

regular

Name J-S ranchAddress 34905 Ranch drive
Brownsville Oregon 97327Change in POU USE AREADate Filed 4/18/2021Initial notice date 4/27/2021

DPD issued date

PD issued date 11/16/2022PD notice date 11/22/2022

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream wellTrib. of South Santiam riverUse irrigationCounty linn

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G13516Per # G12074Cert # 70538PR Date 9/28/2023

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 #
4-15-2021	\$3,430.00	134982
12-21-2022	\$950.00	139786

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: _____

Irrigation District _____

Agent WILL MCGILL Surveying

CWRE _____

CC's list linn county☐ - Oversized map - Location _____

GREW Scott A * WRD

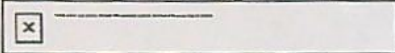
From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Thursday, January 19, 2023 1:02 PM
To: GREW Scott A * WRD
Cc: Will McGill
Subject: Re: Address for J-S Ranch

Hi Scott,

Thanks for the heads up. I just confirmed that is the correct address. The applicant said maybe nobody was around to sign when they tried to deliver? They did receive an electronic copy of the PD, so they have seen it. If you need to send the hard copy, they said to just try the same address again.

--

Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



On Thu, Jan 19, 2023 at 12:12 PM GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov> wrote:

Hello Will and Grant,

I hope this e-mail finds you happy and healthy in this new year!

I wanted to reach out about the address for J-S Ranch. We sent the PD out to them certified but it was returned to us unopened and unsigned. As you know this file is with Patricia now but wanted to follow up to make sure we have the correct information.

We have it listed as:

J-S RANCH

34905 RANCH DRIVE

BROWNSVILLE, OR 97327

In the application as:

Hi Patricia,
This goes into file
T-13675.
Thank you,
Scott

Applicant Information

APPLICANT/BUSINESS NAME

J-S Ranch Inc.

ADDRESS

34905 Ranch Dr.

CITY

Brownsville

STATE

OR

ZIP

97327

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE
ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL

Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 16 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

J-S RANCH INC.

34905 RANCH DRIVE

BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-13675

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13675. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)
Mike McCord, Northwest Region Manager (via e-mail)

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13675, Linn County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF APPROPRIATION,
	)	CHANGE OF PLACE OF USE, AND CHANGE
	)	IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Findings of Fact

1. On April 15, 2021, J-S RANCH INC. filed an application for an additional point of appropriation, a change of place of use, and a change in character of use under Certificate 76538. The Department assigned the application number T-13675.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 24, 2021, the agent for the applicant provided revisions to tables 1 and 2 of the application and a revised map.
4. On June 27, 2022, the agent for the applicant provided revised maps and table 1.
5. On July 11, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

6. On July 12, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to get all the needed permits from governmental agencies involved and develop the proposed facilities before putting the water right to beneficial use. The Department granted the longer time for completion per OAR 690-380-5140 (3).
7. On November 4, 2022, the Department sent a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-13675 13675to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
8. The right to be transferred is as follows:

Certificate: 76538 in the name of TRACY E. MOUNT (perfected under Permit G-12074)
Use: IRRIGATION of 45.7 ACRES
Priority Date: SEPTEMBER 28, 1993
Rate: 0.57 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the NORTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	NE SW	3	WELL 1 - 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR OF ELL CORNER OF STEWART DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	19.2
10 S	2 W	WM	10	NE SW	3	4.9
10 S	2 W	WM	10	NW SW		21.6
					Total	45.7

9. Transfer Application T-13675 proposes an additional point of appropriation approximately 760 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	SW NW	2	WELL 2 - 870 FEET SOUTH AND 250 FEET WEST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54

10. Transfer Application T-13675 also proposes to change the place of use of the right to:

IRRIGATION (0.33 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	10.0
10 S	2 W	WM	10	NE SW	3	4.8
10 S	2 W	WM	10	NW SW		10.7
10 S	2 W	WM	10	SW SW		1.0
					Total	26.5

AGRICULTURE AND STOCK (0.24 CFS)					
Twp	Rng	Mer	Sec	Q-Q	GLot
10 S	2 W	WM	10	SW NW	2
10 S	2 W	WM	10	NW SW	

11. Transfer Application T-13675 proposes to change the character of use of 0.24 CFS to AGRICULTURE AND STOCK USES. 0.24 cfs is the equivalent of 19.2 acres ($0.24 \text{ cfs} \div 0.0125 \text{ cfs per acre}$).
12. Certificate 76538 does not specify the irrigation season. However, consistent with the North Santiam River decree, the irrigation season is established as being May 1 through September 30.

Transfer Review Criteria (OAR 690-380-4010)

13. Water has been used according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13675.
15. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed agricultural and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet ($19.2 \text{ acres} \times 2.5 \text{ acre-feet per acre}$) during the time period of May 1 through September 30.
16. The proposed changes would not result in injury to other water rights.
17. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

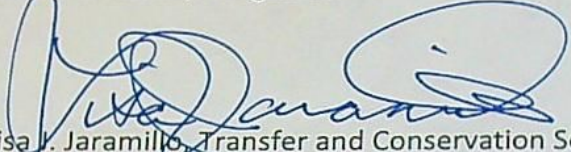
If Transfer Application T-13675 is approved, the final order will include the following:

- 1. The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76538 and any related decree.*
- 3. Water right Certificate 76538 is cancelled.*
- 4. The rate of diversion for the proposed agriculture and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet during the time period May 1 through September 30.*
- 5. The quantity of water diverted at the proposed additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

NOV 16 2022

Dated in Salem, Oregon on



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 139786

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

INVOICE #

RECEIVED FROM: Kendra Kimbirauskas
BY:

APPLICATION

PERMIT

TRANSFER T-13675

CASH: CHECK: # OTHER: (IDENTIFY)



1068905025

TOTAL REC'D \$ 950.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$

0203 GROUND WATER \$

0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT

0213 OTHER (IDENTIFY) Protest Fees \$950.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 139786

DATED: 12/21/22 BY: [Signature]

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

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WATER RESOURCES DEPARTMENT

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DESCRIPTION \$

RECEIPT: 139786

DATED: 12/21/22 BY: [Signature]

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

STATE OF OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

In the Matter of Water Right Transfer
Application No. T-13675

Submitted by Eric E. and
Brandie N. Simon & J-S Ranch, Inc.

**PROTEST OF CHRISTINA EASTMAN
AND REQUEST FOR CONTESTED
CASE HEARING**

Pursuant to ORS 540.520(6) and OAR 690-380-4030, Protestor Christina Eastman ("Protestor") protests the Oregon Water Resources Department (OWRD) Preliminary Determination dated November 16, 2022, for Water Right Transfer Application No. T-13675 ("Application No. T-13675"). A copy of the Preliminary Determination is attached as **Exhibit A** to this Protest. A copy of Application No. T-13675 is attached as **Exhibit B** to this Protest. The OWRD issued the Preliminary Determination in response to Application No. T-13675, which initially was filed with the OWRD on April 15, 2021.

As Protestor explains further below, the Preliminary Determination allows the transfer of water rights that may be subject to forfeiture, allows a transfer of water rights that constitutes an enlargement, and is likely to injure existing water rights. Protestor respectfully requests a contested case hearing and urges that Application No. T-13675 be denied.

1 **I. BACKGROUND INFORMATION**

2 Protestor provides the following information pursuant to OAR 690-002-0030:

3 **A. Protestor's Contact Information**

4 The Protestor's contact information is as follows:

5 **Christina Eastman**
6 37237 Jefferson-Scio Drive
7 Scio, OR 97374
8 (503) 569-8005
9 christinaeastman1964@icloud.com

10 Orders, notices, and other correspondence concerning this matter should be sent to legal
11 counsel representing Protestor as follows:

12 **Nadia Dahab, OSB No. 125630**
13 Sugerman Dahab
14 707 SW Washington St., Ste. 600
15 Portland, OR 97205
16 (503) 228-6474
17 nadia@sugermadahab.com

18 **B. Contact Information of Other Interested Persons**

19 The contact information for other persons having an interest in this protest is as follows:

20 **Applicant:**
21 J-S Ranch Inc.
22 Eric E. Simon & Brandie N. Simon
23 34905 Ranch Drive
24 Brownsville, OR 97327
25 (541) 990-5999
26 eric@idealagsupply.com

27 **Agent of Applicant:**
28 William E. McGill
29 Will McGill Surveying LLC
30 15333 Pletzer Rd. SE
31 Turner, OR 97392
32 (503) 510-3026
33 willmcgill.surveying@gmail.com

1 **C. Background Information**

2 In August 2020, Eric E. Simon (Applicant here) filed an Application to Register (ATR) a
3 Confined Animal Feeding Operation (CAFO), known as J-S Ranch, pursuant to Water Pollution
4 Control Facility (WPCF) General Permit No. 01-2015 for CAFOs. *See* ATR No. 995S4S.¹ In
5 May 2022, the Oregon Department of Agriculture (ODA) and Oregon Department of
6 Environmental Quality (DEQ) approved the J-S Ranch ATR and issued a Notice of Permit
7 Registration Modification No. 2231032, which imposed certain monitoring, reporting, and
8 recordkeeping requirements on the J-S Ranch CAFO facility. The agencies otherwise permitted
9 the facility under General Permit No. 01-2015.

10 The J-S Ranch CAFO is proposed to consist of eleven barns capable of housing over
11 580,000 broiler chickens at a time, with an estimated annual production output of 3.5 million
12 chickens. Approximately 4500 tons of chicken manure will be produced each year at the facility
13 and stored in two manure sheds on site. According to its Animal Waste Management Plan, J-S
14 Ranch intends to use the water rights appropriated through its proposed water right transfer for
15 “poultry drinking and cooling.”²

16 Applicant filed Water Right Transfer Application No. T-13675 on April 15, 2021. *See* Ex.
17 B. Through the application, Applicant proposes a transfer of the water right existing under
18 Certificate No. 76538 in the name of Tracey E. Mount. Applicant further proposes an additional
19 point of appropriation approximately 760 feet from the existing point of appropriation, proposes

21 ¹ *See* Oregon.gov, Oregon Department of Agriculture—Poultry CAFO Information, J-S
22 Ranch CAFO Application (August 2020), *available at* [https://www.oregon.gov/oda/programs/
23 NaturalResources/Documents/CAFOPublicNotices/2021/J-SRanchATR.pdf](https://www.oregon.gov/oda/programs/NaturalResources/Documents/CAFOPublicNotices/2021/J-SRanchATR.pdf) (last visited Dec 22,
24 2022).

25 ² *See* Oregon.gov, Oregon Department of Agriculture—Poultry CAFO Information, J-S
26 Ranch Animal Waste Management Plan at 2 (July 2021), *available at*
[https://www.oregon.gov/oda/programs/NaturalResources/
Documents/CAFOPublicNotices/2021/J-SRanchAWMP.pdf](https://www.oregon.gov/oda/programs/NaturalResources/Documents/CAFOPublicNotices/2021/J-SRanchAWMP.pdf) (“We are in the process of
transferring an appropriate portion of the water rights to poultry drinking and cooling.”) (last
visited Dec 22, 2022).

1 to change the place of use of the right, and proposes to change the character of use of 0.24 cubic
2 feet per second (cfs) from irrigation to “agriculture and stock” use.

3 OWRD issued its Preliminary Determination in response to Application No. T-13675 on
4 November 16, 2022. In that Preliminary Determination, OWRD purports to find that the proposed
5 water right transfer “appears to be consistent with the requirements of ORS 537.7005 and 540.505
6 to 540.580 and OAR 690-380-5000.” Ex. A, at 4.

7 **D. Protestor’s Interest in the Relief Requested**

8 Protestor resides on and farms land immediately adjacent to the proposed J-S Ranch CAFO
9 facility. She is a third-generation farmer, and over the years has cultivated wheat, beans, squash,
10 carrots, strawberries, sugar beets, and grass seed on her family farms. One of her family farms sits
11 at 37231 Jefferson-Scio Drive, which is 350 yards from the proposed J-S Ranch, and her family
12 owns groundwater and surface water rights under Certificate Nos. 68108 and 42010, which include
13 waters of Smallman Creek, tributary to the North Santiam River. Protestor has an interest in
14 whether the OWRD approves Application No. T-13675 because use of the water as proposed has
15 the potential to impact those surface water sources and existing groundwater levels by increasing
16 the period and character of use of the existing right allowed under Certificate No. 76538. In
17 Protestor’s view, OWRD’s Preliminary Determination does not contain sufficient conditions to
18 protect against such impacts.

19 **II. PROTEST AND LEGAL AUTHORITY IN SUPPORT**

20 Aside from exceptions not relevant here, “whenever the holder of a water use subject to
21 transfer for irrigation, domestic use, manufacturing use, or other use, for any reason desires to
22 change the place of use, the point of diversion, or the use made of the water, an application to make
23 such change * * * shall be filed with the Water Resources Department.” ORS 540.520(1); *see also*
24 *Huff v. Bretz*, 285 Or 507, 517, 592 P2d 204 (1979). The OWRD may not approve a transfer
25 application that would result in injury to an existing right or that does not satisfy all additional

1 requirements for water rights transfers. OAR 690-380-5000(1)(d)-(e); *see also* ORS
2 540.530(1)(a).

3 As explained below, Protestor urges that OWRD must deny the application for the
4 following reasons: (1) the water right is subject to forfeiture; (2) the Preliminary Determination
5 will result in an enlargement; (3) the Preliminary Determination would change the season of use,
6 which is not an authorized change to a water right; and (4) the Preliminary Determination will
7 result in injury to other existing water rights.

8 **A. The water right is subject to forfeiture.**

9 A water right may be transferred only if the entire right was used during the previous five
10 years on the entire place of use as specified in the applicable water certificate. ORS 540.520
11 provides that a transfer application must include “[e]vidence that the water has been used over the
12 past five years according to the terms and conditions of the owner’s water right certificate or that
13 the water right is not subject to forfeiture under ORS 540.610.” ORS 540.520(2)(g). The evidence
14 provided by the Applicant is not sufficient to meet this statutory requirement.

15 Application No. T-13675 is accompanied by an Evidence of Use Affidavit that is
16 insufficient on its face to satisfy ORS 540.520(2)(g). The affiant, Eric Simon, states that his
17 knowledge of the exercise or status of the existing water right is based on his “professional
18 expertise.” But the affiant provides no information in support of the Evidence of Use Affidavit or
19 Application No. T-13675 to support the affiant’s claimed status as a water rights professional or
20 to evidence any professional familiarity with the historic use of the existing water right.

21 Additionally, the only evidence of use accompanying the Evidence of Use Affidavit
22 includes Google Earth images bearing dates of July 26, 2018, and October 28, 2019. These images
23 not only fail to depict any irrigation facilities or other visual evidence of irrigation on the property,
24 but also fail to cover the five-year period preceding the date of the application. The affiant, for
25

1 his part, has owned the property only since February 2021,³ and therefore has no personal
2 knowledge of use of the water right during most of the five years preceding the application.

3 The Applicant has failed to establish, pursuant to ORS 540.520(2)(g), that the water right
4 has been used over the past five years according to the terms and conditions of Certificate No.
5 76538 or that the water right is not otherwise subject to forfeiture. It is therefore unclear how the
6 OWRD reached the conclusion that “[w]ater has been used according to the terms and conditions
7 of the right.” As a threshold matter of law, the OWRD’s conclusion is erroneous, and Application
8 No. T-13675 should be denied.⁴

9 **B. The proposed transfer would result in enlargement.**

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

12 Under Oregon law, “enlargement” means an expansion of a water right and includes, but
13 is not limited to:

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

19 OAR 690-380-0100(3).

20 Under Certificate 76538, use of 0.57 cubic feet per second (cfs) for 45.7 acres of irrigation
21 is allowed *only* during the irrigation season, which is May 1 through September 30. But the
22 Applicant here proposes to change the irrigation use on 19.2 of those 45.7 acres to “agricultural
23 and stock use,” for the apparent purpose of operating a poultry CAFO operation. As is evident

24 ³ This is reflected in the title report obtained by OWRD in processing the application. It is
25 attached hereto as **Exhibit D**.

26 ⁴ A reasonable opportunity for discovery and further investigation may show that the
Preliminary Determination will allow transfer of water rights forfeited through nonuse for five or
more successive years.

1 from the Applicant's Animal Waste Management Plan on file with ODA, the water the Applicant
2 intends to use for "agricultural and stock" will be used for poultry drinking and cooling. *See supra*
3 n 2. Those are uses that will continue year-round. Thus, the Applicant effectively proposes to
4 change the period or season of use to year-round, allowing the Applicant to use water at times of
5 year when use is not legally available. This constitutes an enlargement of the water right.

6 Notably, the applicant has not specified the rate, volume, or timing of the water use required
7 for poultry livestock watering, temperature control, facility cleaning, or other uses associated with
8 a CAFO with an estimated annual production volume of 3.5 million chickens. But it certainly is
9 significant, and it certainly will continue year-round in order to fulfill its purpose. Neither the
10 Applicant nor OWRD has provided for any process to ensure that the Applicant or his CAFO
11 facility will not use water outside the specified irrigation season. In the absence of such a process,
12 the Application must be denied.

13 **C. The proposed transfer may result in injury to existing water rights.**

14 The Preliminary Determination allows an additional authorized point of appropriation,
15 which is located approximately 760 feet closer to Smallman Creek and the North Santiam River
16 than the existing authorized point of appropriation. This change in distribution of pumping may
17 significantly impact or increase interference with those surface water sources. A reasonable
18 opportunity for discovery and further investigation may show that the Preliminary Determination
19 results in injury to existing surface water sources.

20 **D. The four-year extension is contrary to Oregon law.**

21 The Preliminary Determination allows Applicant a four-year extension of time to make full
22 beneficial use of the water right. Oregon law sets forth the time for completion of water right
23 transfers, OAR 690-380-5140, and allows the OWRD to grant one-year extensions of time upon a
24 showing of reasonable diligence by the Applicant. The Applicant has made no such showing here,
25 and the OWRD's preemptive grant of a four-year extension is not allowed by law.

1 **III. STATUTORY PROTEST REQUIREMENTS**

2 This protest is timely filed. Oregon law provides that any person may submit a protest
3 against a preliminary determination within 30 days after the last publication of newspaper notice
4 of the preliminary determination. ORS 540.520(6). The notice of this Preliminary
5 Determination was last published in the Albany Democrat Herald on December 2, 2022. Thus,
6 any protests of this Preliminary Determination must be submitted on or before January 1, 2023.

7 With the permission of OWRD, Protestor caused to be hand-delivered the \$950 protest fee
8 to OWRD on December 21, 2022. ORS 536.050(1)(j); OAR 690-380-4030(2); *see also* Certificate
9 of Service. Protestor's receipt for the protest fee is attached as **Exhibit D**.

10 The protest is in writing and includes a detailed statement of:

- 11 (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
12 (b) The specific relief or action requested;
13 (c) The name and address of the protestant and other person or persons necessary to, or
14 having a direct interest in, the proceeding; and
15 (d) Citation of legal authority or basis for the claim or relief asserted or requested.

16 OAR 690-002-0030(1). Finally, the protest contains proof of service upon the persons whose
17 rights are protested as required by OAR 690-002-0030(2).

18 **IV. CONCLUSION**

19 For the reasons set forth above, Protestor requests a final order denying Application No.
20 T-13675. Protestor respectfully requests a contested case hearing and reserves the right to amend
21 this protest after completion of discovery.

22

23

24

25

26

1 DATED this 22nd day of December, 2022.

2
3 /s/ Nadia H. Dahab

4 **Nadia H. Dahab**, OSB No. 125630

5 SUGERMAN DAHAB

6 707 SW Washington Street, Ste. 600

7 Portland, OR 97205

8 Telephone: (503) 228-6474

9 nadia@sugermadahab.com

10 Attorneys for Protestor Christina Eastman



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 11, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

J-S RANCH INC.

34905 RANCH DRIVE

BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-13675

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13675. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)
Mike McCord, Northwest Region Manager (via e-mail)

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13675, Linn County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF APPROPRIATION,
	)	CHANGE OF PLACE OF USE, AND CHANGE
	)	IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Findings of Fact

1. On April 15, 2021, J-S RANCH INC. filed an application for an additional point of appropriation, a change of place of use, and a change in character of use under Certificate 76538. The Department assigned the application number T-13675.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 24, 2021, the agent for the applicant provided revisions to tables 1 and 2 of the application and a revised map.
4. On June 27, 2022, the agent for the applicant provided revised maps and table 1.
5. On July 11, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

6. On July 12, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to get all the needed permits from governmental agencies involved and develop the proposed facilities before putting the water right to beneficial use. The Department granted the longer time for completion per OAR 690-380-5140 (3).
7. On November 4, 2022, the Department sent a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-13675 13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
8. The right to be transferred is as follows:

Certificate: 76538 in the name of TRACY E. MOUNT (perfected under Permit G-12074)
Use: IRRIGATION of 45.7 ACRES
Priority Date: SEPTEMBER 28, 1993
Rate: 0.57 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the NORTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	NE SW	3	WELL 1 - 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR OF ELL CORNER OF STEWART DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	19.2
10 S	2 W	WM	10	NE SW	3	4.9
10 S	2 W	WM	10	NW SW		21.6
Total						45.7

9. Transfer Application T-13675 proposes an additional point of appropriation approximately 760 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	SW NW	2	WELL 2 - 870 FEET SOUTH AND 250 FEET WEST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54

10. Transfer Application T-13675 also proposes to change the place of use of the right to:

IRRIGATION (0.33 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	10.0
10 S	2 W	WM	10	NE SW	3	4.8
10 S	2 W	WM	10	NW SW		10.7
10 S	2 W	WM	10	SW SW		1.0
					Total	26.5

AGRICULTURE AND STOCK (0.24 CFS)					
Twp	Rng	Mer	Sec	Q-Q	GLot
10 S	2 W	WM	10	SW NW	2
10 S	2 W	WM	10	NW SW	

11. Transfer Application T-13675 proposes to change the character of use of 0.24 CFS to AGRICULTURE AND STOCK USES. 0.24 cfs is the equivalent of 19.2 acres ($0.24 \text{ cfs} \div 0.0125 \text{ cfs per acre}$).
12. Certificate 76538 does not specify the irrigation season. However, consistent with the North Santiam River decree, the irrigation season is established as being May 1 through September 30.

Transfer Review Criteria (OAR 690-380-4010)

13. Water has been used according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13675.
15. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed agricultural and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet ($19.2 \text{ acres} \times 2.5 \text{ acre-feet per acre}$) during the time period of May 1 through September 30.
16. The proposed changes would not result in injury to other water rights.
17. All other application requirements are met.

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Determination and Proposed Action

The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13675 is approved, the final order will include the following:

- 1. The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76538 and any related decree.*
- 3. Water right Certificate 76538 is cancelled.*
- 4. The rate of diversion for the proposed agriculture and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet during the time period May 1 through September 30.*
- 5. The quantity of water diverted at the proposed additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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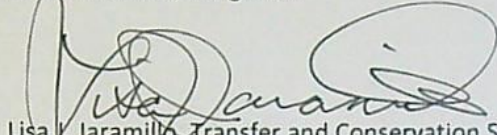
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9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

NOV 16 2022

Dated in Salem, Oregon on



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

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Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

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.

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

APR 15 2021

- ☒ 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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ 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. 76538**
Please include a separate Part 5 for each water right. (See instructions on page 6)

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Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

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Part 2 of 5 – Transfer Application Map

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

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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°).

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Part 3 of 5 – Fee Worksheet

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	\$1,160
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>3 (2a)</u> Subtract 1 from the number in line 2a = <u>2 (2b) If only one change, this will be 0</u> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » » RECEIVED APR 15 2021 OWRD 2 1,860	2	1,860
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b) If only one water right this will be 0</u> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » » 3 0	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 » 4 410	4	410
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.34 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.66 (5b)</u> 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	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	3,430
	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 » 7 0	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » Transfer Fee:	8	\$3,430

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Revised 11/6/2019

Permanent Transfer Application Form – Page 3 of 8

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Form - Page 3 of 8
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Exhibit B
Page 3 of 16

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME J-S Ranch Inc.		PHONE NO. (541) 990-5999	ADDITIONAL CONTACT NO.
ADDRESS 34905 Ranch Dr.		FAX NO.	
CITY Brownsville	STATE OR	ZIP 97327	E-MAIL eric@idealagsupply.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) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
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 by this application to move a portion of Certificate 76538 to cover the areas of the farm that will remain in crop production with irrigation and convert a portion of Cert. 76538 to Agricultural and Stockwater use for raising poultry. It is also proposed to add an additional POA for all uses.

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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APR 15 2021

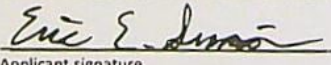
OWRD

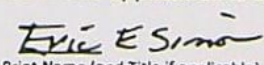
By my signature below, I confirm that I understand:

- 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: Scio Tribune.
- 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).

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




 Applicant signature


 Print Name (and Title if applicable)

4/12/21
 Date

Company President

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.

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Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

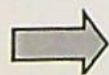
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- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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CERTIFICATE # 76538

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Description of Water Delivery System

System capacity: 2.3 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. 40 HP submersible pump conveys water to field via 4" buried mainline and is applied by a big gun.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 50649/ LINN 6573	10 S	2 W	10	NE SW	501	1040' S and 560' E from the Interior Ell Corner of Stewart DLC 54
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	10	NW SW	501	1240' S and 300' E from the Interior Ell Corner of Stewart DLC 54
	<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 checked="" 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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List the change proposed for the acreage in each $\frac{1}{4}$ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

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Exhibit B
Page 7 of 16

For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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
Well 2	No		250' +/-	12"		Min. 18'			Sand and gravel	

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STATE OF OREGON
WATER WELL REPORT
(as required by ORS 531.765)

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MAY 3 1995

WATER RESOURCES DEPT.

(START CARD)

7702

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

(1) OWNER: Well Number 2823
Name Tracy Mount
Address 37225 Jefferson Scio Dr.
City Scio State OR Zip 97374

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 255 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds
12 0 95 Cement 0 95 75 sacks
10 0 255 BORE

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

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 10 2 199 250 ☒ ☐ ☒ ☐
Liner: NONE

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:
☒ Perforations Method Hotte
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner
140 195 1/4 x 1 2400 10" ☒ ☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
300 198 1 hr.
Temperature of water 56° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strain: _____

(9) LOCATION OF WELL by legal description:
County LINN Latitude _____ Longitude _____
Township 10 N. or S. Range 2 E or W. WM.
Section 10 1/4 1/4
Tax Lot 200 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 37225 Jefferson Scio Dr. Scio, OR 97374

(10) STATIC WATER LEVEL:
18 ft. below land surface, Date 5-22-95
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 1165

From	To	Estimated Flow Rate	SWL
<u>165</u>	<u>190</u>	<u>200</u>	<u>18</u>
<u>215</u>	<u>221</u>	<u>100</u>	<u>18</u>
<u>245</u>	<u>255</u>	<u>50</u>	<u>18</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>Blue Clay</u>	<u>90</u>	<u>115</u>	
<u>Sandy Clay</u>	<u>115</u>	<u>120</u>	
<u>Sticky Clay Blue</u>	<u>120</u>	<u>165</u>	
<u>Black Sand</u>	<u>165</u>	<u>170</u>	<u>18</u>
<u>Medium Gravel & Sand</u>	<u>170</u>	<u>190</u>	<u>18</u>
<u>Blue Sandy Clay</u>	<u>190</u>	<u>215</u>	
<u>Sand & Gravel</u>	<u>215</u>	<u>221</u>	<u>18</u>
<u>Blue Clay</u>	<u>221</u>	<u>245</u>	
<u>Sand & Gravel</u>	<u>245</u>	<u>255</u>	<u>18</u>

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Date started 5-18-95 Completed 5-22-95
(unbonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 1279
Date 5-30-95

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

Signed [Signature] WWC Number 514
Date 5-30-95

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONTRACTOR THIRD COPY-OWNER

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Business Registry Business Name Search

[New Search](#)

Business Entity Data

04-12-2021
09:32

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1748777-96	DBC	ACT	OREGON	11-30-2020	11-30-2021	
Entity Name J-S RANCH INC						
Foreign Name						

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[New Search](#)

Associated Names

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Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	37225 JEFFERSON SCIO DR				
Addr 2					
CSZ	SCIO	OR	97374	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			Start Date	11-30-2020	Resign Date	
Name	BRANDIE		SIMON					
Addr 1	34905 RANCH DR							
Addr 2								
CSZ	BROWNSVILLE	OR	97327		Country	UNITED STATES OF AMERICA		

Type	MAL		MAILING ADDRESS			
Addr 1	34905 RANCH DR					
Addr 2						
CSZ	BROWNSVILLE	OR	97327		Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT				Resign Date
Name	ERIC		SIMON			
Addr 1	34905 RANCH DR					
Addr 2						
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY				Resign Date	
Name	BRANDIE		SIMON				
Addr 1	34905 RANCH DR						
Addr 2							
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA		

[New Search](#)

Name History 13675 -

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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)
County of LINN) ss

I, ERIC E. SIMON, in my capacity as OWNER,

mailing address 34905 RANCH DR., BROWNSVILLE, OR 97327

telephone number (541)990-5999, being first duly sworn depose and say:

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 76538; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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)

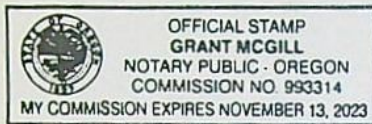
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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Erin E. Simon
Signature of Affiant

4/12/21
Date

Signed and sworn to (or affirmed) before me this 12 day of April, 2021.



[Signature]
Notary Public for Oregon

My Commission Expires: 11/13/2023

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

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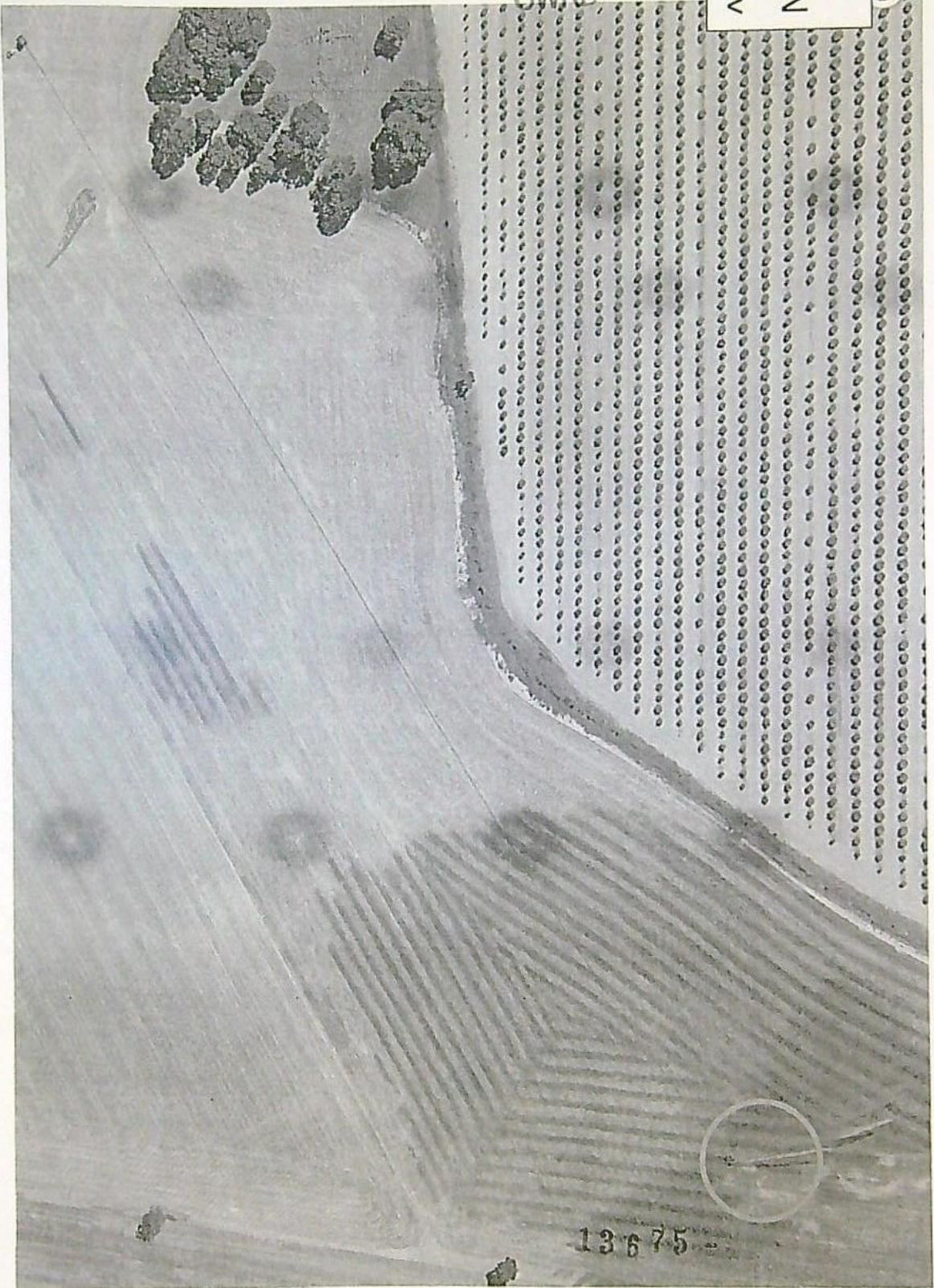
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Exhibit B
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TICOR TITLE™

Property Profile Report

Client Name:

Today's Date:

07/12/2022

Owner Name:

Simon, Eric E

Simon, Brandie N

Property Address:

37225 Jefferson Scio Dr

Scio OR 97374 9545

Reference Number:

10S02W1000501

Account Number:

0035010

Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541.926.2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585.1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
--	--	---	--	---	---	--

This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

TITLE AND ESCROW SERVICES

www.TicorMidValley.com

For all your customer service needs: MVCS@TicorTitle.com

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**Parcel Information**

Parcel #:	0035010
Tax Lot:	10S02W1000501
Site Address:	37225 Jefferson Scio Dr
	Scio OR 97374 - 9545
Owner:	Simon, Eric E
	Simon, Brandie N
	34905 Ranch Dr
	Brownsville OR 97327 - 9787
Twn/Range/Section:	10S / 02W / 10
Parcel Size:	60.27 Acres (2,625,361 SqFt)
Lot:	
Census Tract/Block:	030100 / 2009
Levy Code Area:	09508
Levy Rate:	11.4677
Market Value Land:	\$436,960.00
Market Value Impr:	\$55,060.00
Market Value Total:	\$492,020.00
Assessed Value:	\$90,988.00

**Tax Information**

Tax Year	Annual Tax
2021	\$1,222.65
2020	\$1,204.95
2019	\$1,184.01

Legal**Land**

Land Use:	509 - HBU FARM NO SPCL ASSMT WITH MFG
Watershed:	Hamilton Creek-South Santiam River
Recreation:	
Primary School:	JEFFERSON ELEMENTARY SCHOOL
High School:	JEFFERSON HIGH SCHOOL

Zoning:	County-EFU - Exclusive Farm Use
Std Land Use:	CMOB - Mobile Home Parks, Trailers
School District:	14J - Jefferson
Middle School:	JEFFERSON MIDDLE SCHOOL

Improvement

Year Built:	1978	Stories:		Finished Area:	1,560 SqFt
Bedrooms:	3	Bathrooms:	2	Pool:	
Bldg Type:	442 - Ms Double Wide				

Transfer Information

Rec Date:	02/16/2021	Doc Num:	3908	Doc Type:	Deed
Owner:	Eric E Simon	Grantor:	MOLINI DARRELL		
Orig. Loan Amt:		Title Co:	FIDELITY NATIONAL TITLE		
Finance Type:		Lender:			

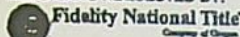
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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RECORDING REQUESTED BY:



317 1st Ave. W, Ste 100
Albany, OR 97321

GRANTOR'S NAME:

Darrell Mount

GRANTEE'S NAME:

Eric Edward Simon and Brandie Nichol Simon

AFTER RECORDING RETURN TO:

Eric Edward Simon and Brandie Nichol Simon
34905 Ranch DR
Brownsville, OR 97327

SEND TAX STATEMENTS TO:

Eric Edward Simon and Brandie Nichol Simon
34905 Ranch DR
Brownsville, OR 97327

FNT Order No.: 60222007522-TR

APN: 0925930

0035010

0524781

Map: 10S02W1000 00501

37225 Jefferson Scio Drive, Scio, OR 97374

LINN COUNTY, OREGON

2021-03908

D-WD

02/16/2021 01:37:01 PM

52m10118 R. BELDON

\$10.00 \$11.00 \$10.00 \$60.00 \$19.00

\$110.00

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

Steve Druckenmiller - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Darrell Mount, Grantor, conveys and warrants to

Eric E. Simon and Brandie N. Simon, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

Beginning at a 1/2" iron rod on the West line of Section 10, Township 10 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, distant thereon South 0° 35' West 1791.68 feet from the West quarter corner thereof; thence North 0° 35' East 1791.68 feet along the West line of said Section 10 to the said West quarter corner; thence North 0° 08' West along the West line of said Section 410.07 feet to the Southerly boundary of the Lewis Stewart Donation Land Claim No. 54; thence North 55° 54' East along the Southerly boundary of said Claim, 985.29 feet to the Interior Ell corner thereof; thence South 28° 15' East along the Claim line, 2085.38 feet to a 1/2" iron rod; thence South 84° 50' West 1287.60 feet to a 1/2" iron rod; thence South 33° 37' West 419.04 feet to a 1/2" iron rod; thence South 22° 01' West 399.77 feet to a 1/2" iron rod; thence South 62° 25' West 176.01 feet to the place of beginning.

ALSO the following: a Non-exclusive easement to be used in common with others over the following described premises: Beginning at a point on the Southerly Southwest corner of Donation Land Claim No. 54, in Section 10, Township 10 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence North 28° 15' West along the West line of said Claim, 39.5 chains; thence North 55° 30' East 29.5 feet to the Northwest corner of that certain tract recorded February 21, 1940, in Book 151, Page 181, Deed Records; thence South 28° 15' East along the West line of said tract, 39.5 chains to the South line of Donation Land Claim No. 54; thence South 55° 30' West along the South line of said Donation Land Claim, 29.5 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS Three Hundred Seventy-Two Thousand Five Hundred And No/100 Dollars (\$372,500.00). (See ORS 93.030).

Subject to:

- I. The Land has been classified as Farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 35010 and 925930

- II. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

- III. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States of America

Purpose: Transmission line

Recording Date: May 12, 1970

Recording No: Book 348, Page 847

Affects: Reference is hereby made to said document for full particulars

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STATUTORY WARRANTY DEED

(continued)

IV. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Scio Mutual Telephone Association
Purpose: Underground telecommunications cable system
Recording Date: August 11, 2008
Recording No: 2008-15897
Affects: Reference is hereby made to said document for full particulars

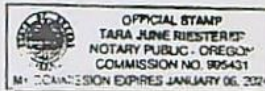
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2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

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 2-11-2021
Darrell Mount
Darrell Mount

State of Oregon, County of Lincoln
This instrument was acknowledged before me on Feb 11, 2021 by Darrell Mount.

[Signature]
Notary Public - State of Oregon
My Commission Expires: 10/06/2024



RECEIVED

JAN 03 2023

OWRD



For La Ranch
T-13475

Funds only
Paperwork coming
12/22/22

RECEIVED

DEC 21 2022

OWRD

Date received (Please stamp here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Kendra Kimbirauskas
2100 Pacific Blvd SE Albany OR 97321

Transaction Type: Protest

Fees Received: \$ 950.00

☐ Cash

☒ Check

Check No. 668905025

Name(s) on Check: Same as above

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: Corie Lawien
(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 submittal (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.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submittal (application/other document) in the top drawer of filing cabinet.

RECEIVED
JAN 03 2023
OWRD

PROOF OF SERVICE

I hereby certify that I caused to be served the foregoing **PROTEST OF CHRISTINA EASTMAN AND REQUEST FOR CONTESTED CASE HEARING** on the following named person(s) on December 22, 2022:

Eric E. Simon
Brandie N. Simon
J-S Ranch Inc.
34905 Ranch Dr.
Brownsville, OR 97237
(541) 990-5999

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

by Overnight Delivery
by Facsimile
by U.S. First Class Mail
by OJD File & Serve
by Email
eric@idealagsupply.com

Applicant

Will E. McGill
Will McGill Surveying LLC
15333 Pletzer Rd. SE
Turner, OR 97392
(503) 510-3026

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

by Overnight Delivery
by Facsimile
by U.S. First Class Mail
by OJD File & Serve
by Email
willmcgill.surveying@gmail.com

Agent of Applicant

Douglas E. Woodcock, Acting Director
Stacy Phillips, Restoration Program Technician
Scott Grew, Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE Ste. A
Salem, OR 97301-1271

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

by Overnight Delivery
by Facsimile
by U.S. First Class Mail
by OJD File & Serve
by Email
stacy.h.phillips@water.oregon.gov
scott.a.grew@water.oregon.gov
wrddl_customerservice@water.oregon.gov

I hereby certify that I caused to be served via hand delivery the **FEE IN SUPPORT OF PROTEST OF CHRISTINA EASTMAN AND REQUEST FOR CONTESTED CASE HEARING** on the following named person(s) on December 21, 2022:

Douglas E. Woodcock, Acting Director
Stacy Phillips, Restoration Program Technician
Scott Grew, Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE Ste. A
Salem, OR 97301-1271

1 DATED this 22nd day of December, 2022.

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By: /s/ Nadia H. Dahab

Nadia H. Dahab, OSB No. 125630

SUGERMAN DAHAB

707 SW Washington Street Ste. 600

Portland, OR 97205

Telephone: (503) 228-6474

nadia@sugermadahab.com

Attorneys for Protestor Christina Eastman

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13675

Transfer Specialist:

Transfer Type: Regular Transfer

Scott

Applicant: J-S RANCH 34905 RANCH DRIVE BROWNSVILLE, OR 97327 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 Planning Department Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-13516	G-12074	76538	<input type="checkbox"/> Yes <input checked="" 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: April 15, 2021	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE; USE	
Fees Pd: 3430.00	WM District: 16	ODFW District:
Initial Public Notice: April 27, 2021	WM Review sent: 5/22/21	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: 8/23/21 <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested: 7-11-22	Request for news \$ sent: 7/18/22	News \$ received: 7-21-22
Request to publish sent:	Affidavit of publication received: 12-5-22	Last day of publication: 12-2-22

Sci-Tribune Albany Democrat Herald

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 6/27/22 Initials: Scott	Date: 6/28/22 Initials: Scott	Date: _____ Initials: _____	Date: 7/5/22 Initials: PKS	Date: 7/11/22 Initials: Scott	CW Sent: 7/11/22	N/A
PD	Date: 11-8-22 Initial: Scott	Date: 11/9/22 Initials: ALO	Date: _____ Initials: _____	Date: 11/9/22 Initials: PKS	Date: 11/9/22 Initials: Scott	Date: 11/9/22	Date: 11/11/2022
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues:

~~NEED NEWSPAPER AFFIDAVIT~~ Rcvd 12-5-22

Special Order Volume: Vol. _____ Pages _____

REVISED DPD 11/4/2022

IRDPD NEED NEWS \$

C.C. Mike McCord on paper work

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Monday, November 21, 2022 1:47 PM
To: GREW Scott A * WRD
Subject: T-13675 Publication Dates

Hi Scott,

The dates of publication for this notice are 11/25 and 12/2/2022.

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



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

Attached is a check for \$ 442.08 (PCA #46118) for Newspaper Notice for Transfer T-13675 made out to Oregon Water Resources Department (or WRD)

- "for T-13675 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RECEIVED

JUL 21 2022

OWRD

Caseworker: Scott

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **138714** INVOICE # _____

RECEIVED FROM: Will McGill Surveying LLC APPLICATION
BY: LLC PERMIT
TRANSFER T-13675

CASH: ☐ CHECK: # 2028 OTHER: (IDENTIFY) ☐ TOTAL REC'D \$ 442.08

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 442.08

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 \$ 0204 \$
0205 TRANSFER \$

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **138714**

DATED: 07/21/22

BY: [Signature]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

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OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY) _____

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

TREASURY OTHER / RDX

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

RECEIPT: **138714**

DATED: 07/21/22

BY: [Signature]

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

*** Proof of Publication ***

State of Oregon
ss)
County of Linn and Benton

Oregon Water Resources Dept.

725 Summer St. NE Suite A
Salem, OR 97301

ORDER NUMBER 149907

I, Monica Hampton, being first duly sworn depose and say, that I am the Legal Clerk of the Albany Democrat-Herald & Corvallis Gazette-Times, newspapers of general circulation, as defined by section 193.010 O.R.S., published at 600 Lyon St. SW, Albany, OR, in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.

Notice of Preliminary Determination for
Water Right Transfer T-13675

T-13675 filed by J-S Ranch Inc., 34905 Ranch Drive, Brownsville, OR 97327, proposes an additional point of appropriation, a change of place of use and a change in character of use under Certificate 76538. The right allows the use of 0.57 cubic foot per second (cfs) from a well in Sec. 10, T10S, R2W, WM for irrigation in Sec. 10, T10S, R2W, WM. The applicant proposes an additional point appropriation in Sec. 10, T10S, R2W, WM, to change the place of use to Sec. 10, T10S, R2W, WM, and to change the character of use of 0.24 cfs to agriculture and stock. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 12/02/2022. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

#149907

PUBLISH: 11/25/2022, 12/02/2022

RECEIVED

DEC 05 2022

OWRD

Section: Public Notices

Category: 990 Public Notice

PUBLISHED ON: 11/25/2022, 12/02/2022

TOTAL AD COST: 368.40

FILED ON: 12/2/2022

Monica Hampton

Monica Hampton
Legal Clerk

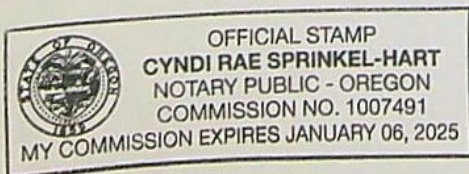
Cyndi Rae Sprinkel-Hart

Subscribed and sworn to before me on Dec. 2, 2022
Cyndi Rae Sprinkel-Hart, Notary

RECEIVED

DEC 05 2022

OWRD



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

J-S RANCH
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

7070 1970 0001 3965 0550 2863



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 11, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

J-S RANCH INC.

34905 RANCH DRIVE

BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-13675

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13675. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)
Mike McCord, Northwest Region Manager (via e-mail)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13675, Linn County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF APPROPRIATION,
	)	CHANGE OF PLACE OF USE, AND CHANGE
	)	IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Findings of Fact

1. On April 15, 2021, J-S RANCH INC. filed an application for an additional point of appropriation, a change of place of use, and a change in character of use under Certificate 76538. The Department assigned the application number T-13675.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 24, 2021, the agent for the applicant provided revisions to tables 1 and 2 of the application and a revised map.
4. On June 27, 2022, the agent for the applicant provided revised maps and table 1.
5. On July 11, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

6. On July 12, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to get all the needed permits from governmental agencies involved and develop the proposed facilities before putting the water right to beneficial use. The Department granted the longer time for completion per OAR 690-380-5140 (3).
7. On November 4, 2022, the Department sent a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-13675 13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
8. The right to be transferred is as follows:

Certificate: 76538 in the name of TRACY E. MOUNT (perfected under Permit G-12074)
Use: IRRIGATION of 45.7 ACRES
Priority Date: SEPTEMBER 28, 1993
Rate: 0.57 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the NORTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	NE SW	3	WELL 1 - 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR OF ELL CORNER OF STEWART DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	19.2
10 S	2 W	WM	10	NE SW	3	4.9
10 S	2 W	WM	10	NW SW		21.6
					Total	45.7

9. Transfer Application T-13675 proposes an additional point of appropriation approximately 760 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	SW NW	2	WELL 2 - 870 FEET SOUTH AND 250 FEET WEST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54

10. Transfer Application T-13675 also proposes to change the place of use of the right to:

IRRIGATION (0.33 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	10.0
10 S	2 W	WM	10	NE SW	3	4.8
10 S	2 W	WM	10	NW SW		10.7
10 S	2 W	WM	10	SW SW		1.0
Total						26.5

AGRICULTURE AND STOCK (0.24 CFS)					
Twp	Rng	Mer	Sec	Q-Q	GLot
10 S	2 W	WM	10	SW NW	2
10 S	2 W	WM	10	NW SW	

11. Transfer Application T-13675 proposes to change the character of use of 0.24 CFS to AGRICULTURE AND STOCK USES. 0.24 cfs is the equivalent of 19.2 acres ($0.24 \text{ cfs} \div 0.0125 \text{ cfs per acre}$).
12. Certificate 76538 does not specify the irrigation season. However, consistent with the North Santiam River decree, the irrigation season is established as being May 1 through September 30.

Transfer Review Criteria (OAR 690-380-4010)

13. Water has been used according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13675.
15. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed agricultural and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet ($19.2 \text{ acres} \times 2.5 \text{ acre-feet per acre}$) during the time period of May 1 through September 30.
16. The proposed changes would not result in injury to other water rights.
17. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

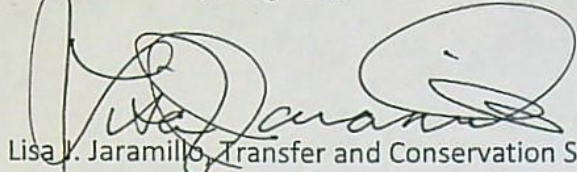
If Transfer Application T-13675 is approved, the final order will include the following:

- 1. The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76538 and any related decree.*
- 3. Water right Certificate 76538 is cancelled.*
- 4. The rate of diversion for the proposed agriculture and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet during the time period May 1 through September 30.*
- 5. The quantity of water diverted at the proposed additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

NOV 16 2022

Dated in Salem, Oregon on



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

GREW Scott A * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Monday, November 7, 2022 10:17 AM
To: GREW Scott A * WRD
Subject: Re: T-13675 Issuance of REVISED Draft Preliminary Determination - Action Required!

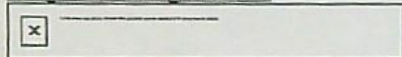
Hi Scott,

We have reviewed the Revised DPD and are in agreement. Please proceed with processing the transfer T-13675.

Thanks so much!

--

Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



On Fri, Nov 4, 2022 at 11:15 AM GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov> wrote:

November 4, 2022

VIA E-MAIL

Applicant

J-S RANCH INC.

34905 RANCH DRIVE

BROWNSVILLE, OR 97327

Reference: Water Right Transfer Application T-13675

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13675. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by August 10, 2022.

Required items needing your immediate attention:



Oregon

Kate Brown, Governor

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

November 4, 2022

VIA E-MAIL

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Reference: Water Right Transfer Application T-13675

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13675. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by August 10, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by December 4, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You have already paid for the charges.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable);

If we do not receive the item listed above by December 4, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)
Mike McCord, Northwest Region Manager (via e-mail)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13675, Linn County

)
)
)
)
)
)
)

R E V I S E D

D R A F T PRELIMINARY

DETERMINATION PROPOSING APPROVAL
OF AN ADDITIONAL POINT OF
APPROPRIATION, CHANGE OF PLACE OF
USE, AND CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Findings of Fact

1. On April 15, 2021, J-S RANCH INC. filed an application for an additional point of appropriation, a change of place of use, and a change in character of use under Certificate 76538. The Department assigned the application number T-13675.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 24, 2021, the agent for the applicant provided revisions to tables 1 and 2 of the application and a revised map.
4. On June 27, 2022, the agent for the applicant provided revised maps and table 1.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

5. On July 11, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On July 12, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to get all the needed permits from governmental agencies involved and develop the proposed facilities before putting the water right to beneficial use. The Department granted the longer time for completion per OAR 690-380-5140 (3).
7. The right to be transferred is as follows:

Certificate: 76538 in the name of TRACY E. MOUNT (perfected under Permit G-12074)
Use: IRRIGATION of 45.7 ACRES
Priority Date: SEPTEMBER 28, 1993
Rate: 0.57 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the NORTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	NE SW	3	WELL 1 - 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR OF ELL CORNER OF STEWART DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	19.2
10 S	2 W	WM	10	NE SW	3	4.9
10 S	2 W	WM	10	NW SW		21.6
					Total	45.7

8. Transfer Application T-13675 proposes an additional point of appropriation approximately 760 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	SW NW	2	WELL 2 - 870 FEET SOUTH AND 250 FEET WEST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54

9. Transfer Application T-13675 also proposes to change the place of use of the right to:

IRRIGATION (0.33 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	10.0
10 S	2 W	WM	10	NE SW	3	4.8
10 S	2 W	WM	10	NW SW		10.7
10 S	2 W	WM	10	SW SW		1.0
					Total	26.5

AGRICULTURE AND STOCK (0.24 CFS)					
Twp	Rng	Mer	Sec	Q-Q	GLot
10 S	2 W	WM	10	SW NW	2
10 S	2 W	WM	10	NW SW	

10. Transfer Application T-13675 proposes to change the character of use of 0.24 CFS to AGRICULTURE AND STOCK USES. 0.24 cfs is the equivalent of 19.2 acres (0.24 cfs ÷ 0.0125 cfs per acre).
11. Certificate 76538 does not specify the irrigation season. However, consistent with the North Santiam River decree, the irrigation season is established as being May 1 through September 30.

Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13675.
14. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed agricultural and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet (19.2 acres x 2.5 acre-feet per acre) during the time period of May 1 through September 30.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13675 is approved, the final order will include the following:

- 1. The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76538 and any related decree.*
- 3. Water right Certificate 76538 is cancelled.*
- 4. The rate of diversion for the proposed agriculture and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48.0 acre-feet during the time period May 1 through September 30.*
- 5. The quantity of water diverted at the proposed additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

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

This Revised Draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 18, 2022

*Sent
7/18/22*

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-13675

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$ 442.08 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13675 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than August 17, 2022.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Albany Democrat Herald newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by August 17, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)

✂-----
Attached is a check for \$ 442.08 (PCA #46118) for Newspaper Notice for Transfer T-13675 made out to Oregon Water Resources Department (or WRD)

- "for T-13675 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: Scott

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Wednesday, July 13, 2022 11:09 AM
To: STARNES Patrick K * WRD
Cc: GREW Scott A * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-13675

Hi Scott,

The quote came in for this notice. Total cost is \$442.08, in the Albany Democrat Herald.

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



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

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Tuesday, July 12, 2022 10:52 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-13675

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the Scio Tribune. Run time is two weeks.

Thanks!

Kelly

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

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

GREW Scott A * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Tuesday, July 12, 2022 3:16 PM
To: GREW Scott A * WRD
Subject: Re: T-13675 Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

I have reviewed the Draft PD and all looks good. We will order the ownership report from a title company and get it to you soon.

I would like to request that the completion date be changed to October 1, 2027. The client will need this time to get all the needed permits from governmental agencies involved and develop the proposed facilities before putting the water right to beneficial use. If this is acceptable, please continue processing the transfer.

Thanks so much!

—

Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



On Mon, Jul 11, 2022 at 4:32 PM GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov> wrote:



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite
Salem, OR 9730
(503) 986-0900
Fax (503) 986-0900

July 11, 2022

VIA E-MAIL

Applicant

J-S RANCH INC.

34905 RANCH DRIVE

Reference: Water Right Transfer Application T-13675

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13675. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by August 10, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by August 10, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.



TICOR TITLE™

Property Profile Report

Client Name:

Today's Date:

07/12/2022

Owner Name:

Simon, Eric E

Simon, Brandie N

Property Address:

37225 Jefferson Scio Dr

Scio OR 97374 9545

Reference Number:

10S02W1000501

Account Number:

0035010

Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541.926.2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585.1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
--	--	---	--	---	---	--

This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

TITLE AND ESCROW SERVICES

www.TicorMidValley.com

For all your customer service needs: MVCS@TicorTitle.com

**Parcel Information**

Parcel #:	0035010
Tax Lot:	10S02W1000501
Site Address:	37225 Jefferson Scio Dr Scio OR 97374 - 9545
Owner:	Simon, Eric E Simon, Brandie N 34905 Ranch Dr Brownsville OR 97327 - 9787
Twn/Range/Section:	10S / 02W / 10
Parcel Size:	60.27 Acres (2,625,361 SqFt)
Lot:	
Census Tract/Block:	030100 / 2009
Levy Code Area:	09508
Levy Rate:	11.4677
Market Value Land:	\$436,960.00
Market Value Impr:	\$55,060.00
Market Value Total:	\$492,020.00
Assessed Value:	\$90,988.00

**Tax Information**

Tax Year	Annual Tax
2021	\$1,222.65
2020	\$1,204.95
2019	\$1,184.01

Legal**Land**

Land Use:	509 - HBU FARM NO SPCL ASSMT WITH MFG	Zoning:	County-EFU - Exclusive Farm Use
Watershed:	Hamilton Creek-South Santiam River	Std Land Use:	CMOB - Mobile Home Parks, Trailers
Recreation:		School District:	14J - Jefferson
Primary School:	JEFFERSON ELEMENTARY SCHOOL	Middle School:	JEFFERSON MIDDLE SCHOOL
High School:	JEFFERSON HIGH SCHOOL		

Improvement

Year Built:	1978	Stories:		Finished Area:	1,560 SqFt
Bedrooms:	3	Bathrooms:	2	Pool:	
Bldg Type:	442 - Ms Double Wide				

Transfer Information

Rec. Date:	02/16/2021	Sale Price:	\$372,500.00	Doc Num:	3908	Doc Type:	Deed
Owner:	Eric E Simon			Grantor:	MOUNT DARRELL		
Orig. Loan Amt:				Title Co:	FIDELITY NATIONAL TITLE		
Finance Type:		Loan Type:		Lender:			

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

RECORDING REQUESTED BY:



Fidelity National Title
Company of Oregon

317 1st Ave. W, Ste 100
Albany, OR 97321

GRANTOR'S NAME:

Darrell Mount

GRANTEE'S NAME:

Eric Edward Simon and Brandie Nichol Simon

AFTER RECORDING RETURN TO:

Eric Edward Simon and Brandie Nichol Simon
34905 Ranch DR
Brownsville, OR 97327

SEND TAX STATEMENTS TO:

Eric Edward Simon and Brandie Nichol Simon
34905 Ranch DR
Brownsville, OR 97327

FNT Order No.: 60222007522-TR

APN: 0925930
0035010
0524781

Map: 10S02W1000 00501
37225 Jefferson Scio Drive, Scio, OR 97374

LINN COUNTY, OREGON		2021-03908
D-WD		
Stn=10118 R. BELDON	02/16/2021 01:37:01 PM	
\$10.00 \$11.00 \$10.00 \$60.00 \$19.00	\$110.00	
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.		
Steve Druckenmiller - County Clerk		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Darrell Mount, Grantor, conveys and warrants to

Eric E. Simon and Brandie N. Simon, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

Beginning at a 1/2" iron rod on the West line of Section 10, Township 10 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, distant thereon South 0° 35' West 1791.68 feet from the West quarter corner thereof; thence North 0° 35' East 1791.68 feet along the West line of said Section 10 to the said West quarter corner; thence North 0° 08' West along the West line of said Section 410.07 feet to the Southerly boundary of the Lewis Stewart Donation Land Claim No. 54; thence North 55° 54' East along the Southerly boundary of said Claim, 985.29 feet to the Interior El corner thereof; thence South 28° 15' East along the Claim line, 2085.38 feet to a 1/2" iron rod; thence South 84° 50' West 1287.60 feet to a 1/2" iron rod; thence South 33° 37' West 419.04 feet to a 1/2" iron rod; thence South 22° 01' West 399.77 feet to a 1/2" iron rod; thence South 62° 25' West 176.01 feet to the place of beginning.

ALSO the following: a Non-exclusive easement to be used in common with others over the following described premises: Beginning at a point on the Southerly Southwest corner of Donation Land Claim No. 54, in Section 10, Township 10 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence North 28° 15' West along the West line of said Claim, 39.5 chains; thence North 55° 30' East 29.5 feet to the Northwest corner of that certain tract recorded February 21, 1940, in Book 151, Page 181, Deed Records; thence South 28° 15' East along the West line of said tract, 39.5 chains to the South line of Donation Land Claim No. 54; thence South 55° 30' West along the South line of said Donation Land Claim, 29.5 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS Three Hundred Seventy-Two Thousand Five Hundred And No/100 Dollars (\$372,500.00). (See ORS 93.030).

Subject to:

- I. The Land has been classified as Farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 35010 and 925930

- II. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

- III. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States of America
Purpose: Transmission line
Recording Date: May 12, 1970
Recording No: Book 348, Page 847
Affects: Reference is hereby made to said document for full particulars

Fidelity National Title # 60222007522

STATUTORY WARRANTY DEED

(continued)

IV. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Scio Mutual Telephone Association
Purpose: Underground telecommunications cable system
Recording Date: August 11, 2008
Recording No: 2008-15897
Affects: Reference is hereby made to said document for full particulars

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

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

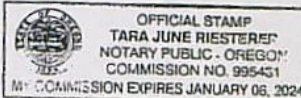
Dated: 2-11-2021
Darrell Mount
Darrell Mount

State of Oregon, County of Linn

This instrument was acknowledged before me on FEB 11, 2021 by Darrell Mount.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 01/06/2024



Business Registry Business Name Search

[New Search](#)

Business Entity Data

07-12-2022

15:45

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1748777-96	DBC	ACT	OREGON	11-30-2020	11-30-2022	
Entity Name J-S RANCH INC						
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	37225 JEFFERSON SCIO DR			
Addr 2				
CSZ	SCIO	OR	97374	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-30-2020	Resign Date	
Name	BRANDIE	SIMON				
Addr 1	34905 RANCH DR					
Addr 2						
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	34905 RANCH DR			
Addr 2				
CSZ	BROWNSVILLE	OR	97327	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	ERIC	SIMON			
Addr 1	34905 RANCH DR				
Addr 2					
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	BRANDIE	SIMON			
Addr 1	34905 RANCH DR				
Addr 2					
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA

[New Search](#)



Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
J-S RANCH INC	EN	CUR	11-30-2020	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	12-15-2021		FI		
	ARTICLES OF INCORPORATION	11-30-2020		FI	Agent	

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Oregon

Kate Brown, Governor

Water Resources Department

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

July 11, 2022

VIA E-MAIL

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Reference: Water Right Transfer Application T-13675

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13675. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by August 10, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by August 10, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions to your water right...

Please note the proposed date by which all conditions must be met: **October 1, 2023**. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

Issuance of the Preliminary Determination will occur shortly after we receive:

- 1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
- 2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by August 10, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)
Mike McCord, Northwest Region Manager (via e-mail)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13675, Linn County

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)
)
)

D R A F T PRELIMINARY
DETERMINATION PROPOSING APPROVAL
OF AN ADDITIONAL POINT OF
APPROPRIATION, CHANGE OF PLACE OF
USE, AND CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Findings of Fact

1. On April 15, 2021, J-S RANCH INC. filed an application for an additional point of appropriation, a change of place of use, and a change in character of use under Certificate 76538. The Department assigned the application number T-13675.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 24, 2021, the agent for the applicant provided revisions to tables 1 and 2 of the application and a revised map.
4. On June 27, 2022, the agent for the applicant provided revised maps and table 1.
5. The right to be transferred is as follows:

Certificate: 76538 in the name of TRACY E. MOUNT (perfected under Permit G-12074)
Use: IRRIGATION of 45.7 ACRES
Priority Date: SEPTEMBER 28, 1993
Rate: 0.57 CUBIC FOOT PER SECOND

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

Source: A WELL in the NORTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	NE SW	3	WELL 1 - 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR OF ELL CORNER OF STEWART DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	19.2
10 S	2 W	WM	10	NE SW	3	4.9
10 S	2 W	WM	10	NW SW		21.6
					Total	45.7

6. Transfer Application T-13675 proposes an additional point of appropriation approximately 760 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	SW NW	2	WELL 2 - 870 FEET SOUTH AND 250 FEET WEST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54

7. Transfer Application T-13675 also proposes to change the place of use of the right to:

IRRIGATION (0.33 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	10.0
10 S	2 W	WM	10	NE SW	3	4.8
10 S	2 W	WM	10	NW SW		10.7
10 S	2 W	WM	10	SW SW		1.0
					Total	26.5

AGRICULTURE AND STOCK (0.24 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	
10 S	2 W	WM	10	SW NW	2	
10 S	2 W	WM	10	NW SW		

8. Transfer Application T-13675 proposes to change the character of use of 0.24 CFS to AGRICULTURE AND STOCK USES.

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13675.
11. The proposed changes would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13675 is approved, the final order will include the following:

1. *The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76538 and any related decree.*
3. *Water right Certificate 76538 is cancelled.*
4. *The quantity of water diverted at the proposed additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
6. *The former place of use of the transferred right shall no longer receive water under the right.*

7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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PR'd

**Notice of Preliminary Determination for
Water Right Transfer T-13675**

T-13675 filed by J-S Ranch Inc., 34905 Ranch Drive, Brownsville, OR 97327, proposes an additional point of appropriation, a change of place of use and a change in character of use under Certificate 76538. The right allows the use of 0.57 cubic foot per second (CFS) from a well in Sec. 10, T10S, R2W, WM for irrigation in Sec. 10, T10S, R2W, WM. The applicant proposes an additional point appropriation in Sec. 10, T10S, R2W, WM, to change the place of use to Sec. 10, T10S, R2W, WM, and to change the character of use of 0.24 cfs to agriculture and stock. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August __, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

J-S RANCH INC.

34905 RANCH DRIVE

BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-13675

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13675. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13675
Gregory J. Wacker, District 16 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)
Mike McCord, Northwest Region Manager (via e-mail)

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRACY E. MOUNT
37225 JEFFERSON-SCIO ROAD
SCIO, OREGON 97374

confirms the right to use the waters of A WELL in the NORTH SANTIAM RIVER BASIN for IRRIGATION OF 45.7 ACRES.

This right was perfected under Permit G-12074. The date of priority is SEPTEMBER 28, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.57 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

LOT 3 (NE 1/4 SW 1/4), SECTION 10, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

LOT 2 (SW 1/4 NW 1/4)	19.2 ACRES
LOT 3 (NE 1/4 SW 1/4)	4.9 ACRES
NW 1/4 SW 1/4	21.6 ACRES
SECTION 10	
TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.	

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

Measurement, recording and reporting conditions:

- The water user shall maintain a meter or measuring device in good working order.
- The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

$$\frac{0.57}{45.7} = 0.0124726$$

$$1R \quad 26.5 \times 0.0124726 = 0.33$$

$$AG \neq Stock \quad 19.2 \times 0.0124726 = 0.24$$

On May

△	
9.2	
24.7	
24.0	3.8
	1.0
	4.8 more

19.2
Character
of
Use

The water user shall obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor, pump installer licensed by the Construction Contractors Board or the permittee/appropriator. Water levels shall be reported as depth-to water below ground level and shall be accompanied by supporting calculations. Reports and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements. If a well listed on this right displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well. Such action shall be taken until the Department determines, based on the water user's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The referenced level for water-level declines shall be the second annual measurement taken after water user begins under the terms of this right. The water user shall in no instance allow excessive decline to occur within the aquifer as a result of use under this right.

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

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

The source of water under this right is limited to the water contained in the alluvial material below the clay layer at about 80 to 120 feet below land surface.

The Director may require pump test results every ten years.

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

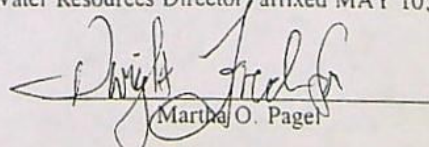
The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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

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

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

WITNESS the signature of the Water Resources Director, affixed MAY 10, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76538.

NOV 24 2021
RECEIVED
Revised

REVISED 11/24/2021

Table 2. Description of Changes to Water Right Certificate # 76538

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	2	W 10	SW	NW	501	2	19.2	Irrigation	Well 1	1993	APOA	10	S	2	W 10	SW	NW	501	2	10.0	Irrigation	Well 1, 2	1993
							9.2 10.0					APOA, USE, POU	10	S	2	W 10	SW	NW	501	2	N/A	Agricultural & Stockwater	Well 1, 2	1993
10	S	2	W 10	NE	SW	501	3	4.9	Irrigation	Well 1	1993	APOA	10	S	2	W 10	NE	SW	501	3	4.8	Irrigation	Well 1, 2	1993
10	S	2	W 10	NW	SW	501		21.6	Irrigation	Well 1	1993	APOA	10	S	2	W 10	NW	SW	501		6.9	Irrigation	Well 1, 2	1993
							14.7 6.9					APOA, POU	10	S	2	W 10	NW	SW	501		3.8	Irrigation	Well 1, 2	1993
												APOA, USE, POU	10	S	2	W 10	NW	SW	501		N/A	Agricultural & Stockwater	Well 1, 2	1993
												APOA, POU	10	S	2	W 10	SW	SW	501		1.0	Irrigation	Well 1, 2	1993
TOTAL ACRES:						45.7						TOTAL ACRES:						26.5						

Additional remarks: The 19.2-acre discrepancy between the total acreage of the from lands and the total acreage of the to lands is due to the conversion of this 19.2-acre portion of Cert. 76538 to Agricultural & Stockwater Use. The POU for the Agricultural & Stockwater portion is described in table 2, but a specific acreage is not assigned, just a maximum rate (0.24 cfs, standard IR rate for the converted 19.2 acres).

Part 5 of 5 – Water Right Information

REVISED 11/24/2021

CERTIFICATE # **76538**

Description of Water Delivery System

System capacity: 2.3 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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 NOV 24 2021
 OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 40 HP submersible pump conveys water to field via 4" buried mainline and is applied by a big gun.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 50649/ LINN 6573	10 S	2 W	10	NE SW	501	1040' S and 560' E from the Interior Ell Corner of Stewart DLC 54
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	353 8* NW	10 S	2 W	10	SW NW	501	870' S and 250' E from the Interior Ell Corner of Stewart DLC 54
	<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 checked="" 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.

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

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

APR 15 2021

- ☒ 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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ 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. 76538
Please include a separate Part 5 for each water right. (See instructions on page 6)

OWRD

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

APR 15 2021

Part 2 of 5 – Transfer Application Map

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

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°).

13675 -

Part 5 of 5 – Water Right Information

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APR 15 2021

CERTIFICATE # 76538

OWRD

Supervised

Description of Water Delivery System

System capacity: 2.3 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. 40 HP submersible pump conveys water to field via 4" buried mainline and is applied by a big gun.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 50649/ LINN 6573	10 S	2 W	10	NE	SW	501	1040' S and 560' E from the Interior Ell Corner of Stewart DLC 54
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	10	NW	SW	501	1240' S and 300' E from the Interior Ell Corner of Stewart DLC 54
	<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 checked="" 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.

13675 -

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO. RECEIVED
CITY	STATE	ZIP	E-MAIL	
APR 15 2021				

Describe any special ownership circumstances here: _____


OWRD

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRACY E. MOUNT
37225 JEFFERSON-SCIO ROAD
SCIO, OREGON 97374

confirms the right to use the waters of A WELL in the NORTH SANTIAM RIVER BASIN for IRRIGATION OF 45.7 ACRES.

This right was perfected under Permit G-12074. The date of priority is SEPTEMBER 28, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.57 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

LOT 3 (NE 1/4 SW 1/4), SECTION 10, TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.; 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

Entirely

LOT 2 (SW 1/4 NW 1/4)	19.2 ACRES
LOT 3 (NE 1/4 SW 1/4)	4.9 ACRES
NW 1/4 SW 1/4	21.6 ACRES
SECTION 10	
TOWNSHIP 10 SOUTH, RANGE 2 WEST, W.M.	

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

Measurement, recording and reporting conditions:

- The water user shall maintain a meter or measuring device in good working order.
- The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

0.33 cfs for 1R

$\Delta P_{ou} = 4.8 a$
 $AP_{ou} = 21.7 a$

$AP_{ou} / P_{ou} / USE = 19.2 a$

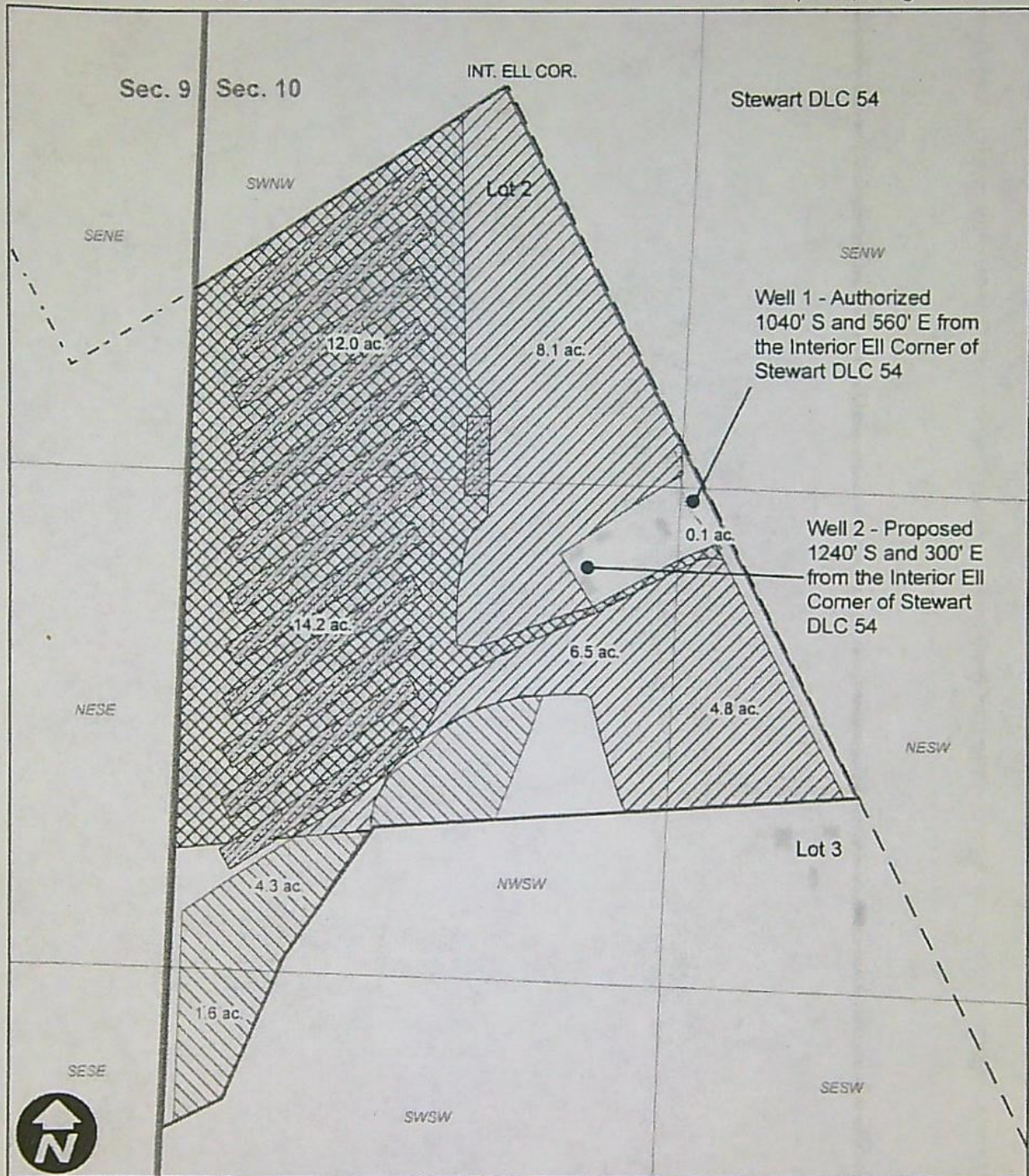
$19.2 / 80 = 0.24 cfs (Ag + Stock)$

further limited to 48.0 kF/yr
(19.2×2.5)

North Santiam
R. Decree
May 1 to Sept. 30

Transfer Application - Simon

Township 10S, Range 2W, W.M.



Legend

- From - Cert. 76538 - Irrigation - 26.3 ac.
- Cert. 76538 No Change - 19.4 ac.
- To - Irrigation - 5.9 ac.
- To - Agricultural and Stockwater POU - 0.26 cfs
- Mainline
- Taxlot 501
- DLC



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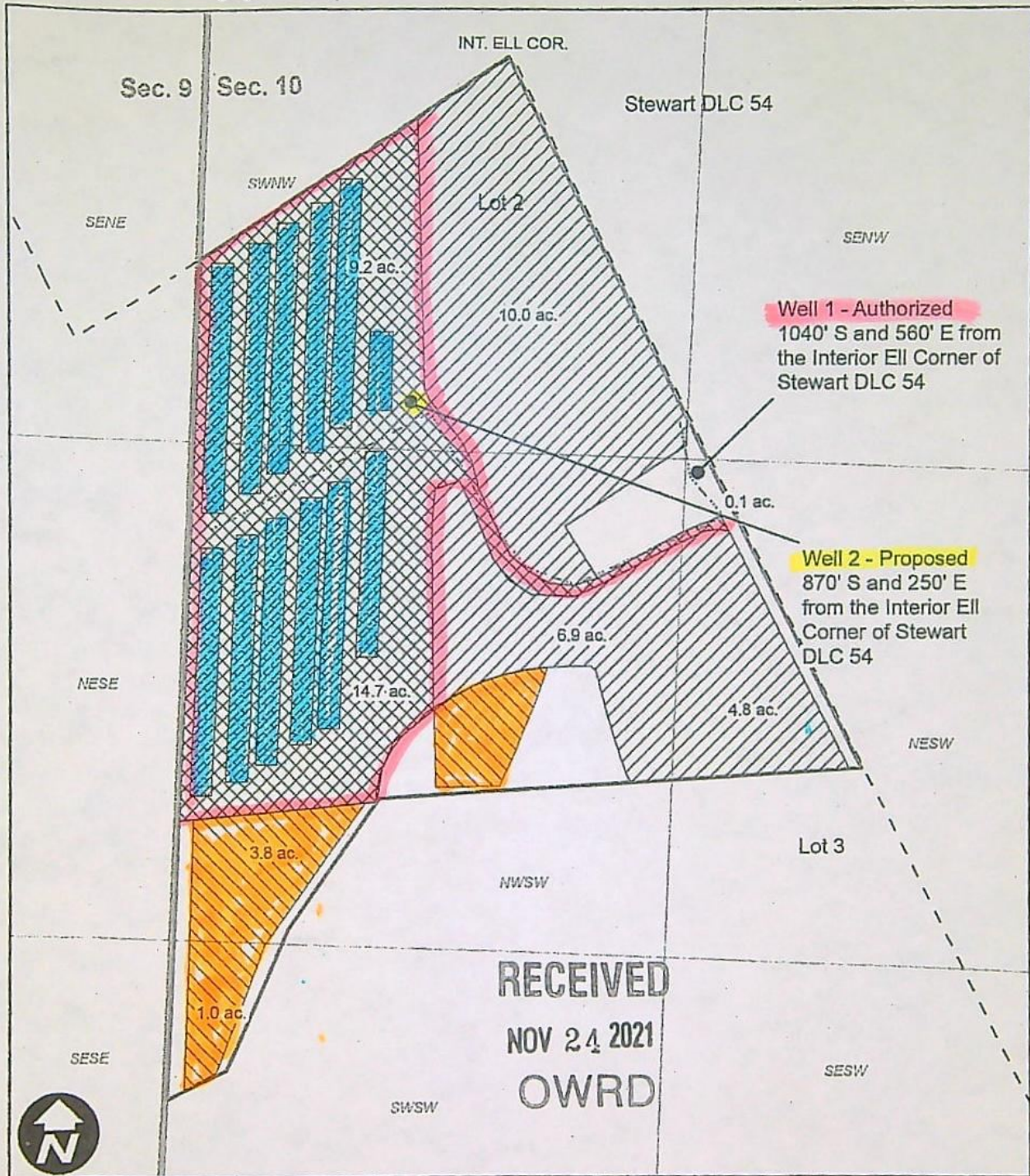
APR 15 2021

OWRD

EXPIRES: 12/31/2022

Transfer Application - Simon

Township 10S, Range 2W, W.M.



Legend

- From - Cert. 76538 - Irrigation - 24.0 ac.
- Cert. 76538 No Change - 21.7 ac.
- To - Irrigation - 4.8 ac.
- To - Agricultural and Stockwater POU - 0.24 cfs
- Mainline
- Taxlot 501
- DLC



EXPIRES: 12-31-2022

Part 3 of 5 – Fee Worksheet

[illegible]

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a)		
	Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME J-S Ranch Inc.		PHONE NO. (541) 990-5999	ADDITIONAL CONTACT NO.
ADDRESS 34905 Ranch Dr.		FAX NO.	
CITY Brownsville	STATE OR	ZIP 97327	E-MAIL eric@idealagsupply.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) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
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 by this application to move a portion of Certificate 76538 to cover the areas of the farm that will remain in crop production with irrigation and convert a portion of Cert. 76538 to Agricultural and Stockwater use for raising poultry. It is also proposed to add an additional POA for all uses.

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.

RECEIVED

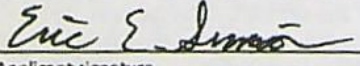
APR 15 2021

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: Scio Tribune.
- 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).

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


Applicant signature

Eric E Simon
Print Name (and Title if applicable)

4/12/21
Date

Applicant signature

Print Name (and Title if applicable)

Date

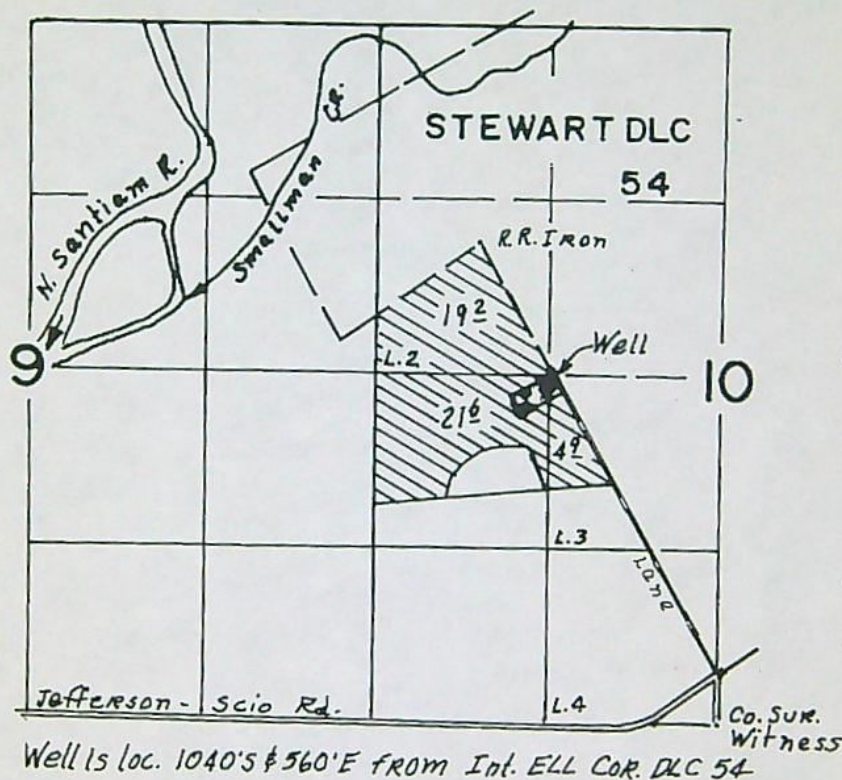
Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

T.10S. R.2W.W.M.

RECEIVED

MAR 19 1999

WATER RESOURCES DEPT
SALEM OREGON

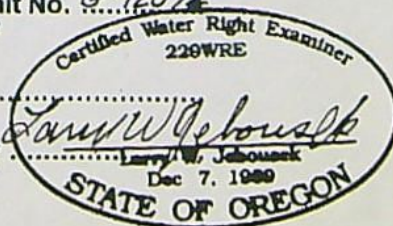


FINAL PROOF SURVEY
UNDER

Application No. G-13516 Permit No. G-12074
IN NAME OF

TRACY E. MOUNT

Surveyed MAR 12 1999, by



THIS MAP WAS PREPARED FOR THE
PURPOSE OF IDENTIFYING THE LOCA-
TION OF A WATER RIGHT ONLY AND IS
NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATION OF PROPER-
TY OWNERSHIP LINES.

WAC-ODFW-93 6-25

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13675

GW Reviewer Phillip I. Marcy Date Review Completed: 08/23/2021

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13675

Applicant Name: J-S Ranch

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

Reviewer(s): Phillip I. Marcy

Date of Review: 08/23/2021

Revised: 06/23/2022

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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

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

1. Basic description of the changes proposed in this transfer: The applicant proposes to convert a portion of the underlying right (Cert 76538) to agricultural and stock water use for raising poultry, in addition to moving a portion of remaining irrigation to lands that will remain in crop production. The applicant also wishes to add an additional point of appropriation (APOA). This review has been revised to reflect changes in the proposed APOA location submitted on 11/24/2021.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Both the existing well and the proposed well produce from alluvium.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☐ Yes ☒ No Comments: The existing authorized well is located 1775' from nearby LINN 344, an authorized POA under permit G-13126, versus a distance of 2075' from LINN 344 to the proposed APOA location.

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

☐ Yes ☒ No If yes, explain: The proposed configuration including the APOA well, is not anticipated to produce a significant increase in interference.

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

☐ Yes ☒ No Comments: The proposed APOA is not significantly closer to any surface water source than the currently authorized POA.

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

Stream: North Santiam River

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

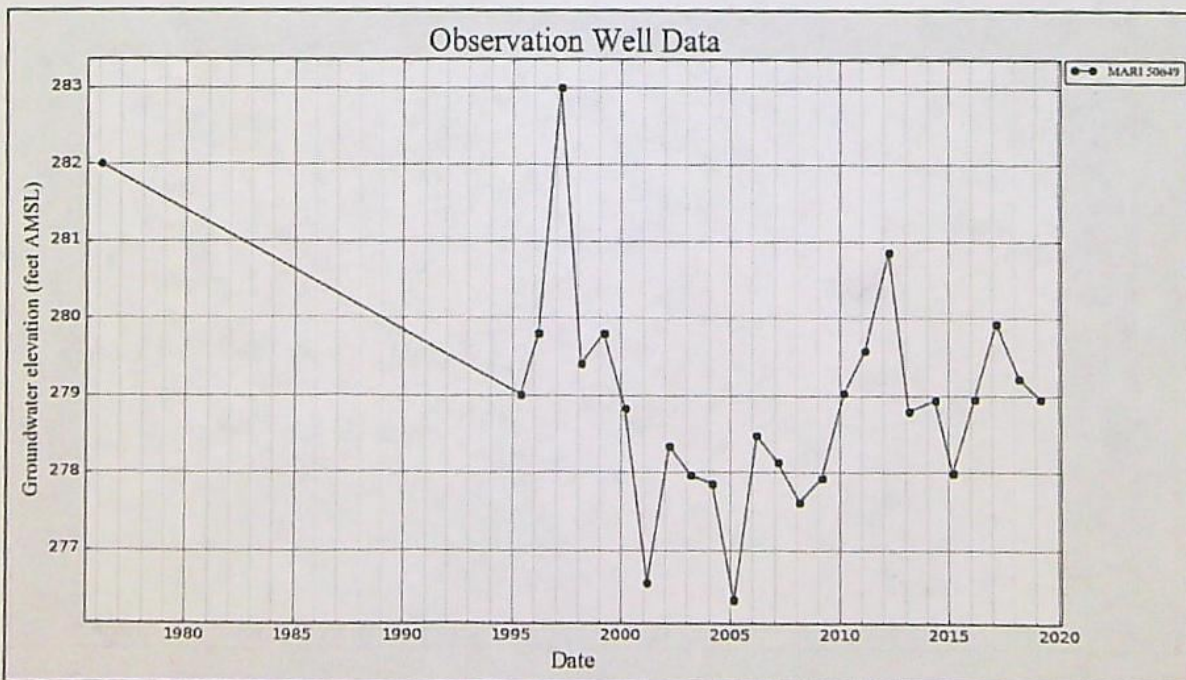
Provide context for minimal/significant impact: The proposed APOA well is approximately 300 feet closer to the North Santiam River than the existing authorized POA. However, due to the high storativity anticipated within the target aquifer, this change in the distribution of pumping is not expected to result in a significant change in the geometry of resulting cones of depression.

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

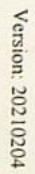
☐ Yes ☐ No Comments: NA

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

8. Any additional comments: _____



Permit condition measurement record for the currently authorized POA, MARI 50649/LINN 6573.



need to issue a revised dpd

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13675, Linn County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF APPROPRIATION,
	)	CHANGE OF PLACE OF USE, AND CHANGE
	)	IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J-S RANCH INC.
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Findings of Fact

1. On April 15, 2021, J-S RANCH INC. filed an application for an additional point of appropriation, a change of place of use, and a change in character of use under Certificate 76538. The Department assigned the application number T-13675.
2. Notice of the application for transfer was published on April 27, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 24, 2021, the agent for the applicant provided revisions to tables 1 and 2 of the application and a revised map.
4. On June 27, 2022, the agent for the applicant provided revised maps and table 1.
5. On July 11, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13675 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

6. On July 12, 2022, the agent for the applicant requested the completion date of October 1, 2027 to allow time to get all the needed permits from governmental agencies involved and develop the proposed facilities before putting the water right to beneficial use. The Department granted the longer time for completion per OAR 690-380-5140 (3).

7. The right to be transferred is as follows:

Certificate: 76538 in the name of TRACY E. MOUNT (perfected under Permit G-12074)
Use: IRRIGATION of 45.7 ACRES
Priority Date: SEPTEMBER 28, 1993
Rate: 0.57 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the NORTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	NE SW	3	WELL 1 - 1040 FEET SOUTH AND 560 FEET EAST FROM THE INTERIOR OF ELL CORNER OF STEWART DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	19.2
10 S	2 W	WM	10	NE SW	3	4.9
10 S	2 W	WM	10	NW SW		21.6
					Total	45.7

8. Transfer Application T-13675 proposes an additional point of appropriation approximately 760 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	2 W	WM	10	SW NW	2	WELL 2 - 870 FEET SOUTH AND 250 FEET WEST FROM THE INTERIOR ELL CORNER OF STEWART DLC 54

9. Transfer Application T-13675 also proposes to change the place of use of the right to:

IRRIGATION (0.33 CFS)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	2 W	WM	10	SW NW	2	10.0
10 S	2 W	WM	10	NE SW	3	4.8
10 S	2 W	WM	10	NW SW		10.7
10 S	2 W	WM	10	SW SW		1.0
					Total	26.5

11. Certificate 76538 does not specify the irrigation season. However, consistent with the North Santiam River decree, the irrigation season is established as being May 1 through September 30.

AGRICULTURE AND STOCK (0.24 CFS)					
Twp	Rng	Mer	Sec	Q-Q	GLot
10 S	2 W	WM	10	SW NW	2
10 S	2 W	WM	10	NW SW	

10. Transfer Application T-13675 proposes to change the character of use of 0.24 CFS to AGRICULTURE AND STOCK USES. 0.24 CFS is the equivalent of 19.2 acres (0.24 cfs ÷ 0.0125 cfs per acre).

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13675.
13. The proposed changes would not result in enlargement of the right. if conditioned as seen below
14. The proposed changes would not result in injury to other water rights.
15. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13675 is approved, the final order will include the following:

1. The additional point of appropriation, change of place of use and change in character of use proposed in Transfer Application T-13675 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76538 and any related decree.
3. Water right Certificate 76538 is cancelled.
4. See next page
5. The quantity of water diverted at the proposed additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).

so that the rate of diversion for the proposed agricultural and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 498 acre-feet (19.2 acres x 2.5 acre feet per acre) during the time period of May 1 through September 30.

5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. The former place of use of the transferred right shall no longer receive water under the right.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

→ The rate of diversion for the proposed agriculture and stock use shall be limited to 0.24 cubic foot per second and shall be further limited to a total volume diverted of 48 acre-feet during the time period May 1 through September 30.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13675

GW Reviewer Phillip I. Marcy Date Review Completed: 08/23/2021

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13675

Applicant Name: J-S Ranch

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

Reviewer(s): Phillip I. Marcy

Date of Review: 08/23/2021

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 9/16/21

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

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

-
1. Basic description of the changes proposed in this transfer: The applicant proposes to convert a portion of the underlying right (Cert 76538) to agricultural and stock water use for raising poultry, in addition to moving a portion of remaining irrigation to lands that will remain in crop production. The applicant also wishes to add an additional point of appropriation (APOA).
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Both the existing well and the proposed well produce from alluvium.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
 4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: The existing authorized well is located 1775' from nearby LINN 344, an authorized POA under permit G-13126, versus a distance of 1725' from LINN 344 to the proposed APOA location.
b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: The proposed configuration including the APOA well, is not anticipated to produce a significant increase in interference.

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

☐ Yes ☒ No Comments: The proposed APOA is not significantly closer to any surface water source than the currently authorized POA.

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

Stream: North Santiam River

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: The proposed APOA well is not measurably closer to the North Santiam River than the existing authorized POA.

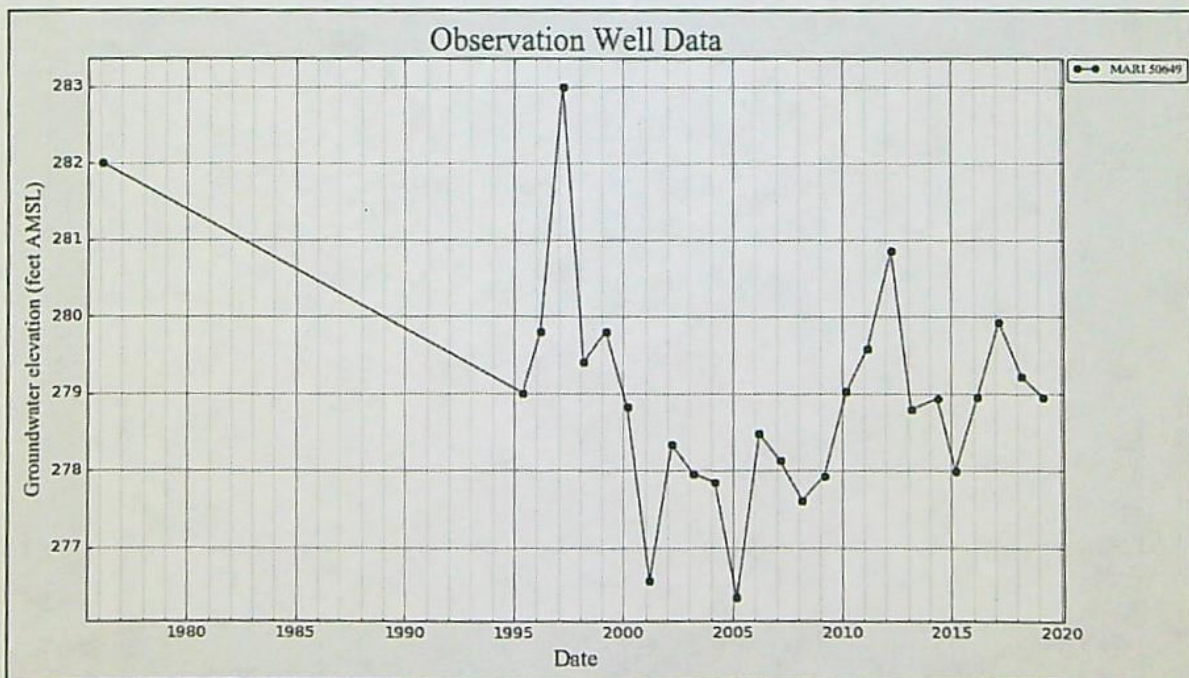
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: NA

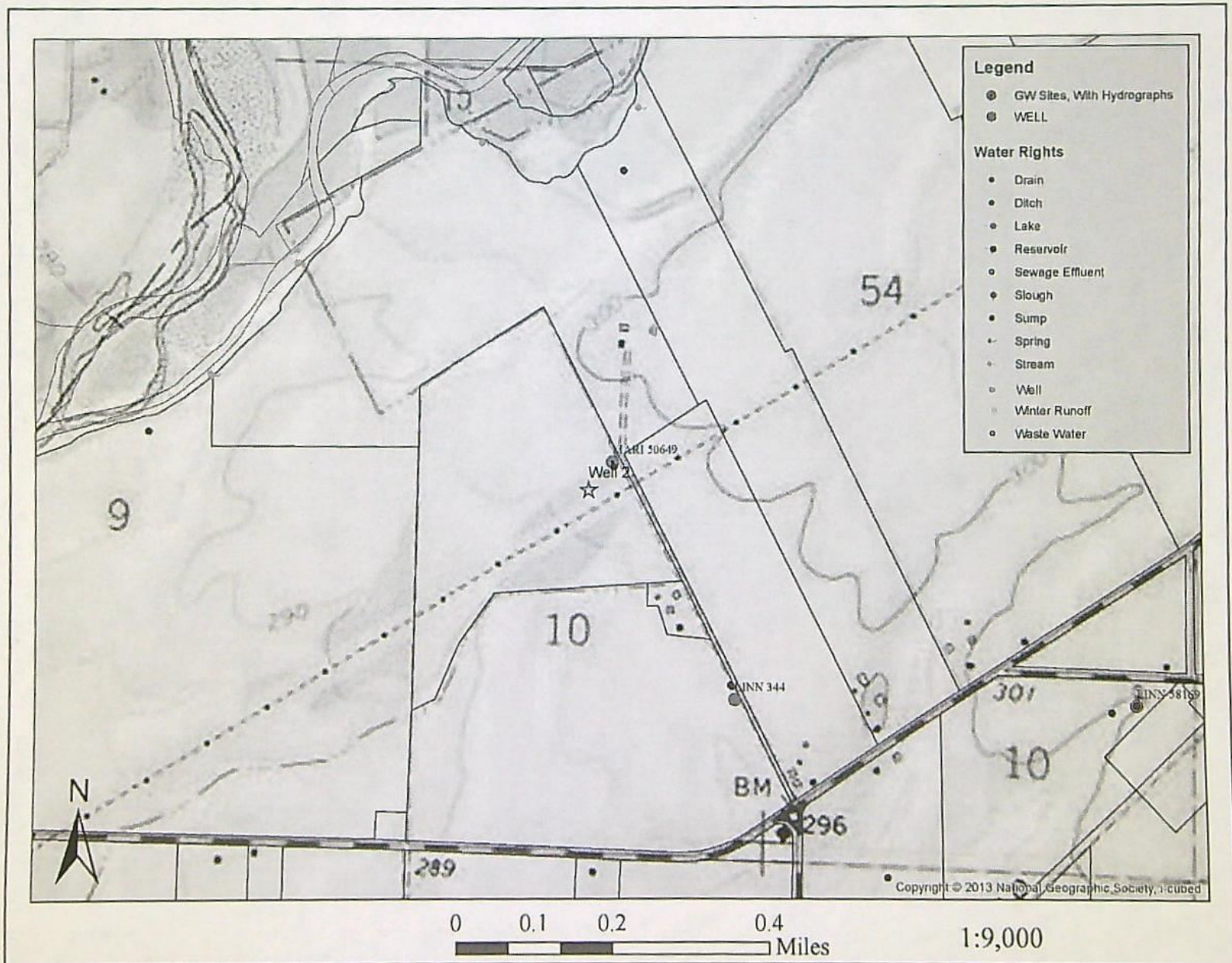
7. What conditions or other changes in the application are necessary to address any potential issues identified above: None.

8. Any additional comments: _____

9.



Permit condition measurement record for the currently authorized POA, MARI 50649/LINN 6573.



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-13675

Review Due Date: 05/22/2021

Applicant Name: J-S Ranch

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

Reviewer(s): G. Wacker

Date of Review: 05/18/2021

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a _____ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

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:

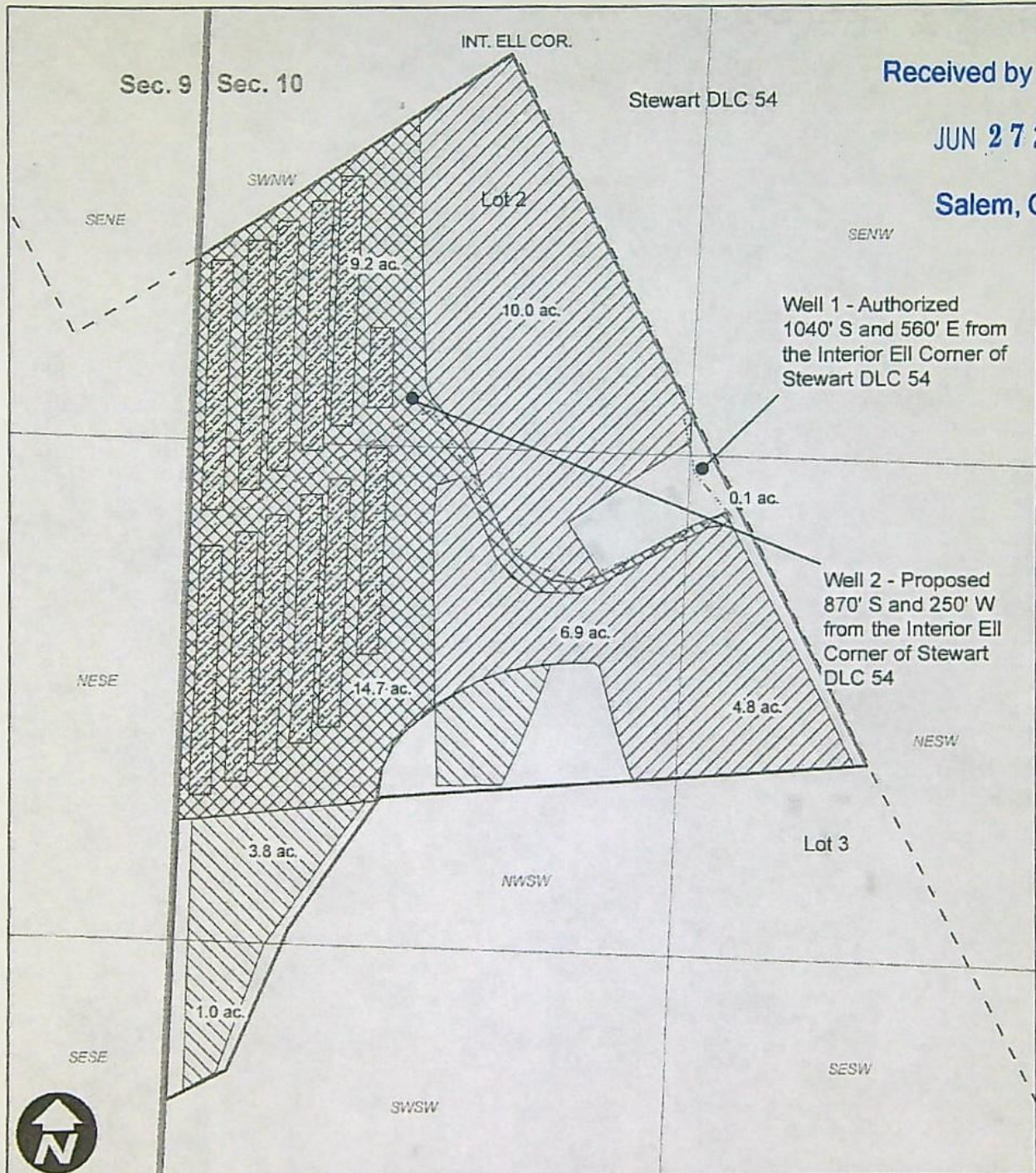
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Transfer Application - Simon

REVISED 11/24/2021

REVISED 6/27/2022

Township 10S, Range 2W, W.M.



Legend

- From - Cert. 76538 - Irrigation - 24.0 ac.
- Cert. 76538 No Change - 21.7 ac.
- To - Irrigation - 4.8 ac.
- To - Agricultural and Stockwater POU - 0.24 cfs
- Mainline
- Taxlot 501
- DLC

0 200 400 800 Feet



EXPIRES: 12-31-2022

Part 5 of 5 – Water Right Information

REVISED 11/24/2021

REVISED 6/27/2022

CERTIFICATE # 76538

Received by OWRD

Description of Water Delivery System

System capacity: 2.3 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

JUN 27 2022

Salem, OR

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. 40 HP submersible pump conveys water to field via 4" buried mainline and is applied by a big gun.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 50649/ LINN 6573	10 S	2 W	10	NE	SW	501	1040' S and 560' E from the Interior EII Corner of Stewart DLC 54
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	10	SW	NW	501	870' S and 250' W from the Interior EII Corner of Stewart DLC 54
	<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 checked="" 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.

COURCHANE Corey A * WRD

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Wednesday, November 24, 2021 2:39 PM
To: COURCHANE Corey A * WRD
Subject: T-13675 J-S Ranch revisions
Attachments: T-13675 Revised pgs 11-24-21.pdf

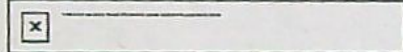
Hi Corey,

As we discussed on the phone yesterday, we have revised the map for this application to match the table. The plans had also changed since we submitted it, so there were also some slight revisions to the place of use and well location.

Let me know if you have any questions!

--

Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



Part 5 of 5 – Water Right Information

REVISED 11/24/2021

CERTIFICATE # 76538

Description of Water Delivery System

System capacity: 2.3 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. 40 HP submersible pump conveys water to field via 4" buried mainline and is applied by a big gun.

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Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 50649/ LINN 6573	10 S	2 W	10	NE SW	501	1040' S and 560' E from the Interior Ell Corner of Stewart DLC 54
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	10	SW NW	501	870' S and 250' E from the Interior Ell Corner of Stewart DLC 54
	<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 checked="" 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.

REVISED 11/24/2021

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Table 2. Description of Changes to Water Right Certificate # 76538

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.

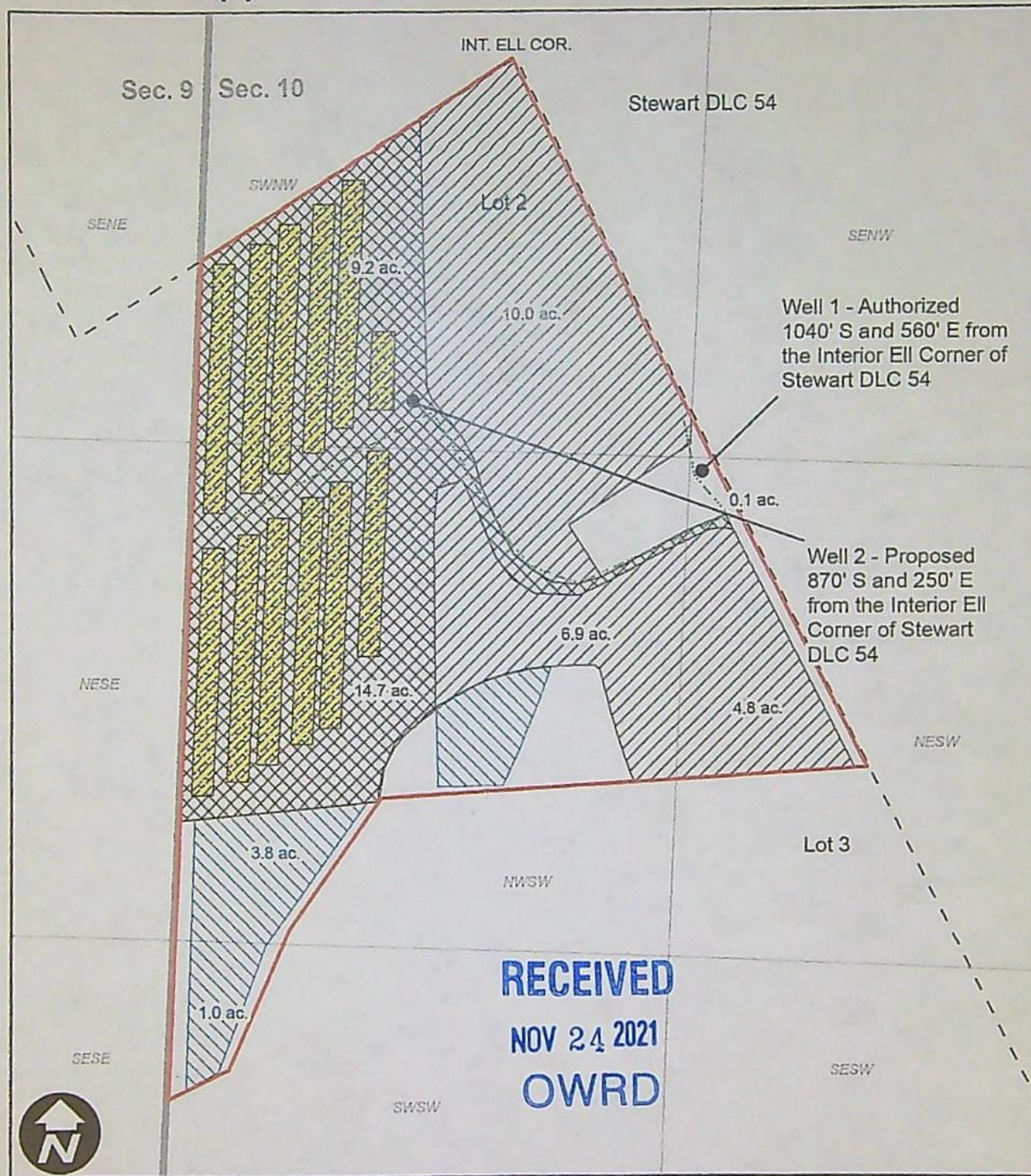
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear 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	2	W	10	SW	NW	501	2	19.2	Irrigation	Well 1	1993	APOA	10	S	2	W	10	SW	NW	501	2	10.0	Irrigation	Well 1, 2	1993
													APOA, USE, POU	10	S	2	W	10	SW	NW	501	2	N/A	Agricultural & Stockwater	Well 1, 2	1993
10	S	2	W	10	NE	SW	501	3	4.9	Irrigation	Well 1	1993	APOA	10	S	2	W	10	NE	SW	501	3	4.8	Irrigation	Well 1, 2	1993
10	S	2	W	10	NW	SW	501		21.6	Irrigation	Well 1	1993	APOA	10	S	2	W	10	NW	SW	501		6.9	Irrigation	Well 1, 2	1993
													APOA, POU	10	S	2	W	10	NW	SW	501		3.8	Irrigation	Well 1, 2	1993
													APOA, USE, POU	10	S	2	W	10	NW	SW	501		N/A	Agricultural & Stockwater	Well 1, 2	1993
													APOA, POU	10	S	2	W	10	SW	SW	501		1.0	Irrigation	Well 1, 2	1993
TOTAL ACRES:									45.7					TOTAL ACRES:									26.5			

Additional remarks: The 19.2-acre discrepancy between the total acreage of the from lands and the total acreage of the to lands is due to the conversion of this 19.2-acre portion of Cert. 76538 to Agricultural & Stockwater Use. The POU for the Agricultural & Stockwater portion is described in table 2, but a specific acreage is not assigned, just a maximum rate (0.24 cfs, standard IR rate for the converted 19.2 acres).

REVISED 11/24/2021

Transfer Application - Simon

Township 10S, Range 2W, W.M.



RECEIVED
NOV 24 2021
OWRD

Legend

- From - Cert. 76538 - Irrigation - 24.0 ac.
- Cert. 76538 No Change - 21.7 ac.
- To - Irrigation - 4.8 ac.
- To - Agricultural and Stockwater POU - 0.24 cfs
- Mainline
- Taxlot 501
- DLC



EXPIRES: 12-31-2022



Oregon
Kate Brown, Governor

Water Resources Department

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

April 22, 2021

J-S RANCH
34905 RANCH DRIVE
BROWNSVILLE, OR 97327

Reference: Application T- 13675

On April 15, 2021, we received your water right Transfer application. The application was accompanied by \$3430.00. Our receipt number 134982 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. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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, in the new place of use or from the new point of diversion/appropriation 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.

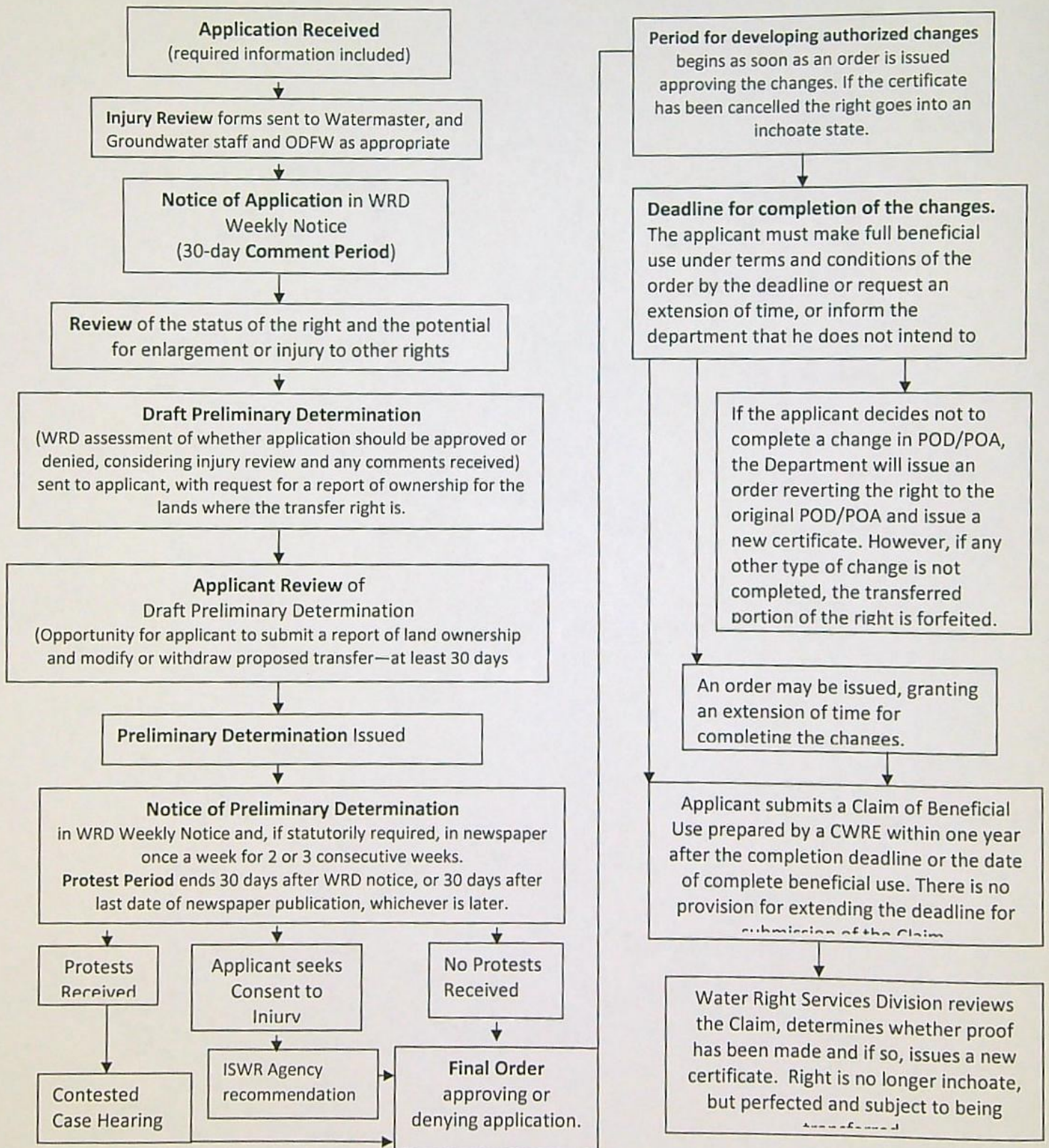
If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #16 *(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 # **134982**

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: _____

APPLICATION	
PERMIT	
TRANSFER	1-13675

CASH: ☐ CHECK: # 1815 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3,430.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ <u>3,430.00</u>	

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **134982**

DATED: 4-15-2021 BY: Mindy Caden

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ 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. 76538**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

APR 15 2021

Part 2 of 5 – Transfer Application Map

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

CWRD

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°).

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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	\$1,160
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>3 (2a)</u> Subtract 1 from the number in line 2a = <u>2 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	RECEIVED APR 15 2021 OWRD	
2		2	1,860
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »		
3		3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »		
4		4	410
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.34 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.66 (5b)</u> 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		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	3,430
	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		7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$3,430

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).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME J-S Ranch Inc.		PHONE NO. (541) 990-5999	ADDITIONAL CONTACT NO.
ADDRESS 34905 Ranch Dr.		FAX NO.	
CITY Brownsville	STATE OR	ZIP 97327	E-MAIL eric@idealagsupply.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) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
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 by this application to move a portion of Certificate 76538 to cover the areas of the farm that will remain in crop production with irrigation and convert a portion of Cert. 76538 to Agricultural and Stockwater use for raising poultry. It is also proposed to add an additional POA for all uses.

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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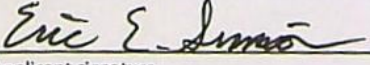
APR 15 2021

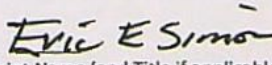
OWRD

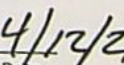
By my signature below, I confirm that I understand:

- 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: Scio Tribune.
- 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).

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


Applicant signature


Print Name (and Title if applicable)


Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____


OWRD

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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CERTIFICATE # 76538

OWRD

Description of Water Delivery System

System capacity: 2.3 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. 40 HP submersible pump conveys water to field via 4" buried mainline and is applied by a big gun.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 50649/ LINN 6573	10 S	2 W	10	NE	SW	501	1040' S and 560' E from the Interior Ell Corner of Stewart DLC 54
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	10	NW	SW	501	1240' S and 300' E from the Interior Ell Corner of Stewart DLC 54
	<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 checked="" 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.

13675 -

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

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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
Well 2	No		250' +/-	12"		Min. 18'			Sand and gravel	

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10WRD5 -

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

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MAY 31 1995

WATER RESOURCES DEPT.

(START CARD) #

7702

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

SALEM, OREGON

(1) OWNER:

Name Tracy Mount
Address 37225 Jefferson Scio Dr.
City Scio State OR Zip 97374

Well Number 2823

(2) TYPE OF WORK

☐ New Well ☒ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

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

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 255 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE

SEAL

Diameter	From	To	Material	From	To	Sacks or pounds
12	0	95	Cement	0	95	75 sacks
10	0	255	BORE			

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

☐ Other

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

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	2	199	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: NONE				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) NONE

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Holte
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
140	195	1/4x1	2400		10"	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing
Yield gal/min 300 Drawdown 198 Drill stem at 1 hr.

Temperature of water 56° Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County LINN Latitude _____ Longitude _____
Township 10 N or S 2 Range 2 E or W WM.
Section 10 1/4 1/4
Tax Lot 200 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) 37225 Jefferson Scio Dr. Scio, OR 97374

(10) STATIC WATER LEVEL:

18 ft. below land surface. Date 5-22-95
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
165	190	200	18
215	221	100	18
245	255	50	18

(12) WELL LOG:

Material	From	To	SWL
Blue Clay	90	115	
Sandy Clay	115	120	
Sticky Clay Blue	120	165	
Black Sand	165	170	18
Medium Gravel & Sand	170	190	18
Blue Sandy Clay	190	215	
Sand & Gravel	215	221	18
Blue Clay	221	245	
Sand & Gravel	245	255	18

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OWRD

Date started 5-18-95 Completed 5-22-95

(unbonded) Water Well Constructor Certification:

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

Signed David J. [Signature] WWC Number 1279 Date 5-30-95

(bonded) Water Well Constructor Certification:

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

Signed Berd Jones WWC Number 514 Date 5-30-95

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

MAR 15 1976

State Well No.

State Permit No.

STATE ENGINEER, SALEM, OREGON 97310

Permit No.

(Do not write above the WATER RESOURCES DEPT. SALEM, OREGON)

(1) OWNER:

Name Jerry Savage
Address Rt. 3, Box 238
Lebanon, Oregon

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
12" Diam. from +1 ft. to 89 ft. Gage .250
" Diam. from " ft. to " ft. Gage "
" Diam. from " ft. to " ft. Gage "

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Cutting Torch

Size of perforations 1/4 in. by 6 in.
200 perforations from 48 ft. to 81 ft.
perforations from " ft. to " ft.
perforations from " ft. to " ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____ Model No. _____
Type _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?
1: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Bailer test 60+ gal./min. with 0 ft. drawdown after 2 hrs.
Artesian flow _____ g.p.m.
Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement & puddled Clay
Well sealed from land surface to 47 ft. ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 12 sacks
Number of sacks of bentonite used in well seal _____ sacks
Brand name of bentonite _____
Number of pounds of bentonite per 100 gallons of water _____ lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Linn Driller's well number 112
NE 1/4 SW 1/4 Section 10-9S R. 2W W.D.
Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 27
Static level 15 ft. below land surface. Date 2/12/76
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 92 ft. Depth of completed well 90

Formation: Describe color, texture, grain size and structure of material and show thickness and nature of each stratum and aquifer penetrate with at least one entry for each change of formation. Report each change position of Static Water Level and indicate principal water-bearing strata

MATERIAL	From	To	SWL
Topsoil	0	1	
Clay, Brown	1	5	
Cobbles, gravel, coarse	5	27	15
Gravel, coarse	27	45	
Clay, Brown	45	47	
Gravel, Medium	47	52	
Gravel, fine, & Sand	52	66	
Clay, gray	66	69	
Gravel, coarse	69	72	
Gravel, medium	72	76	
Clay, red	76	78	
Gravel, Medium	78	90	
Clay, gray	90	92	

Work started 1/19 19 76 Completed 2/12 19
Date well drilling machine moved off of well 2/12 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to best knowledge and belief.

(Signed) W. A. Pankalla Date 2/14 19 76
(Drilling Machine Operator)

Drilling Machine Operator's License No. 738

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report true to the best of my knowledge and belief.

Name W. A. PANKALLA
(Person, firm or corporation) (Type or print)

Address 1257 N.E. CLOVER RIDGE RD. #4

(Signed) W. A. Pankalla
(Water Well Contractor)

Contractor's License No. 621 Date 2-14 19 76

(USE ADDITIONAL SHEETS IF NECESSARY)

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Business Registry Business Name Search

[New Search](#)

Business Entity Data

04-12-2021

09:32

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1748777-96	DBC	ACT	OREGON	11-30-2020	11-30-2021	
Entity Name	J-S RANCH INC					
Foreign Name						

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[New Search](#)

Associated Names

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Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	37225 JEFFERSON SCIO DR			
Addr 2				
CSZ	SCIO	OR	97374	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-30-2020	Resign Date	
Name	BRANDIE	SIMON				
Addr 1	34905 RANCH DR					
Addr 2						
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	34905 RANCH DR			
Addr 2				
CSZ	BROWNSVILLE	OR	97327	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	ERIC	SIMON			
Addr 1	34905 RANCH DR				
Addr 2					
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	BRANDIE	SIMON			
Addr 1	34905 RANCH DR				
Addr 2					
CSZ	BROWNSVILLE	OR	97327	Country	UNITED STATES OF AMERICA

[New Search](#)

Name History 13675 -

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)
County of LINN) ss

I, ERIC E. SIMON, in my capacity as OWNER,

mailing address 34905 RANCH DR., BROWNSVILLE, OR 97327

telephone number (541)990-5999, being first duly sworn depose and say:

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 76538; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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)

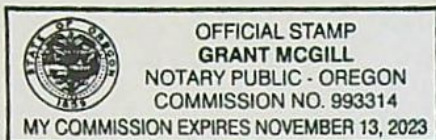
13675 -

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

Grant McGill
Signature of Affiant

4/12/21
Date

Signed and sworn to (or affirmed) before me this 12 day of April, 2021.



Grant McGill
Notary Public for Oregon

My Commission Expires: 11/13/2023

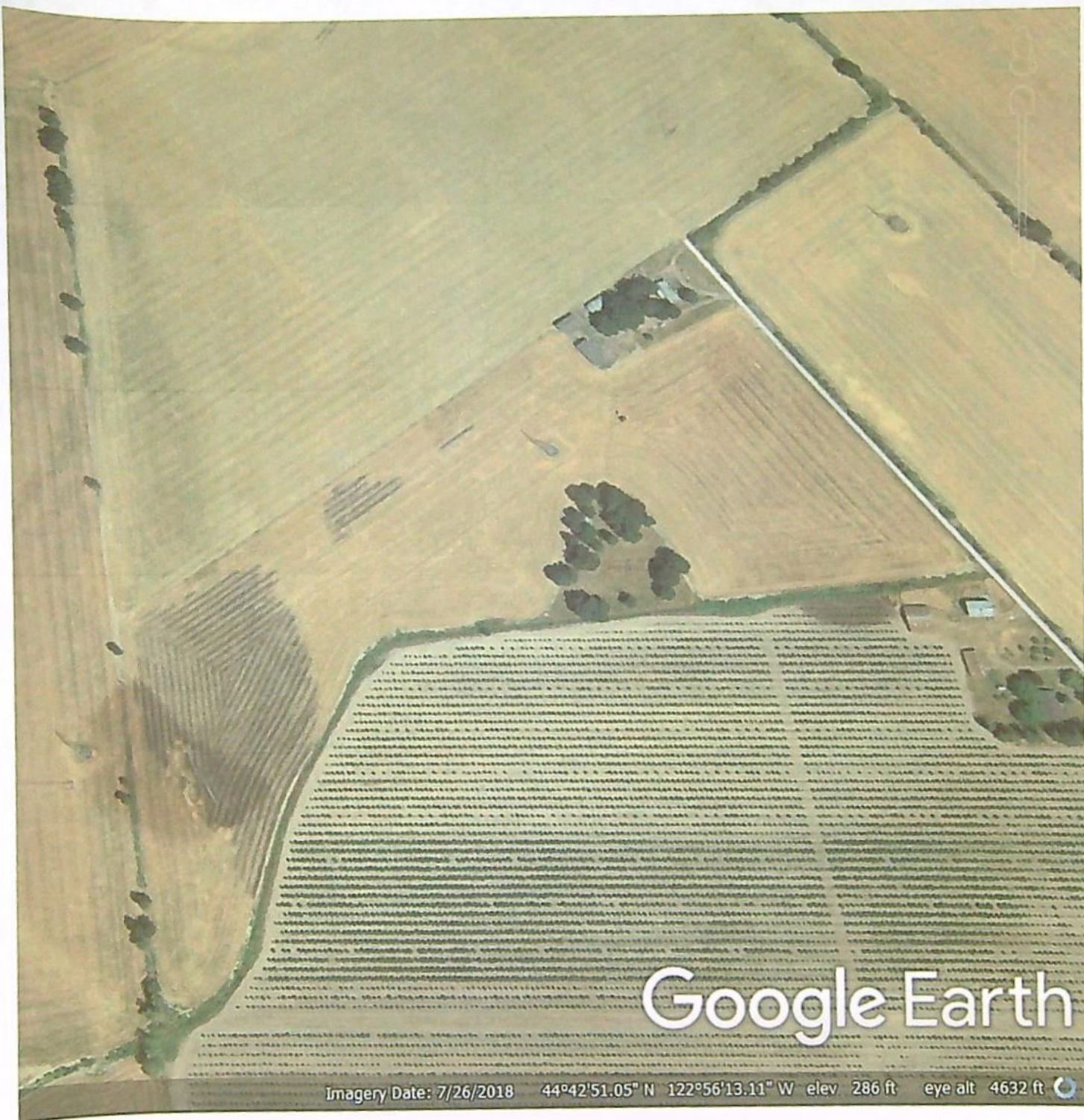
Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated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

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Imagery Date: 7/26/2018 44°42'51.05" N 122°56'13.11" W elev 286 ft eye alt 4632 ft

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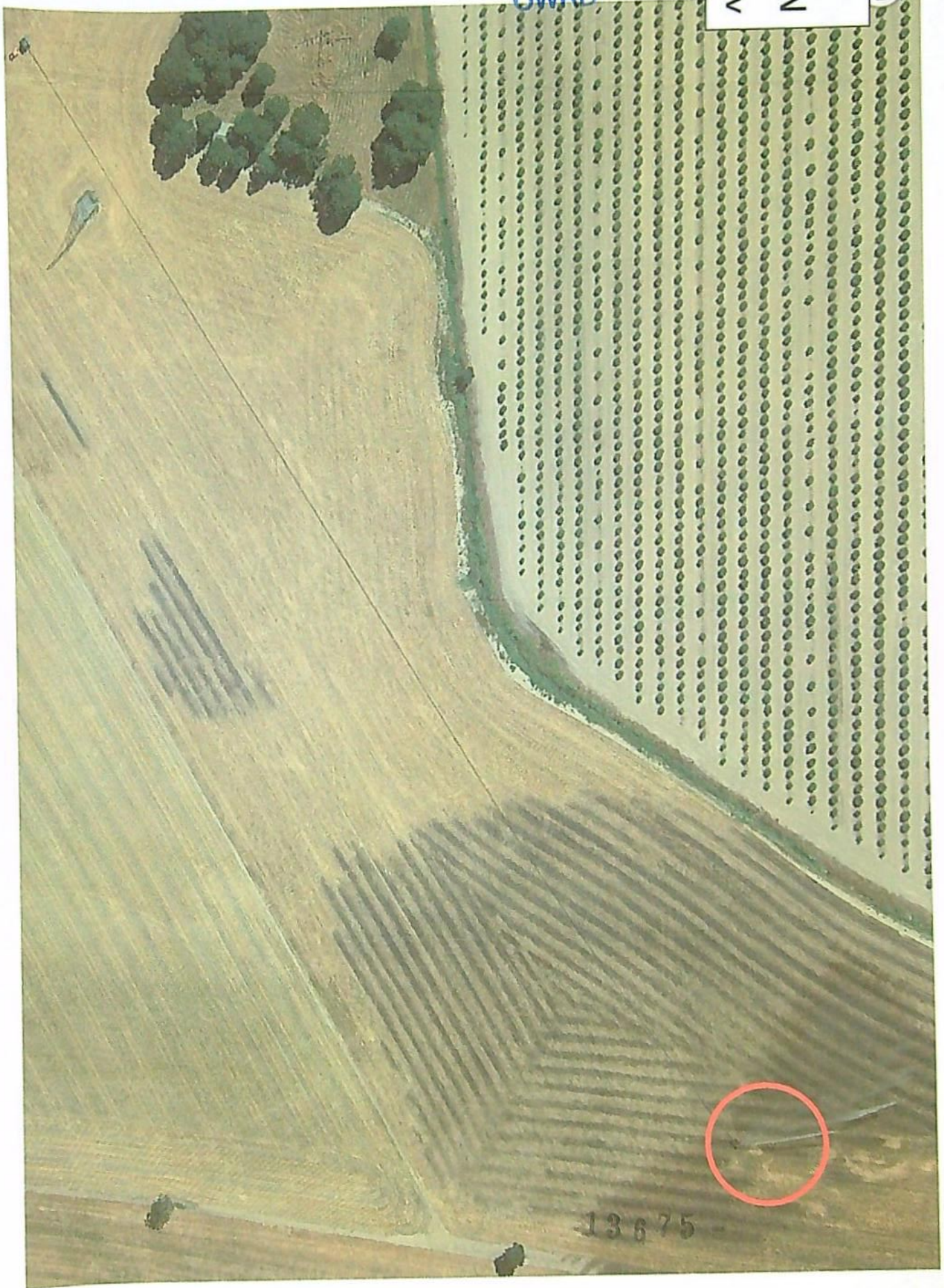
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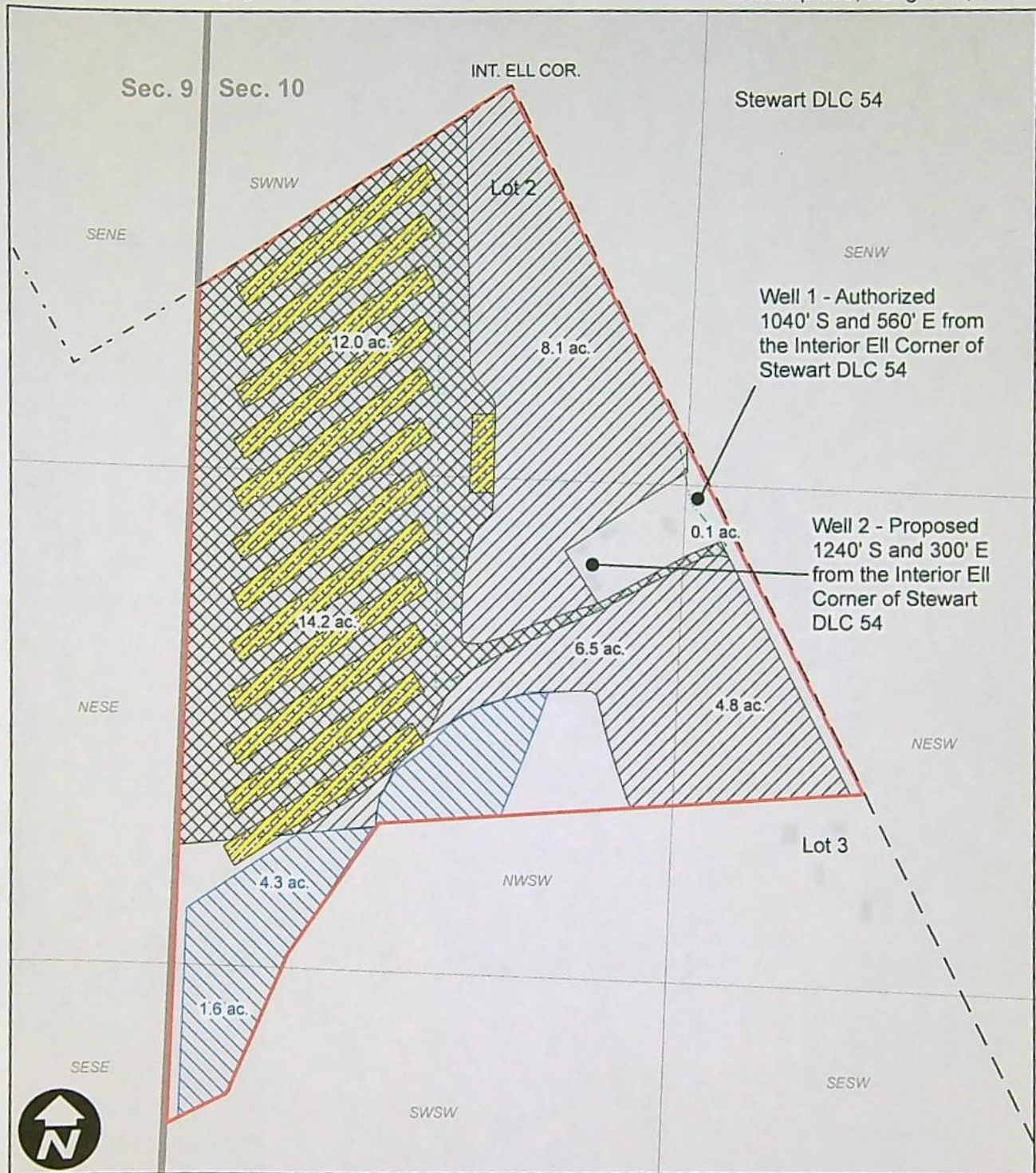
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Transfer Application - Simon

Township 10S, Range 2W, W.M.



Legend

- From - Cert. 76538 - Irrigation - 26.3 ac.
- Cert. 76538 No Change - 19.4 ac.
- To - Irrigation - 5.9 ac.
- To - Agricultural and Stockwater POU - 0.26 cfs
- Mainline
- Taxlot 501
- DLC



EXPIRES: 12/31/2022

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PD21-0091

Land Use Information Form



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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

13675 -

Land Use Information Form



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

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Applicant(s): Eric E. & Brandie N. Simon

Mailing Address: 34905 Ranch Dr.

City: Brownsville

State: OR

Zip Code: 97327

Daytime Phone: (541) 990-5999

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>2W</u>	<u>10</u>	<u>NWSW</u> <u>NESW</u>	<u>501</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>10S</u>	<u>2W</u>	<u>10</u>	<u>SWNW</u> <u>SWSW</u>	<u>501</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</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) _____

Estimated quantity of water needed: 0.57 ☒ 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 Agricultural & Stockwater

Briefly describe:

It is proposed by this application to move a portion of Certificate 76538 on TL 501 to cover the areas of the farm that will be in crop production with irrigation and convert a portion of Cert. 76538 to agricultural & stockwater use for raising poultry. The water will be pumped from existing Well 1 and proposed Well 2.

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. →

APR 15 2021

For Local Government Use Only

OWRD

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): LCC 928.310(B)(1)
- ☐ 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

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.

Farming is an Outright Use in the ECU zoning district.

Name: Jennifer Cepello Title: Planner
 Signature: [Signature] Phone: 541-967-3816 Date: 4/12/21
 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: _____

Regular Permanent Water Right Transfer Application Checklist

Checked by Scott Date April 20, 2021

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

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 2. Are fees included and correct? Fee paid: 3430
If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed? yes
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled? ye n/c
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved: _____

Changes: _____

cfs involved: _____

Source: _____



Funds only
Paperwork coming
12/22/22

For SS. Ranch
T-13675

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DEC 21 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Kendra Kimbirauskas

2100 Pacific Blvd. SE Albany OR 97321

Transaction Type: Protest

Fees Received: \$ 950.00

☐ Cash

☒ Check:

Check No. 668905025

Name(s) on Check: Same as above

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: Corie Lourien
(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.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.