

Temporary

Name Kaver Family Farms / triple K Farms

## DESCRIPTION OF WATER RIGHT(S)

Address 7325 SE. Amity Dayton Hwy  
Amity OR 97309Name of Stream South Fork YamhillTrib. of Yamhill riverUse IrrigationCounty Yamhill

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 539505Per # 529408Cert # 40005

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POD AREADate Filed 3/31/2022Initial notice date 4/12/2022

DPD issued date

PD issued date

PD notice date

Date of FO 7/25/2023 Vol 128 Page 789-

C-Date

COBU due date

COBU Received date

Certificate issued

## FEES PAID

Date	Amount	Receipt #
3-31-2022	\$1,006.43	137807

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Bill Ferber bill@bkarc.com

CWRE

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





# Oregon

Tina Kotek, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

July 25, 2023

DAVE KAUER  
7325 SE AMITY DAYTON HWY  
AMITY, OR 97101

REFERENCE: District Temporary Transfer Application T-13962

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

The temporary change shall be effective at the **beginning of the 2022** irrigation season. The use shall revert to the original authorized place of use at the end of the **2025** irrigation season.

If you have any questions related to this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at [Arla.L.Davis@oregon.gov](mailto:Arla.L.Davis@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Rights Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
Yamhill County Planning Department  
William Ferber, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A TEMPORARY
T-13962, Yamhill County	)	CHANGE IN PLACE OF USE AND
	)	ADDITIONAL POINT OF DIVERSION

**Authority**

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

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

**Applicant**

KAUER FAMILY FARMS, TRIPLE K FARMS  
7325 SE AMITY DAYTON HWY  
AMITY, OR 97101

**Findings of Fact**

1. On March 31, 2022, KAUER FAMILY FARMS, TRIPLE K FARMS filed an application to temporarily change the place of use under Certificate 40065 for a period of 4 years. The Department assigned the application number T-13962.
2. Notice of the application for transfer was published on March 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



3. The right to be temporarily transferred is as follows:

**Certificate:** 40065 in the name of RAYMOND C. KAUER (perfected under Permit S-29408)  
**Use:** IRRIGATION of 20.9 ACRES  
**Priority Date:** FEBRUARY 21, 1964  
**Rate:** 0.23 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, 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:** SOUTH FORK YAMHILL RIVER a tributary of YAMHILL RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	34	SE NE	57	5040 FEET NORTH AND 3090 FEET WEST FROM THE SE CORNER OF DLC 64

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	34	SW NE		57	4.9
4 S	4 W	WM	34	SW NE	6		7.2
4 S	4 W	WM	34	SE NW	7		0.7
4 S	4 W	WM	34	SE NE	5		0.4
4 S	4 W	WM	34	NE SW	2		1.0
4 S	4 W	WM	34	NW SE	3		6.3
4 S	4 W	WM	34	NE SE	4		0.4
Total							20.9

4. Temporary Transfer Application T-13962 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	4 W	WM	35	SE NW	67	1.6
4 S	4 W	WM	35	NE SW	67	5.3
4 S	4 W	WM	35	SE SW	67	9.1
4 S	4 W	WM	35	NW SE	67	4.9
Total						20.9

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13962 proposes an additional point of diversion approximately 1.0 mi from the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	35	SE NW	67	550 FEET NORTH AND 1940 FEET EAST FROM THE SW CORNER OF LOT 3 (SW NW) OF SECTION 35



### ***Temporary Transfer Review Criteria***

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

### **Conclusions of Law**

The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13962 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### **Now, therefore, it is ORDERED:**

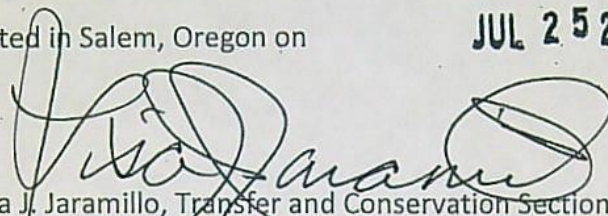
1. The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13962 is approved.
2. The former place of use shall not be irrigated as part of this water right during the 2022, 2023, 2024, and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 40065 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 40065.



7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificates 40065 shall continue to be in accordance with the terms and conditions of Certificate 40065.

Dated in Salem, Oregon on

**JUL 25 2023**



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

Mailing Date:

**JUL 26 2023**



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13962

Transfer Specialist:

*Qula*

Transfer Type: Temporary Transfer

<b>Applicant:</b> KAUER FAMILY FARMS/TRIPLE K FARMS DAVE KAUER 7325 SE AMITY DAYTON HWY AMITY, OR 97101 Email: Phone:	<b>Agent:</b> <input type="checkbox"/> N/A WILLIAM FERBER PO BOX 13434 SALEM, OR 97309 Email: Phone:
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email:	<b>CWRE:</b> <input type="checkbox"/> N/A Email:
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Yamhill County Planning Department Email:	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email:
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email:	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email:

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-39565	S29408	40065	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: March 31, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1006.43	WM District: 22	ODFW District:
Initial Public Notice: 04/12/2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>6/12/23</i> Initials: <i>aud</i>	Date: <i>6-14-23</i> Initials: <i>Sooty</i>	Date: _____ Initials: _____	Date: <i>6/28/23</i> Initials: <i>PK</i>	Date: <i>7/1/23</i> Initials: <i>aud</i>	Date: <i>7/1/23</i>	Date: <i>11/25/2023</i>

Special Issues: *Δ 2022-2025*

Special Order Volume: Vol. *128* Pages *139*



## Part 5 of 5 – Water Right Information

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

Water Right Certificate # **40065**

**RECEIVED**

### Description of Water Delivery System

**MAR 31 2022**

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR

>375 gallons per minute (gpm)

**OWRD**

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Diesel portable pump delivers irrigation water to above ground mainline which delivers water to a big gun irrigation system**

**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)
Div. Pt. #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	4	W	34	SE	NE	57	5040' North and 3090' West from SE CORNER, DLC 64
APOD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	S	4	W	35	SE	N W	67	550' North and 1940' East from the SW Corner, Lot 3 (SW NW), Section 35
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

**13962**



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

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	S	4	W	34	SW	NE	700	57	4.9	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	NE	SW	500	67	1.6	Irrigation	APOD	1964
4	S	4	W	34	SW	NE	700	6	7.2	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	NW	SE	500	67	5.3	Irrigation	APOD	1964
4	S	4	W	34	SE	NW	700	7	0.7	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	SE	SW	500	67	9.1	Irrigation	APOD	1964
4	S	4	W	34	SE	NE	700	5	0.4	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W	35	SW	SE	500	67	4.9	Irrigation	APOD	1964
4	S	4	W	34	NE	SW	700	2	1.0	Irrigation	Div. Pt. #1	1964	APOD	4	S	4	W	35	SE	NW		67	----	Irrigation	APOD	1964
4	S	4	W	34	NW	SE	700	3	6.3	Irrigation	Div. Pt. #1	1964														
4	S	4	W	34	NE	SE	700	4	0.4	Irrigation	Div. Pt. #1	1964														
TOTAL ACRES										20.9	TOTAL ACRES										20.9					

130

RECEIVED

MAR 31 2022

OWRD





Oregon  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 13, 2022

KAUER FAMILY FARMS/TRIPLE K FARMS  
DAVE KAUER  
7325 SE AMITY DAYTON HWY  
AMITY, OR 97101

Reference: Application T-13962

On March 31, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1006.43. Our receipt number 137807 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)  
Yamhill County Planning Department  
William Ferber, Agent

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **137807**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Kayer Family Farms  
BY: JHC

APPLICATION	
PERMIT	
TRANSFER	<u>F-13962</u>

CASH: ☐ CHECK: # 4578 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,006.43

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46110  
0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ <u>1,006.43</u>	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **137807**

DATED: 3-31-2022 BY: [Signature]



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



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

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

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

RECEIVED

MAR 31 2022

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: C 40065**
- Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2022 End Year: 2025.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



Part 2 of 5 – Temporary Transfer Application Map Checklist

RECEIVED

MAR 31 2022

OWRD

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

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

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

13962



FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	\$0.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	\$0.00
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>20.9</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	\$56430
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1006.43
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	\$0.00
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	1006.43

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

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



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## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

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APPLICANT/BUSINESS NAME /Kauer Family Farms, Triple K Farms		PHONE NO. 503.835.1006	ADDITIONAL CONTACT NO.
ADDRESS 7325 SE Amity Dayton Hwy		FAX NO.	
CITY Amity	STATE Oregon	ZIP 97309	E-MAIL 7325 SE Amity Dayton Hwy
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.			

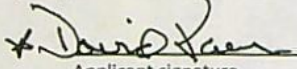
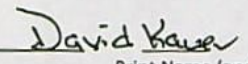
## Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Bill Ferber/BK Water Right Consulting		PHONE NO. 503.910.9212	ADDITIONAL CONTACT NO.
ADDRESS PO Box 13434		FAX NO.	
CITY Salem	STATE Oregon	ZIP 97309	E-MAIL bill@bkwrc.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:  
Temporarily Transfer senior water rights to ground planted in a high value crop.

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

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



 Date 3-11-2022  
 Applicant signature      Print Name (and Title if applicable)      Date  
 \_\_\_\_\_  
 Applicant signature      Print Name (and Title if applicable)      Date

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

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

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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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME <b>Yamhill County</b>	ADDRESS <b>525 NE 4th Street</b>	
CITY <b>McMinnville</b>	STATE <b>Oregon</b>	ZIP <b>97128</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

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

Water Right Certificate # 40065

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### Description of Water Delivery System

**MAR 31 2022**

System capacity: \_\_\_\_\_ cubic feet per second (cfs) **OR**

>375 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Diesel portable pump delivers irrigation water to above ground mainline which delivers water to a big gun irrigation system

**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)
Div. Pt. #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	4	W	34	SE	NE	57	5040' North and 3090' West from SE CORNER, DLC 64
APOD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	S	4	W	35	SE	N W	67	550' North and 1940' East from the SW Corner, Lot 3 (SW NW), Section 35
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

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☒ No

Complete all of Table 2 to describe the portion of the water right to be changed.

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

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
4	S	4	W 34 SW NE	700	57	4.9	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 NE SW	500	67	1.6	Irrigation	APOD	1964		
4	S	4	W 34 SW NE	700	6	7.2	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 NW SE	500	67	5.3	Irrigation	APOD	1964		
4	S	4	W 34 SE NW	700	7	0.7	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 SE SW	500	67	9.1	Irrigation	APOD	1964		
4	S	4	W 34 SE NE	700	5	0.4	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 SW SE	500	67	4.9	Irrigation	APOD	1964		
4	S	4	W 34 NE SW	700	2	1.0	Irrigation	Div. Pt. #1	1964	APOD	4	S	4	W 35 SE NW		67	---	Irrigation	APOD	1964		
4	S	4	W 34 NW SE	700	3	6.3	Irrigation	Div. Pt. #1	1964													
4	S	4	W 34 NE SE	700	4	0.4	Irrigation	Div. Pt. #1	1964													
TOTAL ACRES						20.9																
TOTAL ACRES						20.9																



**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: TO Lands: C 51060. At this time this water right will not be moved or used for the duration of the Temporary Transfer.



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

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

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

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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



## Klamath Basin/County Drought Transfer Applications

**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss

County of YAMHILL

I, David Kauer, in my capacity as CO-OWNER OF KAUER FAMILY FARMS, TRIPLE K FARMS,

mailing address 7325 SE AMITY DAYTON HWY

telephone number (503)835.1006, 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 # 40065; OR

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

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

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use  
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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.

Daniel Kauer  
Signature of Affiant

3-11-2022  
Date

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Signed and sworn to (or affirmed) before me this 11<sup>th</sup> day of March, 2022.



Sandra Willius  
Notary Public for Oregon

My Commission Expires: June 03, 2022

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> 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"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></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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# Pennington Seed Proprietary Final Payment

02/18/2022

KAUER FAMILY FARMS LLC  
7145 SE AMITY DAYTON HWY  
AMITY OR 97101

Vendor #: 1017247

Rebel V

Payment Amt: 663,432.48

Contract: 3428 Crop Year: 2021

Contract Pounds: 985,000

Contract Price/Cwt: 125.00

Contract Value: 1,231,250.00

Payments to Date: 663,432.48

## Payment Plan

Pmt Date	Paid Date	Plan %	Est. Pounds	Actual Pmt	Pmt Adj.	Comment
01/15/2022	02/23/2022	100.00%	532,000	663,432.48		Payment is based on 532,000# clean seed

## Purchase Order Details

PO / Item	Variety Seed Lot	Pounds	Price/Cwt	Comm	Testing	Other	Adj Price
4500889946/1 0	REBEL V Y28-21-TF52	52,500	125.00	-229.69	76.00		65,471.31
4500889946/2 0	REBEL V Y28-21-TF53	52,500	125.00	-229.69	76.00		65,471.31
4500889946/3 0	REBEL V Y28-21-TF54	52,500	125.00	-229.69	76.00		65,471.31
4500889946/4 0	REBEL V Y28-21-TF51	52,500	125.00	-229.69	76.00		65,471.31
4500889946/5 0	REBEL V Y28-21-TF56	52,500	125.00	-229.69	76.00		65,471.31
4500889946/6 0	REBEL V Y28-21-TF60	56,000	125.00	-245.00	76.00		69,831.00
4500889946/7 0	REBEL V Y28-21-TF55	52,500	125.00	-229.69	76.00		65,471.31
4500889946/8 0	REBEL V Y28-21-TF57	52,500	125.00	-229.69	76.00		65,471.31
4500889946/9 0	REBEL V Y28-21-TF58	52,500	125.00	-229.69	76.00		65,471.31
4500889946/1 00	REBEL V Y28-21-TF59	56,000	125.00	-245.00	76.00		69,831.00
Total		532,000		-2,327.52	760.00		663,432.48

## Purchase Order Inbounds

Variety	Pounds
REBEL V	532,000
Total	532,000

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# Pennington Seed Proprietary Payment #1

09/28/2021

KAUER FAMILY FARMS LLC  
7145 SE AMITY DAYTON HWY  
AMITY OR 97101

Vendor #: 1017247

**PENNINGTON ATF1376**

Payment Amt: 191,402.48

Contract: 3427 Crop Year: 2021

Contract Pounds: 925,000

Contract Price/Cwt: 125.00

Contract Value: 1,156,250.00

Payments to Date: 191,402.48

## Payment Plan

Pmt Date	Paid Date	Plan %	Est. Pounds	Actual Pmt	Pmt Adj.	Comment
10/15/2021	10/06/2021	33.00 %	464,006	191,402.48		Payment is based upon 464,006# estimated clean weight, which is 50.16% of contract. $50.16\% \times 33\% = 16.55\%$ . Any discrepancies will be adjusted on remaining payments.
01/15/2022		67.00 %				

## Purchase Order Details

PO / Item	Variety	Seed Lot	Pounds	Price/Cwt	Comm	Testing	Other	Adj Price
Total								

## Purchase Order Inbounds

Variety	Pounds
Total	

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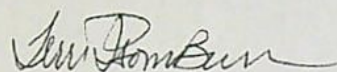
# Pennington Seed Out of State Resale Certificate

Printed 2/23/2021

Pennington Seed, Inc.  
270 Hansard Ave.  
Lebanon, OR 97355  
Federal Tax ID Number: 58-2394553

Purchase Value **\$657,869.64**  
Approximation Ratio for In-State Sales: **2.076%**  
*\* Approximation Ratio is based upon 2020 commercial activity.*  
Estimated dollar amount of  
purchased property to be used  
outside of Oregon: **\$644,212.27**

Pennington Seed, Inc. is a wholesaler as that term is defined in Oregon Laws 2019, chapter 122, section 58(20), as amended by Oregon Laws 2019, chapter 579, section 50.



Terri Burr  
Field Department Production Manager

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**MAR 31 2022**

## Kauer Family Farms LLC

7325 Amity Dayton Highway  
AMITY OR 97101-  
Phone

Payment Date:

**OWRD**

Contract year: **2020**

Contract #: **3323**

### Lots Received

Inning	Date	Lot	Variety	Pounds	Bags	Price	Total Adj	Comm	Testing	Adj Price
139549	12/23/2020	Y28-20-TF70	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139548	12/23/2020	Y28-20-TF71	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139545	12/23/2020	Y28-20-TF74	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139547	12/23/2020	Y28-20-TF75	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139550	12/23/2020	Y28-20-TF76	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139540	1/13/2021	Y28-20-TF68	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139546	1/13/2021	Y28-20-TF69	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139536	1/13/2021	Y28-20-TF72	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139539	1/13/2021	Y28-20-TF73	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139642	1/13/2021	Y28-20-TF77	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139634	1/13/2021	Y28-20-TF78	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139635	1/13/2021	Y28-20-TF79	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139643	1/13/2021	Y28-20-TF80	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139636	1/13/2021	Y28-20-TF81	Rebel V (ATF1736)	52,500	1,050	\$80.00	\$0.00	(\$147.00)	\$76.00	\$41,929.00
139637	1/13/2021	Y28-20-TF82	Rebel V (ATF1736)	40,250	805	\$80.00	\$0.00	(\$112.70)	\$76.00	\$32,163.30
139644	1/14/2021	Y28-20-TF83	Rebel V (ATF1736)	48,450	969	\$80.00	\$0.00	(\$135.66)	\$76.00	\$38,700.34
				823,700			\$0.00	(\$2,306.36)	\$1,216.00	\$657,869.64

13962





(503)228-6322 or 1-800-542-8818  
portlandgeneral.com

Account # [REDACTED]

Service Address:  
KAUER FARMS  
ON STOCKHOFF RD  
AMITY, OR 97101

Previous Amount Due	2,021.64
Adjustments	2,021.64 CR
Balance Forward	0.00
Current Charges	1,378.84

Cycle: 09

**AMOUNT DUE \$1,378.84**  
Due date for current bill 08/31/21

### This month's charges (Turn over for details)

Meter # 31013755AB, Schedule 49

Energy Charges (8921 kWh)	1,275.10
Adjustments	52.81
	<hr/>
	1,327.91
Other Charges/Credits	5.92
Total Taxes and Fees	45.01
	<hr/>
Current Energy Charges	1,378.84

This is a corrected bill.

If you've already paid the balance forward amount, please subtract that from the total amount due when submitting your payment.

### Your energy use

Meter # 31013755AB (Estimated)

Schedule 49

Service Period	Meter Reading
07/14/21	75616 (Estimated)
06/14/21	66695 (Estimated)
30 days of service	8921 kWh

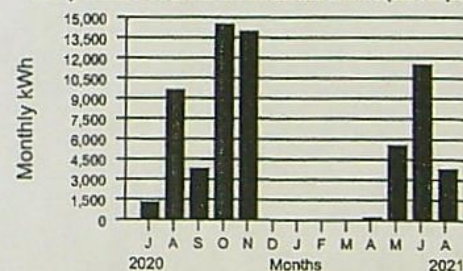
RECEIVED

MAR 31 2022

OWRD

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2021	70	3866	1,378.84
Jul 2020	69	1297	1,416.19

\*Temperature source: McMinnville Municipal Airport



13962





(503)228-6322 or 1-800-542-8818  
portlandgeneral.com

Account # [REDACTED]

Service Address:  
KAUER FARMS  
ON STOCKHOFF RD  
AMITY, OR 97101

Previous Amount Due 1,378.84  
Balance Forward 1,378.84  
Current Charges 645.62

Cycle: 09

**AMOUNT DUE \$2,024.46**  
Due date for current bill 08/31/21

### This month's charges (Turn over for details)

Meter # 31013755AB, Schedule 49

Energy Charges (3866 kWh)	599.05
Adjustments	22.89
	<hr/>
	621.94
Other Charges/Credits	2.77
<b>Total Taxes and Fees</b>	<b>20.91</b>
	<hr/>
<b>Current Energy Charges</b>	<b>645.62</b>

If you've already paid the balance forward amount, please subtract that from the total amount due when submitting your payment.

### Your energy use

Meter # 31013755AB

Schedule 49

Service Period	Meter Reading
08/12/21	79482
07/14/21	75616 (Estimated)
29 days of service	3866 kWh

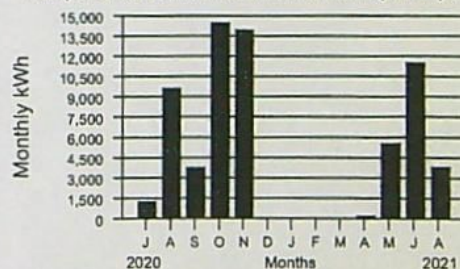
RECEIVED

MAR 31 2022

OWRD

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2021	71	3866	645.62
Jul 2020	69	1297	1,416.19

\*Temperature source: McMinnville Municipal Airport



13962





(503)228-6322 or 1-800-542-8818  
portlandgeneral.com

Account # [REDACTED]

Previous Amount Due 306.97 CR  
Balance Forward 306.97 CR  
Current Charges 1,577.16

Service Address:  
KAUER FARMS  
10120 SE STOCKHOFF RD  
AMITY, OR 97101-2108

Cycle: 09

**AMOUNT DUE \$1,270.19**  
Due date for current bill 09/29/21

### This month's charges (Turn over for details)

Meter # 31060684AB, Schedule 49

Energy Charges (10217 kWh)	1,458.42
Adjustments	60.48
	<hr/>
	1,518.90
Other Charges/Credits	6.77
Total Taxes and Fees	51.49
	<hr/>
Current Energy Charges	1,577.16

### Your energy use

Meter # 31060684AB

Schedule 49

Service Period	Meter Reading
09/13/21	37006
08/12/21	26789
32 days of service	10217 kWh

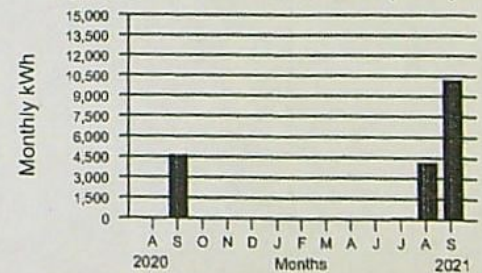
**RECEIVED**

**MAR 31 2022**

**OWRD**

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Sep 2021	67	10217	1,577.16
Aug 2020	68	0	878.14

\*Temperature source: McMinnville Municipal Airport



13962



FILM 106 PAGE 1749

KNOW ALL MEN BY THESE PRESENTS, That R. M. ENGLE and RENA ENGLE,  
husband and wife,

in consideration of Ten and no/100 - - - - -, grantor S.  
Dollars,

to them paid by RAYMOND C. KAUER and BARBARA M. KAUER, husband and  
wife,

do hereby grant, bargain, sell and convey unto the said grantee S., their heirs and assigns, all  
the following real property, with the tenements, hereditaments and appurtenances, situated in the County  
of Yamhill and State of Oregon, bounded and described as follows: to-wit:

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MAY 17 2018

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FILM 106 PAGE 1750

To Have and to Hold the above described and granted premises unto the said grantee S., their  
heirs and assigns forever.

And the grantor S. do covenant that they are lawfully seized in fee simple of the above  
granted premises free from all encumbrances, as of April 1, 1963, excepting easement  
shown in Book 117, Page 614, Deed Records also easement shown in  
187, Page 149, Deed Records; also mortgage shown in Book 151, page  
644 Mortgage Records,

and that they will and their heirs, executors and administrators, shall warrant and forever  
defend the above granted premises, and every part and parcel thereof, against the lawful claims and  
demands of all persons whomsoever.

Witness our hand S. and seal S. this        day of April, 19 63

R. M. Engle (SEAL)

Rena Engle (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,

County of Yamhill

ss.

On this        day of April, 19 63,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the  
within named R. M. ENGLE and RENA ENGLE, husband and wife,

who are

known to me to be the identical individual S. described in and who executed the within  
instrument, and acknowledged to me that they executed the same freely and voluntarily.

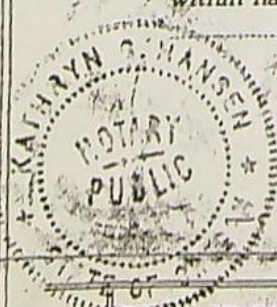
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official  
seal the day and year last above written.

Kathryn S. Hansen

Notary Public for Oregon.

My commission expires Feb 16, 1964

STATE OF 139-62





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MAR 31 2022

RECEIVED

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OWRD

FILM 105 PAGE 1750

To Have and to Hold the above described and granted premises unto the said grantee S., their heirs and assigns forever.

And the grantor S. do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, as of April 1, 1963, excepting easement shown in Book 117, Page 614, Deed Records also easement shown in 187, Page 149, Deed Records; also mortgage shown in Book 151, page 644 Mortgage Records, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand S and seal S this day of April, 19 63

R. M. Engle (SEAL)

Rena Engle (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,

County of Yamhill

ss.

On this day of April, 19 63,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named R. M. ENGLE and RENA ENGLE, husband and wife,

who are

known to me to be the identical individual S. described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public for Oregon.

My commission expires 12-16-1974

# WARRANTY DEED

R. M. ENGLE, et ux

TO

RAYMOND C. KAUER, et ux

AFTER RECORDING RETURN TO

36646

STATE OF OREGON,

County of Yamhill ss.

I certify that the within instrument was received for record on the day of , 19 , at o'clock A.M., and recorded in book 106 on page 1749 Record of Deeds of said County.

Witness my hand and seal of County affixed.

WANDA CATT, COUNTY CLERK

County Clerk—Recorder.

By 13962 Deputy.

DOCKET No.





1-1-74

## WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, That RENA ENGLE, widow of R.M. Engle, deceased,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by RAYMOND G. KAUER and BARBARA M. KAUER, as equal tenants in common and not as tenants by the entirety, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

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MAR 31 2022

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PARCEL 1. Commencing at the Southeast corner of the Richard Booth Donation Land Claim No. 57 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence West on the South boundary of same, 23.50 chains to corner of said Booth DLC, and Cyrus B. Hawley Donation Land Claim #67; thence South 23° 30' East on the West boundary of said Cyrus B. Hawley's Claim, 34.11 chains to a point; thence South 45-1/2° West, 26.00 chains; thence North 23° 30' West 61.50 chains to the south fork of the Yamhill River; thence downstream with the meanders of said river to its intersection of the boundary line between the Donation Land Claim of said Booth and Hawley; thence South 17° 30' West on said boundary line to the place of beginning.

PARCEL 2. Commencing at a point in the Jane Armstrong Donation Land Claim Nos. 72 and 61 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said point being described as situated 13.14 chains North and 57.31 chains East of the Quarter Section corner on line between Sections 3 and 4, Township 5 South, Range 4 West of the Willamette Meridian; thence North 23° 30' West, 67.50 chains to the South Fork of the Yamhill River; thence downstream with the meanderings of said river to a point being the Northwest corner of Parcel #1 as described above; thence South 23° 30' East, 61.50 chains to the Southwest corner of said Parcel #1 as described above; thence South 45° 30' West 24.00 chains to the place of beginning.

PARCEL 3. Commencing on the East boundary line of the Donation Land Claim of Henry Hyde Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, South 18° 30' East, 4.30 chains from the Northeast corner of said Donation Land Claim; thence North 18° 30' West 4.30 chains to the Northeast corner of said Donation Land Claim; thence North 87° 30' West on the North boundary of same, 4.50 chains; thence North 7.00 chains to the South boundary of Ephraim Ford's Donation Land Claim; thence East 23.70 chains to the Southeast corner of said claim; thence North 12° West, 18 chains to the South fork of the Yamhill River, thence with the meanders of said river downstream to a point being the Northwest corner of Parcel #2 as described above; thence South 23° 30' East, 34.75 chains, thence West 58.00 chains to the place of beginning.

EXCEPT that portion thereof included within the boundaries of Lot 3 of Section 33, Township 4 South, Range 4 West of the Willamette Meridian.

PARCEL 4. Beginning at a point on the East boundary of Henry Hyde's Donation Land Claim Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon at a point South 18° 30' East 4.30 chains from the Northeast corner of said claim; thence South 18° 30' East, 19.00 chains; thence East 59.45 chains to the West boundary of Lot 2 as described above; thence North 23° 30' West 19.56 chains; thence West 58 chains to the place of beginning.

PARCEL 5. Commencing at a point on the East boundary of Henry Hyde's Donation Land Claim Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, 8.00 chains North 16° West from the Quarter Section corner on line between Sections 3 and 4, Township 5 South, Range 4 West of the Willamette Meridian; thence North 84° 30' East, 60.00 chains to the Southwest corner of Lot 2 as described above; thence North 23° 30' West 13.10 chains; thence West 59.45 chains to the East boundary line of said Hyde's Donation Land Claim; thence South 18° 30' East, 5.30 chains; thence South 16° East 13.60 chains to the place of beginning.

SAVING AND EXCEPTING... 13962



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MAR 31 2022

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as hereinabove limited,

OWRD

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances as of April 1, 1963, subject to mortgage to Federal Land Bank of Spokane, recorded in Book 151, Page 644, Yamhill County Mortgage Records, which mortgage and balance thereon grantees assume and agree to pay,

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$130,000.00.

However, the actual consideration consists of or includes other property or value given or promised which is not stated in the consideration (indicate which) (If the balance from the symbol is not applicable, should be deleted. See ORS 92.030.)

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

In Witness Whereof, the grantor has executed this instrument this 26 day of February, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Rena Engle  
Rena Engle

(If executed by a corporation,  
affix corporate seal)

STATE OF OREGON, }  
County of Yamhill } ss.  
26, February, 1975

Personally appeared the above named  
RENA ENGLE,

and acknowledged the foregoing instrument to be her voluntary act and deed.

(OFFICIAL  
SEAL)

Before me

Notary Public for Oregon

My commission expires

Aug 4, 1975

STATE OF OREGON, County of ) ss.  
, 19

Personally appeared and  
who, being duly sworn,  
each for himself and not one for the other, did say that the former is the  
president and that the latter is the  
secretary of

a corporation,  
and that the seal affixed to the foregoing instrument is the corporate seal  
of said corporation and that said instrument was signed and sealed in behalf  
of said corporation by authority of its board of directors; and each of  
them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL  
SEAL)

Notary Public for Oregon

My commission expires:

RENA ENGLE

GRANTOR'S NAME AND ADDRESS

RAYMOND C. & BARBARA H. KAUFER  
Rt. 1, Box 372  
Amity, Oregon 97101

GRANTEE'S NAME AND ADDRESS

After recording return to:

RAYMOND C. & BARBARA H. KAUFER  
Rt. 1, Box 372  
Amity, Oregon 97101

NAME, ADDRESS, ZIP

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

RAYMOND C. & BARBARA H. KAUFER  
Rt. 1, Box 372  
Amity, Oregon 97101

NAME, ADDRESS, ZIP

STATE OF OREGON, } ss.

County of

I certify that the within instrument was received for record on the  
day of, 19, at o'clock M., and recorded  
in book on page or as  
file/reel number

Record of Deeds of said county.

Witness my hand and seal of  
County affixed.

Recording Officer

By

Deputy

13962



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13624, Yamhill County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE

**Authority**

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

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

**Applicant**

DAVE KAUER/KAUER FAMILY FARMS, TRIPLE K FARMS  
7325 SE AMITY DAYTON HWY  
AMITY, OR 97101

**Findings of Fact**

1. On February 16, 2021, DAVE KAUER/KAUER FAMILY FARMS, TRIPLE K FARMS filed an application to temporarily change the place of use under Certificate 40065 for a period of 5 years. The Department assigned the application number T-13624.
2. Notice of the application for transfer was published on March 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be temporarily transferred is as follows:

<b>Certificate:</b>	40065 in the name of RAYMOND C. KAUER (perfected under Permit S-29408)
<b>Use:</b>	IRRIGATION of 50.0 ACRES
<b>Priority Date:</b>	FEBRUARY 21, 1964
<b>Rate:</b>	0.54 CUBIC FOOT PER SECOND
<b>Limit/Duty:</b>	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



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:** SOUTH FORK YAMHILL RIVER a tributary of YAMHILL RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	4 W	WM	34	SE NE		57	5040 FEET NORTH AND 3090 FEET WEST FROM THE SE CORNER OF DLC 64

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	34	SW NE		57	4.9
4 S	4 W	WM	34	SW NE	6		7.2
4 S	4 W	WM	34	SE NE	5		0.3
4 S	4 W	WM	34	SE NW	7		0.7
4 S	4 W	WM	34	NE SW	2		5.4
4 S	4 W	WM	34	NE SE	4		0.5
4 S	4 W	WM	34	NW SE		72	0.4
4 S	4 W	WM	34	NW SE	3		30.6
						Total	50.0

4. Temporary Transfer Application T-13624 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	4 W	WM	35	NE SW	67	4.2
4 S	4 W	WM	35	NW SW	67	24.2
4 S	4 W	WM	35	SW SW	67	9.3
4 S	4 W	WM	35	SE SW	67	12.3
					Total	50.0

**Temporary Transfer Review Criteria**

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS



540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### Conclusions of Law

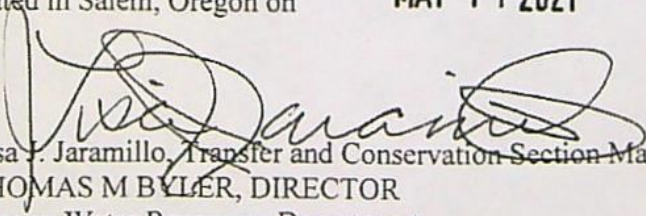
The temporary change in place of use proposed in Temporary Transfer Application T-13624 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

#### Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13624 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 40065 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 40065.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificates 40065 shall continue to be in accordance with the terms and conditions of Certificate 40065.

Dated in Salem, Oregon on

**MAY 11 2021**

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

**MAY 12 2021**

*Mailing Date:*



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13454, Yamhill County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND ADDITIONAL POINT OF
	)	DIVERSION

**Authority**

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

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

**Applicant**

KAUER FAMILY FARMS, TRIPLE K FARMS  
ATTN: DAVE KAUER  
7325 SE AMITY DAYTON HWY  
AMITY, OR 97101

**Findings of Fact**

1. On June 9, 2020, KAUER FAMILY FARMS, TRIPLE K FARMS, ATTN: DAVE KAUER filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 40065 for a period of 5 years. The Department assigned the application number T-13454.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:  

<b>Certificate:</b>	40065 in the name of RAYMOND C. KAUER (perfected under Permit S-29408)
<b>Use:</b>	IRRIGATION of 126.8 ACRES
<b>Priority Date:</b>	FEBRUARY 21, 1964
<b>Rate:</b>	1.38 CUBIC FEET PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



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

**Source:** SOUTH FORK YAMHILL RIVER a tributary of YAMHILL RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	4 W	WM	34	SE NE		57	NO. 1 - 5040 FEET NORTH AND 3090 FEET WEST FROM THE SE CORNER OF ARMSTRONG DLC 64
4 S	4 W	WM	34	NW SW	1		NO. 2 - 3750 FEET NORTH AND 6380 FEET WEST FROM THE SE CORNER OF ARMSTRONG DLC 64

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	33	NE SE	1		0.3
4 S	4 W	WM	33	SE SE	8		3.0
4 S	4 W	WM	33	SE SE		72	14.6
4 S	4 W	WM	34	NW SW	1		0.2
4 S	4 W	WM	34	SW SW	1		0.7
4 S	4 W	WM	34	SW SW		72	27.3
4 S	4 W	WM	34	SE SW		72	7.6
5 S	4 W	WM	3	NE NW		64	7.8
5 S	4 W	WM	3	NW NW	4		3.6
5 S	4 W	WM	3	NW NW		64	23.6
5 S	4 W	WM	3	SW NW		64	0.8
5 S	4 W	WM	3	SW NW		64	19.6
5 S	4 W	WM	3	SE NW		64	0.3
5 S	4 W	WM	4	NE NE	1		1.6
5 S	4 W	WM	4	NE NE		64	10.1
5 S	4 W	WM	4	SE NE	1		5.7
						Total	126.8

4. Temporary Transfer Application T-13454 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	28	NW SW	73	9.6
4 S	4 W	WM	28	SW SW	73	28.9
4 S	4 W	WM	29	NE SE	73	3.6
4 S	4 W	WM	29	SE SE	73	36.1
4 S	4 W	WM	32	NE NE	58	30.5
4 S	4 W	WM	32	SE SE	58	0.6
4 S	4 W	WM	33	NW NW	73	17.5
						Total 126.8



5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13454 proposes to move the authorized point of diversion approximately 1.4 miles:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	28	NW SE	83	560 FEET SOUTH AND 1720 FEET WEST FROM THE E1/4 CORNER OF SECTION 28

#### *Temporary Transfer Review Criteria*

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### **Conclusions of Law**

The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13454 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

#### **Now, therefore, it is ORDERED:**

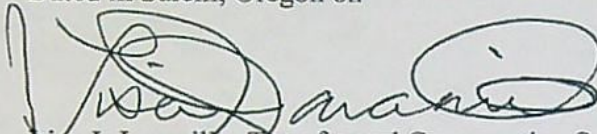
1. The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13454 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2020, 2021, 2022, 2023 and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 40065 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.



6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 40054.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 40065 shall continue to be in accordance with the terms and conditions of Certificate 40065.

Dated in Salem, Oregon on

NOV 09 2020



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

Mailing Date:

NOV 10 2020



STATE OF OREGON  
COUNTY OF YAMHILL

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RAYMOND C. KAUFER**

of **Route 1, Box 372, Amity**, State of **Oregon 97101**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **South Fork Yamhill River** a tributary of **Yamhill River** for the purpose of **irrigation of 427.1 acres** under Permit No. **29408** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **February 21, 1964**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **4.65 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the **No. 1 - SE $\frac{1}{4}$  NE $\frac{1}{4}$** , as projected within **Booth DLC 57**, **No. 2 - Lot 1 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )**, Section **34**, T. **4 S.**, R. **4 W.**, W. M., No. **1 - 5040 feet North** and **3090 feet West**, No. **2 - 3750 feet North** and **6380 feet West**, both from **SE Corner**, **Armstrong DLC 64**.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$  acre feet per acre** for each acre irrigated during the irrigation season of each year,

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

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

**0.3 acre Lot 1 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ )**  
**3.0 acres Lot 8 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )**  
**14.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$**   
As projected within **Armstrong DLC 72**  
**Section 33**  
**T. 4 S., R. 4 W., W. M.**

13962



4.9 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 As projected within Boothe DLC 57  
 7.2 acres Lot 6 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
 3.3 acres Lot 5 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
 0.7 acre Lot 7 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
 14.3 acres Lot 2 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 0.1 acre NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 As projected within Armstrong DLC 72  
 0.2 acre Lot 1 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 0.7 acre Lot 1 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 27.3 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 26.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Both as projected within Armstrong DLC 72  
 25.9 acres Lot 4 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ )  
 10.4 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 0.4 acre NW $\frac{1}{4}$  SE $\frac{1}{4}$   
 Both as projected within Armstrong DLC 72  
 30.6 acres Lot 3 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
 32.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
 28.3 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
 Both as projected within Armstrong DLC 72  
 Section 34

0.1 acre Lot 3 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
 4.8 acres Lot 2 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 5.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 13.7 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 Both as projected within Armstrong DLC 72  
 Section 35  
 T. 4 S., R. 4 W., W. M.

19.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 30.5 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 13.6 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 1.2 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 25.9 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 26.9 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 All as projected within Armstrong DLC 64  
 3.6 acres Lot 4 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
 19.6 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 1.0 acre SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 13.5 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 Both as projected within Armstrong DLC 64  
 Section 3

10.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 As projected within Armstrong DLC 64  
 1.6 acres Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
 5.7 acres Lot 1 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
 Section 4  
 T. 5 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 28 day of March, 19 74

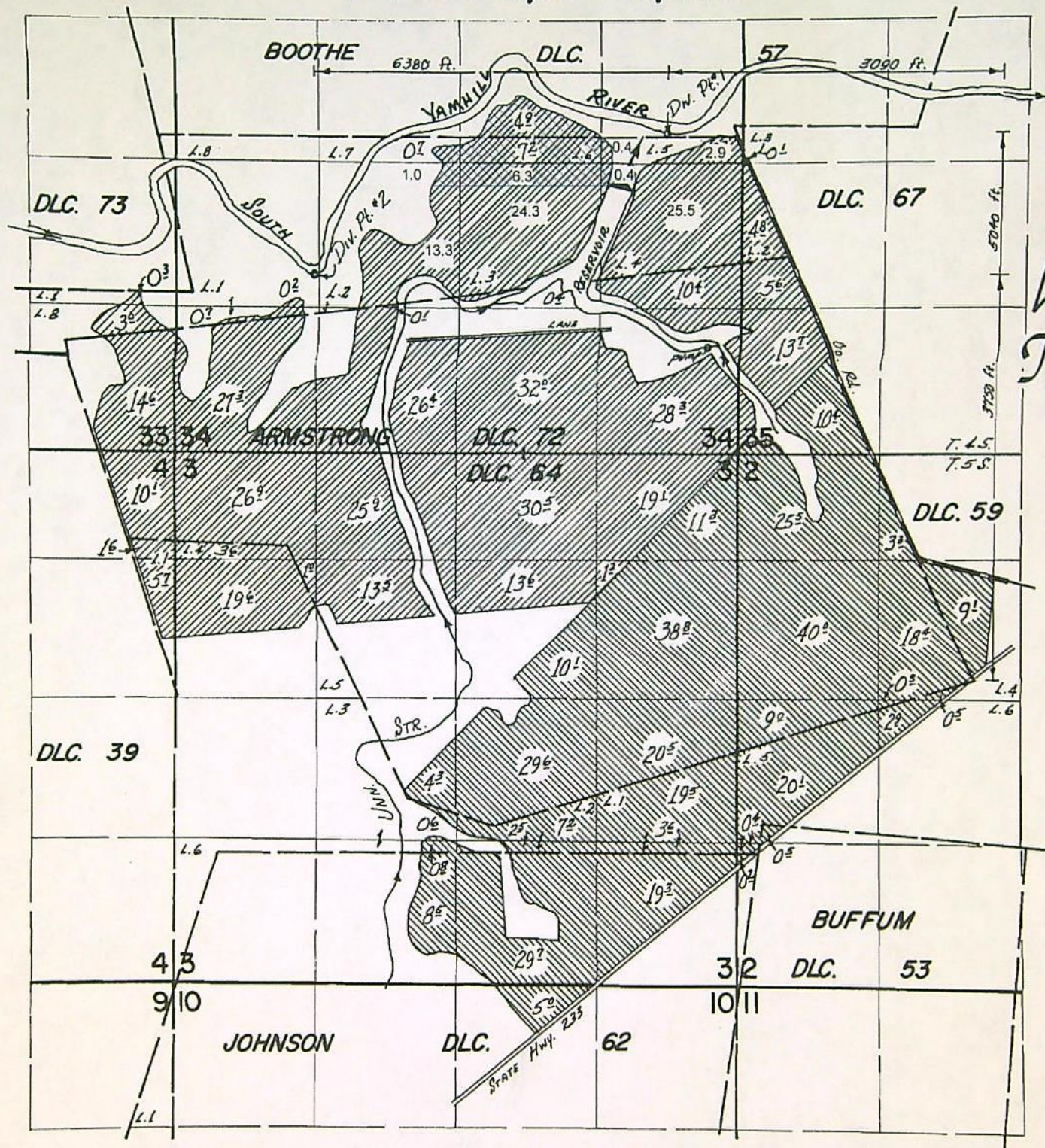
Chris L. Wheeler  
 State Engineer



Kauer Farms Temporary  
Transfer 2022

T. 4 & 5 S., R. 4 W., W.M.

FROM Lands



Legend



POU involved in this  
Temporary Transfer



POU not involved in this  
Temporary Transfer



POU not involved in this  
Temporary Transfer

FINAL PROOF SURVEY

UNDER

Application No. 40809 Permit No. 30405  
39565 29408

IN NAME OF

RAYMOND C. KAUER

Surveyed May 16 1973, by D. Noesey

Scale: 1" = 1320'

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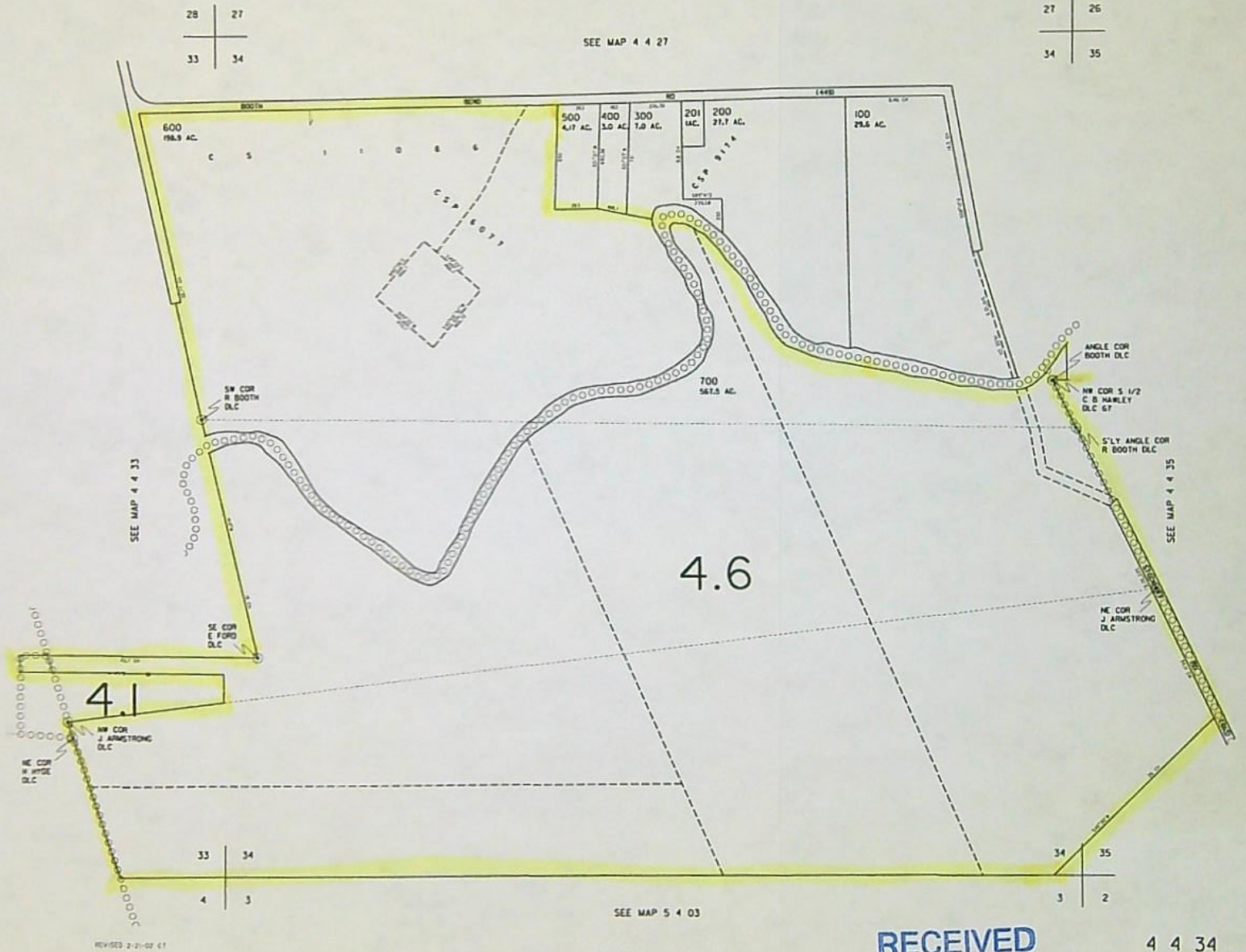
29681

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ASSESSMENT PURPOSE ONLY

SECTION 34 T4S R4W W.M.  
YAMHILL COUNTY  
1" = 400'

4 4 34

CANCELLED



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4 4 34



# Land Use Information Form



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

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Applicant(s): Kauer Farms/Triple K Farms

Mailing Address: 7325 SE Amity Dayton Hwy

City: Amity

State: Oregon Zip Code: 97101

Daytime Phone: 503.835.1006

## 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>4 S</u>	<u>4 W</u>	<u>35</u>	<u>W1/2 SE, E1/2 SW</u>	<u>500</u>	<u>EF80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>4 S</u>	<u>4 W</u>	<u>35</u>	<u>SWNW</u>	<u>400</u>	<u>EF80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
<u>4 S</u>	<u>4 W</u>	<u>34</u>	<u>SENE</u>	<u>700</u>	<u>EF80</u>	<input checked="" type="checkbox"/> Diverted <input checked="" 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:

Yamhill 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) South Yamhill River

Estimated quantity of water needed: 0.26 ☒ 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 \_\_\_\_\_

Briefly describe:

Temporarily transfer a senior water right to ground planned to be planted in garlic, a high value crop.

**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. →



## For Local Government Use Only

MAR 31 2022

MAR 31 2022

QWRD

QWRD

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): 402 of the Y.C. Zoning Ord.
- ☐ 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.

Name: Kenneth P. Fisher Title: P.D.  
 Signature: Kenneth P. Fisher Phone: 503 434-7516 Date: 3/9/2022  
 Government Entity: Yamhill County

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

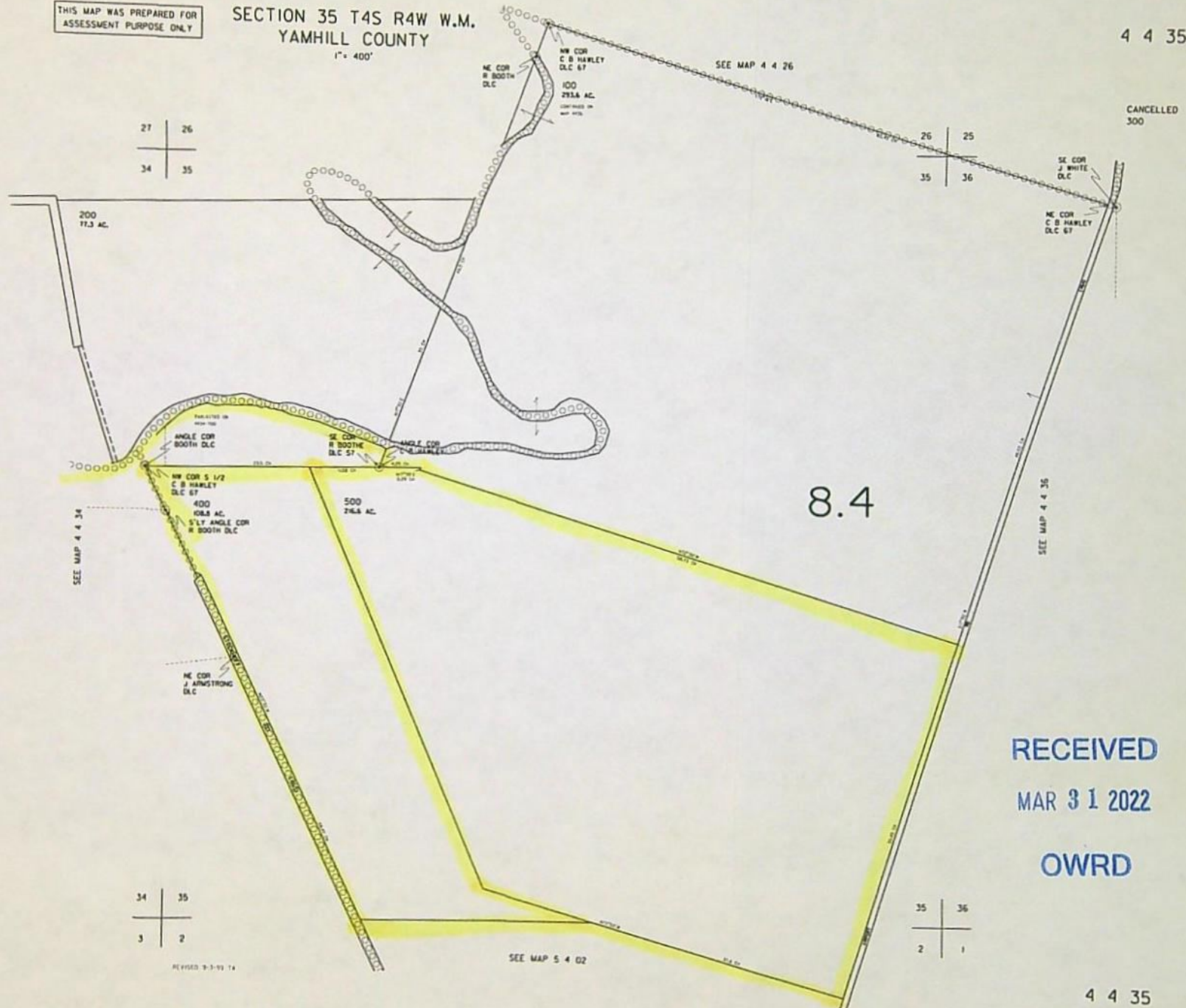


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SECTION 35 T4S R4W W.M.  
YAMHILL COUNTY

1" = 400'

4 4 35



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4 4 35



Checked by Tom

Date 4/5/22

T-13962

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

40045

4 year temp

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

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

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

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



MAY 11 2022

MAY 11 2022

Salem, OR

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

## Water Right Certificate # 40065

## Description of Water Delivery System

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR  
>375 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. Diesel portable pump delivers irrigation water to above ground mainline which delivers water to a big gun irrigation system

**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)
Div. Pt. #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4 S	4 W	34	SE	NE	57	5040' North and 3090' West from SE CORNER, DLC 64
APOD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4 S	4 W	35	SE	N W	67	550' North and 1940' East from the SW Corner, Lot 3 (SW NW), Section 35
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.



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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 40065**

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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		$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
4	S	4	W 34 NE SW	700	2	0.6	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 NE SW	500	67	1.6	Irrigation	APOD	1964				
4	S	4	W 34 NE SW	700	72	0.1	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 NW SE	500	67	5.3	Irrigation	APOD	1964				
4	S	4	W 34 SE SW	700	72	13.4	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 SE SW	500	67	9.1	Irrigation	APOD	1964				
4	S	4	W 34 SW SW	700	72	6.8	Irrigation	Div. Pt. #1	1964	POU	4	S	4	W 35 SW SE	500	67	4.9	Irrigation	APOD	1964				
										APOD	4	S	4	W 35 SE NW		67	----	Irrigation	APOD	1964				
TOTAL ACRES						20.9																		

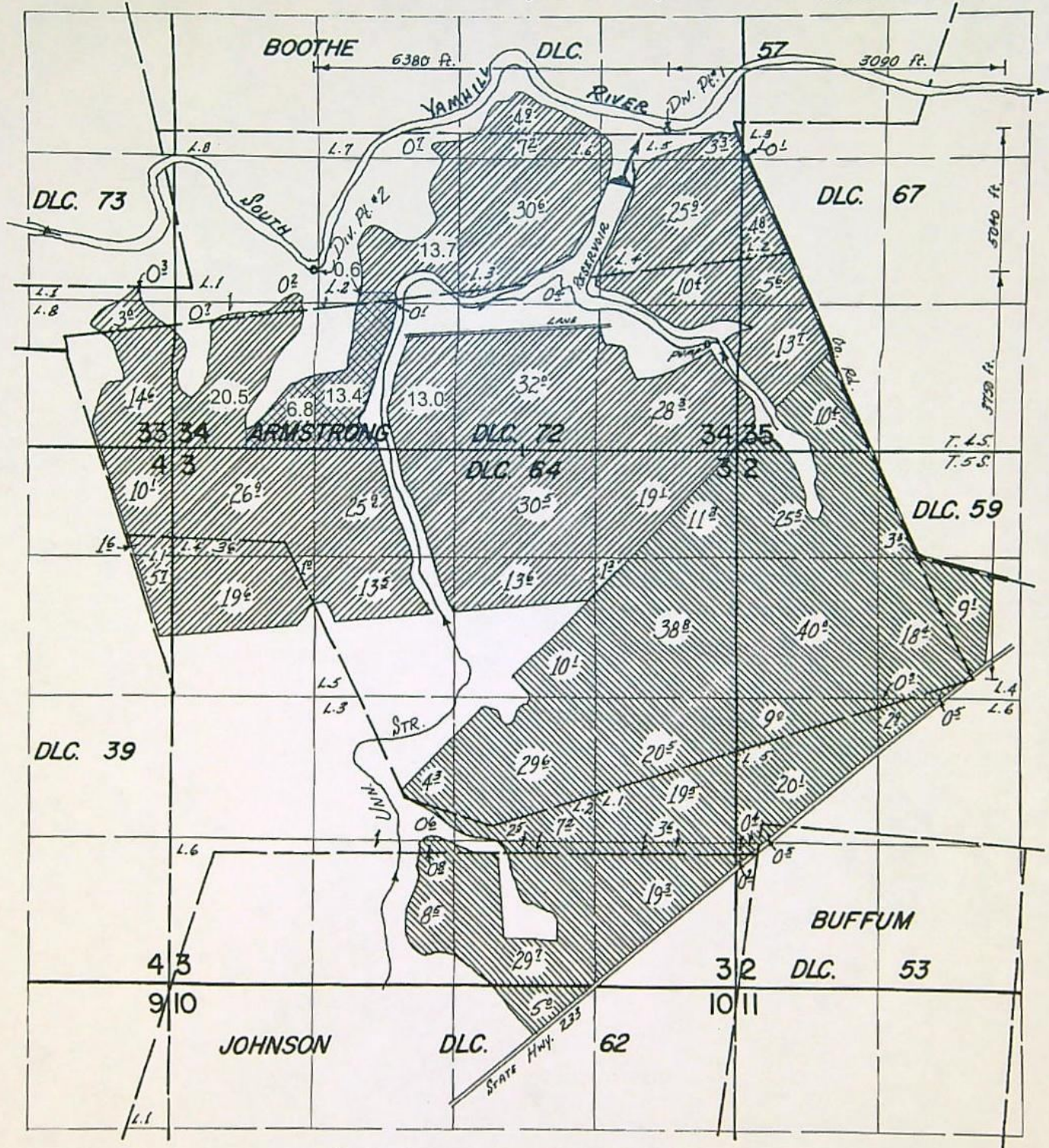


Kauer Farms Temporary  
Transfer 2022

T. 4 & 5 S., R. 4 W., W.M.

FROM Lands

Revised 2022.05.14



# FINAL PROOF SURVEY

UNDER

Application No. 40809 Permit No. 30405  
39565 29408

IN NAME OF

RAYMOND C. KAUER

Surveyed May 16 1973, by D. N. Gray

Lands not part of this  
temporary transfer

C 40066  
C 40065

Received by OWRD

MAY 11 2022

Salem, OR

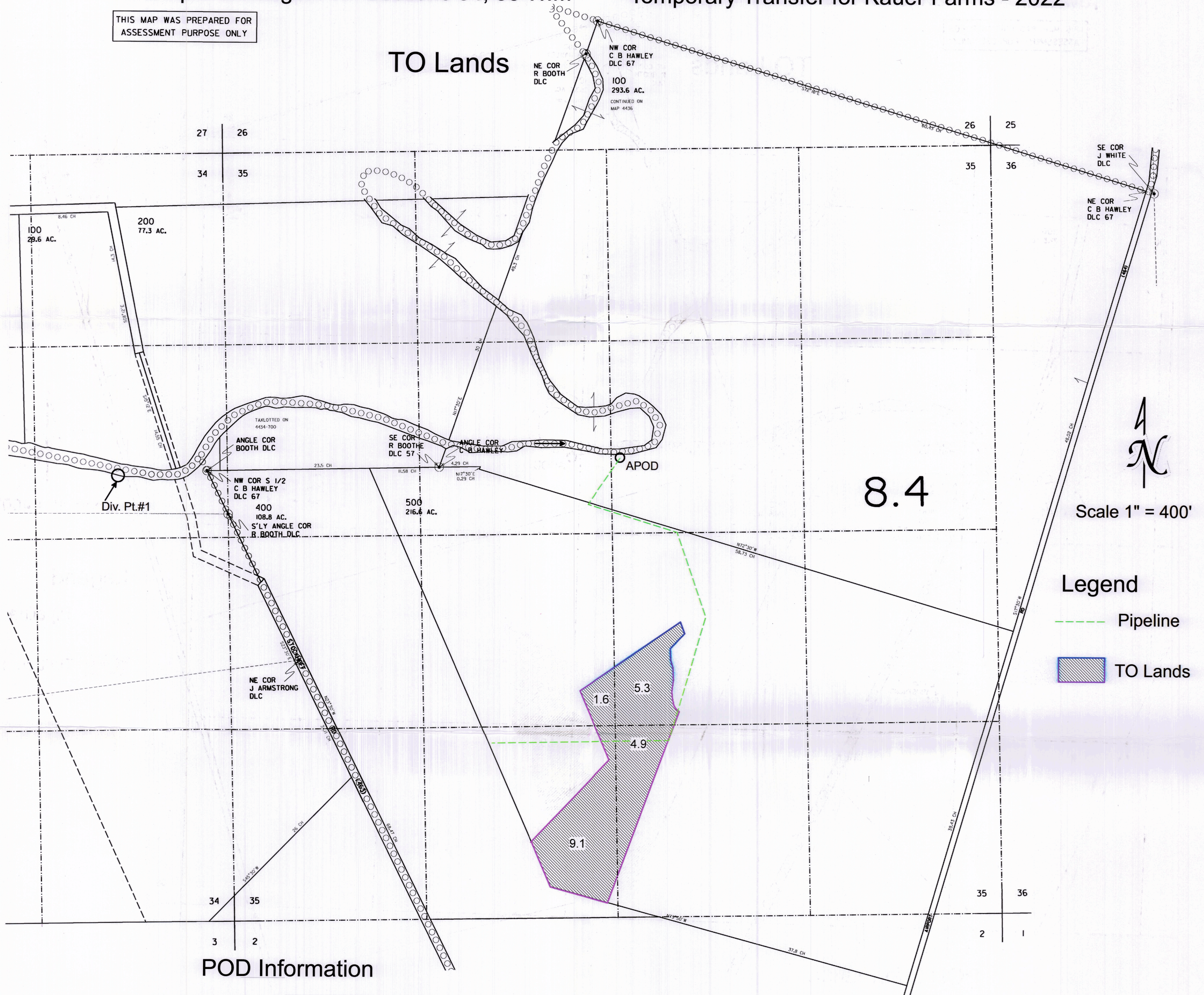


# Township 4 S Range 4 W Sections 34, 35 W.M

## Temporary Transfer for Kauer Farms - 2022

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

TO Lands



### POD Information

Div. PT.#1 - SE NE, as projected within DLC 57, No. 2 - Lot 1, Section 34,  
T 4 S, R 4 W, W.M., 5040' North and 3090' West from SE Corner DLC 64  
APOD - SE NW, as projected within DLC 67, Section 35,  
T 4 S, R 4 W, W.M., 550' North and 1490' East from SW Corner, Lot 3, Section 35

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MAR 31 2022  
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