: T-13944 Status

Ms. Phillips,

We have been made aware that the application for T-13944 may have been withdrawn (see email below). Could you please confirm or deny this information? The WRIS card indicates this transfer application is still under review.

Thank you,

Maureen S. Bayer | Attorney
Direct: (503) 598-5529

jordanramis.com | (888) 598-7070
Portland Metro | Bend | Vancouver WA

JORDAN  **RAMIS**

DAVIS Arla L * WRD

From: DAVIS Arla L * WRD
Sent: Monday, December 5, 2022 3:31 PM
To: FRENCH Kim R * WRD; STARNES Patrick K * WRD
Cc: JARAMILLO Lisa J * WRD; GREW Scott A * WRD
Subject: T-13944

Good Afternoon!

Patricia came over and dropped off file T-13944. I am not sure who to route this file to. The application appears to have been withdrawn (there is an order that looks like Kim drafted) but the file is assigned in WRIS still to Stacy as I believe we were waiting on the RA contract. Kelly would you like this file or should I give it to Kim F? the file is on my desk with a bright orange sticky note attached. Thank you!

Arla L. Davis

Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

PHILLIPS Stacy H * WRD

From: MCCARTY Patricia E * WRD
Sent: Thursday, October 20, 2022 8:19 AM
To: PHILLIPS Stacy H * WRD; STARNES Patrick K * WRD
Subject: RE: Forfeiture Affidavits for C-54635 T-13944

Can you print this email and put it in the file and store a copy in the e-file (when you are in the office again). Who is doing RA transfers? I want them to alert the applicants that cancellation affidavits have been filed on this. I don't think RA will work for them if we have to stop and do a cancellation hearing first.

Thanks!

Patricia McCarty

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Thursday, October 20, 2022 8:12 AM
To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: Forfeiture Affidavits for C-54635 T-13944

Hey Patricia,

This transfer is still waiting for the signed RA agreement to come in for it to be in the RA program. After I get that (hopefully soon), the file will get assigned to a caseworker. The file is currently in my possession.

Thanks,

Stacy H. Phillips

Restoration Program Technician

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

Office: 503-986-0898 | Work Cell: 503-979-9948



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From: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>
Sent: Thursday, October 20, 2022 7:58 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: Forfeiture Affidavits for C-54635 T-13944

Hi Stacy,

WRIS doesn't have a person assigned to T-13944. Can you tell me if anyone is working on it? The people wanting to cancel the cert think it is being expedited. Any help is appreciated. Thanks!

Patricia McCarty

From: Eric Urstadt <ericurstadt@hotmail.com>
Sent: Friday, October 14, 2022 3:57 PM

To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>; Linda Duman <lindaduman@gmail.com>;
Maureen S. Bayer <maureen.bayer@jordanramis.com>
Subject: Duman - Forfeiture Affidavits for two certificates - trial 4 - transfer of subject rights apparently in RA -update

Patricia,

Have you had time to look at these forfeitures? It seems you have gotten back to me within a few days in the past. Can you please let us know if you received these and are aware of them?

Respectfully,

Eric Urstadt, PE, PLS, CWRE

Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying
(971) 250-1520 (cell, text, voicemail)

From: Eric Urstadt <ericurstadt@hotmail.com>

Sent: Monday, September 26, 2022 4:51:41 PM

To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>; Linda Duman <lindaduman@gmail.com>

Subject: Duman - Forfeiture Affidavits for two certificates - trial 4 - transfer of subject rights apparently in RA.

Ms. McCarty,

Attached is a copy of the forfeitures that were put in the mail today. Each of the eight forfeitures had one of the maps attached to it.

Sincerely,

Eric Urstadt, PE, PLS, CWRE

Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying
(971) 250-1520 (cell, text, voicemail)

From: MCCARTY Patricia E * WRD

Sent: Wednesday, August 17, 2022 8:38 AM

To: Eric Urstadt; Linda Duman

Subject: RE: Duman - Forfeiture Affidavits - trial 3 or 4 - WRD response 2 - update

Hi Eric,

I was hoping that I made the department's position clear in our earlier exchanges, but it sounds like I didn't do a good job at that. Let me try again. We have historical and recent DOJ advice clarifying that a storage right is, regardless of the reason for storing water, a non-use right. That means that taking water from a stream or aquifer and storing it is not a "beneficial use" of water. It functions only to separate a volume of water from the stream or aquifer, creating a separate "source" of water. To use the water for any purpose, outside of the reservoir, requires a secondary right (such as irrigation, where the stored water is the source). In theory this is fine, but it gets murky when some of the use is in-reservoir. In-reservoir rights don't require a separate secondary right, such as livestock watering or wildlife habitat. Because of the large variety of uses of the stored water after it is separated from a stream or aquifer (in-reservoir and/or out-of-reservoir) the only way to really get at non-use of a reservoir right is to show that water was not separated from the stream or aquifer in the first place.

As I said in our earlier exchanges, if affiants assert that water was not stored, the Department would proceed with cancellation of a reservoir right. Whether or not the stored water was later used is not the critical element. The question is whether the water was separated from the stream or aquifer in the first place.

Perhaps Dwight might be a better person to explain the Department's position on storage rights. I will be happy to set up a meeting with him to help clarify if there are remaining questions.

Sincerely,
Patricia McCarty

From: Eric Urstadt <ericurstadt@hotmail.com>
Sent: Tuesday, August 16, 2022 12:53 PM
To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>; Linda Duman <lindaduman@gmail.com>
Subject: RE: Duman - Forfeiture Affidavits - trial 3 or 4 - WRD response 2 - update

Patricia,
My client is talking to their attorneys about this issue and will be submitting new forfeitures. We are now waiting on the attorneys. I just wanted to give you an update.

Also, any reasoning for why the storage rights cannot be forfeited would be appreciated.

Respectfully,

Eric Urstadt, PE, PLS, CWRE
Aspen Rural Land Consulting
Water Rights – Forestry – Rural Land Engineering – Land Surveying
(971) 250-1520 (cell, text, voicemail)

From: Eric Urstadt
Sent: Monday, July 25, 2022 10:46 AM
To: MCCARTY Patricia E * WRD
Subject: RE: Duman - Forfeiture Affidavits - trial 3 or 4 - WRD response 2

Patricia,
Thanks for the reply. I understand the answer.

However, there is no explanation whatsoever of who said this and why. Doesn't the applicant deserve that? Is the Water Resources Department comfortable with not showing the basis for its reasoning? It leaves one assuming that either there is no explanation of the reasoning or that the reasoning is being hidden.

We shall move forward.

Eric Urstadt, PE, PLS, CWRE
Aspen Rural Land Consulting
Water Rights – Forestry – Rural Land Engineering – Land Surveying
(971) 250-1520 (cell, text, voicemail)

From: MCCARTY Patricia E * WRD
Sent: Monday, July 25, 2022 9:13 AM
To: Eric Urstadt
Subject: RE: Duman - Forfeiture Affidavits - trial 3 or 4 - WRD response 1

Hi Eric,

I discussed this with the Director last week. OWRD will need affidavits asserting no storage to issue a notice of proposed cancellation on storage certificates. You can submit the affidavits on the secondary any time and we'll start processing them.

Sincerely,

Patricia McCarty

From: Eric Urstadt <ericurstadt@hotmail.com>

Sent: Thursday, July 7, 2022 1:58 PM

To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>

Cc: Linda Duman <lindaduman@gmail.com>

Subject: Duman - Forfeiture Affidavits - trial 3 or 4 - WRD response 1

Patricia,

Thanks for the review. I do appreciate that you have seen these from another set of experiences that, no one but you has.

We thought these were satisfactory based on all previous comments, so it's hard to believe these are not satisfactory this time. However, the affiants will change them as required by whoever says what.

For the reservoir right, they never have said the water was not stored, rather the said the water right was not used. The statutes and Water Resources Department state that water MUST be used beneficially, and water cannot be wasted, so if water was diverted and not used (and therefore wasted), then right was not used. If water is now allowed to be diverted without a beneficial use, and is allowed to be wasted, then I am confused. Maybe Dwight can clear this up.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying
(971) 250-1520 (cell, text, voicemail)

From: MCCARTY Patricia E * WRD

Sent: Thursday, July 7, 2022 1:24 PM

To: Eric Urstadt

Subject: RE: Forfeiture Affidavits - trial 3 or 4

Hi Eric,

I'll discuss these with Dwight. They don't state that no water was stored under C-54634, only that no irrigation occurred, and that there were not stock on the property. He may decide this is sufficient, but he may decide that if the affidavits don't state that no water was stored, we will issue a Notice of Cancellation only on C-54635. I won't get a chance to talk with him about these until at least a week from Monday (the 18th). I'll get back to you as soon as I am able.

Sincerely,

Patricia McCarty

From: Eric Urstadt <ericurstadt@hotmail.com>

Sent: Monday, June 13, 2022 11:43 AM

To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>

Subject: Forfeiture Affidavits - trial 3 or 4

Patricia,

I have been trying to get these folks to get the affidavits in a format suitable for the process. Since the last ones have been "denied" a couple times prior, it seemed that maybe it would be prudent to have you review them before I did the official mailing with the maps and the rest.

So attached is NOT the official mailing, but instead is just the affidavit portions because, I think we had the rest of the process and data all suitable.

Can you tell us if these are suitable as to expressing how they know the rights were not used and when, etc.?

Respectfully,

Eric Urstadt, PE, PLS, CWRE

Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying

(971) 250-1520 (cell, text, voicemail)

From: Linda Duman

Sent: Thursday, June 9, 2022 4:04 PM

To: Eric Urstadt

Subject: Fwd: me

I hope these are correct..

Linda Duman

----- Forwarded message -----

From: Linda Duman <lindaduman@gmail.com>

Date: Thu, Jun 9, 2022 at 3:54 PM

Subject: me

To: Linda Duman <lindaduman@gmail.com>

PHILLIPS Stacy H * WRD

From: Amber Kirk <Amber.Kirk@jordanramis.com>
Sent: Thursday, April 21, 2022 4:14 PM
To: PHILLIPS Stacy H * WRD
Cc: Steven L. Shropshire; Maureen S. Bayer; Lisa Klonoski; lindaduman@gmail.com
Subject: Transfer Application No. T-13944
Attachments: Duman Submittal to OWRD (with Exhibits).pdf

Stacy: Attached is our submittal and comments in connection with the above transfer application. Please reply to this email to verify receipt of this filing. Also, please call if you have any questions or concerns. Amber for Steve Shropshire.

Amber Kirk | Legal Secretary/Paralegal
Direct: (541) 797-2080

jordanramis.com | (888) 598-7070
Portland Metro | Bend | Vancouver WA

JORDAN  **RAMIS**

PLEASE NOTE: All offices of Jordan Ramis are working remotely. Our professionals continue to remain fully available by telephone and email.

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April 21, 2022

VIA EMAIL ONLY

Stacy Phillips
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301
stacy.h.phillips@water.oregon.gov

Re: Transfer Application No. T-13944
Our File No. 55955-80091

Dear Ms. Phillips:

Our firm represents Gerald and Lunda Duman, who own property located at 53166 Thomas Drive, Scio, Linn County, Oregon. This letter is sent to provide comments on Transfer Application No. T-13944 ("Application"). These comments are timely filed by the April 21, 2022, public comment deadline.

The Dumans' property is located adjacent to the property that is the subject of the Application, located at 43157 Thomas Drive, Scio, Linn County, Oregon¹ (the "Property"). The Property was acquired by Southeast AG Investments LLC in January 2022, for purposes of constructing a large poultry operation. The Property has two appurtenant water rights:

Certificate No. 54635 ("Water Right" or "Certificate"), which is the subject of the Application, authorizes the use of 0.05 cfs for irrigation on 5 acres and 0.005 cfs for stock watering. The source is an unnamed stream and Sophy 1 Reservoir tributary to Thomas Creek. The priority date is May 1, 1979. The irrigation portion of the water right is limited to a diversion not to exceed 2.5 acre-feet per acre during the irrigation season (April 1 to September 30).

Certificate No. 54634 authorizes the storage of water from the same unnamed tributary to Thomas Creek in Sophy 1 Reservoir for the purposes of irrigation and stock watering. The storage right is limited to 2.2 acre-feet annually. The priority date is May 1, 1979.

On March 15, 2022, Southeast Ag Investments LLC ("Applicant") applied to change the place of use and character of use of Certificate No. 54635. The Application seeks to change the authorized uses of irrigation and stock watering on 5 acres, to agricultural use, temperature control, and livestock use on a planned operational area of approximately 40 acres in size. These proposed uses relate to a

¹ Township 10 South, Range 1 East, Section 4, Tax Lot 1001

concentrated animal feeding operation ("CAFO") consisting of 16 poultry barns on the Property.² The CAFO will require large amounts of water to supply drinking water for the livestock, human consumption, temperature control, and facility washdown between flocks, as well as more traditional agricultural uses.

The Department should deny the proposed transfer for the reasons discussed in greater detail below. The Application proposes to change a water right not subject to transfer due to nonuse. In addition, the Applicant has failed to recognize the linkage between the Water Right and the underlying storage right that would also have to be changed to accommodate the new types of use. Moreover, even if the Water Right were subject to transfer, the proposed transfer would cause injury to other water rights and result in enlargement of the Water Right.

1. The Water Right Is Subject to Forfeiture

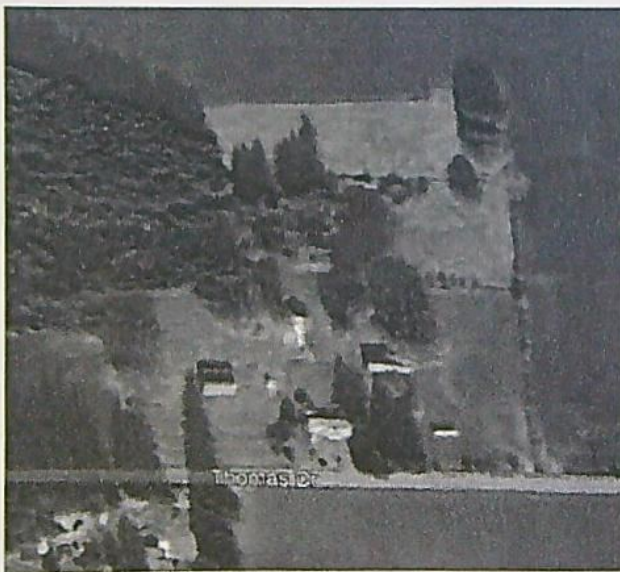
A water right may only be transferred if the entire right was used during the previous five years on the entire place of use as specified in the applicable water certificate. ORS 540.520 provides that a transfer application must include "[e]vidence that the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or that the water right is not subject to forfeiture under ORS 540.610." The evidence provided by the Applicant is insufficient to meet this statutory requirement. Additionally the Department has received multiple affidavits of nonuse, including one from the tenant grass seed farm operator who has controlled the Property since 1980.

With respect to the irrigation portion of the water right, in Part 5 of the Application, the "Description of the Water Delivery System," the Applicant states that the water delivery system includes a centrifugal pump, aluminum pipe, and high pressure sprinklers, but also states that the "previous owner did not leave specific system information." The Applicant must provide evidence and/or state that the existing water delivery system in place during the last five years was capable of diverting, conveying, and applying the water at the authorized place of use at the claimed rate of 0.055 cfs. However, the Applicant seems to concede that it lacks the necessary knowledge to fully describe the system.

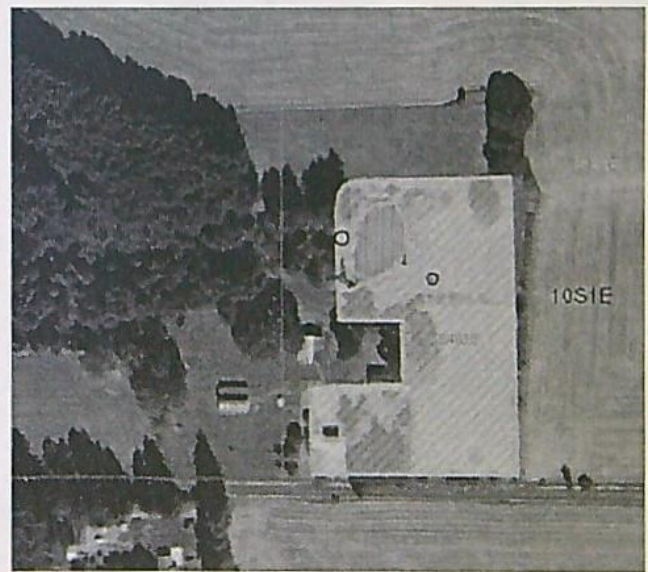
² The Applicant has submitted a CAFO Application to Register ("ATR") to the Oregon Department of Agriculture. (**Attachment C**). The ATR provides that 750,000 chickens per year will be housed on-site in 16 large poultry barns. However, the Dumans believe this may be an understatement of the Applicant's intent based on similar nearby industrial scale poultry farm siting proposals. By way of example, in the Animal Waste Management Plan for the nearby J-S Ranch, the proposal contemplates cycling through six flocks per year. See J-S Ranch Animal Waste Management Plan, July 2021 available at <https://www.oregon.gov/oda/programs/NaturalResources/Documents/CAFOPublicNotices/2021/J-SRanchAWMP.pdf>. If the same production schedule is used on the Property here, the operation would actually produce 4.5 million animals annually.

With respect to the 0.005 cfs for stock use, the Applicant fails to discuss or to provide any evidence regarding the use of that portion of the Water Right. This lack of any mention of historic use of that portion of the right renders the application legally deficient.

The Evidence of Use Affidavit filed in support of the Application is highly suspect as well. First, the affiant, Jason Peters checked the box for "professional expertise" as to the basis of his knowledge of exercise or status of the water right. However, there is no information provided in the Application to support the affiant's claimed status as a water rights professional or to evidence any professional familiarity with historic water use on the Property. Second, the affiant has attested, under penalty of perjury, that "water was used during the previous five years on the entire place of use for Certificate # 54635" to irrigate crops and pasture (although it appears someone has crossed out the word "crops" on the Department's file copy of the affidavit). However, the only evidence of water use accompanying the affidavit is a Google Earth aerial image bearing only a 2021 copyright date (no month indicated), which fails to depict any irrigation facilities or other visual evidence of irrigation. In fact, the non-irrigated portions of the Property appear to be greener than the authorized place of use in the photo.



Affidavit attachment



OWRD interactive web mapping image

In addition, as can be seen in the OWRD interactive web mapping image, the authorized place of use includes acreage covered by trees and buildings. Given that those areas would be physically impossible to irrigate, at a minimum, that acreage would need to be deducted from the certificated acreage. It is also notable that the affiant's aerial image does not contain any evidence of the presence of livestock or livestock holding areas. In short, the aerial photograph provides no evidence that the water right sought to be transferred has been put to beneficial use in the past five years as required.

Given that the affiant is representing a landowner that has only held the property for three months and has admitted in the Application that it lacks specific knowledge about the irrigation system on the

Property, it is hard to understand how the affiant could have sufficient knowledge of historic water use to provide his sworn statement about water use. That apparent lack of knowledge, evidence, and expertise, combined with the overwhelming evidence of nonuse discussed below suggests that the affiant's sworn statement is simply not true.

Since the Application was filed, the Department has received five affidavits of nonuse, including one from Kent Doerfler of Doerfler Farms Inc. Doerfler Farms Inc. leased the Property for over 40 years from March 1980 through December 2021. During that time, Doerfler only grew grass seed, and never irrigated the property. Mr. Doerfler's affidavit, by itself, is definitive evidence that the Water Right is not subject to transfer. But four other affiants have filed as well. These affidavits were filed by people with firsthand personal knowledge and observation of nonuse of the Water Right (as well as the related storage right). These affidavits are based on years of observations and should therefore be afforded significant weight in the Department's determination of whether the Water Right is subject to transfer. The affidavits are attached hereto as **Attachment A** and are summarized below:

Affiant	Affiliation/Address	Dates not used	Supporting Statements
Kent Doerfler of Doerfler Farms Inc.	Leased the Property for over 40 years	March 1980 through December 2021	Doerfler Farms leased the Property for over 40 years, only grew grass seed, and never used irrigation. No irrigation or livestock watering has been witnessed on the leased Property, nor on the surrounding land.
Carmen Renee Gretzon	Neighbor 43409 Thomas Drive, Scio, OR Immediately east and adjacent to the Property.	September 1994 through January 2022	Since 1994, no irrigation or irrigation equipment has been seen on the Property. Since 2017 4-5 cows have been seen pastured during the winter on the Property, and drinking from the pond. Water has never been conveyed to livestock.
Susan Conrad	Neighbor 43416 Thomas Drive, Scio, OR	September 1, 1990 through January 2020	Never witnessed irrigation or irrigation equipment on the Property.

Affiant	Affiliation/Address	Dates not used	Supporting Statements
Gerald Duman	Neighbor 43166 Thomas Drive, Scio, OR Directly across Thomas Drive from the Property.	January 1990 through January, 2022	Has never seen or heard irrigation being used on the Property. Four to five calf pairs drank from surface water after 2017 on the Property, but no livestock was watered between 1990 and 2017.
Bryan Summerlin	Neighbor 43321 Thomas Drive, Scio, OR Immediately east and adjacent to the Property.	December 1998 through February 2018	The Property was leased for grass seed, which did not require irrigation. The Property owners did not have any livestock. The owners allowed a neighbor to feed 5 cows with calves on 1-2 acres around the pond which drank directly from the pond.

Because the Water Right is subject to forfeiture for nonuse, this is not a water use subject to transfer as required under ORS 540.510. Therefore, as a threshold matter of law, the Department must deny the Application.

2. The Application Should be Denied Because the Applicant Only Seeks to Transfer One of Two Interrelated Water Rights

As noted above, the Property has two appurtenant water rights consisting of a primary storage right (Certificate 54634) and a secondary use right that names both the Sophy 1 Reservoir and the stream that it impounds as sources (Certificate 54635). There is no indication in the Water Right how much water is derived from either source. However, given that the Applicant is proposing to change the type of use for the entire secondary use Water Right, it would also have to seek a corresponding change in type of use for the stored water.

The Sophy 1 Reservoir storage right only authorizes water storage for irrigation and stock watering (per Certificate 54634). The water stored in Sophy 1 Reservoir cannot be used for any other uses unless that certificate is also changed through the transfer process. That change to Certificate 54634

would need to be approved either before or contemporaneously with T-13944. As it currently stands, the source for the Water Right is not authorized for the new uses (temperature control and agricultural uses) requested in the Application. Therefore, the Application must be denied as a matter of law.

3. The Proposed Transfer Would Cause Injury to Existing Water Rights

Alternatively, even if the Water Right is a water use subject to transfer and could be transferred without simultaneously pursuing a transfer of the underlying primary water right, the Department should deny the Application because the transfer would cause injury to other water rights. "Injury to an existing water right" means a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled." OAR 690-380-0100(3).

The Property is located in the Thomas Creek watershed. The Department's water availability analysis for the Thomas Creek watershed (#171) shows that at the 80 percent exceedance level, there is no water available in July, August, September, or October (see **Attachment B**). That analysis also projects that during those months, the instream flow water right in Thomas Creek (Certificate No. 59453) is not met. This suggests that the stream system is over-appropriated and that any alteration to the Water Right that would change the amount or timing of water availability in the area is likely to cause injury to other water rights, including the instream right.

Changing the type of use from irrigation to agricultural use, temperature control, and livestock use on an operational footprint of approximately 40 acres in size will impact water availability to downstream users during time of year when water is not available. These proposed uses are proposed for year-round use, and presumably will need to occur 24 hours a day—at least in large part. This consistent pressure on the available surface water would be very different than typical episodic irrigation use and would lead to depletion of flows into Thomas Creek at a time when they would have otherwise occurred.

Additionally, assuming for the sake of argument that Applicant's predecessor did actually irrigate 5 acres of pasture at the authorized place of use, the consumptive use factor for flood irrigation is approximately 45 percent (see OWRD Open File Report SW 02-002 *Determining Surface Water Availability in Oregon* (June 2002) at pg. 52, available at <https://www.oregon.gov/owrd/WRDPublications1/DeterminingSurfaceWaterAvailabilityInOregon.pdf>.)

The proposed conversion of the Water Right from a use that returns approximately 50 percent of the diverted water to the local surface hydrology to a set of uses that are likely to be fully consumptive will reduce the amount of water available to downstream users, causing injury.

Based on the significant likelihood of injury resulting from the proposed transfer, the Department should deny the Application.

4. The Proposed Transfer Would Result in Enlargement

Due to the proposed changes in the type of use and timing of use, the transfer would result in enlargement, and should therefore be denied pursuant to OAR 690-380-5000.

'Enlargement' means an expansion of a water right and includes, but is not limited to:

- a) Using a greater rate or duty of water per acre than currently allowed under a right;
- b) increasing the acreage irrigated under a right;
- c) Failing to keep the original place of use from receiving water from the same source; or
- d) Diverting more water at the new point of diversion or appropriation than is legally available to the right at the original port of diversion or appropriation.

OAR 690-380-0100(3).

The certificated use of 0.05 cfs for 5 acres of irrigation is allowed during the irrigation season, April 1 to September 30. The Applicant proposes to change the irrigation use to agricultural use, temperature control, and livestock. As a consequence of this change, the Applicant seems to be proposing to change the period of use to year-round use. This would allow the Applicant to use water at those times of year when it is not legally available under the irrigation portion of the Water Right.

As noted in footnote 2 above, the Applicant has filed a CAFO ATR with the Oregon Department of Agriculture. The site diagram accompanying the ATR depicts two 100,000 gallon water storage tanks (a total of 0.61 acre-feet) (see Attachment C). The proposed storage tanks suggest that the Applicant would attempt to store water not only in the existing pond, but also in these new tanks. This raises a serious question about the enlargement of the Water Right, because by installing additional storage at the Property, the Applicant could retain water that otherwise would have flowed past the Property and been unavailable to the Applicant.³

The threat of enlargement also exists due to the Applicant's apparent intent to combine surface water and groundwater sources as part of its industrial farming water supply system. The Applicant has drilled four new wells on the Property between December 2021 and February 2022 (see well logs included as **Attachment D**). However, the Property does not have an appurtenant groundwater right. This suggests that the Applicant is preparing to try to use the wells under a commercial, domestic, or livestock exemption. Due to the lack of oversight and regulation associated with exempt water use, the combination of surface and groundwater in the water supply system will make it very difficult for the Department to ensure enlargement will not occur as a result of expanded use of the Water Right.

The Applicant has not specified the rate, volume, or timing of the water use required for poultry livestock watering, temperature control, facility cleaning, or other agricultural uses for a CAFO with 4.5 million chickens per year. In order to assure the Department that the proposed change would not result in enlargement, the Applicant must show that the new requested uses do not exceed the existing authorized rate, duty, or timing of use under the Water Right. The Application contains no such information, instead simply stating that "the maximum authorized rate will not be exceeded with a combination of all new uses."

³ In the event that the Applicant is planning to store previously unappropriated surface water in these tanks, the Applicant would be required to obtain a new storage right before doing so.

Based on the significant threat of enlargement posed by the proposed transfer, the Department should deny the Application.

5. Errors in the Application

Finally, in addition to the foregoing defects with the Application, the Application contains other errors. For example:

- The figure provided with the Application purports to show five acres adjacent to the pond cross-hatched, to indicate the 5 acres to which the irrigation water right is appurtenant. However, the area depicted does not correspond to the 5-acre footprint depicted in the Department's records.
- In Table 1 on page 7, the Application provides that the new Point of Diversion (POD) will be the "stream" POD. This is illustrated in the figure submitted with the Application. The Application states that Applicant will use the "Stream POD" and not the pump site POD (or "Reservoir POD") for all new uses. However, on the attached map, the pipeline is depicted as starting at the "Reservoir POD" and not the "Stream POD."

6. Conclusion

As the evidence clearly shows, the Water Right has not been used in at least the past five years. As a threshold matter, it is subject to forfeiture and is not a water use subject to transfer. Additionally, the proposed transfer is not legally permissible without also changing the authorized purpose for storing water under Certificate 54634. Moreover, transfer of the Water Right would cause injury to existing water rights and would result in impermissible enlargement of the Water Right. The Dumans therefore request that the Department deny the Application.

Sincerely,

JORDAN RAMIS PC



Steven L. Shropshire
Admitted in Oregon and Washington

ATTACHMENT A

Nonuse Affidavits

[See Attachments A1 through A5 following]

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

State of Oregon)
)ss AFFIDAVIT ASSERTING NON-USE
 County of Linn) OF WATER RIGHT

Affiant information

1. I, Kent Doerfler of Doerfler Farms Inc.
 (Legal Name)

of 12333 Silver Falls Hwy SE
 (Residential Address-and your mailing address if different)

Aumsville OR 97325
 (City) (State) (Zip Code)

Phone (503) 769-2205, E-mail Kent.doerfler@farms.com say that:

Certificate information (If you are alleging non-use of more than one certificate, complete a separate affidavit for each certificate.)

2. Water Right Certificate number 54635 issued to James L. and Louella . Monroe
 authorizes use of water from (source) unnamed stream and Sophy 1 reservoir
 for (use) irrigation and stock watering
 under a priority date of May 1, 1979
3. The total number of acres described in the certificate is 5.0 acres
4. The subject water right is located in Township 10 S ~~XXXX~~ Range 1 E ~~XXXX~~, in
 the SE 1/4 SE 1/4, of Section(X) 4, in
Linn County, Oregon.

Yes ~~XXX~~ Certificate attached? See Attachment B

Affiant statement of personal knowledge

5. I know from personal observation and state with certainty that the entire water right X, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ of the water right has not been used for (write in the type of use and the dates during which the right was not used):

irrig and stock water From March 1980 Through December 2021
(Use)(ex: irrigation) (Month & year)

Describe in detail below how you know with certainty that all, or a portion of, the water right has not been used on the authorized place of use for the period you assert above.

Doertler Farms has leased ~~the~~ this property for over 40 years in which we have only grown grass seed. We have never used irrigation as part of our farming practices on this land. We check our fields in person extensively at least 6 times a year. Twice in the spring, 3 times in the summer, and twice in the fall. We also drive by for a quick glance several more times throughout the year. We use an acre of land as a parking/service area for our farm equipment which is regularly visited throughout summer and fall. In addition to the land we lease, we have not witnessed (seen or heard) any signs of irrigation be used or livestock on the land. Jones owned that is surrounding what we actively have been farming.

Attach additional pages to provide a detailed description, if needed.

Tax Plat Map illustration A county tax plat map is required, no substitute is permitted. Please see the attached example.

6. I have illustrated on the attached **tax plat map** the lands to which the water right in question is appurtenant, AND

I have illustrated on the attached tax plat map, the location of the portion or entirety of the water right which has **not** been exercised, totaling entirely _____ acres. Please see the attached example. See Attachment A

7. The location of the unused water right is situated in the following tax lot(s):

1001 of S4, T10S, R1E

8. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? _____ Yes ☒ No. If Yes, name of Irrigation District or Federal Reclamation Project: None are known to exist here.

9. I have read the provisions of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules 690-017-0800 and believe the presumption of forfeiture for five or more successive years of non-use may **not** be rebutted by the holder(s) of this water right.

_____ (Initial to indicate you have read these laws)

10. I agree to testify in a hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use.

_____ (Initial to indicate you have read this statement and understand your responsibilities).

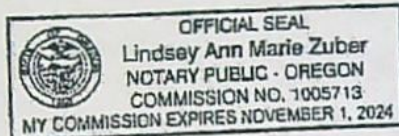
Signature and Oath

10. Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Kent Doerfler
(Signature of Affiant)

State of Oregon
County of Marion

Sworn to and subscribed before me this 4th day of April, 2022,
by Kent Doerfler



LZuber
(Notary Public of Oregon)

My Commission Expires November 1, 2024

(SEAL)

Attachment A2

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

State of Oregon)
)ss AFFIDAVIT ASSERTING NON-USE
 County of Linn) OF WATER RIGHT

Affiant information

1. I, Carmen Renee Gretzon
 (Legal Name)
 of 43409 Thomas Drive
 (Residential Address-and your mailing address if different)
Scio, Oregon, 97374
 (City) (State) (Zip Code)
 Phone (541) 405-5685 E-mail gretzone@yahoo.com say that:

Certificate information (If you are alleging non-use of more than one certificate, complete a separate affidavit for each certificate.)

2. Water Right Certificate number 52634, issued to James L. and Louella . Monroe
 authorizes use of water from (source) unnamed stream, trib to Thomas Creek
 for (use) irrigation and stock watering
 under a priority date of May 1, 1979
3. The total number of acres described in the certificate is N/A=Not Applicable
4. The subject water right is located in Township 10 S ~~XXX~~, Range 1 E ~~XXX~~, in
 the SE 1/4 SE 1/4, of Section(X) 4, in
Linn County, Oregon.

Yes ~~XXX~~ Certificate attached? See Attachment B

Affiant statement of personal knowledge

5. I know from personal observation and state with certainty that the entire water right X, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ of the water right has not been used for (write in the type of use and the dates during which the right was not used):

irrig and stock water From 9/1994 Through 1/2022
 (Use)(ex: irrigation) (Month & year)

Describe in detail below how you know with certainty that all, or a portion of, the water right has not been used on the authorized place of use for the period you assert above.

My husband and I have lived at 43409 Thomas drive since September of 1994. For almost 28 years I have driven to work in Salem, 5-6 days a week. From the road I have a good view of the property at 43157, I often watch the cows and deer populations.

In 2004 we purchased land at 43351 Thomas Drive. Our property directly borders the back of the field of 43157 Thomas. Until 2 years ago we raised cows on our property. My husband, 2 sons, and I, fixed fences, watered and fed cows daily. From my property I have a direct view of the neighboring field and pond.

Since 1994 I have never witnessed any irrigation or irrigation equipment on this property.

No pipes, sprinklers, or running water in the field.
 Since 2017 I noticed Mr. Silbernagel pastured 4-5
 cows on the property during the winters. He moved
 them off in the spring. When the water in the
 pond was low, he moved the cows where water
 was more accessible. I have never witnessed any
 water being moved to the livestock.
 Attach additional pages to provide a detailed description, if needed.

Tax Plat Map illustration A county tax plat map is required, no substitute is permitted.
 Please see the attached example.

6. I have illustrated on the attached tax plat map the lands to which the water right in question is appurtenant, AND

I have illustrated on the attached tax plat map, the location of the portion or entirety of the water right which has **not** been exercised, totaling N/A acres.
 Please see the attached example. See Attachment A

7. The location of the unused water right is situated in the following tax lot(s):
1001 of S4, T10S, R1E
8. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? Yes XX No. If Yes, name of Irrigation District or Federal Reclamation Project: None are known to exist here.
9. I have read the provisions of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules 690-017-0800 and believe the presumption of forfeiture for five or more successive years of non-use may not be rebutted by the holder(s) of this water right.
CE (Initial to indicate you have read these laws)
10. I agree to testify in a hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use.
CE (Initial to indicate you have read this statement and understand your responsibilities).

E3-4/4

10. Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Carmen Renee Jackson
(Signature of Affiant)

Sworn to and subscribed before me this 8th day of April, 2022.

[Signature]

(Notary Public of Oregon)

My Commission Expires 5-10-22



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

State of Oregon) AFFIDAVIT ASSERTING NON-USE
)ss OF WATER RIGHT
 County of)

Affiant information

1. I, Susan Conrad
 (Legal Name)

of 1243 5th St Lyons, OR 97358
 (Residential Address-and your mailing address if different)

PO Box 411 OR 97358
Lyons (City) (State) (Zip Code)

Phone (503) 859-2371, E-mail d-s.conrad@wavecable.com, say that:

Certificate information (If you are alleging non-use of more than one certificate, complete a separate affidavit for each certificate.)

2. Water Right Certificate number 53635, issued to James L. and Louella . Monroe authorizes use of water from (source) unnamed stream and Sophy 1 reservoir for (use) irrigation and stock watering under a priority date of May 1, 1979.
3. The total number of acres described in the certificate is 5.0 acres.
4. The subject water right is located in Township 10 S ~~XXXX~~, Range 1 E ~~XXXX~~, in the SE 1/4 SE 1/4, of Section ~~(X)~~ 4, in Linn County, Oregon.

Yes ~~XXX~~ Certificate attached? See Attachment B

Affiant statement of personal knowledge

5. I know from personal observation and state with certainty that the entire water right X, ~~XXXXXXXXXXXXXXXXXXXXXXXX~~ of the water right has not been used for (write in the type of use and the dates during which the right was not used):

irrig and stock water From 1/1990 Through 1/2020
(Use)(ex: irrigation) (Month & year)

Describe in detail below how you know with certainty that all, or a portion of, the water right has not been used on the authorized place of use for the period you assert above.

I, Susan (Duman) Conrad, am trustee and executor of the Johanna Duman Trust which owns the farm property at 43416 Thomas Drive, Seio, Oregon. This property is located approximately 1/2 mile to the southeast of the farm property at 43157 Thomas Drive, which until January, 2022, was owned by Carl and Darlene Joines. Since 2001, I have been involved in caring for my mother and father. After my father's death in 2010, I was even more involved with caring for my widowed mother, driving to her home at above address 4 to 5 days a week until her death in 2020. After her death I continue going to he home to oversee the property. Each trip involves passing The Joines property.

In all these years, I have never witnessed
any of the farmland at 43157 being irrigated
nor any equipment for irrigation. The farm land
was leased to Doertler Farms and farmed
as non-irrigated grass seed.

Attach additional pages to provide a detailed description, if needed.

Tax Plat Map illustration A county tax plat map is required, no substitute is permitted. Please see the attached example.

6. I have illustrated on the attached **tax plat map** the lands to which the water right in question is appurtenant, AND

I have illustrated on the attached tax plat map, the location of the **portion or entirety** of the water right which has **not** been exercised, totaling N/A acres.

Please see the attached example. See Attachment A

7. The location of the unused water right is situated in the following tax lot(s):
1001 of S4, T10S, R1E

8. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? Yes XX No. If Yes, name of Irrigation District or Federal Reclamation Project: None are known to exist here.

9. I have read the provisions of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules 690-017-0800 and believe the presumption of forfeiture for **five or more successive years** of non-use may **not** be rebutted by the holder(s) of this water right.

 (Initial to indicate you have read these laws)

10. I agree to testify in a hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use.

 (Initial to indicate you have read this statement and understand your responsibilities).

Signature and Oath

10. Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Susan L Conrad
(Signature of Affiant)

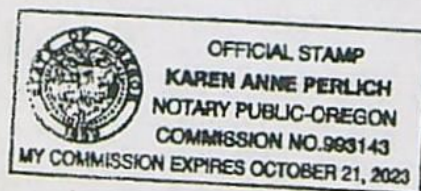
Sworn to and subscribed before me this 7 day of March, 2022.



Karen Anne Perllich
(Notary Public of Oregon)

My Commission Expires 10-21-23

(SEAL)



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

State of Oregon)
) ss AFFIDAVIT ASSERTING NON-USE
 County of LINN) OF WATER RIGHT

Affiant information

1. I, Gerald Duman
 (Legal Name)
 of 43166 Thomas Dr
 (Residential Address-and your mailing address if different)
Scio, OR, 97374
 (City) (State) (Zip Code)
 Phone (503) 394-3853, E-mail lindaduman@gmail.com, say that:

Certificate information (If you are alleging non-use of more than one certificate, complete a separate affidavit for each certificate.)

2. Water Right Certificate number 52635⁴, issued to James L. and Louella . Monroe authorizes use of water from (source) unnamed stream and Sophy 1 reservoir for (use) irrigation and stock watering under a priority date of May 1, 1979.
3. The total number of acres described in the certificate is 5.0 acres.
4. The subject water right is located in Township 10 S ~~XXXX~~ Range 1 E ~~XXXX~~, in the SE 1/4 SE 1/4, of Section ~~(X)~~ 4, in Linn County, Oregon.

Yes ~~XXX~~ Certificate attached? See Attachment B

Affiant statement of personal knowledge

5. I know from personal observation and state with certainty that the entire water right X, ~~XXXXXX~~ of the water right has not been used for (write in the type of use and the dates during which the right was not used):

irrig and stock water From January, 1990 Through January, 2022
 (Use)(ex: irrigation) (Month & year)

Describe in detail below how you know with certainty that all, or a portion of, the water right has not been used on the authorized place of use for the period you assert above.

I, Merald Duman, know with certainty that the authorized place, 43157 Thomas Drive has not been irrigated since 1990 when Carl and Darlene Joines purchased the property. I have lived at 43166 Thomas Drive, directly across from 43157 since 1976. I can view over half of the property from my property when I get the daily mail, and I have never seen or heard irrigation being used. The fields on 43157 have always been the same color as all the other non-irrigated fields.

I know that Carl and Darlene leased the property to Doyle Farms for grass seed, and this does not require irrigation.

Since 2010, I have more frequently, at least 4 to 6 times a week, drove past the entire property

to 43416 Thomas Drive, to help my widowed mother.
I have never observed irrigation

In 2017 a friend of my son purchased pastured
4 cow/calf pairs in the summer and 5 cow/calf pairs in the
winter. They were pulled off the property in the spring of
2021. They drank from surface water. From 1990-2017 there
was no stock on the property.

Attach additional pages to provide a detailed description, if needed.

Tax Plat Map illustration A county tax plat map is required, no substitute is permitted.
Please see the attached example.

6. I have illustrated on the attached tax plat map the lands to which the water right in question is appurtenant, AND

I have illustrated on the attached tax plat map, the location of the portion or entirety of the water right which has not been exercised, totaling entirely acres.

Please see the attached example. See Attachment A

7. The location of the unused water right is situated in the following tax lot(s):
1001 of S4, T10S, R1E

8. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? Yes ☒ No. If Yes, name of Irrigation District or Federal Reclamation Project: None are known to exist here.

9. I have read the provisions of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules 690-017-0800 and believe the presumption of forfeiture for five or more successive years of non-use may not be rebutted by the holder(s) of this water right.

 (Initial to indicate you have read these laws)

10. I agree to testify in a hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use.

 (Initial to indicate you have read this statement and understand your responsibilities).

Signature and Oath

10. Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

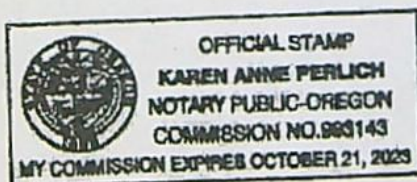
Gerald H. Duman
(Signature of Affiant)

Sworn to and subscribed before me this 7 day of March, 2022.

Karen A. Perluch
(Notary Public of Oregon)

My Commission Expires 10-21-23

(SEAL)



BEFORE THE OREGON WATER RESOURCES DEPARTMENT

State of Oregon) AFFIDAVIT ASSERTING NON-USE
)ss OF WATER RIGHT
 County of)

Affiant information

1. I, BRYAN SUMMERLIN
 (Legal Name)

of 43321 THOMAS DR.
 (Residential Address-and your mailing address if different)

SCIO, OREGON, 97374
 (City) (State) (Zip Code)

Phone (541) 619-9013, E-mail OLDRACER540@GMAIL.COM say that:

Certificate information (If you are alleging non-use of more than one certificate, complete a separate affidavit for each certificate.)

2. Water Right Certificate number 54635, issued to JAMES L & LOVELLA C. MONROE authorizes use of water from (source) AN UNNAMED STREAM AND RESERVOIR for (use) IRRIGATION, STOCK WATERING under a priority date of APRIL 24, 1981.
3. The total number of acres described in the certificate is 90 ACRES.
4. The subject water right is located in Township 10 S N / S, Range 01 E E / W, in the SE 1/4 SE 1/4, of Section(s) 04, in LINN County, Oregon.

☒ Yes / No Certificate attached?

Affiant statement of personal knowledge

5. I know from personal observation and state with certainty that the entire water right X, or a portion ____ (check one, not both) of the water right has not been used for (write in the type of use and the dates during which the right was not used):

IRRIGATION: STOCK WATERING From DECEMBER 1998 Through FEBRUARY 2018
(Use)(ex: irrigation) (Month & year)

Describe in detail below how you know with certainty that all, or a portion of, the water right has not been used on the authorized place of use for the period you assert above.

I, BRYAN SUMMERLIN, KNOW WITH CERTAINTY THAT THE
AUTHORIZED PLACE, 43157 THOMAS DR., HAS NOT USED
IRRIGATION ON ANY PART OF ITS LAND SINCE 1998. I PURCHASED
THE NEIGHBORING PROPERTY, TAX LOT 1002, IN 1998 AND
HAVE KNOWN CARL & DARLENE JOINES (PREVIOUS OWNERS OF
43157 THOMAS DR, TAX LOT 1001) SINCE THAT TIME. CARL &
DARLENE PURCHASED THIS PROPERTY IN 1990. CARL WOULD
LEASE THEIR LAND TO A GRASS SEED FARMER, WHICH
DID NOT REQUIRE ANY IRRIGATION ON THE LAND.
I ALSO KNOW FOR CERTAIN THAT CARL & DARLENE DID
NOT HAVE ANY LIVESTOCK. ONLY IN THE LAST 4 YEARS DID CARL
ALLOW A NEIGHBOR TO FEED OUT 5 COWS WITH CALVES ON 1-2 ACRES
BEHIND HIS HOUSE AROUND THE POND. CARL DID NOT HAVE TO
WATER THESE COWS BECAUSE THEY DRANK WATER FROM THE POND.
I HAVE HELPED CARL WITH PROPERTY CLEAN-UP AND MENDING
FENCES. I HAVE SPENT TIME ON CARL & DARLENE'S PROPERTY

WITH MY FAMILY THROUGHOUT THE YEARS. I CAN CLEARLY
SEE TAX LOT 1001 FROM MY PROPERTY, TAX LOT 1002, AND
I DRIVE BY THIS PROPERTY, 1001, SEVERAL TIMES EVERY DAY.
I KNOW FOR CERTAIN THAT THE WATER RIGHTS SPECIFIED IN
WATER RIGHTS NUMBER 54634 WERE NOT USED FOR
NEARLY 20 YEARS BETWEEN 1998 AND 2018.

Attach additional pages to provide a detailed description, if needed.

Tax Plat Map illustration A county tax plat map is required, no substitute is permitted.
Please see the attached example.

6. I have illustrated on the attached **tax plat map** the lands to which the water right in question is appurtenant, AND

I have illustrated on the attached tax plat map, the location of the portion or entirety of the water right which has **not** been exercised, totaling 90 acres.
Please see the attached example.

7. The location of the unused water right is situated in the following tax lot(s):
D1001

8. Is the subject water right within the boundaries of an irrigation district or federal reclamation project? Yes ☒ No. If Yes, name of Irrigation District or Federal Reclamation Project: _____

9. I have read the provisions of Oregon Revised Statutes 540.610(2) and Oregon Administrative Rules 690-017-0800 and believe the presumption of forfeiture for **five or more successive years** of non-use may **not** be rebutted by the holder(s) of this water right.

BAS (Initial to indicate you have read these laws)

10. I agree to testify in a hearing to all allegations contained in this affidavit. I understand that as the proponent, I have the burden of proof on the alleged non-use.

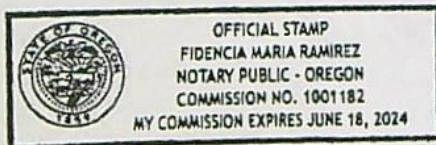
BAS (Initial to indicate you have read this statement and understand your responsibilities).

Signature and Oath

10. Under penalty of perjury, I do solemnly swear or affirm that the foregoing is a true statement of the facts as I know them to be from my personal knowledge.

Beyoncé
(Signature of Affiant)

Sworn to and subscribed before me this 4 day of March, 2024.



(SEAL)

Fidencia Maria Ramirez
(Notary Public of Oregon)

My Commission Expires June 18, 2024

ATTACHMENT B

Water Availability Analysis



Oregon Water Resources Department
Water Availability Analysis

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

Water Availability Analysis

THOMAS CR > S SANTIAM R - AT MOUTH
WILLAMETTE BASIN

Watershed ID #: 171 ([Map](#))
Date: 4/20/2022

Water Availability as of 4/20/2022

Exceedance Level:
Time: 10:02 PM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

Select	Nesting Order	Watershed ID	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	3	183	WILLAMETTE R> COLUMBIA R- AB MILL CR AT GAGE 14191000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	4	167	SANTIAM R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	5	168	SANTIAM R> WILLAMETTE R- AB MORGAN CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	6	30200601	S SANTIAM R> SANTIAM R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	7	171	THOMAS CR> S SANTIAM R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes



Water Availability Analysis Detailed Reports

THOMAS CR > S SANTIAM R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 4/20/2022

Watershed ID #: 171 ([Map](#))

Date: 4/20/2022

Exceedance Level: 60%

Time: 10:00 PM

Water Availability Calculation

Consumptive Uses and Storages

Instream Flow Requirements

Reservations

Water Rights

Watershed Characteristics

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	467.00	3.43	464.00	0.00	100.00	364.00
FEB	465.00	3.42	462.00	0.00	100.00	362.00
MAR	447.00	2.98	444.00	0.00	100.00	344.00
APR	300.00	3.74	376.00	0.00	100.00	276.00
MAY	221.00	9.67	211.00	0.00	100.00	111.00
JUN	120.00	17.20	103.00	0.00	50.00	52.00
JUL	51.50	27.60	23.90	0.00	35.00	-11.10
AUG	33.00	22.60	11.20	0.00	25.00	-13.80
SEP	35.70	12.70	23.00	0.00	100.00	-77.00
OCT	56.30	3.44	52.90	0.00	100.00	-47.10
NOV	208.00	3.17	205.00	0.00	100.00	105.00
DEC	424.00	3.44	421.00	0.00	100.00	321.00
ANN	307,600.00	6,859.00	300,600.00	0.00	60,900.00	244,000.00

ATTACHMENT C

CAFO Application to Register

[See Attachment C following]

RECEIVED

JAN 18 2022

ODA Pesticide Program



OREGON
DEPARTMENT OF
AGRICULTURE

**CONFINED ANIMAL FEEDING OPERATION
APPLICATION TO REGISTER (ATR) TO THE
OREGON CAFO GENERAL PERMIT**

Instructions for filling out and mailing the ATR are attached. Please send the completed ATR to: Oregon Department of Agriculture, CAFO Program, 635 Capitol Street NE, Salem, Oregon 97301-2532. An application fee is required and must be mailed to a separate address. Please see the Fee Payment Form for payment instructions.

SECTION I. CAFO PERMIT SELECTION

Please choose which permit you would like your facility to operate under:

- ☐ NPDES General Permit #01-2016 (5-year permit)
☒ WPCF General Permit #01-2015 (10-year permit)

SECTION II. CONTACT INFORMATION

A. Operator

Name:

Jason Peters

Mailing address:

38795 SW 2nd Ave

City, State, Zip code:

Scio, OR 97374

Phone number(s):

541-709-8685

Fax number:

NA

E-mail address:

petersjason79@gmail.com

Status of operator:

P

(P = Private; M = Public other than federal or state; F = Federal; S = State)

B. Landowner (if different from operator) ☐ Previously permitted

☒ New registration

Name:

Southeast Ag Investments LLC

Mailing address:

2018 Eastwood Rd Suite 103

City, State, Zip code:

Wilmington, NC 28403

Phone number(s):

678-977-4274

Fax number:

NA

E-mail address:

SFM@galluscap.com

Status of Landowner:

P

(P = Private; M = Public other than federal or state; F = Federal; S = State)

Does an entity or persons, other than the landowner or operator, have management authority or responsibility for the facility identified in Section II of the ATR?

☒ No ☐ Yes Name of entity or person/s _____

SECTION III. FACILITY INFORMATION

A. Facility

Facility Name: Evergreen Ranch

Street address: 43157 Thomas Dr
(Not PO Box)

City, State, Zip code: Scio, OR

County: Linn

Phone number(s): 541-709-8685

Fax number: NA

Email: petersjason79@gmail.com

B. Latitude and longitude of production area or entrance to production area:

☒ Check this box if you want ODA staff to help obtain the information.

C. Closest water body or receiving stream:

☒ Check this box if you want ODA staff to help obtain the information.

D. **Topographical map:** A topographical map of your operation must be included with your application. See page 2 of ATR Instructions for more information.

E. **Diagram:** Attach a diagram of your CAFO operation, including the confinement area, all wastewaters and where they go, the storage facilities, and land application area. Also show surface streams, lakes, and waterways in the vicinity of the collection, storage, and application areas. See page 2 of the ATR Instructions for more information.

F. **Land Use Compatibility Statement:** Required for this General Permit. To be completed by your city or county planning office. See page 2 of ATR Instructions for more information.

SECTION IV. DESCRIPTION OF OPERATION

A. Number of animals managed: Give the maximum number of each type of animal that will be held at this facility in open confinement or housed under roof (either partially or totally) in any 12-month period (i.e., the maximum capacity). Attach additional sheets if necessary.

TYPE OF ANIMAL	NUMBER OF ANIMALS IN OPEN CONFINEMENT	NUMBER OF ANIMALS HOUSE UNDER ROOF
Mature dairy cows		
Dairy heifers		
Veal calves		
Cattle (not dairy or veal)		
Swine (55 lbs. or over)		
Swine (under 55 lbs.)		
Horses		
Sheep or lamb		
Turkeys		
Chickens (broilers)		750,000
Chickens (layers)		
Ducks		
Goats		
Other: Specify _____		
Total Number of Animals		

B. Estimated manure, litter, and/or wastewater produced and used by the CAFO

a) How much manure, litter, and wastewater are generated annually by the facility?

Provide units.

Liquid manure: _____ (units)

Solid manure/litter: 5,000 tons (units)

Wastewater: _____ (units)

b) How many acres of land will be used for applying manure, litter, and/or wastewater?

0 acres

c) How much of manure, litter, or wastewater will be transferred annually to other entities/ persons?

Liquid manure: _____ (units)

Solid manure/litter: 5,000 tons (units)

Wastewater: _____ (units)

SECTION IV. DESCRIPTION OF OPERATION (continued)

C. Type and Capacity of Waste Storage

TYPE OF WASTE STORAGE	NUMBER OF DAYS OF STORAGE	CAPACITY OF STORAGE (Check appropriate box for units)
Anaerobic lagoon		<input type="checkbox"/> Gallons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Acre Feet
Storage lagoon		<input type="checkbox"/> Gallons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Acre Feet
Evaporation pond		<input type="checkbox"/> Gallons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Acre Feet
Above ground liquid storage tanks		<input type="checkbox"/> Gallons <input type="checkbox"/> Cubic Feet
Below ground liquid storage tanks		<input type="checkbox"/> Tons <input type="checkbox"/> Cubic Feet
Roofed storage shed (Solid manure and/or compost)	60 days	2,000 <input checked="" type="checkbox"/> Tons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Cubic Yards
Concrete pad (Solid manure and/or compost)		<input type="checkbox"/> Tons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Cubic Yards
Impervious soil pad (Solid manure and/or compost)		<input type="checkbox"/> Tons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Cubic Yards
Other: Specify _____		<input type="checkbox"/> Tons <input type="checkbox"/> Cubic Feet <input type="checkbox"/> Cubic Yards

SECTION V.

NUTRIENT MANAGEMENT PLAN (NMP) or

ANIMAL WASTE MANAGEMENT PLAN (AWMP)

A. Has a NMP or AWMP been developed? ☐ Yes ☒ No

B. Is the facility operating according to the NMP or AWMP? ☐ Yes ☐ No

C. If yes, answer the following questions

a) Does it reflect the current number of animals at the facility? ☐ Yes ☐ No

b) Does it reflect the current method of waste management? ☐ Yes ☐ No

c) Is your current plan on file with ODA? ☐ Yes ☐ No

D. Date of the last review or revisions of the NMP or AWMP: _____ / _____
Month Year

E. If not land applying manure, litter, and/or wastewater, how else will they be used?

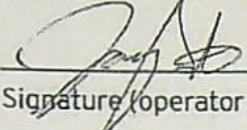
all litter will be transported off site

I am working with Chris Anderson on developing
the Awmp - J. J. J.

SECTION VI. CERTIFICATIONS

Certification A: Nutrient Management Plan (NMP) or Animal Waste Management Plan (AWMP)

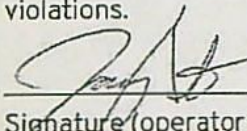
I understand that the permit requires the preparation of a (NMP or AWMP) for the facility described in this ATR. I agree to submit and implement an NMP or AWMP in accordance with the requirements and time lines specified in the permit.

	Jason Peters	1-13-22
Signature (operator or owner)	Print Name	Date

_____	_____	_____
Signature (operator or owner)	Print Name	Date

Certification B: True, accurate, and complete information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

	Jason Peters	1-13-22
Signature (operator or owner)	Print Name	Date

_____	_____	_____
Signature (operator or owner)	Print Name	Date

Submission of ATR and fees

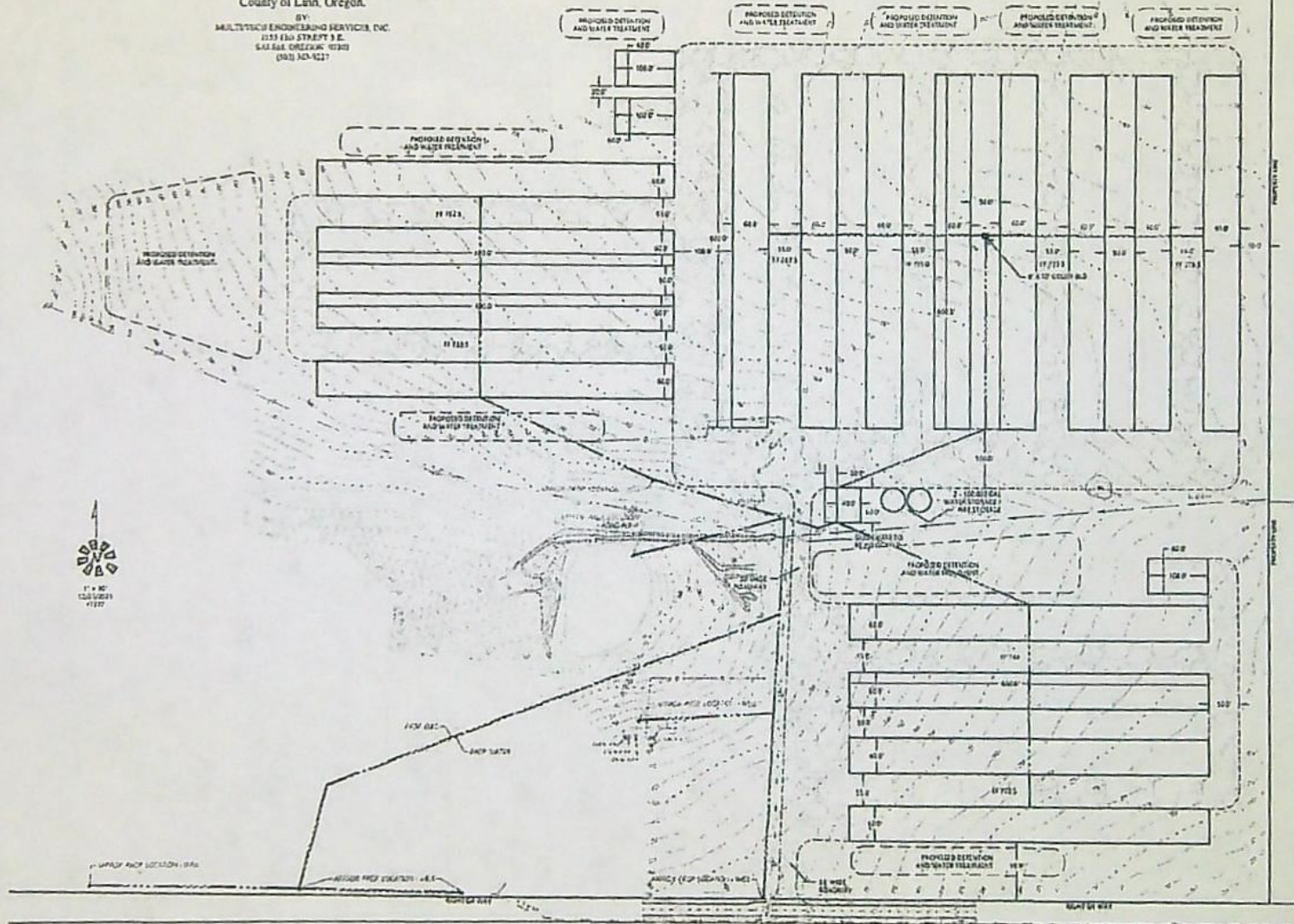
Submission of this ATR to the Oregon Department of Agriculture constitutes notice that the parties/party identified in Section II (on page 1) of this form intend/s to be authorized by the Oregon CAFO General Permit for wastewater discharges associated with a CAFO in Oregon. Becoming a permittee obligates a CAFO to comply with the terms and conditions of the permit. The CAFO General Permit is viewable/printable at <http://www.oregon.gov/ODA/NRD/pages/cafooproqdocs.aspx>

ODA requires a nonrefundable application fee of \$100.00 for a small, \$150.00 for a medium and \$300.00 for a large with the submission of this ATR. Go to page 6 table 1 of the NPDES or WPCF Permit to determine the size of the facility. Please see Application Payment Form for payment instructions. ODA will bill you for the additional Annual Permit Fee once we review and approve your ATR and AWMP. If you have questions, please call ODA at 503-986-4699 or 503-986-4700.

PROPOSED SITE PLAN

43167 Thomas Drive
County of Linn, Oregon.

BY:
MULTITESTS ENGINEERING SERVICES, INC.
1155 13th STREET S.E.
SALAS, OREGON 97331
(503) 324-9227



1. This is a self contained project
there is no waste water
2. All litter will be transported off site
so there is no application area

ATTACHMENT D

Well Logs

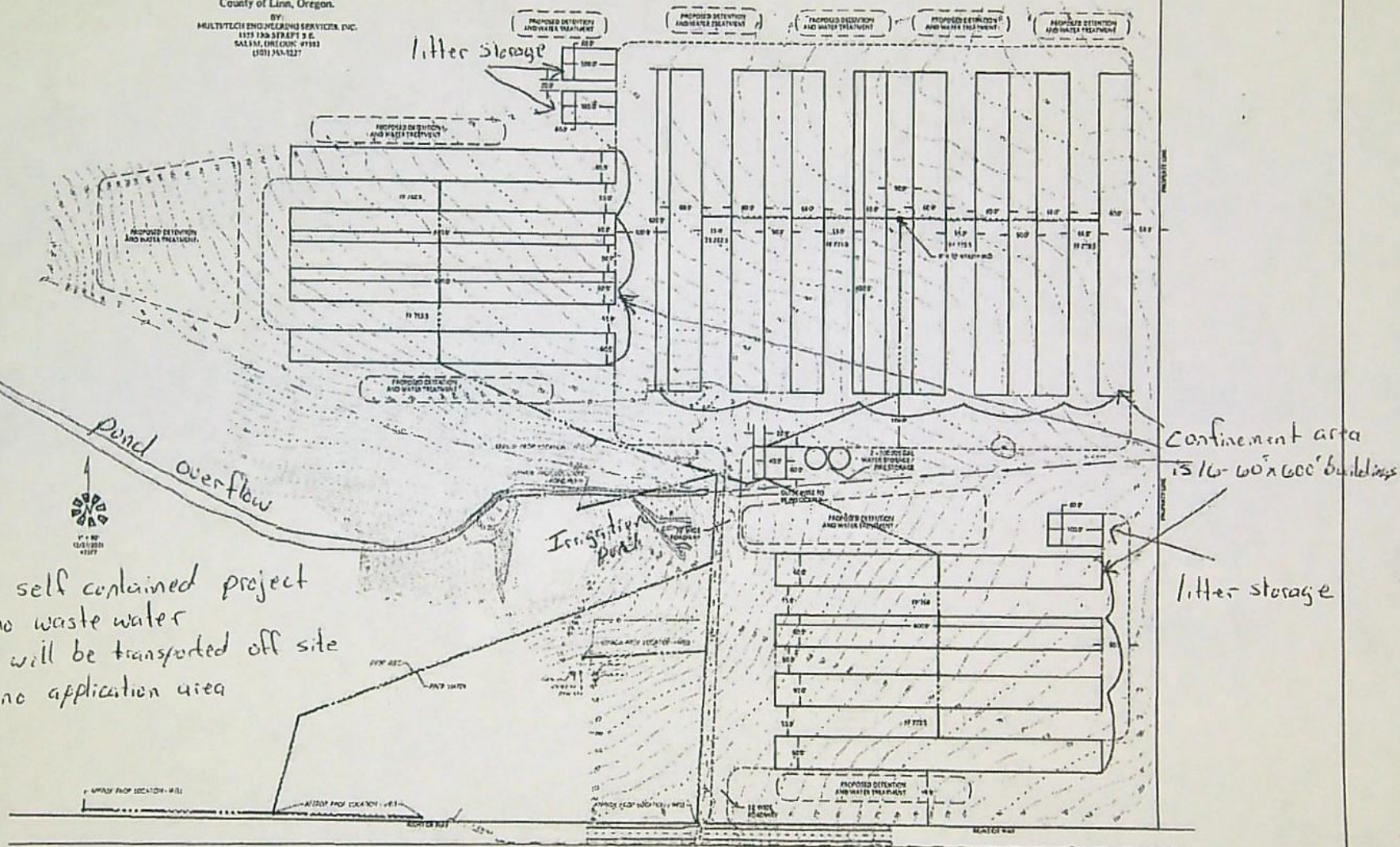
[See Attachments D1 through D4 following]

Thomas Creek approx 230 ft below site

PROPOSED SITE PLAN

43167 Thomas Drive
County of Linn, Oregon.

BY:
MULTITECH ENGINEERING SERVICES, INC.
1175 12th STREET S.E.
SALEM, OREGON 97302
(503) 343-1227



1. This is a self contained project
there is no waste water
2. All litter will be transported off site
so there is no application area

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

LINN 63787

WELL I.D. LABEL# L 143523

START CARD # 1054950

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. 6314
First Name Jason Last Name Peters
Company Southeast Ag Investments LLC
Address 38795 SW 2nd Ave.
City Scio State OR Zip 97374

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

(2a) PRE-ALTERATION

Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)
Casing: Dia + From To Gauge Stil Plstc Wld Thrd
Seal: Material From To Amt sacks/lbs

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 130 ft

BORE HOLE			Cement 130-30 SEAL 375 Calc. 28			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
10	0	50	Bentonite	0	14	13	S
6	80	99				7	
						Calculated	
8	80	99	Cement	14	18	7	S
6	99	100	Content 80-99 3 sacks			2	
						Calculated	

How was seal placed: Method ☐ A ☒ B ☒ C ☐ D ☐ E
☒ Other Poured dry

Backfill placed from 130 ft to 300 ft Material cement

Filter pack from 18 ft to 34 ft Material gravel Size 1/4" pea

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	<input checked="" type="checkbox"/>	1	99	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

(7) PERFORATIONS/SCREENS

Perforations Method Holte air perforator

Screens Type Material

Perf/S	Casing/Screen	Dia	From	To	Scr/slot width	Slot length	# of slots	Teel/ pipe size
Perf	Casing	6	30	80	125	1	1,300	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

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

75		98	1
----	--	----	---

Temperature 62 °F Lab analysis ☐ Yes ByWater quality concerns? ☐ Yes (describe below) TDS amount 34

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Linn Twp 10 S N/S Range 1 E E/W WM

Sec 4 SE 1/4 of the SE 1/4 Tax Lot 1001

Tax Map Number Lot

Lat " " or DMS or DD

Long " " or DMS or DD

☒ Street address of well ☐ Nearest address

43157 Thomas Dr. - Scio, OR 97374

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+ SWL (ft)
Existing Well / Pre-Alteration			
Completed Well	12-14-2021		0

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 50

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
12-09-2021	50	80	75		0
12-13-2021	200	250	6		13

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil	0	2
Brown clay	2	5
Brown clay w/cobbles, glacial sand & gravel w/ some boulders	5	50
Boulders w/sand and gravel	50	80
Red volcanic rock	80	96
Black basalt	96	100
Grey claystone	100	115
Green sandstone	115	120
Conglomerate sandstone	120	130
Grey sandstone	130	172
Brown claystone	172	174
Grey claystone	174	185
Conglomerate sandstone	185	188
Grey sandstone	188	195
Brown sandstone	195	200
Grey claystone	200	202
Grey sandstone w/strips of coal	202	232
Brown claystone	232	236

Date Started 12-09-2021

Completed 12-14-2021

(unbonded) Water Well Constructor Certification

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

License Number 2050

Date 12-23-2021

Signed

(bonded) Water Well Constructor Certification

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

License Number 1684

Date 12-23-2021

Signed

Contact Info (optional) jonesdrilling@hotmail.com

ORIGINAL - WATER RESOURCES DEPARTMENT

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

LINN 63814

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

WELL I.D. LABEL# 143526
START CARD # 1055526
ORIGINAL LOG #

(1) LAND OWNER

First Name Jason Owner Well I.D. 6322
Last Name Peters
Company Southeast Ag Investments LLC
Address 38795 SW 2nd Ave
City Scio State OR Zip 97374

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Stil Plstc Wld Thrd
Casing: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
Material From To Amt sacks/lbs
Seal: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Community
☒ Industrial/ Commercial ☒ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 450 ft.

BORE HOLE

Dia	From	To	Material	From	To	Amt	sacks/lbs
10	0	33	Bentonite	0	18	11	S
6	33	100			Calculated	9	
8	100	118	Cement	100	118	3	S
6	118	500			Calculated	3	

How was seal placed:

☒ Other Poured dry Method ☐ A ☒ B ☐ C ☐ D ☐ E

Backfill placed from 450 ft. to 500 ft. Material Bentonite 14s

Filter pack from 18 ft. to 33 ft. Material gravel Size 1/4-1/2

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	<input checked="" type="checkbox"/>	1.7	118.3	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method Holte air perforator

Screens Type

Material

Perf	Casing	Screen	Dia	From	To	Slot width	Slot length	# of slots	Tele/ pipe size
			22	78	.125	1	1,120		

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

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

10		118	1
----	--	-----	---

Temperature 62 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below) TDS amount 107

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County LINN Twp 10 S N/S Range 1 E E/W WM

Sec 4 SE 1/4 of the SE 1/4 Tax Lot 1001

Tax Map Number Lot

Lat ° ' " or DMS or DD

Long ° ' " or DMS or DD

☒ Street address of well ☐ Nearest address

43157 Thomas Dr. - Scio, OR 97374

(10) STATIC WATER LEVEL

Date SWL (psi) + SWL (ft)

Existing Well / Pre-Alteration			
Completed Well	02-08-2022		13

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 22

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

02-03-2022	22	80	10		13
------------	----	----	----	--	----

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil	0	2
Brown clay	2	10
Brown clay w/a boulder	10	15
Brown clay	15	22
Sand and gravel w/cobbles	22	80
Grey basalt - fractured	80	92
Broken grey basalt embedded/gravel	92	100
Grey claystone	100	123
Grey sandstone	123	143
Grey claystone	143	188
Grey sandstone	188	203
Brown sandstone	203	206
Grey claystone	206	210
Grey sandstone	210	235
Grey claystone	235	240
Grey sandstone	240	300
Red claystone	300	304
Grey sandstone	304	305
Red claystone	305	315

Date Started 02-03-2022

Completed 02-08-2022

(unbonded) Water Well Constructor Certification

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

License Number 2050

Date 02-18-2022

Signed

(bonded) Water Well Constructor Certification

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

License Number 1684

Date 02-18-2022

Signed

Contact Info (optional) jonesdrilling@hotmail.com

ORIGINAL - WATER RESOURCES DEPARTMENT

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

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

LINN 63815

WELL I.D. LABEL# L 143527
START CARD # 1055545
ORIGINAL LOG #

(1) LAND OWNER

First Name Jason Owner Well I.D. 6323
Last Name Peters
Company Southeast Ag Investments LLC
Address 38795 SW 2nd Ave.
City Scio State OR Zip 97374

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stil Plstc Wld Thrd
Material From To Amt sacks/lbs
Seal: From To Amt sacks/lbs

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Community
☒ Industrial/ Commercial ☒ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 290 ft.

BORE HOLE			SEAL			sacks/ lbs
Dia	From	To	Material	From	To	
10	0	19	Cement	105	120	3 S
6	19	105			Calculated	3
8	105	120	Cement	0	19	10 S
6	120	290			Calculated	6

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

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6	<input checked="" type="checkbox"/>	1.7	120	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	4.5	<input type="checkbox"/>	0	290	sch40	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)Temp casing ☒ Yes Dia 10 From 1 To 19

(7) PERFORATIONS/SCREENS

Perforations Method Drilled 1/4" holes

Screens Type

Perf/S	Casing/Screen	Dia	From	To	Screen slot width	Slot length	# of slots	Tele/ pipe size
Perf	Liner		110	290	.25	.25	3,840	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

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

33		285	1
----	--	-----	---

Temperature 58 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below) TDS amount 102
From To Description Amount Units

(9) LOCATION OF WELL (legal description)

County LINN Twp 10 S N/S Range 1 E E/W WM

Sec 4 SE 1/4 of the SE 1/4 Tax Lot 1001

Tax Map Number Lot

Lat " or " DMS or DD

Long " or " DMS or DD

☒ Street address of well ☐ Nearest address

43157 Thomas Dr. - Scio, OR 97374

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well / Pre-Alteration				
Completed Well	02-11-2022			36

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found 25

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

02-08-2022	165	185	1		36
02-08-2022	215	220	32		36
02-08-2022	25	62	10		7

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil	0	2
Brown clay	2	10
Brown clay w/sand & gravel & cobbles	10	25
sand & gravel w/cobbles	25	62
Grey basalt w/embedded gravel	62	92
Grey claystone	92	113
Grey sandstone	113	230
Brown sandstone	230	235
Grey sandstone	235	290

JONES DRILLING CO., INC.

29400 SANTIAM HWY.

LEBANON, OR 97355

541-367-2560 541-451-2686

1-800-915-8388

RECEIVED

FEB 28 2022

OWRD

Date Started 02-08-2022 Completed 02-10-2022

(unbonded) Water Well Constructor Certification

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

License Number 2050

Date 02-21-2022

Signed

(bonded) Water Well Constructor Certification

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

License Number 684

Date 02-21-2022

Signed

Contact Info (optional) jonesdrilling@hotmail.com

ORIGINAL - WATER RESOURCES DEPARTMENT

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

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

LINN 63816

WELL I.D. LABEL# L 143528

START CARD # 1055600

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. 6324
First Name Jason Last Name Peters
Company Southeast Ag Investments LLC
Address 38795 SW 2nd Ave.
City Scio State OR Zip 97374

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Std Plstc Wld Thrd
Casing: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
Material From To Amt sacks/lbs
Seal: ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Community
☒ Industrial/ Commercial ☒ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 360 ft. Special Standard ☐ (Attach copy)

BORE HOLE			SEAL			Amt	sacks/lbs
Dia	From	To	Material	From	To		
10	0	25	Bentonite	0	25	15	S
6	25	83				Calculated	12
8	83	99	Cement	83	99	3	S
6	99	360				Calculated	3

How was seal placed: Method ☐ A ☒ B ☐ C ☐ D ☐ E
☒ Other Poured dry

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

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Std	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6	<input checked="" type="checkbox"/>	1	99	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	4.5	<input type="checkbox"/>	0	360	sch40	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method Drilled 1/4" holes

Screens Type _____ Material _____

Perf/S	Casing/Screen	Perf	Liner	Dia	From	To	Scr/slot	Slot	# of	Tele/
width	length	slots	pipe size							
Perf	Liner	4.5	200	360	.25	.25	5,160			

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
80		355	1

Temperature 62 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 120

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County LINN Twp 10 S N/S Range 1 E E/W WM

Sec 4 SE 1/4 of the SE 1/4 Tax Lot 1001

Tax Map Number _____ Lot _____

Lat _____ or _____ DMS or DD

Long _____ or _____ DMS or DD

☒ Street address of well ☐ Nearest address

43157 Thomas Dr. - Scio, OR 97374

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well / Pre-Alteration				
Completed Well	02-16-2022			209

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 338

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

02-15-2022	338	360	80		209

(11) WELL LOG

Ground Elevation _____

Material	From	To
Topsoil	0	3
Brown clay	3	21
Sand & gravel w/cobbles	21	65
Grey basalt	65	83
Grey sandstone	83	98
Grey claystone	98	110
Grey sandstone	110	165
Grey claystone	165	185
Grey sandstone	185	320
Red claystone	320	325
Grey sandstone	325	333
Grey basalt	333	338
Broken grey basalt	338	360

JONES DRILLING CO., INC.

29400 SANTIAM HWY.

LEBANON, OR 97355

541-367-2560 541-451-2686

1-800-915-8388

Date Started 02-10-2022 Completed 02-16-2022

(unbonded) Water Well Constructor Certification

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

License Number 2050 Date 02-21-2022

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 1684 Date 02-21-2022

Signed _____

Contact Info (optional) jonesdrilling@hotmail.com

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 90 DAYS OF COMPLETION OF WORK Form Version: 0.95

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13944

Review Due Date: 04/20/2022

Applicant Name: Southeast Ag Investments LLC

Proposed Changes: ☒ POU ☐ POD ☐ POA ☒ USE ☐ OTHER

Reviewer(s): G. Wacker

Date of Review: 04/08/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", answer the following:

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

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

☒ Yes ☐ No If "Yes", explain:

Use should only be during the irrigation season of April 1 - September 30

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13944



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301-1266

Phone: 971-719-6262

Email: gregory.j.wacker@water.oregon.gov

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

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature

District

Date

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

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

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13944

Review Due Date: 04/20/2022

Applicant Name: Southeast Ag Investments LLC

Proposed Changes: ☒ POU ☐ POD ☐ POA ☒ USE ☐ OTHER

Reviewer(s): G. Wacker

Date of Review: 04/08/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

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

☒ Yes ☐ No If "Yes", explain:

Irrigation season May 1st - September 30th

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13944



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301-1266

Phone: 971-719-6262

Email: gregory.j.wacker@water.oregon.gov

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

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

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

Watermaster signature

District

Date

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

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

PHILLIPS Stacy H * WRD

From: Linda Duman <lindaduman@gmail.com>
Sent: Thursday, March 24, 2022 11:00 AM
To: PHILLIPS Stacy H * WRD
Subject: Water Right Transfer

I have communicated with Patricia McCarty about affidavits asserting non-use of water certificates 54634 and 54635. She has not completed the review of the affidavits so we are not sure of the results. T-13944 has also been submitted but not assigned to a caseworker. My understanding is that if they loose the water rights because of non-use the water rights are forfeited. When and if it is assigned to a caseworker for the transfer, I need to be notified of the progress on this transfer. She suggesed that I work with either you or Patrick (Kelly) Starnes to clarify when and how I can be involved in the transfer application and how to keep up to date on the processing of that application so public comments can be made.

My interest is based on the fact that my husband (Gerald Duman) and I live across the road from the property that is claiming water rights that have not been used since 1990. In the process of their well drilling they have disturbed our well and possibly total damage will not be determined until this summer.

Thank you for looking into this matter.

Linda Duman
43166 Thomas Drive
Scio, OR 97374
503-559-9861

PHILLIPS Stacy H * WRD

From: MCCARTY Patricia E * WRD
Sent: Wednesday, March 23, 2022 9:46 AM
To: Linda Duman
Cc: JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD; PHILLIPS Stacy H * WRD; Eric Urstadt (ericurstadt@hotmail.com)
Subject: RE: DumanT-13944

Dear Ms. Duman,

I am copying staff who work on transfer applications in this reply to you. I did receive affidavits asserting non-use of certificates 54634 and 54635. I have not completed review of the affidavits so I can't say if they are sufficient yet. They may be, or they may need some supplemental information. If they are complete and sufficient, the transfers section will be alerted and that section will communicate with the transfer applicant about the impact of the affidavits.

At this time, it doesn't look like the transfer application has been assigned to a caseworker. When it is assigned, that caseworker will be the person to communicate with directly. I will remain the person to communicate with regarding the affidavits of non-use. Transfer applications and cancellation matters are handled by the same division in the department, but by different sections.

Public comments are permitted for transfer applications but not for cancellation matters. I will be communicating with the people who filed cancellation affidavits and the owner of the water right at issue. The transfer staff has their own list of people they communicate with on transfer applications. I suggest that you work with either Stacy Phillips or Patrick (Kelly) Starnes to clarify when and how you can be involved in the transfer application and how to keep up to date on the processing of that application.

For the processing of the cancellation, I will be communicating with the individuals who filed affidavits. I do not see your name so I would not be communicating directly with you. If you have a means of communicating with the affiants, I would suggest using that means first. I would only be able to give you the general status of the cancellation, such as whether the department has issued a notice of proposed cancellation, or when it might do so.

Let me know if you have further questions.

Sincerely,

Patricia McCarty (patricia.e.mccarty@water.oregon.gov)
Protest Program Coordinator
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-979-9160
Work hours: 7:30-5:30, off alternate Fridays
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Linda Duman <lindaduman@gmail.com>
Sent: Wednesday, March 23, 2022 8:36 AM
To: MCCARTY Patricia E * WRD <Patricia.E.MCCARTY@water.oregon.gov>
Subject: DumanT-13944

Eric Urstadt gave me your contact info concerning T-13944. I know life is busy now, but do you know how we would keep progress of this application for transfer?

I see that we have the right for comment but at this point are we commenting on the non-use affidavits or the transfer? When would each be due? Do we receive any more notices?

This is all new to me so please excuse what may seem like obvious questions.

Thank you.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137680**

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

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐ CHECK: # 1975 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-13944</u>

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 811360-03 \$ _____
0410 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$ _____	0202	RECORD FEE \$ _____
0203	GROUND WATER	EXAM FEE \$ _____	0204	LICENSE FEE \$ _____
0205	TRANSFER	EXAM FEE \$ _____		
0218	WELL CONSTRUCTION	EXAM FEE \$ _____	0219	LICENSE FEE \$ _____
	WELL DRILL CONSTRUCTOR		0220	LICENSE FEE \$ _____
	LANDOWNER'S PERMIT			

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 **RECEIVED**
OBJ. CODE _____ VENDOR # **OVER THE COUNTER**
DESCRIPTION _____ \$ _____

RECEIPT: **137680**

DATED: 3-15-2022 BY: Mindy Cadden



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-13944</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Southeast Ag Investments LLC</u>	<u>Will McGill Surveying LLC</u>
Address:	<u>2018 Eastwood Rd., Suite 103</u> <u>Wilmington, NC 28403</u>	<u>15333 Pletzer Rd. SE</u> <u>Turner, OR 97392</u>
Phone:	<u>(541) 709-8685</u>	<u>(503) 931-0210</u>
Fax:		
E-Mail Address:	<u>petersjason79@gmail.com</u>	<u>willmcgill.surveying@gmail.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Received by OWRD

MAR 15 2022

Salem, OR

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Grant McGill (Will McGill Surveying LLC)

Signature: Grant McGill

OWRD USE ONLY: Reimbursement Authority Number: R11- 360 -23

CW: Tamera Smith



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 21, 2022

SOUTHEAST AG INVESTMENTS LLC
2018 EASTWOOD RD STE 103
WILMINGTON, NC 28403

Reference: Application T-13944

On March 15, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Our receipt number 137681 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 or in the new place of 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.

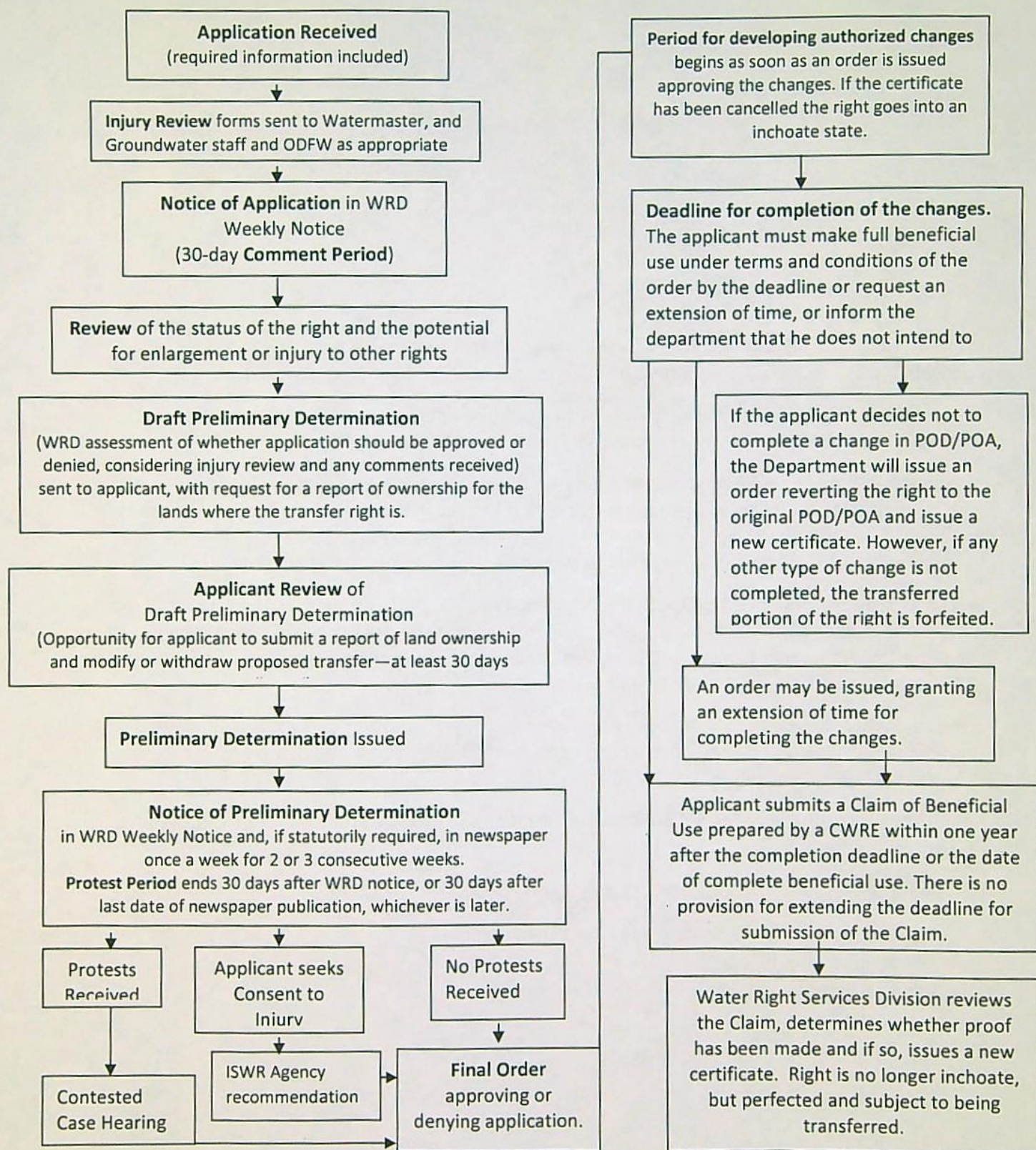
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)
William E. McGill, Agent
Linn County

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137681**

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

INVOICE # _____

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

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐

CHECK: #

OTHER: (IDENTIFY) ☐

1976

APPLICATION

PERMIT

TRANSFER

T-13944

TOTAL REC'D

\$2,450.00

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

\$2450.00

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

\$

**RECEIVED
OVER THE COUNTER**

RECEIPT: **137681**

DATED: 3-15-2022

BY: Ming Carter

Application for Permanent Water Right Transfer



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.

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: Cert. 54635**
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.

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MAR 15 2022

OWRD

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient
- ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Evidence of Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ 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.
- ☐ ☒ 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°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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MAR 15 2022
OWRD

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

Revised 7/1/2021

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Southeast Ag Investments, LLC		PHONE NO. (541) 709-8685	ADDITIONAL CONTACT NO.
ADDRESS 2018 Eastwood Rd., Suite 103		FAX NO.	
CITY Wilmington	STATE NC	ZIP 28403	E-MAIL petersjason79@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Will McGill Surveying LLC		PHONE NO. (503) 931-0210	ADDITIONAL CONTACT NO. (503) 510-3026
ADDRESS 15333 Pletzer Rd. SE		FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
It is proposed to convert the 5.0 acres of irrigation under Cert. 54635 to temperature control and agriculture uses in order to raise poultry.

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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MAR 15 2022

OWRD

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: Stayton Mail.
- 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.

Applicant signature

Jody Murphey, Managing Member

Print Name (and Title if applicable)

3/15/22

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

**If NO, include signatures of all 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

RECEIVED

MAR 15 2022

OWRD

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	ADDRESS	
Linn County	300 SW 4th Ave.	
CITY	STATE	ZIP
Albany	OR	97321

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 # 54635

Description of Water Delivery System

System capacity: 0.055 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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. **Centrifugal pump, aluminum pipe, high-pressure sprinklers. Previous owner did not leave specific system information.**

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)
Stream POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		10 S	1 E	4	SE	SE	1001	530' N & 1200' W from the SE corner, section 4
	<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 checked="" 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 # 54635

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.

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		
10	S	1	E	4	SE	SE	1001		5.0	Irrigation, Livestock	Stream POD	1979	POU/USE	10	S	1	E	4	NE	SE	1001	1	N/A	Agriculture, Temperature Control, Livestock	Stream POD	1979
													POU/USE	10	S	1	E	4	SW	SE	1001		N/A	Agriculture, Temperature Control, Livestock	Stream POD	1979
													POU/USE	10	S	1	E	4	SE	SE	1001		N/A	Agriculture, Temperature Control, Livestock	Stream POD	1979
TOTAL ACRES:								5.0						TOTAL ACRES:								N/A				

Additional remarks: The new uses as a result of the transfer are not acreage specific. The place of use is described as a general boundary of where uses are to occur. The maximum authorized rate will not be exceeded with a combination of all new uses.

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: **Cert. 54634 (not layered, source of stored water).**

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 # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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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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 LINN

I, JASON PETERS, in my capacity as MANAGER,

mailing address 38795 SW 2nd Ave Scio, OR 97374,

telephone number (541)709-8685, being first duly sworn depose and say:

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 54635; 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)

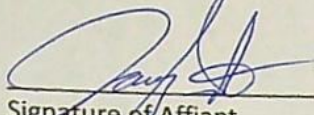
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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS, PASTURE

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.

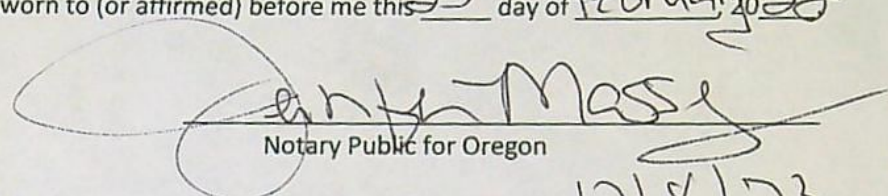

Signature of Affiant

7-23-22

Date

Signed and sworn to (or affirmed) before me this 23 day of February, 2022




Notary Public for Oregon

My Commission Expires: 12/8/23

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

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Land Use Information Form



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

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.

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Land Use Information Form



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

Applicant(s): Southeast Ag Investments, LLC

Mailing Address: 2018 Eastwood Rd., Suite 103

City: Wilmington

State: NC

Zip Code: 28403

Daytime Phone: (541) 709-8685

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>10S</u>	<u>1E</u>	<u>4</u>	<u>SESE</u>	<u>1001</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>poultry raising</u>
<u>10S</u>	<u>E</u>	<u>4</u>	<u>NESE SWSE</u>	<u>1001</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>poultry raising</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	_____

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

Linn 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) unnamed stream and Sophy 1 Reservoir

Estimated quantity of water needed: 0.055 ☒ 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 Agriculture, Temperature Control, Livestock

Briefly describe:

It is proposed to convert the 5.0 acres of irrigation authorized by Certificate 54635 to agriculture, temperature control, and livestock uses needed for raising poultry on tax lot 1001.

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

See bottom of Page 3. →

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For Local Government Use Only

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

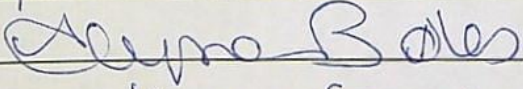
Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCC 928.310(B)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Alyssa Boles Title: Planning Manager

Signature:  Phone: 541-967-3616 Date: 2/16/23

Government Entity: Linn 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: _____

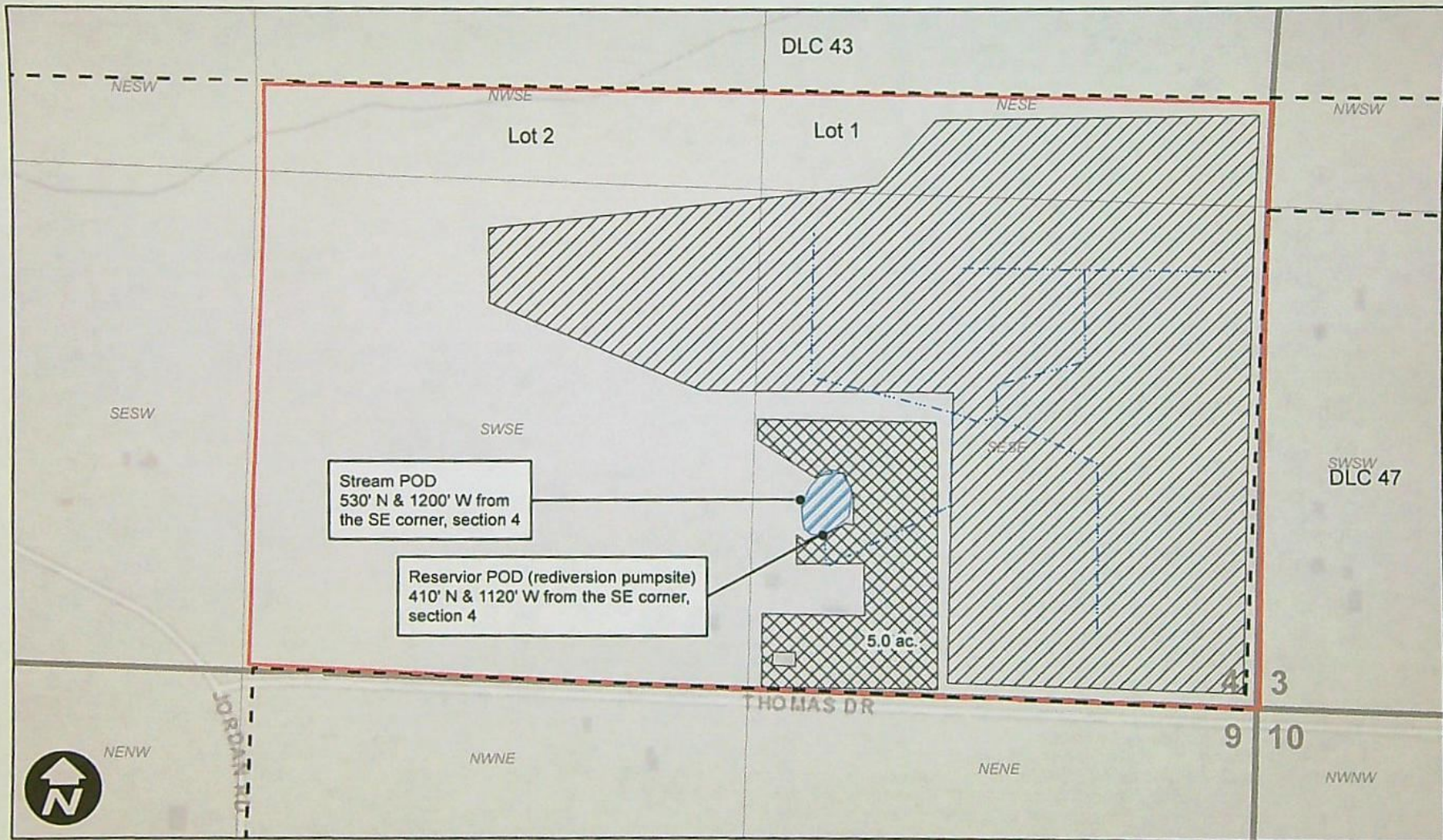
City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Transfer Application - Cert. 54635

Township 10S, Range 1E, W.M.



Legend

- IR/LV POU (From) Mainline DLC
- AG/TC/LV POU (To) Reservoir Taxlot 1001

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Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>JS</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	POD	APOD
Date: <u>3-21-22</u>		Gov Action	Surface to Ground	<input checked="" type="checkbox"/> USE	POA	APOA
Fee Received: <u>1460</u>		How many rights to be Transferred?				
Calculated Fee:		Certificate #				
Additional Observations:		<u>54635</u>				

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?
N/A 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: Assign T- file Date: 3-21-2022

Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. Multiply line 2b by \$1,090 and enter »	2	0
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter »	3	0
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee:	8	



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Southeast Ag Investment LLC
2018 Alatta Eastwood Rd, Ste 103
Wilmington NC 28403

Transaction Type: Transfer

Fees Received: \$ 2450

☐ Cash



Check:

Check No. 1976

Name(s) on Check: Will McGill Surveying LLC

Address on Check: 15333 Pletzer Rd SE
Turner OR 97392

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: [Signature]

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



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MAR 15 2022
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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: San Heast Ag Investment LLC
2018 ~~Adams~~ Eastwood Rd, Ste 103
Wilmington NC 28403

Transaction Type: Transfer

Fees Received: \$ 2450

☐ Cash

☒ Check:

Check No. 1976

Name(s) on Check: Will McGill Surveying LLC

Address on Check: 15333 Pletzer Rd SE
Turner OR 97392

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Sincerely,
OWRD Customer Service Staff

Submission received by: _____

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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RECEIVED

MAR 15 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Southeast Ag Investments LLC
2018 Eastwood Rd. Suite 103 Wilmington NC

Transaction Type: Reimbursement Authority

Fees Received: \$ 175.00

☐ Cash

☒ Check:

Check No. 1975

Name(s) on Check: Will McGill Surveying, LLC

Address on Check: 15333 Pletzer Rd SE Turner

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

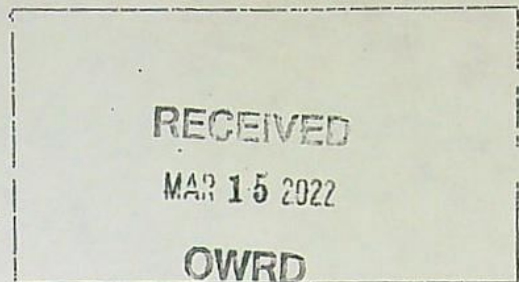
OWRD Customer Service Staff

Submission received by: [Signature]

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Southeast Ag Investments LLC
2018 Eastwood Rd. Suite 103 Wilmington NC

Transaction Type: Reimbursement Authority

Fees Received: \$ 175.00

☐ Cash

☒ Check:

Check No. 1975

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Address on Check: 15333 Pletzer Rd SE Turner

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(Name of OWRD staff)

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