

Regular

Name Justin Gross

Address 3483 Buena Vista rd S
Jefferson Oregon 97352

Change in POW
Date Filed 6/27/2022
Initial notice date 7/12/2022
DPD issued date _____
PD issued date 5/13/2024
PD notice date 5/14/2024
Date of FO 6/26/2024 Vol 131 Page 476-479

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

Assignments: _____

Irrigation District _____

Agent Will McGill Surveying willmcgill.surveying@gmail

CWRE _____
CC's list linn County

- Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of Oak Creek Basin

Use Irrigation County linn

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

Name of ditch _____

App# 67832 Per # 67818 Cert # 9101310 PR Date _____

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

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>06/27/22</u>	<u>\$1,360.00</u>	<u>138527</u>

FEES REFUNDED		
Date	Amount	Receipt #



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

June 26, 2024

Justin Gross
3483 Buena Vista Rd. S
Jefferson, OR 97352

REFERENCE: Transfer Application T-14038

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

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

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

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

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

Sincerely,

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

cc: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)
William E. McGill, Agent
Linn County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A CHANGE IN
T-14038, Linn County) PLACE OF USE

Authority

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

Applicant

JUSTIN GROSS
3483 BUENA VISTA RD S
JEFFERSON, OR 97352

Findings of Fact

1. On June 27, 2022, JUSTIN GROSS filed an application to change the place of use under Certificate 96136. The Department assigned the application number T-14038.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 28, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14038 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 28, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On May 13, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14038 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 14, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 96136 in the name of JUSTIN GROSS (perfected under Permit G-7218)
Use: IRRIGATION OF 11.3 ACRES
Priority Date: FEBRUARY 24, 1977
Rate: 0.1 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the OAK CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	3 W	WM	32	NE NW	390 FEET SOUTH AND 370 FEET WEST FROM THE N1/4 CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	3 W	WM	29	SW NW	69	6.7
11 S	3 W	WM	30	SE NE		4.6
					Total	11.3

6. Transfer Application T-14038 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
11 S	3 W	WM	30	SW NE	7.7	
11 S	3 W	WM	30	NW SE	3.6	
					Total	11.3

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

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

8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14038.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other existing water rights.
12. All other application requirements are met.

Conclusions of Law

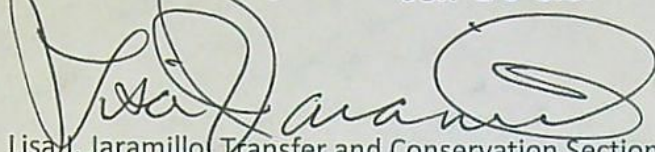
The change in place of use proposed in Transfer Application T-14038 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-14038 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96136 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.
4. Water right Certificate 96136 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

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

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



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

Mailing date: **JUN 27 2024**

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JUSTIN GROSS
3483 BUENA VISTA RD S
JEFFERSON, OR 97352

confirms the right to the use of water perfected under the terms of Permit G-7218. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL IN THE OAK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 125.2 ACRES

MAXIMUM RATE: 1.06 CUBIC FEET PER SECOND

DATE OF PRIORITY: FEBRUARY 24, 1977

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	3 W	WM	32	NE NW	390 FEET SOUTH AND 370 FEET WEST FROM THE N1/4 CORNER OF SECTION 32

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.

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

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	3 W	WM	29	SW NW		69	15.7
11 S	3 W	WM	29	NW SW		69	32.3
11 S	3 W	WM	29	SW SW	1		15.1
11 S	3 W	WM	29	SW SW		69	2.3
11 S	3 W	WM	29	SE SW	2		26.1

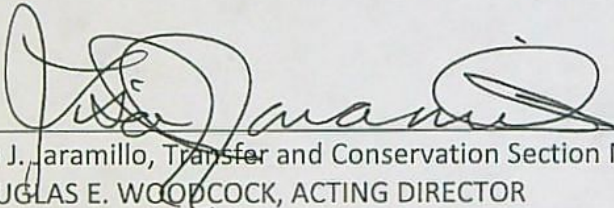
IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	3 W	WM	30	SE NE			10.1
11 S	3 W	WM	30	NE SE			21.9
11 S	3 W	WM	30	SE SE			1.7
						Total	125.2

This certificate describes that portion of water right Certificate 96136, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 26 2024, approving Transfer Application T-14038.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed JUN 26 2024.



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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14038

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Applicant: JUSTIN GROSS 3483 BUENA VISTA RD S JEFFERSON, OR 97352 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Linn County Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G7832	G7218	96136	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97223
<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: June 27, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	WM District: 2	ODFW District:
Initial Public Notice: July 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:

NO NEWSPAPER req

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>5/17/23</i> Initials: <i>Scott</i>	Date: <i>5/22/23</i> Initials: <i>JKS</i>	Date: _____ Initials: _____	Date: <i>6/14/23</i> Initials: <i>PCS</i>	Date: <i>6/21/23</i> Initials: <i>Scott</i>	CW Sent <i>6/28/23</i>	N/A
PD	Date: <i>8/25/23</i> Initials: <i>Scott</i>	Date: <i>8/26/23</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: <i>4-30-24</i> Initials: <i>SARAII</i>	Date: <i>5-1-24</i> Initials: <i>Scott</i>	Date: <i>5/9/24</i>	Date: <i>5/13/24</i>
FO	Date: <i>5-15-24</i> Initials: <i>Scott</i>	Date: <i>5/16/24</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: <i>5/22/24</i> Initials: <i>Corey</i>	Date: <i>6/14/24</i> Initials: <i>Scott</i>	Date: <i>6/14/24</i>	Date: <i>6/26/24</i>

Special Issues: *SENT TO DATA: MAY 1, 2024 / REV 5/3/24*

Special Order Volume: Vol. *181* Pages *476-479*

~~30 days and~~ **JUNE 13, 2024** ← RIPE DATE

7022 3330 0000 2912 2523

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- Return Receipt (hardcopy) \$ _____
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- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

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Total Postage and Fees

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Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Number

Justin Gross
3483 Buena Vista Rd.
Jefferson, OR 97352



9590 9402 6816 1074 5410 41

2. Article Number (Transfer from service label)

7022 3330 0000 2912 2523

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

Justin Gross

C. Date of Delivery

5-17-24

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

Received

MAY 3 2024

OWRD

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

T-14038 ER/SG TACS

Domestic Return Receipt



Oregon

Tina Kotek, Governor

May 13, 2023

VIA CERTIFIED MAIL AND E-MAIL

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

Applicant

JUSTIN GROSS

3483 BUENA VISTA RD S

JEFFERSON, OR 97352

SUBJECT: Water Right Transfer Application T-14038

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14038. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14038
Lanaya F. Blakely, District 2 Watermaster (via e-mail)
William E. McGill, Agent for the applicant (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14038, Linn County)	PROPOSING APPROVAL OF A CHANGE IN
)	PLACE OF USE

Authority

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

Applicant

JUSTIN GROSS
3483 BUENA VISTA RD S
JEFFERSON, OR 97352

Findings of Fact

1. On June 27, 2022, JUSTIN GROSS filed an application to change the place of use under Certificate 96136. The Department assigned the application number T-14038.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 28, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14038 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 28, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. The portion of the right to be transferred is as follows:

Certificate: 96136 in the name of JUSTIN GROSS (perfected under Permit G-7218)
Use: IRRIGATION OF 11.3 ACRES
Priority Date: FEBRUARY 24, 1977

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

Rate: 0.1 CUBIC FOOT PER SECOND

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

Source: A WELL in the OAK CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	3 W	WM	32	NE NW	390 FEET SOUTH AND 370 FEET WEST FROM THE N1/4 CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	3 W	WM	29	SW NW	69	6.7
11 S	3 W	WM	30	SE NE		4.6
					Total	11.3

5. Transfer Application T-14038 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
11 S	3 W	WM	30	SW NE	7.7	
11 S	3 W	WM	30	NW SE	3.6	
					Total	11.3

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

6. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14038.
8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other existing water rights.
11. All other application requirements are met.

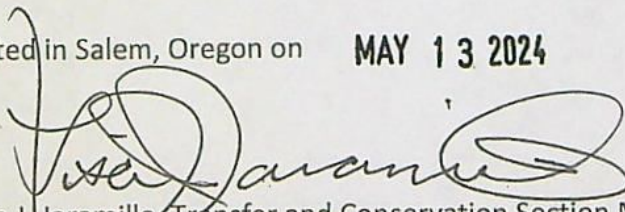
Determination and Proposed Action

The change in place of use proposed in Transfer Application T-14038 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14038 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-14038 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 96136 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.*
- 4. Water right Certificate 96136 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 5. The former place of use of the transferred right shall no longer receive water under the right.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 13 2024**



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

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

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

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

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

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

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

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

**Notice of Preliminary Determination for
Water Right Transfer T-14038**

T-14038 filed by Justin Gross, 3483 Buena Vista Rd S, Jefferson, OR 97352, proposes a change in place of use under Certificate 96136. The right allows the use of 0.1 cubic foot per second from a well in Sec. 32, T11S, R3W, WM for irrigation in Sects. 29 and 30, T11S, R3W, WM. The applicant proposes to change the place of use to Sec. 30, T11S, R3W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

GREW Scott A * WRD

From: ELLIOTT Chloe * WRD
Sent: Friday, May 3, 2024 9:29 AM
To: GREW Scott A * WRD; WRD_DL_is_data_techs
Subject: RE: T-14038 PD Data Review Request

Good Morning Scott,

Data has completed work on PD T-14038.

Best Wishes,



Chloe Elliott

Data Tech 1
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301



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

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, May 1, 2024 1:42 PM
To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: T-14038 PD Data Review Request

Hello Datafriends,

Please review the Preliminary Determination (PD) for Transfer Application T-14038. Remaining right attached.

Thank you so much!

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Wednesday, May 1, 2024 1:42 PM
To: WRD_DL_is_data_techs
Cc: GREW Scott A * WRD
Subject: T-14038 PD Data Review Request
Attachments: T-14038-pd-FINAL.docm; T-14038-rr-96136-97223.docm

Hello Datafriends,

Please review the Preliminary Determination (PD) for Transfer Application T-14038. Remaining right attached.

Thank you so much!

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

GREW Scott A * WRD

From: HENDERSON Sarah A * WRD
Sent: Tuesday, April 30, 2024 1:12 PM
To: GREW Scott A * WRD
Cc: HENDERSON Sarah A * WRD
Subject: Peer Review Done T-14038 - PD

Hi Scott,

I have finished peer review for T-14038, things I looked at are:

1. T-14038-pd-cov-sarah.pr.4-30-24
2. T-14038-pd-notice-sarah.pr.4-30-24-no changes
3. T-14038-pd-sarah.pr.4-30-24
4. T-14038-rr-96136-97223-sarah.pr.4-30-24-no changes

SUPER GREAT JOB!! 😊

I saved them all into the folder: S:\groups\wr\TACS\Transfer Files\14000-14099\14038\05b PD Peer Review

sarah

Sarah A. Henderson

Flow Restoration Program Coordinator
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301
Work Cell 503-979-9872
Email: sarah.a.henderson@water.oregon.gov
Work Hours 7:30 AM – 4:00 PM



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

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. The Salem office of OWRD is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

GREW Scott A * WRD

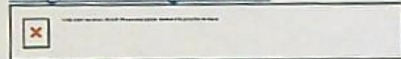
From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Friday, June 30, 2023 9:53 AM
To: GREW Scott A * WRD
Cc: grossjustin25@yahoo.com; BLAKELY Lanaya F * WRD
Subject: Re: T-14038 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,
Thanks for your work on this. We reviewed the DPD and agree with the proposed actions. Please proceed with the transfer process.

We have ordered the ownership reports and should have them sent to you shortly.

Have a great holiday!

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



On Wed, Jun 28, 2023 at 10:09 AM GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov> wrote:

June 28, 2023

VIA E-MAIL

Applicant

JUSTIN GROSS

3483 BUENA VISTA RD S

JEFFERSON, OR 97352

Reference: Water Right Transfer Application T-14038

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14038. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by July 28, 2023.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.

2. **Respond in writing** by July 28, 2023, with acknowledgement that you agree to the proposed action and conditions.

3. If you find any errors, please let me know.

4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;

 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;

 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**

 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**

 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

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

 - d) Must include a list of owners at the time the report was generated; **AND**

 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

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

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:
https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf



TICOR TITLE™

Property Profile Report

Client Name:

Will McGill, PLS, CWRE

Today's Date:

06/30/2023

Owner Name:

Gross, Justin

Property Address:

OR 97389

Reference Number:

11S03W2900501

Account Number:

0897334

Seven Ticor Mid-Valley locations to serve you:

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

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

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

TITLE AND ESCROW SERVICES

www.TicorMidValley.com

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



Parcel Information

Parcel #:	0897334
Tax Lot:	11S03W2900501
Site Address:	OR 97389
Owner:	Gross, Justin
	3483 Buena Vista Rd S
	Jefferson OR 97352 - 9616
Twn/Range/Section:	11S / 03W / 29
Parcel Size:	21.94 Acres (955,706 SqFt)
Plat/Subdivision:	Pp 2022-028
Lot:	PARCEL 1
Census Tract/Block:	020200 / 1003
Levy Code Area:	00808
Levy Rate:	14.9594
Market Value Land:	\$426,420.00
Market Value Impr:	\$0.00
Market Value Total:	\$426,420.00
Assessed Value:	\$18,843.00

Tax Information

Tax Year	Annual Tax
2022	\$281.89
2021	\$2,037.80
2020	\$2,019.12

Legal

PP 2022-028 - LOT PARCEL 1

Land

Land Use:	400 - VACANT TRACT	Zoning:	County-UGA-UGM-5 - Urban Growth Area-Urban Growth Mgmt 5 Acre Min.
Watershed:	Lower Calapooia River	Std Land Use:	AMSC - Agricultural Misc
Recreation:		School District:	8JZ5 - Greater Albany
Primary School:	TANGENT ELEMENTARY SCHOOL	Middle School:	MEMORIAL MIDDLE SCHOOL
High School:	WEST ALBANY HIGH SCHOOL		

Improvement

Year Built:	Stories:	Finished Area:
Bedrooms:	Bathrooms:	Pool:
Bldg Type:		

Transfer Information

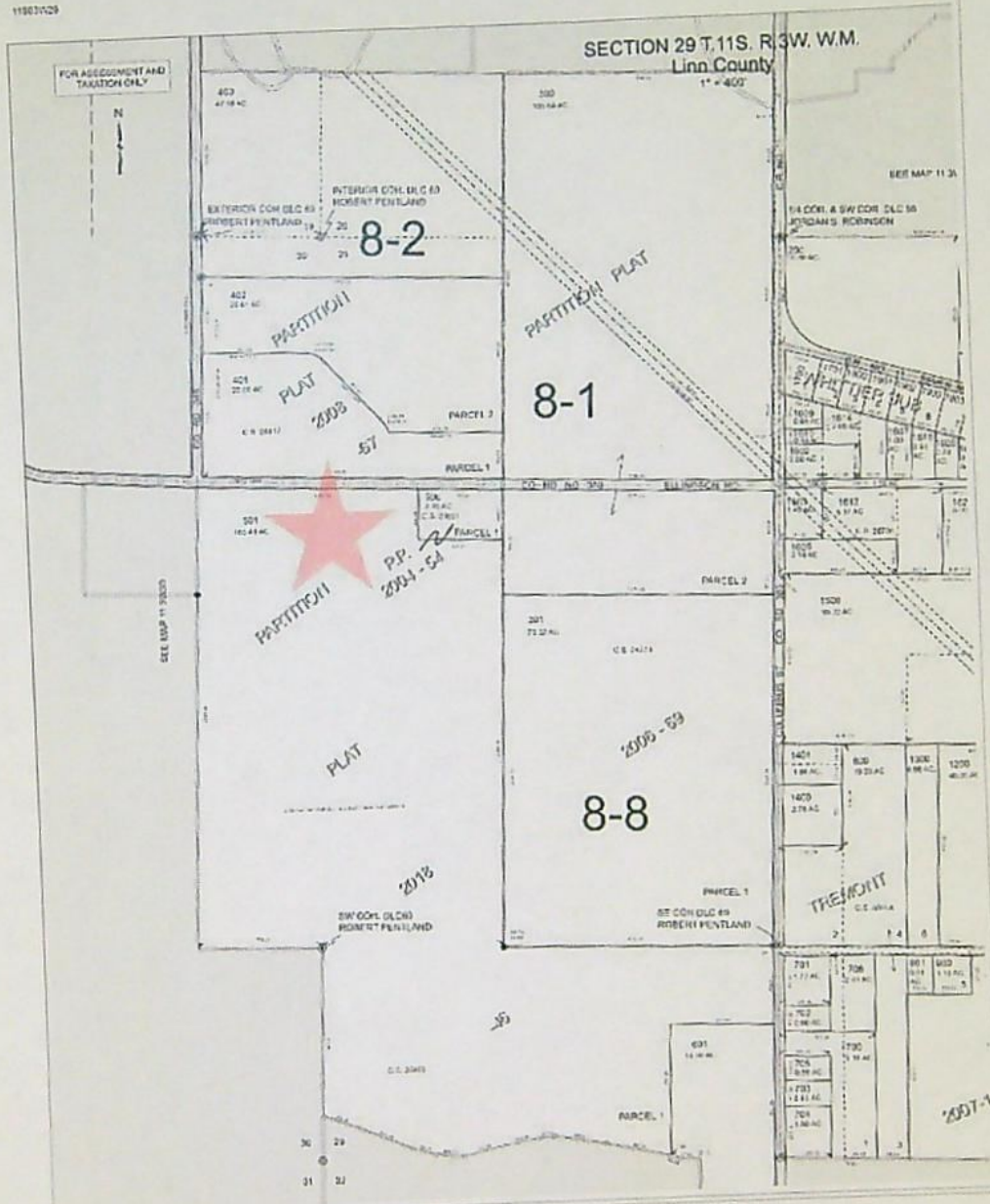
Sale Date: 10/01/2017	Sale Price: \$2,062,440.00	Doc Num: 2017 19853	Doc Type: PD
-----------------------	----------------------------	---------------------	--------------

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

Transfer Record(s) Found For: 0897334
null, null OR 97389

Recording Date	12/30/2010	Sale Amount	\$43,800.00	Mtg 1 Amount	
Grantee Name	NATIONAL FROZEN FOODS CORP	Title Co	AMERITITLE	Mtg 1 Loan Type	
Grantor Name	EHRlich HUGO JR	Doc #	20567	Doc Type	G / Deed
Lender					

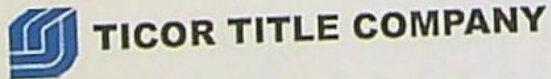
Assessor Map

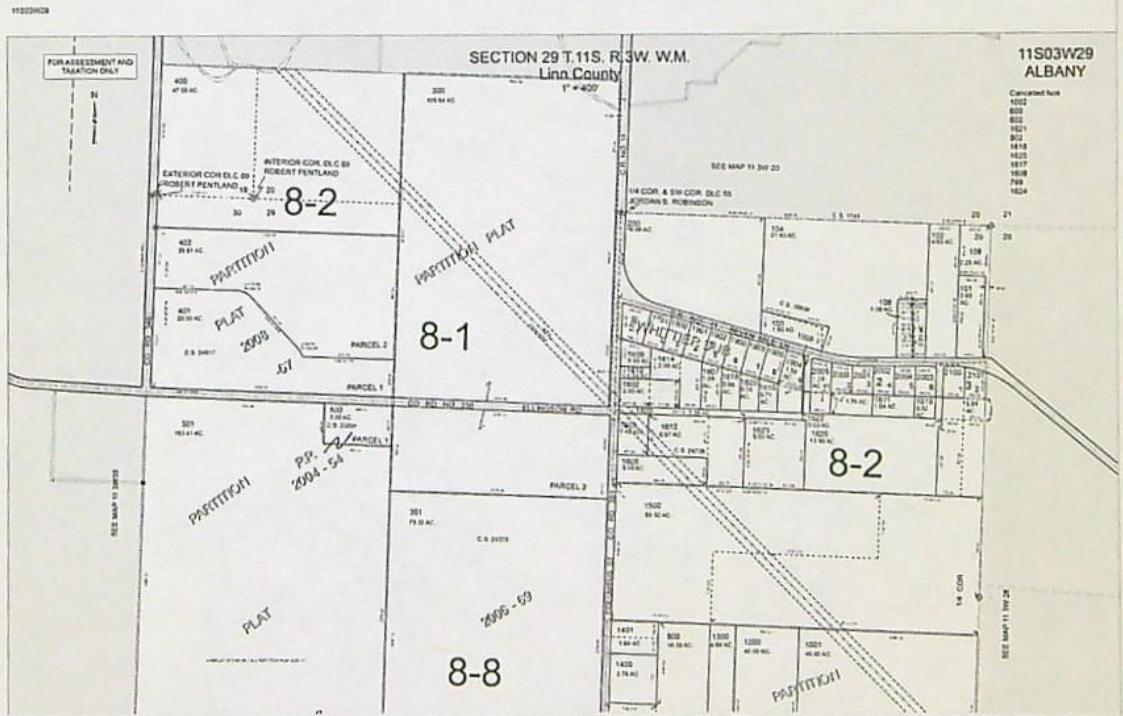


Parcel ID: 0897334

Site Address:

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





TICOR TITLE COMPANY

Parcel ID: 0897334

Site Address:

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

Aerial Map

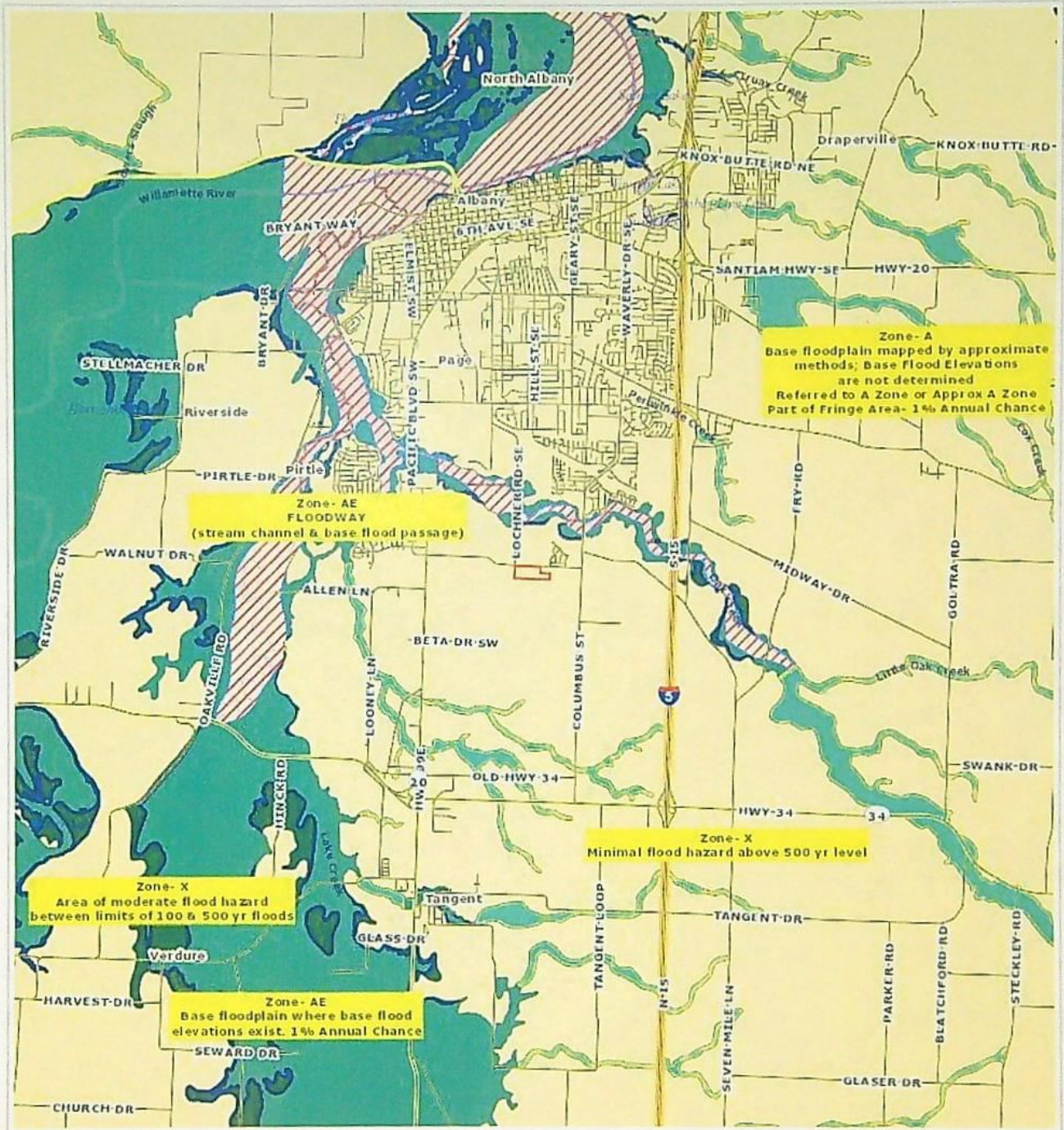


TICOR TITLE COMPANY

Parcel ID: 0897334

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

Flood Map

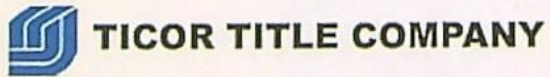
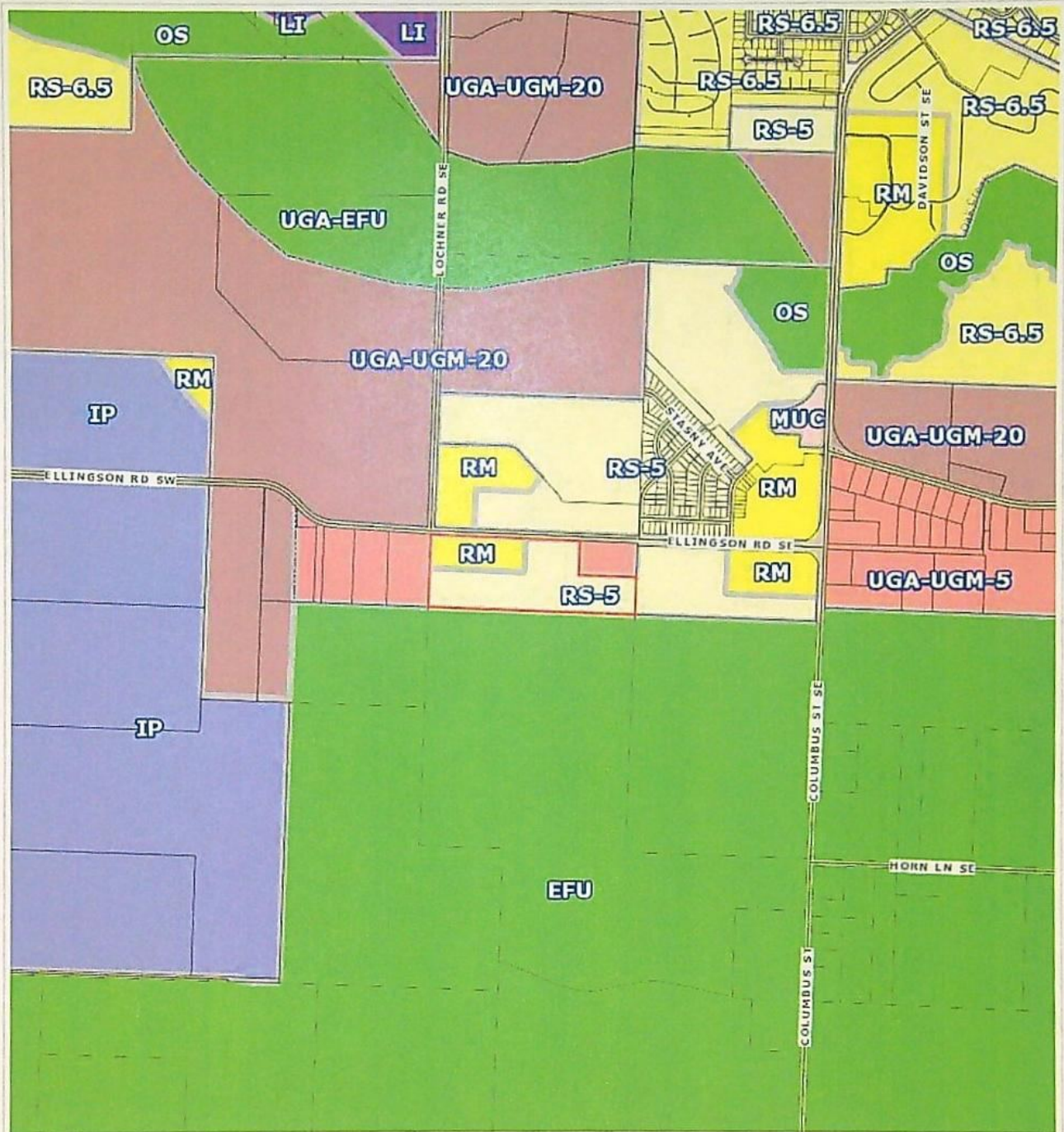


TICOR TITLE COMPANY

Parcel ID: 0897334

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

Zoning Map



Parcel ID: 0897334

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

Linn County
2022 Real Property Assessment Report
 Account 897334

Map 11S03W29-00-00501
 Code - Tax ID 00808 - 897334

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PP 2022-028
 Lot - PARCEL 1
 Mailing GROSS JUSTIN
 3483 BUENA VISTA RD S
 JEFFERSON OR 97352

Deed Reference # 2022-6229
 Sales Date/Price 04-04-2022 / \$0
 Appraiser BAUER, NATALIE

Property Class 540 MA SA NH
 RMV Class 400 02 00 003

Site Situs Address	City
--------------------	------

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
00808	Land	426,420		Land	0	
	Impr	0		Impr	0	
Code Area Total		426,420	0	18,843	0	
Grand Total		426,420	0	18,843	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
00808	4	<input checked="" type="checkbox"/>			Farm Use Unzoned	107	12.71 AC	2	247,030
	5	<input checked="" type="checkbox"/>			Farm Use Unzoned	107	2.50 AC	3	48,590
	6	<input checked="" type="checkbox"/>			Farm Use Unzoned	107	6.73 AC	4	130,800
Code Area Total							21.94 AC		426,420

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	

Exemptions / Special Assessments / Notations		
Notations	Amount	Tax
■ POT'L ADD'L TAX LIABILITY ADDED 2009	0.00	0.00

Appraisal Maint 2022-SEGREGATION - FROM
 Comments ****SPLIT ZONING UGA-UGM AND EFU*****

***** CAP NOTE - Type J *****
 EV04-524: SEG'D(NEW ACCT) 105.74AC FROM #128617-TL500. 21.62AC OF 105.74AC IS IN UGB ZONE. RMV REFLECTS VALUE.NO IMPS. 12/13/04 JDR
 EV2007-567: RETURNED TO FARM DEFERRAL FOR 2005 THRU 2007 DS 11/29/07
 EV07-469: Change code to split code: a portion of 8-08 (21.94ac) to code 8-51. Corrected soil class (est) per EllaMaps. 3/5/08 jdr
 EV09-122: Seg'd 63.34ac from TL600 #128625. 169.08ac remain. RMV/AV/MAV bal. 4/30/09 jdr
 EV09-184: CHANGE CODE 8-51 TO 8-08 PER DN2009-3384. 6/24/09 JDR
 3/16/11:lla w/acct 129698 and recomputed. all sav. NB
 18MX: Split zoning, revalued as farm land until change of use. 6/18-JG
 19MX: LLA; SEG 1.28 FROM TL 501 (ACCT 897334) TO TL 601 (ACCT 400107). ALL ACRES SA/NO MAV. 3/19 LV
 22: SEG 141.47 ACRES FROM ACCT 897334 (TL 501) TO ACCT 947630 (TL 503). ALL ACRES MOVED ARE EFU ZONED ACRES. THIS TAXLOT NO LONGER SPLIT ZONING. 5/22MC

AFTER RECORDING, RETURN TO:

Con Lynch
841 Saginaw St. S
Salem, OR 97302

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHOULD BE SENT TO:**

Justin Gross
3483 Buena Vista Rd. S
Jefferson, OR 97352

LINN COUNTY, OREGON **2017-19853**
D-PRD
SIN=0 S. WILSON 10/31/2017 02:14:15 PM
\$15.00 \$11.00 \$10.00 \$20.00 \$19.00 **\$75.00**

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

GRANTOR:

Sheryl Peterson, Personal Representative,
Estate of Hugo W. Ehrlich, Jr.
3700 Babcock Ln., Unit 114
Eugene, OR 97401

GRANTEE:

Justin Gross
3483 Buena Vista Rd. S
Jefferson, OR 97352

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 30th day of October, 2017, by and between Sheryl Peterson, the duly appointed, qualified and acting personal representative of the Estate of Hugo W. Ehrlich, Jr., Linn County Circuit Court, Case No. 21993, deceased, hereinafter called the first party, and Justin Gross, hereinafter called the second party,

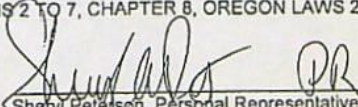
WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of Linn, State of Oregon, described as follows, to-wit:

Said Real Property is as described on Exhibit "A"
Said Real Property is subject to all of the exceptions and encumbrances listed on Exhibit "B"

TO HAVE AND TO HOLD the same unto the said second party, and second party's heirs, successors-in interest and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$2,062,440 IN WITNESS WHEREOF, the said first party has executed this instrument;

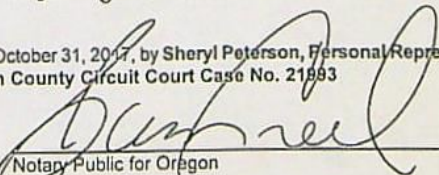
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS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



Sheryl Peterson, Personal Representative of the Estate of
Hugo W. Ehrlich, Jr., Deceased

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on October 31, 2017, by Sheryl Peterson, Personal Representative of the Estate of Hugo W. Ehrlich, Jr., Deceased, Linn County Circuit Court Case No. 21993
Before me:



Notary Public for Oregon



FIRST AMERICAN 2716700

EXHIBIT "A"

Parcel I:

Parcel 1 of Partition Plat No. 2010-51, Record of Partition Plats, Linn County, Oregon.

Parcel II:

Parcel 2 of Partition Plat No. 2009-15, Record of Partition Plats, Linn County, Oregon.

Parcel III:

Beginning at a 1/2 inch iron rod South 0°20' West 31.25 chains from the Southwest corner of the West Projection of the Robert Pentland Donation Land Claim No. 69 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said 1/2 inch rod being 11.00 chains West of the West line of the South projection of said Donation Land Claim No. 69; thence North 89°39' West 21.91 chains to a point 7.325 chains East of the West line of the East half of Section 30 in said Township and Range; thence Southerly parallel to the West line of the East half of said Section 30, a distance of 13.06 chains to a point 36.38 chains North of the South Line of said Section 30, thence Easterly parallel to the South line of said Section 30, a distance of 21.895 chains to a point 11.00 chains West of the West line of the South projection of said Donation Land Claim No. 69, thence North 0°20' East 13.06 chains to the place of beginning.

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

EXHIBIT "B"

1. Regulations, including levies, liens, assessments, rights of way and easements of the Linn Soil and Water Conservation District. (Assessments, when levied, will be included in the Ad Valorem taxes.)

2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. Easement, including terms and provisions contained therein:

Recording Information: September 15, 1978 as Volume 212, Page 347, Microfilm Records
In Favor of: Consumers Power, Inc., an Oregon corporation
For: Right of Way

5. Covenant, including terms and provisions contained thereof.

Recorded: December 16, 2010 as Instrument No. 2010-19770

6. Easement, including terms and provisions contained therein:

Recording Information: December 08, 1925 as Book 131, Page 490, Deed Records
In Favor of: The Pacific Telephone and Telegraph Company, its successors and assigns
For: Right of Way

7. Easement, including terms and provisions contained therein:

Recording Information: June 10, 1938 as Book 148, Page 54, Deed Records
In Favor of: The Pacific Telephone and Telegraph Company, a California Corporation

8. Easement, including terms and provisions contained therein:

Recording Information: November 09, 1967 as Book 327, Page 229, Deed Records
In Favor of: Consumers Power, Inc., an Oregon corporation
For: Right of Way

9. Easement, including terms and provisions contained therein:

Recording Information: July 19, 1971 as Volume 20, Page 40, Microfilm Records
In Favor of: Pacific Power & Light Company, a Corporation, its successors and assigns
For: Right of way



TICOR TITLE™

Property Profile Report

Client Name:

Will McGill, PLS, CWRE

Todays Date:

06/30/2023

Owner Name:

Gross, Justin

Property Address:

OR 97389

Reference Number:

11S03W2900601

Account Number:

0400107

Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541.926.2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585.1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
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This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

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TITLE AND ESCROW SERVICES

www.TicorMidValley.com

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

Parcel Information

Parcel #:	0400107
Tax Lot:	11S03W2900601
Site Address:	
	OR 97389
Owner:	Gross, Justin
	3483 Buena Vista Rd S
	Jefferson OR 97352 - 9616
Twn/Range/Section:	11S / 03W / 29
Parcel Size:	14.99 Acres (652,964 SqFt)
Plat/Subdivision:	Pp 2018-046
Lot:	PARCEL 2
Census Tract/Block:	020200 / 1023
Levy Code Area:	00808
Levy Rate:	14.9594
Market Value Land:	\$150,230.00
Market Value Impr:	\$858,840.00
Market Value Total:	\$1,009,070.00
Assessed Value:	\$605,359.00

**Tax Information**

Tax Year	Annual Tax
2022	\$9,055.81
2021	\$8,427.89
2020	\$8,352.36

Legal

PP 2018-046 - LOT PARCEL 2

Land

Land Use:	501 - HBU FARM NO SPECIAL ASSMT IMPROV	Zoning:	County-EFU - Exclusive Farm Use
Watershed:	Lower Calapooia River	Std Land Use:	AFAR - Farms And Crops
Recreation:		School District:	8JZ5 - Greater Albany
Primary School:	TANGENT ELEMENTARY SCHOOL	Middle School:	MEMORIAL MIDDLE SCHOOL
High School:	WEST ALBANY HIGH SCHOOL		

Improvement

Year Built:	1971	Stories:	1	Finished Area:	
Bedrooms:	4	Bathrooms:		Pool:	
Bldg Type:	334 - Seed Warehouse				

Transfer Information

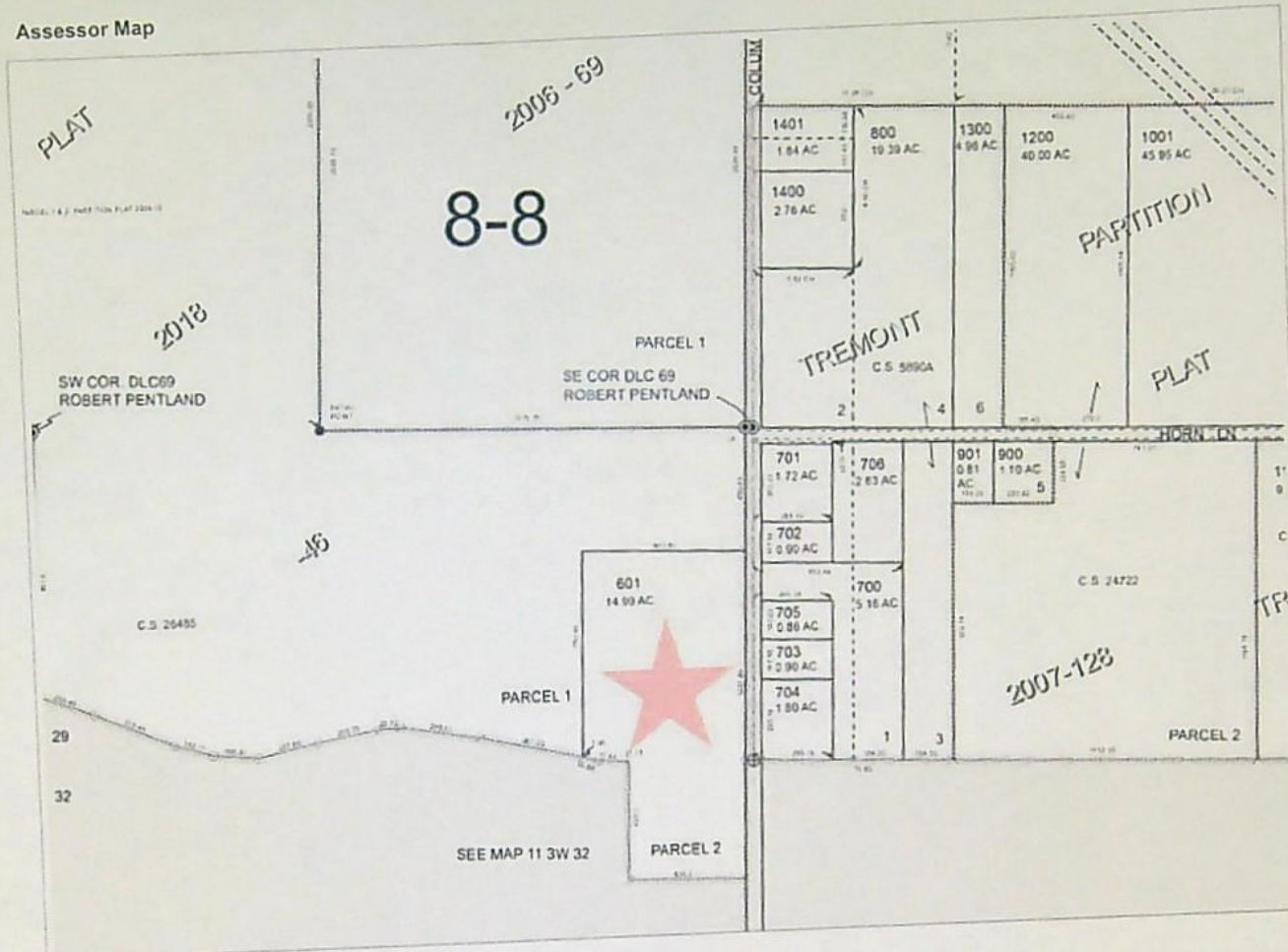
Rec. Date:	10/31/2017	Sale Price:	\$2,062,440.00	Doc Num:	19853	Doc Type:	Deed
Owner:	Justin Gross			Grantor:	EHRlich HUGO W JR		
Orig. Loan Amt:	\$2,304,250.00			Title Co:			
Finance Type:		Loan Type:	Conventional	Lender:	CITIZENS BK		

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

Transfer Record(s) Found For: 0400107
null, null OR 97389

Recording Date	10/31/2017	Sale Amount	\$2,062,440.00	Mtg 1 Amount	\$2,304,250.00
Grantee Name	JUSTIN GROSS	Title Co		Mtg 1 Loan Type	CNV
Grantor Name	EHRlich HUGO W JR	Doc #	19853	Doc Type	G / Deed
Lender	CITIZENS BK				

Assessor Map



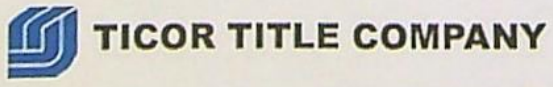
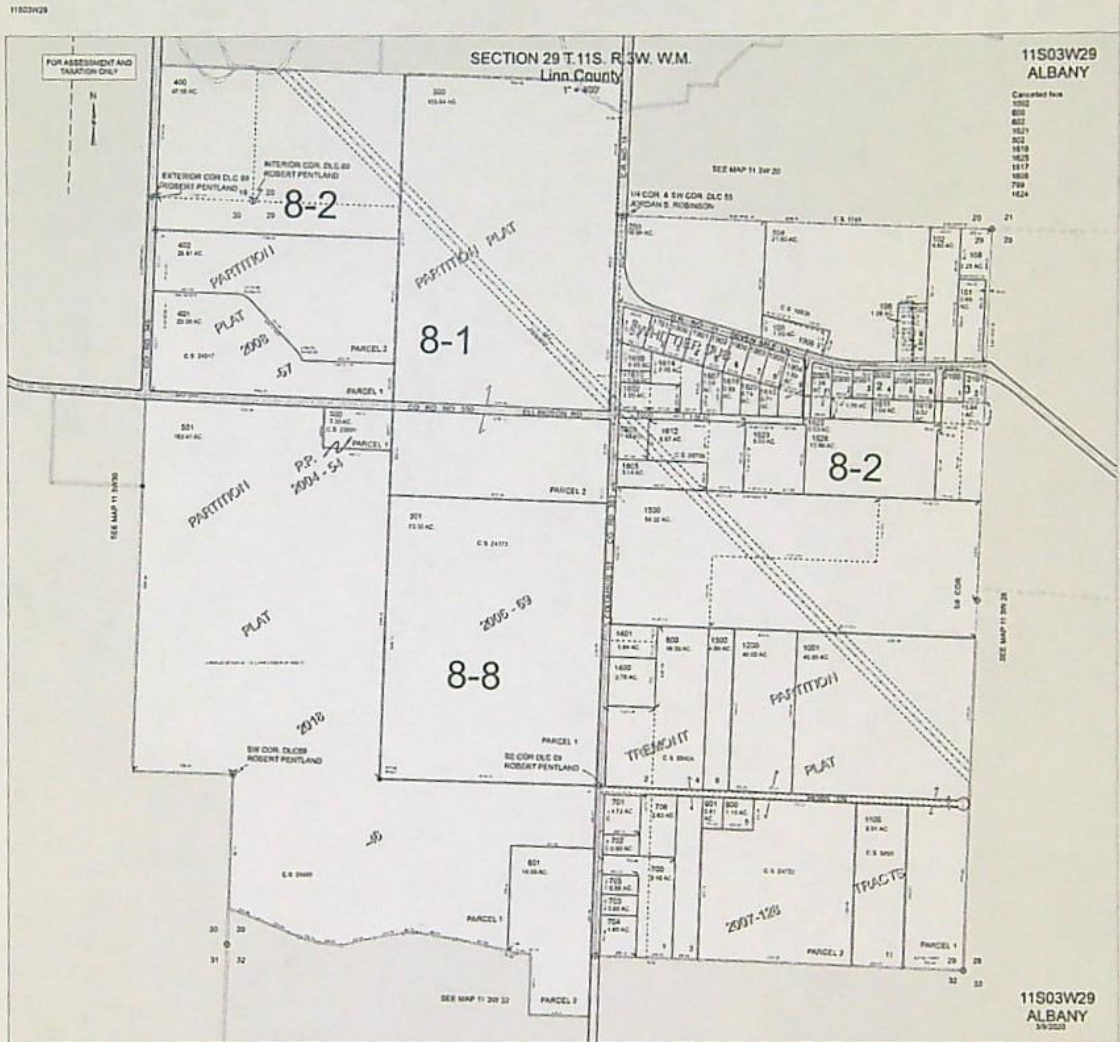
TICOR TITLE COMPANY

Parcel ID: 0400107

Site Address:

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

Full Assessor Map

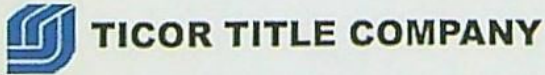


Parcel ID: 0400107

Site Address:

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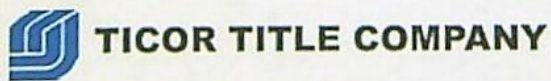
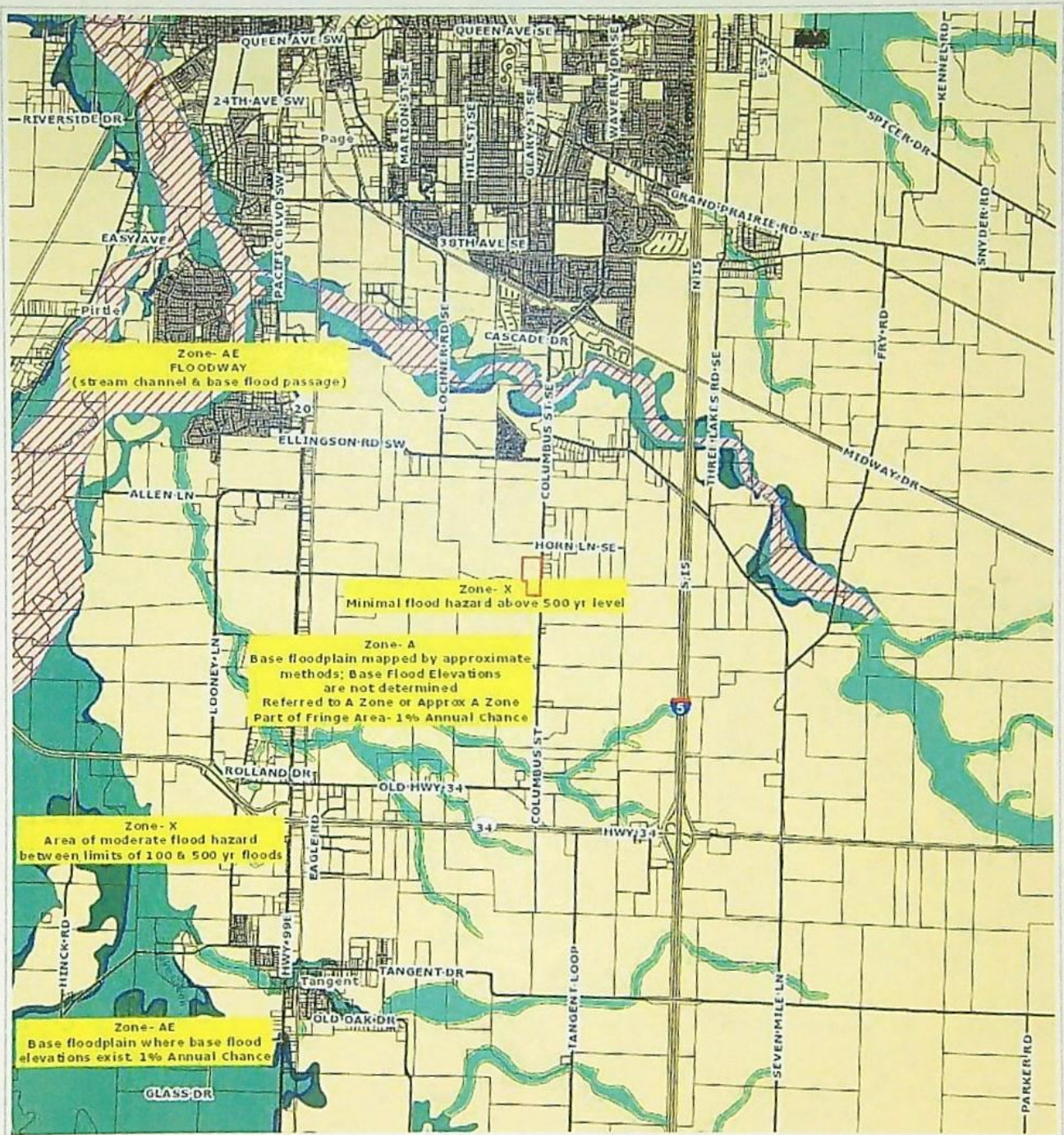
Aerial Map



Parcel ID: 0400107

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

Flood Map



Parcel ID: 0400107

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

Zoning Map



TICOR TITLE COMPANY

Parcel ID: 0400107

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

Linn County
2022 Real Property Assessment Report
 Account 400107

Map 11S03W29-00-00601
 Code - Tax ID 00808 - 400107

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

Legal Descr PP 2018-046
 Lot - PARCEL 2

Mailing GROSS JUSTIN
 3483 BUENA VISTA RD S
 JEFFERSON OR 97352

Deed Reference # 2018-14654
 Sales Date/Price 08-17-2018 / \$0
 Appraiser VANDERWOOD, LISA

Property Class 551 MA SA NH
 RMV Class 501 02 00 000

Site Situs Address	City
--------------------	------

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
00808 Land	150,230		Land	0	
Impr	858,840		Impr	0	
Code Area Total	1,009,070	582,350	605,359	0	
Grand Total	1,009,070	582,350	605,359	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
00808	3	<input checked="" type="checkbox"/>			Farm Site	104	1.00 AC	FARM	10,400
	1	<input checked="" type="checkbox"/>			Farm Use Zoned	104	9.72 AC	2	78,850
	2	<input checked="" type="checkbox"/>			Farm Use Zoned	104	4.27 AC	4	25,980
					S.A. OSD	100			35,000
Code Area Total							14.99 AC		150,230

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
00808	501	1971	334	SEED WAREHOUSE	108	15,872			78,720
	600	1890	133	RES Two story	108	1,788			205,640
	602	0	328	MACHINE SHED	108	2,560			8,120
	603	0	352	UTILITY BUILDING	108	15,264			108,730
	604		800	Mach. & Equip. County	100	0			37,350
	605		317	GP BUILDING	108	768			2,600
	606	2018	352	UTILITY BUILDING	108	42,560			417,680
Code Area Total						78,812			858,840

Exemptions / Special Assessments / Notations		
Notations	Amount	Tax
■ POT'L ADD'L TAX LIABILITY ADDED 2009	0.00	0.00
■ RP AG RETURN - COUNTY RESPONSIBILITY		

Linn County
2022 Real Property Assessment Report
Account 400107

Comments

***** CAP NOTE - Type J *****
EV09-122: Partition plat 2009-15.IMP5 seg'd from TL600 #128625/Land from TL200
#129698 4.35AC;TL600 #128625 4.35ac. 13.71ac remain w/R1/bldgs/equip.
RMV/AV/MAV bal. Soils reclassified w/GIS est. 4/30/09 jdr

***** CAP NOTE - Type R *****
2004MX:REAL PPTY FORMS NOT RETURNED SO CK FOR EQ IN MX.DUS8/03
WENT TO SITE,NO CHANGE IN EQ DUS5/04
06MX:106X144 STORAGE BLD,ON TL 600 128625 PER 2005 AERIAL,SO MOVED THAT BLDG
FROM THIS ACCT TO 128625.THIS ACCT IMP MAV WAS 240280-85210=155070 FOR 06.
BEGAN AT RMV 120440 FOR WAREHOUSE AND 34630 FOR EQ=155070.AFTER FIRE
DAMAGE BLDG RMV 34730 AND EQ RMV 14170=48900 OR 106170 LOSS.FIRE WAS ON
DEC 8,2005,IMP MAV TO CODE 90,IMP MAV TO 48900.LEFT APPL FOR PRORATE OF
TAX TOO DUS3/16/06.WENT TO SITE TO FIND WHY PRORATE APPL NOT RETURNED,LEFT
MSG FOR JERRY.STILL NO PRORATE APPL DUS5/2/06 SEE 07 FOR BLD REPAIR & GET
EQ LIST DUS5/2/06
07MX:PER RPF,BLD OPERATING AFTER FIXED,IMP NEW VAL 81230(119300 NOW WSE-38070
WAS FOR 06),ALSO NEW CRIPPEN SEED CLEANR 34000 DUS3/07
08MX:UPDATED EQ LIST FOR RMV ONLY,SEE PHOTOS DUS6/08
18MX: Revalued as farm ground. 6/18-JG
19MX: LLA; SEG 1.28 FROM TL 501 (ACCT 897334) TO TL 601 (ACCT 400107). ALL ACRES SA/NO MAV. 3/19
LV
19MX: PERMIT FOR AG BLDG. SPOKE W/EMPLOYEE ON PROPERTY. BLDG COMPLETE. MOVED CLASS 4
GP ONTO IT'S OWN SEQUENCE (PREVIOUSLY RAN AS ACCESSORY INSIDE ANOTHER BLDG) AS RMV
CHANGE. 1/19 LV
20MX: AG PERMIT TO ADD 304 X 63 LEAN-TO. OWNER VERIFIED WORK COMPLETED. ADDED LEAN-TO
W/EXCEPTION. 7/20 LV

AFTER RECORDING, RETURN TO:

Con Lynch
841 Saginaw St. S
Salem, OR 97302

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHOULD BE SENT TO:**

Justin Gross
3483 Buena Vista Rd. S
Jefferson, OR 97352

LINN COUNTY, OREGON **2017-19853**
D-PRD
Stn=0 S. WILSON 10/31/2017 02:14:15 PM
\$15.00 \$11.00 \$10.00 \$20.00 \$19.00 \$75.00

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

GRANTOR:

Sheryl Peterson, Personal Representative,
Estate of Hugo W. Ehrlich, Jr.
3700 Babcock Ln., Unit 114
Eugene, OR 97401

GRANTEE:

Justin Gross
3483 Buena Vista Rd. S
Jefferson, OR 97352

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 30th day of October, 2017, by and between **Sheryl Peterson**, the duly appointed, qualified and acting personal representative of the Estate of **Hugo W. Ehrlich, Jr.**, Linn County Circuit Court, Case No. 21993, deceased, hereinafter called the first party, and **Justin Gross**, hereinafter called the second party;

WITNESSETH:

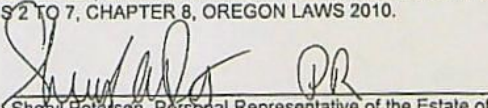
For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of Linn, State of Oregon, described as follows, to-wit:

Said Real Property is as described on Exhibit "A"

Said Real Property is subject to all of the exceptions and encumbrances listed on Exhibit "B"

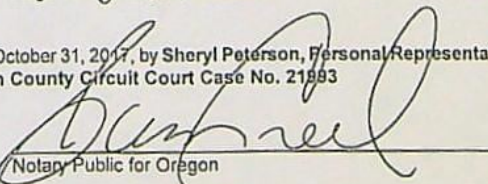
TO HAVE AND TO HOLD the same unto the said second party, and second party's heirs, successors-in interest and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$2,062,440 IN WITNESS WHEREOF, the said first party has executed this instrument;

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


Sheryl Peterson, Personal Representative of the Estate of
Hugo W. Ehrlich, Jr., Deceased

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on October 31, 2017, by **Sheryl Peterson, Personal Representative of the Estate of Hugo W. Ehrlich, Jr., Deceased**, Linn County Circuit Court Case No. 21993
Before me:


Notary Public for Oregon



FIRST AMERICAN 2716700

EXHIBIT "A"

Parcel I:

Parcel 1 of Partition Plat No. 2010-51, Record of Partition Plats, Linn County, Oregon.

Parcel II:

Parcel 2 of Partition Plat No. 2009-15, Record of Partition Plats, Linn County, Oregon.

Parcel III:

Beginning at a 1/2 Inch iron rod South 0°20' West 31.25 chains from the Southwest corner of the West Projection of the Robert Pentland Donation Land Claim No. 69 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said 1/2 Inch rod being 11.00 chains West of the West line of the South projection of said Donation Land Claim No. 69; thence North 89°39' West 21.91 chains to a point 7.325 chains East of the West line of the East half of Section 30 in said Township and Range; thence Southerly parallel to the West line of the East half of said Section 30, a distance of 13.06 chains to a point 36.38 chains North of the South Line of said Section 30, thence Easterly parallel to the South line of said Section 30, a distance of 21.895 chains to a point 11.00 chains West of the West line of the South projection of said Donation Land Claim No. 69, thence North 0°20' East 13.06 chains to the place of beginning.

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

EXHIBIT "B"

1. Regulations, including levies, liens, assessments, rights of way and easements of the Linn Soil and Water Conservation District. (Assessments, when levied, will be included in the Ad Valorem taxes.)

2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

4. Easement, including terms and provisions contained therein:

Recording Information: September 15, 1978 as Volume 212, Page 347, Microfilm Records
In Favor of: Consumers Power, Inc., an Oregon corporation
For: Right of Way

5. Covenant, including terms and provisions contained thereof.

Recorded: December 16, 2010 as Instrument No. 2010-19770

6. Easement, including terms and provisions contained therein:

Recording Information: December 08, 1925 as Book 131, Page 490, Deed Records
In Favor of: The Pacific Telephone and Telegraph Company, its successors and assigns
For: Right of Way

7. Easement, including terms and provisions contained therein:

Recording Information: June 10, 1938 as Book 148, Page 54, Deed Records
In Favor of: The Pacific Telephone and Telegraph Company, a California Corporation

8. Easement, including terms and provisions contained therein:

Recording Information: November 09, 1967 as Book 327, Page 229, Deed Records
In Favor of: Consumers Power, Inc., an Oregon corporation
For: Right of Way

9. Easement, including terms and provisions contained therein:

Recording Information: July 19, 1971 as Volume 20, Page 40, Microfilm Records
In Favor of: Pacific Power & Light Company, a Corporation, its successors and assigns
For: Right of way



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

June 28, 2023

VIA E-MAIL

Applicant

JUSTIN GROSS
3483 BUENA VISTA RD S
JEFFERSON, OR 97352

Reference: Water Right Transfer Application T-14038

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14038. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by July 28, 2023.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by July 28, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

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

If we do not receive the items listed above by July 28, 2023, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14038
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)
William E. McGill, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-14038, Linn County

)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
PLACE OF USE

Authority

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

Applicant

JUSTIN GROSS
3483 BUENA VISTA RD S
JEFFERSON, OR 97352

Findings of Fact

1. On June 27, 2022, JUSTIN GROSS filed an application to change the place of use under Certificate 96136. The Department assigned the application number T-14038.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 96136 in the name of JUSTIN GROSS (perfected under Permit G-7218)
Use: IRRIGATION OF 11.3 ACRES
Priority Date: FEBRUARY 24, 1977
Rate: 0.1 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the OAK CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	3 W	WM	32	NE NW	390 FEET SOUTH AND 370 FEET WEST FROM THE N1/4 CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	3 W	WM	29	SW NW	69	6.7
11 S	3 W	WM	30	SE NE		4.6
					Total	11.3

4. Transfer Application T-14038 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
11 S	3 W	WM	30	SW NE	7.7
11 S	3 W	WM	30	NW SE	3.6
				Total	11.3

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

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14038.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other existing water rights.
- All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-14038 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14038 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-14038 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 96136 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.*
4. *Water right Certificate 96136 is cancelled.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

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

✓ good peer reviewed

**Notice of Preliminary Determination for
Water Right Transfer T-14038**

T-14038 filed by Justin Gross, 3483 Buena Vista Rd S, Jefferson, OR 97352, proposes a change in place of use under Certificate 96136. The right allows the use of 0.1 cubic foot per second from a well in Sec. 32, T11S, R3W, WM for irrigation in Sects. 29 and 30, T11S, R3W, WM. The applicant proposes to change the place of use to Sec. 30, T11S, R3W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14038

Review Due Date:

Applicant Name: Justin Gross

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): L. Blakely

Date of Review: 08/02/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Groundwater isn't regulated in this area.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

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

N/A

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

N/A

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

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

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

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

Yes No If "Yes", explain:

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", answer the following:

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

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

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

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

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

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

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

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

Yes No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

Weir
 Parshall Flume
 Other: ___

Submerged Orifice
 Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14038

In order to avoid enlargement of the right or injury to other rights, a _____ will
be required to be installed **prior to diversion of water**, as a condition of this transfer:
 at each point of diversion/appropriation (new and existing) OR
 at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

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

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

Watermaster signature District Date

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

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



Oregon
Kate Brown, Governor

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

July 7, 2022

JUSTIN GROSS
3483 BUENA VISTA RD S
JEFFERSON, OR 97352

Reference: Application T-14038

On June 27, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 138527 is enclosed.

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

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

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

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

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

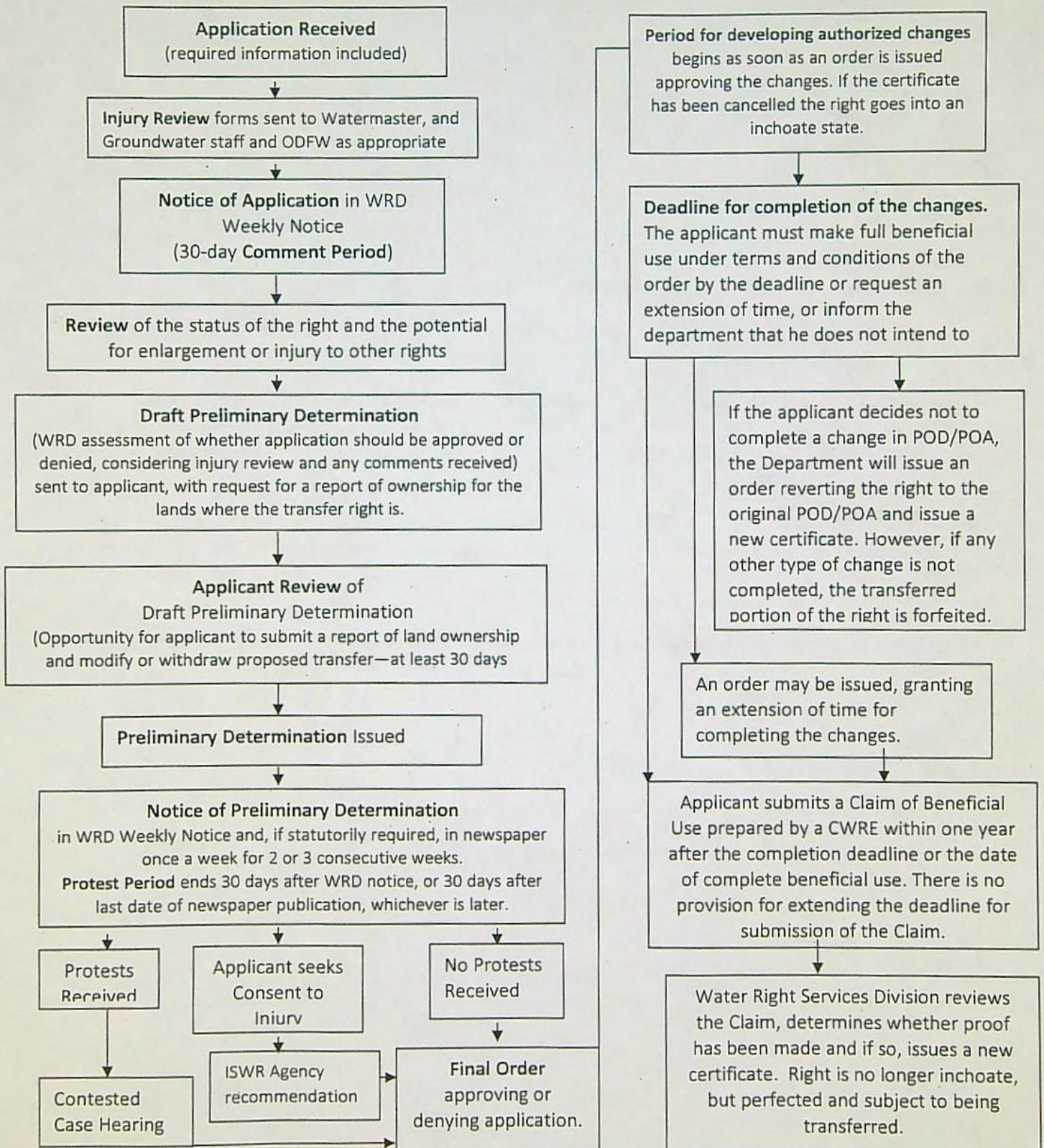
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #2, Lanaya F. Blakely (*via email*)
Linn County
William E. McGill, Agent

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **138527**

INVOICE # _____

RECEIVED FROM: Will McGill Surveying
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	T-14038

CASH: CHECK:# 2019 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1,360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

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

WATER RIGHTS:

EXAM FEE		RECORD FEE
\$ _____	0202	\$ _____
\$ _____	0204	\$ _____

EXAM FEE		LICENSE FEE
\$ <u>1,360.00</u>		
\$ _____	0219	\$ _____
	0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **138527**

DATED: 06/27/22 BY: _____

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 96136**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

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JUN 27 2022

Attachments:

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

OWRD

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part <u>14038</u> is incomplete

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Justin Gross		PHONE NO. (541) 974-7786	ADDITIONAL CONTACT NO.
ADDRESS 3483 Buena Vista Rd. S			FAX NO.
CITY Jefferson	STATE OR	ZIP 97352	E-MAIL grossjustin25@yahoo.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:
It is proposed to move 11.3 acres of Cert. 96136 to tax lot 1305 before the North portion of this farm is developed into lots for houses. Cert. 96136 can be used for crops on tax lot 1305.

Check One Box

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

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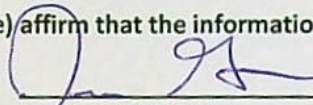
14038

By my signature below, I confirm that I understand:

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

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




 Applicant signature

Justin Gross owner
 Print Name (and Title if applicable)

6/22/22
 Date

 Applicant signature

 Print Name (and Title if applicable)

 Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 96136

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Description of Water Delivery System

JUN 27 2022

System capacity: 2.06 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 40 HP diesel turbine pump delivers water to place of use through 6" buried PVC and above ground aluminum mainline.

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)
POA	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LINN 7552	11	S	3	W	32	NE	NW	601	390' S & 370' W from the N ¼ corner, section 32
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 96136

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
11	S	3	W	29	SW	NW	501	69	6.7	Irrigation	POA	1977	POU	11	S	3	W	30	SW	NE	1305		7.7	Irrigation	POA	1977
11	S	3	W	30	SE	NE	501		4.6	Irrigation	POA	1977	POU	11	S	3	W	30	NW	SE	1305		3.6	Irrigation	POA	1977
					</																					

For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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JUN 27 2022

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

OWRD

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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STATE ENGINEER
Salem, Oregon

LINN
7552 Well Record

STATE WELL NO. 11/3W - 32C
COUNTY LINN
APPLICATION NO. GR-2208

OWNER: Hugo W. and Olive H. Ehrlich

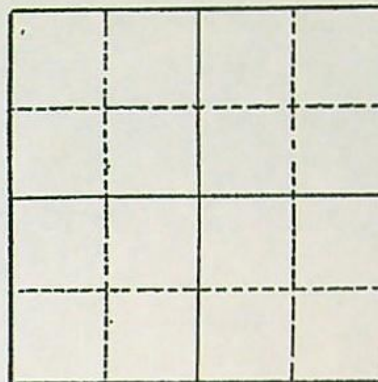
MAILING ADDRESS: Rt. 3, Box 1058

LOCATION OF WELL: Owner's No. _____

CITY AND STATE: Albany, Oregon

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32 T. 11 N. S., R. 3 E. W., W.M.

Bearing and distance from section or subdivision corner S. 33° 30' W. 9.5 chains



Section _____

Altitude at well _____

TYPE OF WELL: Drilled Date Constructed 1952

Depth drilled 102 Depth cased 102

CASING RECORD:

10-Inch

FINISH:

- Perforations from 27 to 29
- Perforations from 35 to 39
- Perforations from 55 to 59
- Perforations from 99 to 102

AQUIFERS:

Clay and gravel

WATER LEVEL:

35-Feet

PUMPING EQUIPMENT: Type Berkeley Turbine H.P. 10
Capacity 175 G.P.M.

WELL TESTS:

Drawdown 57 ft. after _____ hours Pumping 300 G.P.M.
Drawdown _____ ft. after _____ hours _____ G.P.M.

USE OF WATER Irrigation Temp. _____ °F., 19 _____

SOURCE OF INFORMATION GR-2113

DRILLER or DIGGER Raymond Gellatly, Philomath, Oregon

ADDITIONAL DATA:

Log Water Level Measurements _____ Chemical Analysis _____ Aquifer Test _____

REMARKS:

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14038

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of LINN)

I, JUSTIN GROSS, in my capacity as OWNER,

mailing address 3483 BUENA VISTA RD. S, JEFFERSON, OR 97352

telephone number (541)974-7786, 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 # 96136; 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)

14038

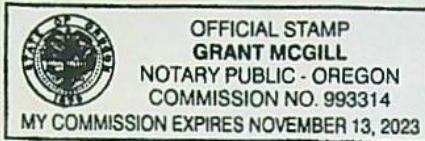
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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.

[Signature]
Signature of Affiant

6/22/22
Date

Signed and sworn to (or affirmed) before me this 6 day of June, 2022.



[Signature]
Notary Public for Oregon

My Commission Expires: 11/13/23

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

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Imagery Date: 6/2/2021 lat 44.579900° lon -123.107862° elev 241 ft eye alt 14103 ft

Google Earth

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Transfer Application - Certificate 96136

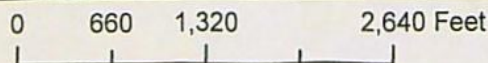
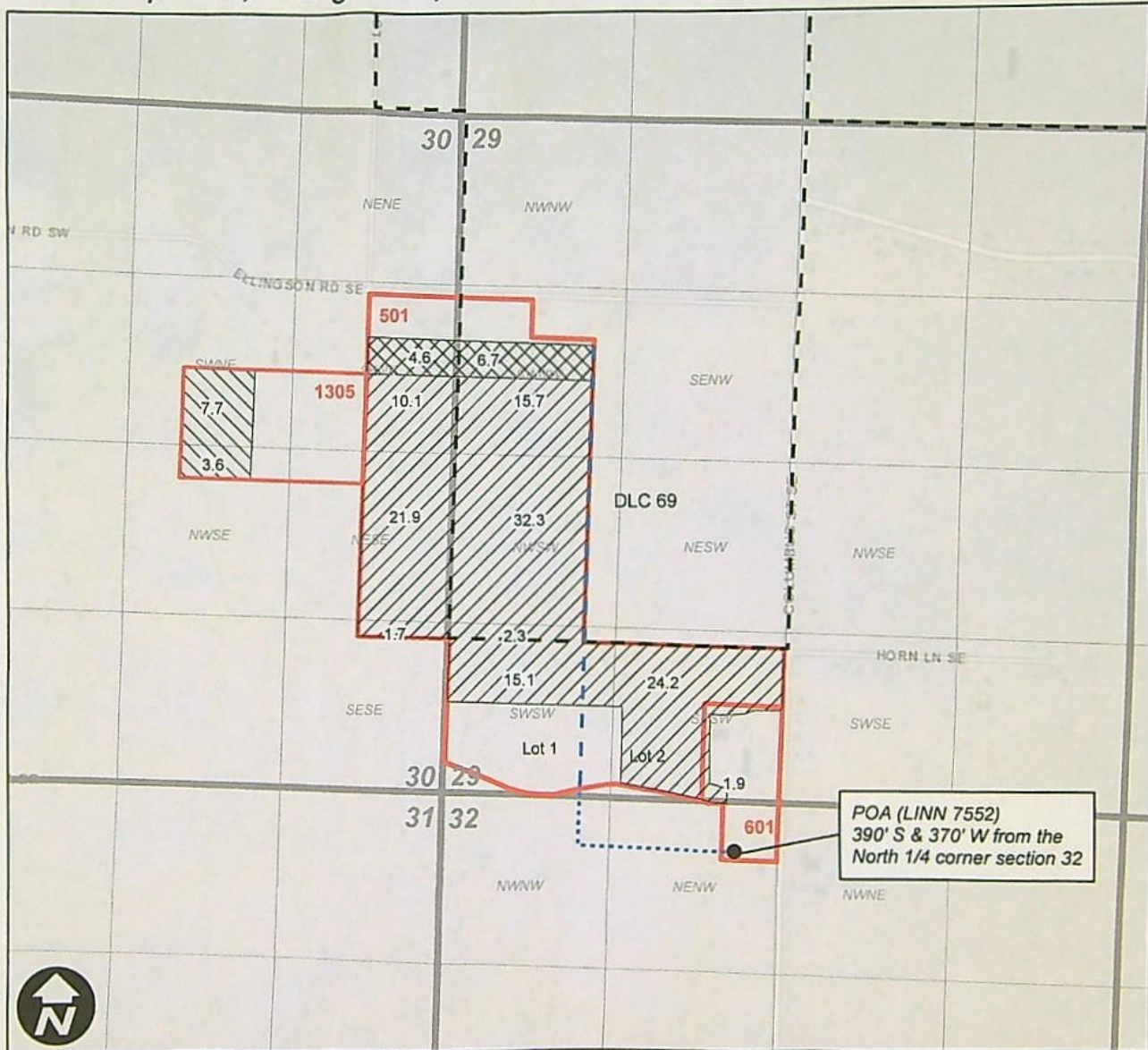
Gross, Justin

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Township 11S, Range 3W, W.M.



Legend

- - - Mainline Above Ground 6"
- Mainline Buried 6"
- - - DLC
- Taxlots
- ▨ Cert. 96136 From
- ▧ Cert. 96136 To
- ▩ Cert. 96136 No Change



EXPIRES: 12-31-2022

14038

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14038

Checked by: <u>Jam</u> Date: <u>6/29/22</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> (POU)	POD	APOD
Fee Received: <u>\$1360.00</u>		Gov Action	Surface to Ground	USE	POA	APOA
Calculated Fee:		How many rights to be Transferred?				
		Certificate # <u>96136</u>				
Additional Observations: <u>11.3 acres</u>		<u>Linn Co.</u>				
		Attn: [unclear]				

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

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

OR: If all boxes to the left are NOT checked, then this application is deficient and **CANNOT** be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

