

T-14141

Regular

RA

T-14141

Name Fessler Family LLCAddress 13009 McKee School Rd  
Woodburn Oregon 97101  
tomf@woodburnnursery.comChange in POWDate Filed 1/3/2023Initial notice date 1/24/2023DPD issued date 1-17-23PD issued date 6/27/2023PD notice date 6/27/20Date of FO 9/10/2023 Vol 129 Page 3-7C-Date 10/1/2024COBU due date 10/1/2025

COBU Received date

Certificate issued 97924 & 97925 issued 9-13-2024

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Zollner Creek, WellTrib. of Podding River, Podding river BasinUse Irrigation, S irrigation County Marion

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# 632141 Per # 525354 Cert # 96727 PR Date 2/24/1958App# G14013 Per # G13673 Cert # 96728 PR Date 3/24/1995

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt #
1-3-2023	1,970.00	139849
1-4-2023	\$125.00	139842
2-10-2023	\$1,338.93	140097
3-18-2024	\$230.00	142568

## FEES REFUNDED

Date	Amount	Receipt #

Assignments:

Irrigation District \_\_\_\_\_

Agent Aspen rural land - Eric Urstadt ericurstadt@hotmail

CWRE \_\_\_\_\_

CC's list marion county☐ - Oversized map - Location \_\_\_\_\_



## RA Mailing List for Certificate

Scheduled Mailing Date:

Application: T-14141

Certificate: 97924 (cf-96727)  
97925 (cf-96728)

Water Right Holder:

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>9.13.2024</u>	(DATE)

FESSLER FAMILY LLC  
TOM FESSLER  
13009 MCKEE SCHOOL RD  
WOODBURN OR 97071

Copies of Final Certificate to be sent to:

1. Watermaster District 16 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records?

YES - Map Taxlot 051W2800000300 owned by Fessler Family LLC per MARION County Assessor

Other persons to receive copies: (include map):

1. Eric Urstadt, CWRE, Aspen Rural Land Consulting, 39290 NW Murtaugh Road, North Plains OR 97133

Record Marking(s):

1. Original Application# S-32141
2. Old Certificate# 96727
3. Original Application# G-14013
4. Old Certificate# 96728





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

Date Mailed: SEP 13 2024

### NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in order than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions, please contact Kerry Kavanagh at 503-979-3208.



STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN OR 97071

confirms the right to use the waters of ZOLLNER CREEK, A TRIBUTARY OF PUDDING RIVER for IRRIGATION of 4.5 ACRES.

This right was perfected under Permit S-25354. The date of priority is FEBRUARY 24, 1958.

The amount of water to which this right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.06 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SE NW	POD 1 (ORIGINAL) - 1695 FEET SOUTH AND 2295 FEET EAST FROM NW CORNER, SECTION 33
5 S	1 W	WM	28	NW SW	POD 2 (ADDITIONAL) - 1830 FEET NORTH AND 260 FEET EAST FROM NW CORNER, SECTION 33

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2

The quantity of water diverted, as authorized by Certificate 29565, diverted at the new additional new point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

The water user shall maintain and operate the fish screen at the points of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

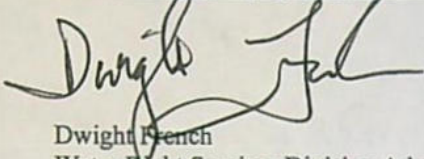
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered SEPTEMBER 6, 2023, at Special Order Volume 129, Page 3, approving Transfer Application T-14141, and together with Certificate 97216, supersedes Certificate 96727, State Record of Water Right Certificates.

Issued SEP 13 2024.

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight French  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department



## STATE OF OREGON

## COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN OR 97071-9089

confirms the right to use the waters of WELL 5 in the PUDDING RIVER BASIN for PRIMARY IRRIGATION of 0.7 ACRE AND SUPPLEMENTAL IRRIGATION OF 4.5 ACRES.

This right was perfected under Permit G-13673. The date of priority is MARCH 24, 1995.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.07 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR IRRIGATION OF 0.7 ACRE AND 0.06 CFS FOR SUPPLEMENTAL IRRIGATION OF 4.5 ACRES.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SW NE	WELL 5 - 2390 FEET SOUTH AND 2800 FEET EAST FROM NW CORNER, SECTION 33

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall maintain a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
  - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
  - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
  - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user.
  - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
  - (e) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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



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

The Director may require water level or pump test results every ten years.

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

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

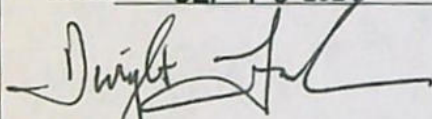
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered SEPTEMBER 6, 2023, at Special Order Volume 129, Page 3, approving Transfer Application T-14141, and together with Certificate 97217, supersedes Certificate 96728, State Record of Water Right Certificates.

Issued SEP 13 2024



Dwight French  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department



# Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Nick Reece
Transfer #: T-14141	
Date Received: 3/18/2024	
CWRE Name: Eric Urstadt	
Priority Date (s): 2/24/1958, 3/24/1995	

## Fees Required:

- ☒ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☐ NO ☒ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App  
or Transfer  
Number

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

**MONEY SLIP**

DATE: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_ APPLICATION: \_\_\_\_\_  
PERMIT: \_\_\_\_\_  
TRANSFER: \_\_\_\_\_

CASH: ☐ CHECK # \_\_\_\_\_ OTHER (IDENTIFY): \_\_\_\_\_ TOTAL RECEIVED: \$ \_\_\_\_\_

0001 TREASURY 4700 MISC CASH ACCT \_\_\_\_\_

0407 COPIES \_\_\_\_\_ (IDENTIFY) \_\_\_\_\_

0243 Interest Lease \_\_\_\_\_ 0244 Water Right Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

0001 TREASURY 4700 MISC OPERATING ACCT \_\_\_\_\_

MISCELLANEOUS 4611 \_\_\_\_\_

0407 COPY & TAPE FEES \_\_\_\_\_

0410 RESEARCH FEES \_\_\_\_\_

0408 MISC REVENUE (IDENTIFY) \_\_\_\_\_

TC 142 DEPOSIT LAB (IDENTIFY) \_\_\_\_\_

0240 EXTENSION OF TIME \_\_\_\_\_

WATER RIGHTS \_\_\_\_\_

0201 SURFACE WATER \_\_\_\_\_ EXAM FEE \_\_\_\_\_ RECORD FEE \_\_\_\_\_

0203 GROUND WATER \_\_\_\_\_

0205 TRANSFER \_\_\_\_\_

0218 WELL CONSTRUCTION \_\_\_\_\_ EXAM FEE \_\_\_\_\_ RECORD FEE \_\_\_\_\_

WELL DRILL CONSTRUCTION \_\_\_\_\_

LABORER'S PERMIT \_\_\_\_\_

0202 OTHER (IDENTIFY) \_\_\_\_\_ COBU \_\_\_\_\_

0001 TREASURY 0407 HYDROELECTRIC \_\_\_\_\_

0203 POWER LICENSE FEE (HYDRO) \_\_\_\_\_

0201 HYDRO LICENSE FEE (HYDRO) \_\_\_\_\_

HYDRO APPLICATION \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

☐ RETURN TO APPLICANT - LETTER ATTACHED

## Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) \*If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted



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 # **142568**

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

RECEIVED FROM: Woodburn Nursery & Azaleas, Inc.  
BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14141

CASH: ☐ CHECK: # 23191 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 230.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

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

0200 OTHER (IDENTIFY) COBU \$ 230.00

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

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

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

RECEIPT: **142568**

DATED: 3-18-2024 BY: [Signature]

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

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

RECEIPT # **142568**

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

RECEIVED FROM: Woodburn Nursery & Azaleas, Inc.  
BY: \_\_\_\_\_

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14141

CASH: ☐ CHECK: # 23191 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 230.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

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

0200 OTHER (IDENTIFY) COBU \$ 230.00

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

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

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

RECEIPT: **142568**

DATED: 3-18-2024 BY: [Signature]

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



**CLAIM OF  
BENEFICIAL USE  
for Transfers  
Place of Use Only**



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

**A fee of \$230 must accompany this form for any transfer final orders including a water right with a priority date of July 9, 1987, or later.**

**Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.**

**A separate form shall be completed for each transfer.**

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1**

**GENERAL INFORMATION**

**Type of Authorized Change**

This Claim is being submitted for a transfer where the only authorized change was a change in place of use.

*If additional changes were authorized, you will need to select a different form.*

**1. File Information**

APPLICATION #

**T-14141**

**YES**

**RECEIVED**

**FEB 22 2024**

**OWRD**

**RECEIVED**

**MAR 18 2024**

**OWRD**

**WR**



2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Same as transfer holder below</b>		PHONE NO. <b>503.559.1471</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS			
CITY	STATE	ZIP	E-MAIL <b>tomf@woodburnnursery.com</b>

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD <b>Fessler Family, LLC</b>		
ADDRESS <b>13009 McKee School Road</b>		
CITY <b>Woodburn</b>	STATE <b>OR</b>	ZIP <b>97071</b>

4. Date of Site Inspection:

**8 FEB 2024**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Tom Fessler</b>	<b>Dec 2023</b>	<b>managing member of LLC</b>
<b>Craig Hopkins</b>	<b>Feb 2024</b>	<b>Key farm person</b>

6. County:

**Marion**

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD <b>Same as transfer holder above</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

RECEIVED RECEIVED

FEB 22 2024 MAR 18 2024

OWRD

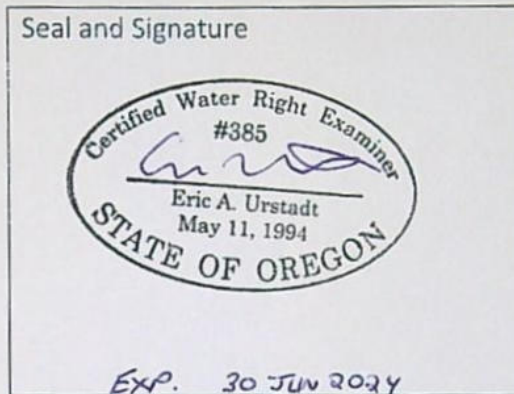
OWRD



## SECTION 2 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Eric Urstadt, PE, PLS, CWRE</b>		PHONE NO. <b>971.250.1520</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>39290 NW Murtaugh Road</b>			
CITY <b>North Plains</b>	STATE <b>OR</b>	ZIP <b>97133</b>	E-MAIL <b>ericurstadt@hotmail.com</b>

### Transfer Holder of Record Signature or Acknowledgement

**Each** transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	<b>Tom Fessler</b>	<b>Managing Member</b>	<b>2-12-24</b>

<b>RECEIVED</b> <b>FEB 22 2024</b> <b>OWRD</b>	<b>RECEIVED</b> <b>MAR 18 2024</b> <b>OWRD</b>
--	--



**SECTION 3**  
**EXTENT OF CHANGE COMPLETED**

**1. Claim Summary:**

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
5.2	5.2

If the use(s) was not irrigation or nursery:

WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
YES

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order? **NO**

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

N/A

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## SECTION 4

### CONDITIONS

All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGE WAS COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	6 SEP 2023	
COMPLETENESS DATE FROM ORDER (C)	1 OCT 2024	Mid-SEP 2023

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

#### 2. Is there an extension final order(s)?

NO

If "NO", you may delete the following table. **Table Deleted.**

#### 3. Measurement Conditions:

a. Does the transfer final order require the installation of a meter or approved measuring device?

NO

If "NO", items b through f relating to this section may be deleted. **Items Deleted.**

#### 4. Other conditions required by the transfer final order:

a. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A

## SECTION 5

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## ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
<b>A</b>	<b>Claim of Beneficial Use Map</b>
<b>B</b>	<b>Reimbursement Authority Application</b>

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## SECTION 6

### CLAIM OF BENEFICIAL USE MAP

A Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map must identify the developed new place of use. The existing point(s) of diversion or point(s) of appropriation are required to be included on the Claim map, based on the locations described in the transfer final order.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**This map was prepared using the tax assessor map for the tax lot boundary. A May 2023 Google aerial photo was used to confirm planting and watering at the site along with a site visit.**

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## Map Checklist

Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) **\*Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Transfer application number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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FEB 22 2024 MAR 18 2024

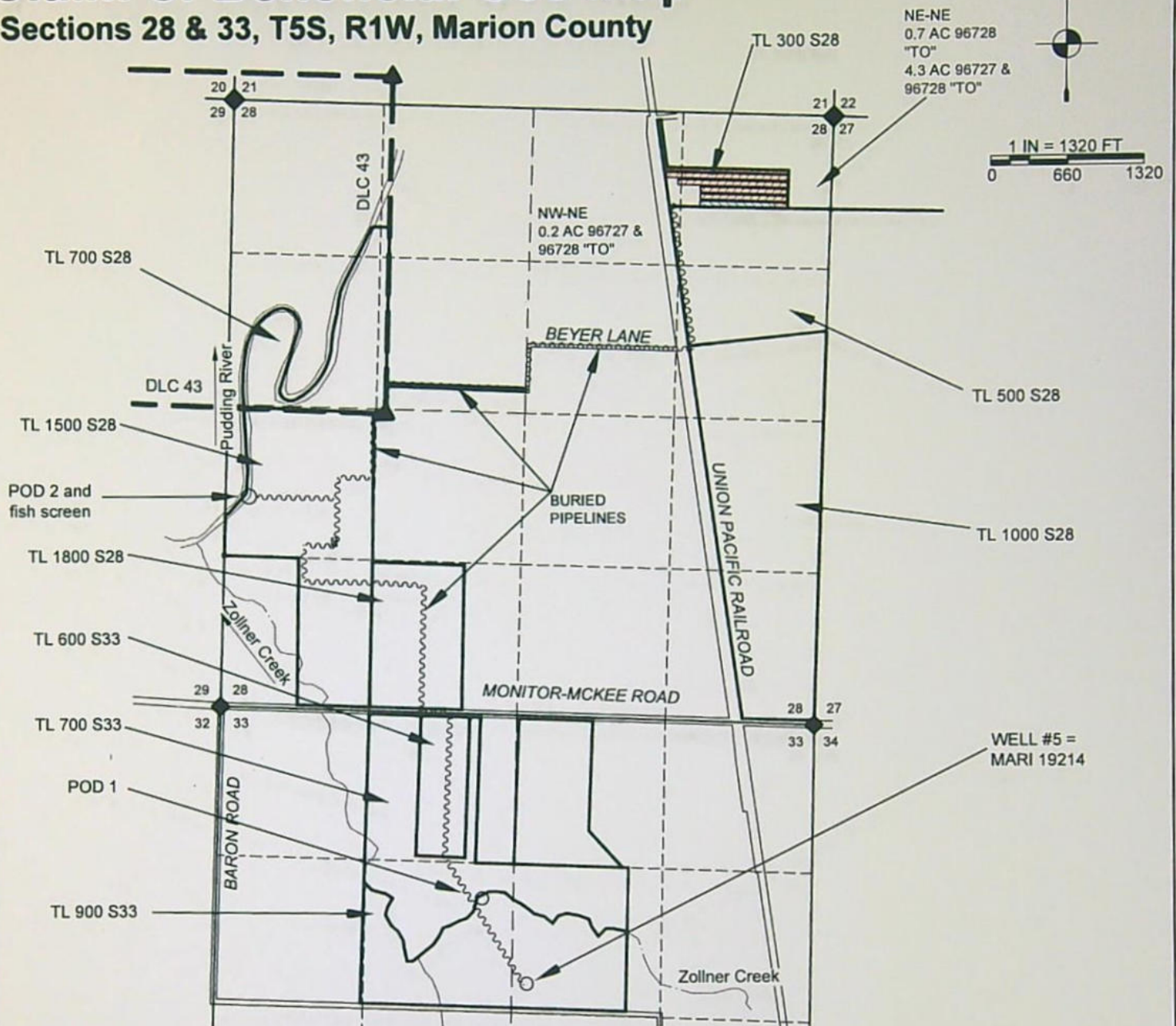
OWRD

OWRD



# Claim of Beneficial Use Map

Sections 28 & 33, T5S, R1W, Marion County



LOCATIONS OF POINTS OF DIVERSION (POD) AND WELL:  
 POD 1 IS 1695' SOUTH AND 2295' EAST FROM NW S33.  
 POD 2 IS 1830' NORTH AND 260' EAST FROM NW S33.  
 WELL #5 IS 2390' SOUTH & 2800' EAST FROM NW S33\*\*.  
 \*\* PER CERT. 96728

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

## LEGEND

- ▲ DONATION LAND CLAIM (DLC) CORNER
- ◆ SECTION CORNER
- POINT OF DIVERSION OR APPROPRIATION
- STREAM OR SURFACE DRAINAGE
- TAX LOT LINE
- SECTION LINE
- QUARTER-QUARTER LINE
- DLC LINES
- ~~~~~ CONVEYANCE PIPELINES
- "TO" ACRES 96727 IRRIG & 96728 SUPPL
- "TO" ACRES 96728 IRRIG



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MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
 ERIC URSTADT, PE, PLS  
 971-250-1520  
 FEB 2024  
 FesslerEbner5J





Rural Land Consulting

Water Resources, Water Rights, Land  
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM  
971-250-1520 (MOBILE)

Water Resources Department  
Attn: Certificate Section – Reimbursement Authority  
725 Summer Street NE, Ste. A  
Salem, OR, 97301

9 FEB 2024

**Subject: Claim of Beneficial Use and Reimbursement Authority (RA) application for T-14141**

To Whom It May Concern,

Enclosed is an application for a Claim of Beneficial Use (COBU) T-14141 together with the following attachments:

- A. COBU Map
- B. Reimbursement Authority (RA) application
- C. A check for RA fee made out to "Oregon Water Resources Department" for \$125.00.
- D. A check for COBU fee made out to "Oregon Water Resources Department" for \$230.00.

Please let me know if there are any concerns or you need any more information.

Respectfully,  
*Aspen Rural Land Consulting*

Eric Urstadt, PE, PLS

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MAR 18 2024  
RECEIVED OWRD





# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

February 23, 2024

Fessler Family, LLC  
13009 McKee School RD  
Woodburn, OR 97071

RE: Application: T-14141

Dear Permit Holder,

On February 22, 2024, the Department received the Claim of Beneficial Use that you submitted for the above referenced file.

The Department is returning your Claim at this time for the following reasons:

1. The Claim did not include the required map stamped and signed by the CWRE on polyester film. The Claim map is required to be submitted on polyester film. The map supplied with the Claim report is on paper.

Enclosed you will find your check in the amount of \$230.00, and your Claim materials. The Department has not retained a copy of the Claim. Because the claim is not acceptable, your reimbursement authority paperwork is being returned as well.

If you have any additional questions, please feel free to contact me at 503-979-9103.

Sincerely,

Gerry Clark  
Water Rights Specialist  
Certificates

cc: file T-14141  
Eric Urstadt, CWRE

Enclosures: Claim, Reimbursement Authority Paperwork and Check #23191

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# Aspen

Rural Land Consulting

Water Resources, Water Rights, Land  
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM  
971-250-1520 (MOBILE)

Water Resources Department  
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Please let me know if there are any concerns or you need any more information.

Respectfully,  
*Aspen Rural Land Consulting*

Eric Urstadt, PE, PLS

REMAILED  
13 MAR 2024

RECEIVED

MAR 18 2024

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# Completion Checklist for Claims of Beneficial Use for POST JULY 1, 2004 Claims

Application #	—	WRD Reviewer	Kerry Kammagh
Transfer #	T-14141	Claim Logged	YES
Date Received	3-18-2024	Oversized Map #	NA
CWRE Name	Enc Vrgstadt		

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (" = 1320', " = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

TFO issued 9-6-2023. DPOU

C Date = 10-1-2024.

part C96727-0.06 cts for 12 of 4.5 ac - River

part C96728-0.07 cts for 12 of 15 well 5

0.06 cts for 12 of 0.7 ac

0.06 cts for 15 of 4.5 ac

## Report Review:

COBU - 5.2 acres for both certs -

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014) MARION
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
- ☒ Calculated capacity of system (required)
- ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
- ☒ Time limits
- ☒ Initial water level measurements
- ☒ Annual static water level measurements
- ☒ Measurement, recording, and reporting
- ☒ Meter/measuring device
- ☒ Water use reporting
- ☒ Fish screening and/or by-pass
- ☒ Pump test (ground water)
- ☒ Other

MA Conditions from Extension Final Order and/or Water Management Conservation Plan

- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable



T-14141 / 2ong. certs 2 CERTS

### Certificate Issuance Processing Checklist

☒ Map and COBU reviewed  
☒ Conflict check Any Conflicts? NO  
☒ Check for ownership

Check Area of Interest ☐ YES ☒ NO  
Identified Party \_\_\_\_\_

### Staff Recommendations:

☒ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

☐ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_

☐ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_

**Proposed Actions:**  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?  
\_\_\_\_\_ Yes

If "Yes":  
\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final      Certificate # \_\_\_\_\_

Mailing list:  
Proposed:

Final:

COBU map mirrors transfer app map  
O. Fac → NENE Sec 28, T53R1W, W.M. — 1R —



T-14141 number of acres

originating certificate 96727 - number of acres

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2

originating certificat 96728 - number of acres

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	0.7

0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2

4.5



Application #                      Permit #                      Transfer # T-  
14141

Fessler Family LLC                      RA# R13034-  
25

**Reimbursement Authority Process**  
***Itemized FINAL Sheet***  
for  
**Certificates**

	New Est. Time (hr)	Multiplie r	Total Est Hours	Individual	Hourly Rate	New Est. Cost	Date/Act. Time
1. Review Claim of Beneficial Use report & map	2.50	32%	3.31	Kerry	\$78.56	\$ 260.20	
2. Conflict Check	0.50	32%	0.66	Kerry	\$78.56	\$ 52.04	
3. Prep of def. letter - contingency time	0.00	32%	0.00	Kerry	\$78.56	\$ -	
4. Enter pump test data -	0.00	32%	0.00	Kerry	\$78.56	\$ -	
5. Prep 2 certs - change in POU	4.25	32%	5.63	Kerry	\$78.56	\$ 442.35	
6a. Peer review - consultation	0.35	32%	0.46	Gerry	\$74.84	\$ 34.70	
6b. Peer review	0.30	32%	0.30	Dwight	\$111.91	\$ 33.57	
6d. Peer review	1.00	32%	1.32	Gerry	\$74.84	\$ 99.15	
7. Project Management -	5.00	32%	6.62	Kerry	\$78.56	\$ 520.41	
8a. Water right data record update	1.10	32%	1.46	Support- Tonya	\$45.83	\$ 66.79	
8b. Water right data record update	1.40	32%	1.85	Data Tech- Sheila	\$57.52	\$ 106.69	
9. Pump test - N/A	0.00	32%	0.00	Boschman n	\$81.34	\$ -	
<b>Total</b>			<b>21.63</b>		<b>Sub Total</b>	<b>\$1,616</b>	

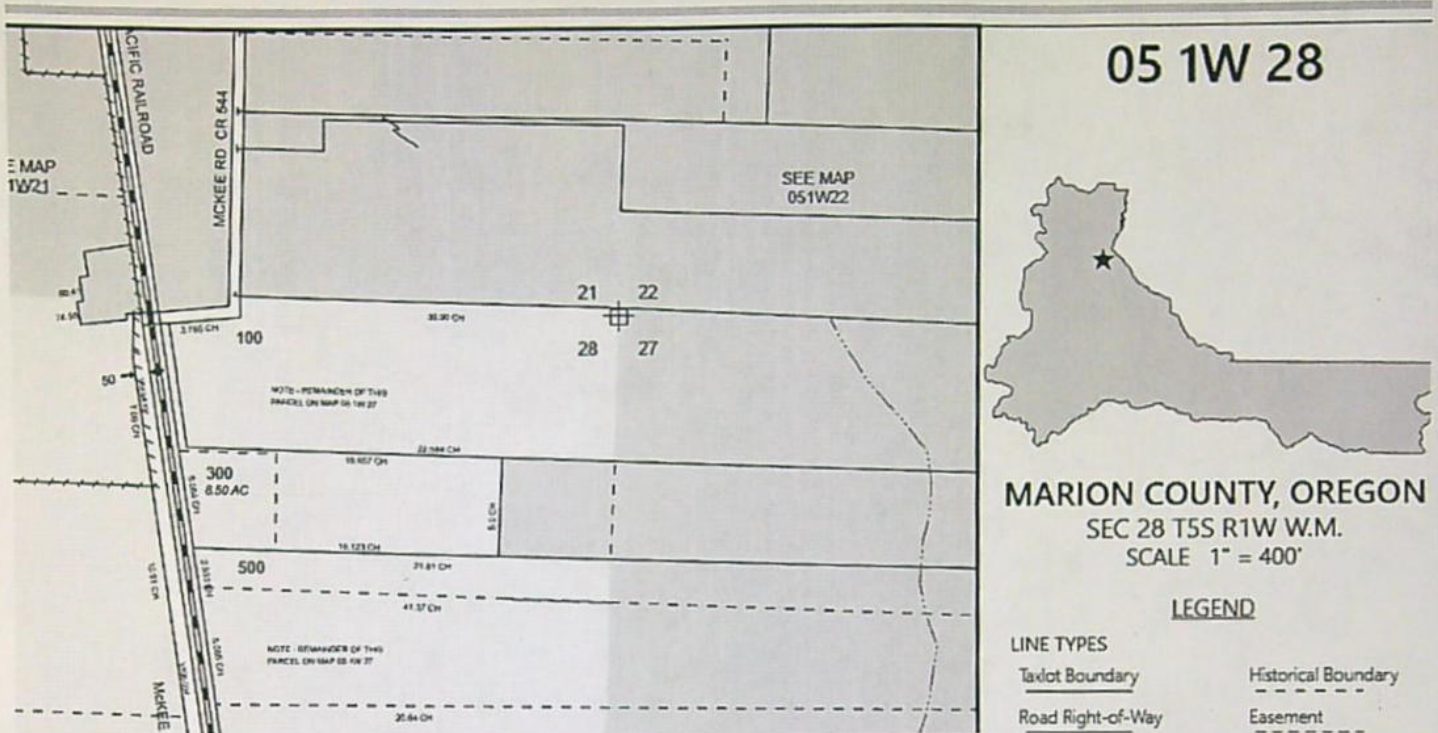
10%  
Overhead      \$161.59  
**TOTAL      \$1,778**

\$1 over (estimated cost = \$1777)

TFO issued 9-7-2023. C Date = 10-1-2024. change in POU  
portion Cert 96727 - 0.06 cfs from Zollner Creek for IR of 4.5 ac  
portion Cert 96728 - 0.07 cfs from Well 5 in Pudding River Basin for IR of 0.7 ac and IS of 4.5 ac



T-14141 - Ownership per MARION County Assessor: 05 1W 28 00300:



Marion County  
OREGON

Assessor's Property Records

[New Search](#) [Disclaimer](#) [Login](#)

[Property Search](#) [Property Summary](#) [Printable Summary](#)

Property Identification

Account ID: 514104  
Tax Account ID: 514104  
Tax Roll Type: Real Property  
Primary Situs Address: 13358 MCKEE SCHOOL RD NE WOODBURN OR 97071  
Map Tax Lot: 051W280000300  
Owner: FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD NE  
WOODBURN, OR 97071

Manufactured Home

Details:

Other Tax Liability:

Subdivision:

Related Accounts:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

[GIS Interactive Viewer](#)

[Assessor Map PDF](#)

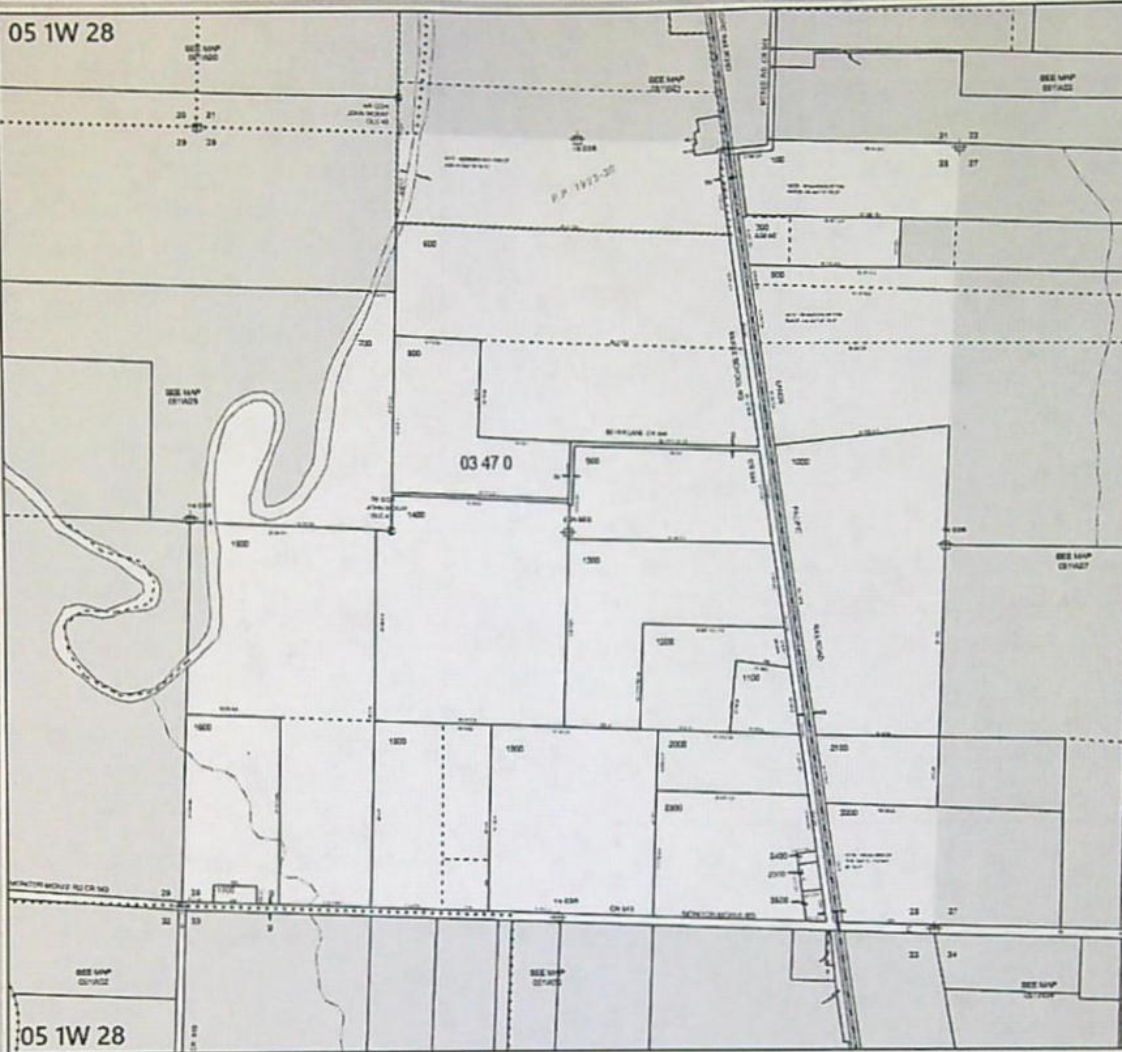


05 1W 28

05 1W 28

05 1W 28

05 1W 28



MARION COUNTY, OREGON  
SEC 28 T5S R1W W.M.  
SCALE 1" = 400'

## LEGEND

## LINE TYPES

Section Boundary	Quarter Section Boundary
Range Boundary	Assessment
Range Boundary	Range Boundary
Private Road Right of Way	Section Line
Private Road Right of Way	Section Line
Subdivision/Parcel Boundary	Range Boundary
Subdivision/Parcel Boundary	Range Boundary
Subdivision/Parcel Boundary	Range Boundary

## CORNER TYPES

1/4 Section Corner	1/4 Section Corner
1/4 Section Corner	1/4 Section Corner
1/4 Section Corner	1/4 Section Corner

## NUMBERS

00 00 0	00 00 0
00 00 0	00 00 0
00 00 0	00 00 0

NOTES  
This map was prepared by the Marion County Assessor's Office for assessment purposes only. It is not to be used for any other purpose without the permission of the Assessor's Office.

## CANCELED NUMBERS

00 00 0	00 00 0	00 00 0
00 00 0	00 00 0	00 00 0
00 00 0	00 00 0	00 00 0

DECLARATION: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.

Assessor's Office  
County of Marion, Oregon

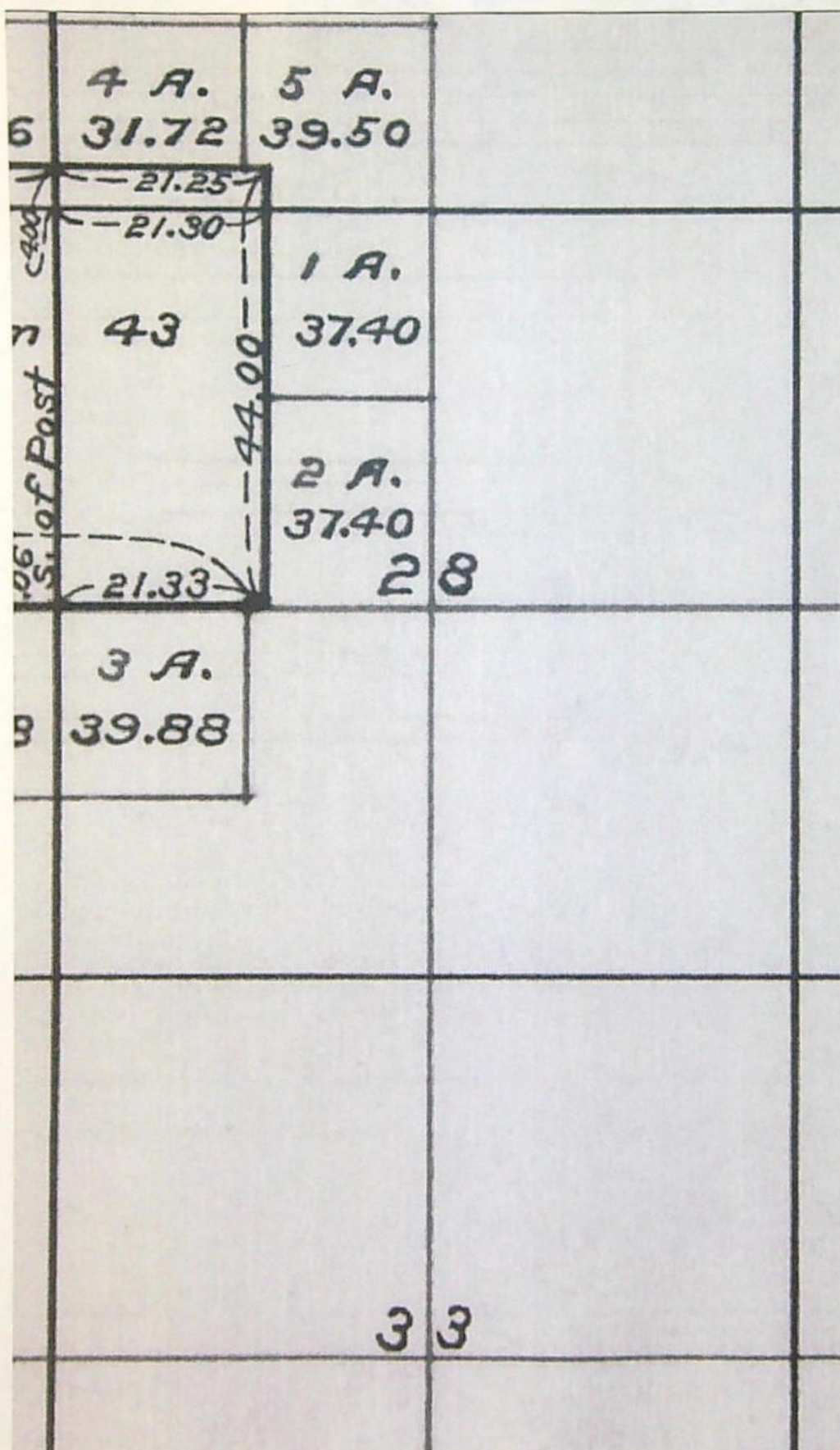
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
WWW.MARIONCOUNTY.ORG

PLOT DATE: 10/16/2020



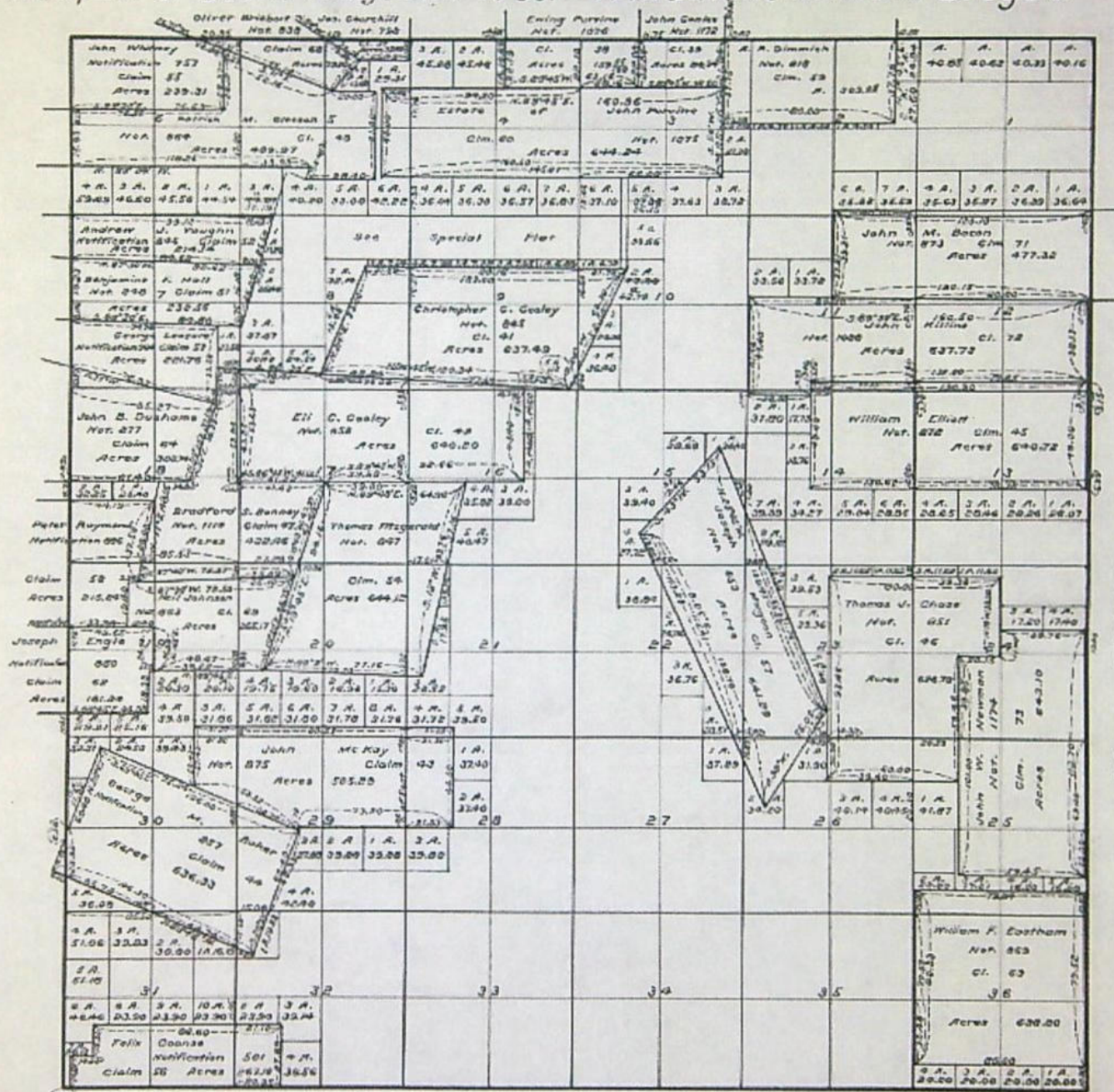
T-14141:

Portion cadastral survey T5S, R1W, W.M – Section 28 -1862-06-26:





Township N<sup>o</sup> 5 South Range N<sup>o</sup> 1 West Willamette Meridian, Oregon.









T-14141:

**Oregon Water Resources Department**  
Water Rights Mapping Tool

Main Help  
Return Contact Us

OWRD Only

Search  
Search: Water Right by File

Application:   
Permit:   
Certificate:   
Claim:   
Transfer: T   
Snap ID:   
POD Source: Equals   
Irr. District:

(Draw box on map.)

Points of Diversion: (Count: 6)  
Places of Use: (Count: 4)

Identify Non-Water Right Features  
Tax Lots  
Layers  
Tools

POD POU Irrigation Districts AOK Mid-C Planned POU

Search...

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Application	Permit	Certificate	Transfer	Claim	Decree Title	WRIS Acres
1	109977	<a href="#">Details</a>	<a href="#">Map</a>	Inchoate: T 14141 CF	GW			FESSLER FAMILY LLC	IRRIGATION	03/24/1995	-	G 14013	G 13673		T 14141			0.7000000000...
2	110552	<a href="#">Details</a>	<a href="#">Map</a>	Cert: 97216 (T 14141 ...)	SW			FESSLER FAMILY LLC	IRRIGATION	02/24/1958	-	S 32141	S 25354	97216	T 14141			11.3
3	109976	<a href="#">Details</a>	<a href="#">Map</a>	Inchoate: T 14141 CF	SW			FESSLER FAMILY LLC	IRRIGATION	02/24/1958	-	S 32141	S 25354		T 14141			4.5
4	109978	<a href="#">Details</a>	<a href="#">Map</a>	Inchoate: T 14141 CF	GW			FESSLER FAMILY LLC	SUPPLEMENTAL IRRIGATION	03/24/1995	Yes	G 14013	G 13673		T 14141			4.5



T-14141: Section 28, T5S, R1W:

## Search Criteria

Meridian:  Township:   Range:   Section:  Records per Page:

[Platcards Maps!](#)  
[Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Claim:GR 32 *		4/7/1954	IRRIGATION																15			20		
Additional Info: LAWRENCE W ZACH Claim: GR32																								
<a href="#">Select</a> Claim:GR 354 *		12/31/1953	IRRIGATION					15	1															
Additional Info: GORDON SEELY Claim: GR354																								
<a href="#">Select</a> Claim:GR 1569 *		12/31/1949	IRRIGATION					20.3	2		11													
Additional Info: A J VANDECOEVERING Claim: GR1569																								
<a href="#">Select</a> Cert:16757 OR CN		5/7/1945	IRRIGATION CN						<del>3.7</del>			<del>2.8</del>												
Additional Info: RAY MCLAUGHLIN App: S20829 Permit: S16298 Cert: 16757																								
<a href="#">Select</a> Cert:20832 OR *		8/16/1944	IRRIGATION														11.2							
Additional Info: JOE OBERSINNER App: S20402 Permit: S15908 Cert: 20832																								
<a href="#">Select</a> Cert:20865 OR *		7/21/1950	IRRIGATION										0.5			31								
Additional Info: JOE OBERSINNER App: S25021 Permit: S19713 Cert: 20865																								

1 2 3 4 5 6 7 8 9 10 ... >>

Acreage Legend: 12.25 Regular    -12.25- Acreage is on a    (12.25) Acreage is part of a transfer and has not been    [12.25] Acreage has been    \* Acreage is not



Meridian:  Township:  South  Range:  West  Section:  Records per Page:

Platcards Maps!  
[Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:22321 OR *			IRRIGATION		43							6.6	10.4										
Additional Info: CLYDE BAUMAN App: S24428 Permit: S19262 Cert: 22321																							
<a href="#">Select</a> Cert:26983 OR *		11/18/1955	IRRIGATION																3.8	37.2			
Additional Info: ALFRED JUVE App: G174 Permit: G86 Cert: 26983																							
<a href="#">Select</a> Cert:28589 OR *		5/4/1956	IRRIGATION																3.4	0.3	6	3.5	
Additional Info: E S MINTON App: G348 Permit: G227 Cert: 28589																							
<a href="#">Select</a> Cert:30512 OR *		5/5/1959	IRRIGATION						19	1													
Additional Info: ALFRED JUVE App: G1458 Permit: G1341 Cert: 30512																							
<a href="#">Select</a> Cert:40593 OR *		2/10/1969	IRRIGATION														20						
Additional Info: ROBERT F FESSLER App: S45752 Permit: S34151 Cert: 40593																							
<a href="#">Select</a> Cert:48894 CF *		5/7/1945	IRRIGATION					3.7			2.8												
Additional Info: HENRY/AGNES POSTMA App: S20829 Permit: S16298 Cert: 48894																							



Meridian:  Township:   Range:   Section:  Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:48984 CF *		5/3/1977	IRRIGATION					10.2			9.8													
Additional Info: HENRY & AGNES POSTMA App: S55803 Permit: S41780 Cert: 48984																								
<a href="#">Select</a> Cert:49873 OR *		2/25/1977	IRRIGATION							21.2									30.5			9.7		
Additional Info: C J VANDECOEVERING App: G7837 Permit: G7273 Cert: 49873																								
<a href="#">Select</a> Cert:50107 OR *		8/26/1976	IRRIGATION													8								
Additional Info: MELVIN/MARILYNN BYROADS App: S54718 Permit: S41050 Cert: 50107																								
<a href="#">Select</a> Cert:54077 OR *		11/29/1983	IRRIGATION					19																
Additional Info: PETER J/MARIE WEINACHT App: S67974 Permit: S48167 Cert: 54077																								
<a href="#">Select</a> Cert:54077 OR *		11/29/1983	IRRIGATION			1					13.7													
Additional Info: PETER J/MARIE WEINACHT App: S67974 Permit: S48167 Cert: 54077																								
<a href="#">Select</a> Cert:88330 CF *		11/14/1950	IRRIGATION								0.6													
Additional Info: ROBERT FESSLER App: S25433 Permit: S20217 Cert: 88330																								



Meridian:  Township:   Range:   Section:  Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:89704 OR *		10/11/1996	IRRIGATION					19	18.6															
Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704																								
<a href="#">Select</a> Cert:89704 OR *		10/11/1996	IRRIGATION			1					18.2													
Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704																								
<a href="#">Select</a> Cert:89704 OR *		10/11/1996	IRRIGATION			2								9.1										
Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704																								
<a href="#">Select</a> Cert:89705 OR *		9/25/1992	IRRIGATION						18.6															
Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705																								
<a href="#">Select</a> Cert:89705 OR *		9/25/1992	IRRIGATION			1					4.5													
Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705																								
<a href="#">Select</a> Cert:89705 OR *		9/25/1992	IRRIGATION			2								9.1										
Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705																								



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Range:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:89964 OR *		1/17/1995	IRRIGATION		43							1.3	33.6											
<a href="#">Additional Info:</a> GESCHWILL FARMS App: G13939 Permit: G12620 Cert: 89964																								
<a href="#">Select</a> Cert:90406 OR *		12/26/1989	IRRIGATION					32	2.5		8									29.4			9.7	
<a href="#">Additional Info:</a> ROBERT FESSLER App: G12004 Permit: G11807 Cert: 90406																								
<a href="#">Select</a> Cert:96727 CF CN	T14141	2/24/1958	IRRIGATION CN		43							-0.4	-0.1	-7.9	-2.4	-0.1	-0.4							
<a href="#">Additional Info:</a> FESSLER FAMILY LLC App: S32141 Permit: S25354 Cert: 96727																								
<a href="#">Select</a> Inchoate: T 14141 CF (REG) *		2/24/1958	IRRIGATION					(4.3)																
<a href="#">Additional Info:</a> FESSLER FAMILY LLC App: S32141 Permit: S25354																								
<a href="#">Select</a> Inchoate: T 14141 CF (REG) *		2/24/1958	IRRIGATION		43				(0.2)															
<a href="#">Additional Info:</a> FESSLER FAMILY LLC App: S32141 Permit: S25354																								
<a href="#">Select</a> Inchoate: T 14141 CF (REG) *		3/24/1995	IRRIGATION					(0.7)																
<a href="#">Additional Info:</a> FESSLER FAMILY LLC App: G14013 Permit: G13673																								



Meridian:  Township:   Range:   Section:  Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ	
<a href="#">Select</a> Cert:97216 (T 14141 RR) *		2/24/1958	IRRIGATION		43							0.4	0.1	7.9	2.4	0.1	0.4								
<u>Additional Info:</u> FESSLER FAMILY LLC App: S32141 Permit: S25354 Cert: 97216																									
<a href="#">Select</a> Inchoate: T 14287 CF (REG) *		3/24/1995	IRRIGATION													(4.5)									
<u>Additional Info:</u> FESSLER FAMILY LLC App: G14013 Permit: G13673																									
<a href="#">Select</a> Inchoate: T 14288 CF (REG) *		2/15/1954	IRRIGATION													(2.7)									
<u>Additional Info:</u> FESSLER FAMILY LLC App: S29014 Permit: S23108																									
<a href="#">Select</a> Inchoate: T 14288 CF (REG) *		2/15/1954	IRRIGATION		2										(5.3)										
<u>Additional Info:</u> FESSLER FAMILY LLC App: S29014 Permit: S23108																									
<a href="#">Select</a> Inchoate: T 14288 CF (REG) *		2/15/1954	IRRIGATION													(3.8)									
<u>Additional Info:</u> FESSLER FAMILY LLC App: S29014 Permit: S23108																									
<a href="#">Select</a> Inchoate: T 14287 (REG) *		3/24/1995	IRRIGATION													(13)									
<u>Additional Info:</u> FESSLER FAMILY LLC App: G14013 Permit: G13673																									

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Meridian:  Township:   Range:   Section:  Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
<a href="#">Select</a> Cert:67128 OR *		12/19/1986	NURSERY USES							16.5	0.7									2	21.6			
Additional Info: ROBERT FESSLER App: G11603 Permit: G10715 Cert: 67128																								
<a href="#">Select</a> Cert:80804 OR *		8/13/1993	NURSERY USES						0.2															
Additional Info: BOB FESSLER App: G13491 Permit: G12167 Cert: 80804																								
<a href="#">Select</a> Permit: G 15805 *		12/11/2003	NURSERY USES						32.4	18.6		31.3			9.1									
Additional Info: FESSLER FAMILY LLC App: G16149 Permit: G15805																								
<a href="#">Select</a> Cert:89704 OR *		10/11/1996	NURSERY USES						19	18.6														
Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704																								
<a href="#">Select</a> Cert:89704 OR *		10/11/1996	NURSERY USES			1					18.2													
Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704																								
<a href="#">Select</a> Cert:89704 OR *		10/11/1996	NURSERY USES			2								9.1										
Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704																								



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	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	Cert:89717 OR *		5/29/1998	NURSERY USES					11.8																
	<u>Additional Info:</u> ROBERT FESSLER App: G14763 Permit: G13640 Cert: 89717																								
Select	Cert:90406 OR *		12/26/1989	NURSERY USES							20.2										1.8				
	<u>Additional Info:</u> ROBERT FESSLER App: G12004 Permit: G11807 Cert: 90406																								
Select	Cert:90577 OR *		5/29/1998	NURSERY USES							11.6										1.8				
	<u>Additional Info:</u> FESSLER FAMILY LLC App: G14762 Permit: G13641 Cert: 90577																								
Select	Cert:91276 OR *		12/11/2003	NURSERY USES					32.4	18.6					9.1										
	<u>Additional Info:</u> FESSLER FAMILY LLC App: S85895 Permit: S54143 Cert: 91276																								
Select	Cert:91276 OR *		12/11/2003	NURSERY USES			1					31.3													
	<u>Additional Info:</u> FESSLER FAMILY LLC App: S85895 Permit: S54143 Cert: 91276																								
Select	Cert:91279 OR *		12/17/2002	NURSERY USES																		13	6.6		
	<u>Additional Info:</u> FESSLER FAMILY LLC App: G15893 Permit: G15606 Cert: 91279																								

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## Search Criteria

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QO
<a href="#">Select</a> Cert:91277 OR *		12/17/2002	NURSERY USES																			13	6.6	
<u>Additional Info:</u> FESSLER FAMILY LLC App: S85381 Permit: S54056 Cert: 91277																								
<a href="#">Select</a> Cert:94095 OR *		4/24/2007	NURSERY USES											19.3										
<u>Additional Info:</u> FESSLER FAMILY LLC App: G16836 Permit: G16541 Cert: 94095																								
<a href="#">Select</a> Cert:94482 OR *		12/12/2005	NURSERY USES											19.3								13	6.6	
<u>Additional Info:</u> FESSLER FAMILY LLC App: G16581 Permit: G16172 Cert: 94482																								
<a href="#">Select</a> Cert:97440 OR *		9/29/1999	NURSERY USES																			13	6.6	
<u>Additional Info:</u> ROBERT FESSLER App: G15041 Permit: G13850 Cert: 97440																								
<a href="#">Select</a> Cert:79997 OR CR *		8/5/1993	POLLUTION ABATEMENT (INSTREAM)							*	*	*				*								
<u>Additional Info:</u> OREGON WATER RESOURCES DEPARTMENT App: IS73534 Cert: 79997																								
<a href="#">Select</a> Permit: G 18237 CN		10/12/2017	QUASI- MUNICIPAL USES	CN												*				*				
<u>Additional Info:</u> MILORIS WATER ASSOCIATION INC. App: G18568 Permit: G18237																								

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Govt Lot	Q(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Permit: G 18290 *		10/12/2017	QUASI-MUNICIPAL USES														*							
Additional Info: MILORIS WATER ASSOCIATION INC. App: G18568 Permit: G18290																								
<a href="#">Select</a> Cert:34678 OR *		10/22/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)							19	1									3.8	37.2			
Additional Info: ALFRED JUVE App: G2472 Permit: G2285 Cert: 34678																								
<a href="#">Select</a> Cert:89705 OR *		9/25/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						19															
Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705																								
<a href="#">Select</a> Cert:89705 OR *		9/25/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			1						13.7												
Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705																								
<a href="#">Select</a> Cert:89717 OR *		5/29/1998	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						1.6															
Additional Info: ROBERT FESSLER App: G14763 Permit: G13640 Cert: 89717																								
<a href="#">Select</a> Cert:89717 OR *		5/29/1998	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			1						13.1												
Additional Info: ROBERT FESSLER App: G14763 Permit: G13640 Cert: 89717																								

1 2 3 4 5 6 7 8 9 10 ... &gt;&gt;



# Search Criteria

Meridian:  Township:   Range:   Section:  Records per Page:

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:90327 OR CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 90327	T13190	3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN															-20-					
<a href="#">Select</a> Cert:95394 (T 13190 RR) CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 95394	T14287, T14288	3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN															-20-					
<a href="#">Select</a> Cert:96728 CF CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 96728	T14141, T14287	3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN	43						-0.4-	-0.1-	-7.9-	-2.4-	-0.1-	-0.4-								
<a href="#">Select</a> Inchoate: T 14141 CF (REG) *  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		43			(4.3)	(0.2)															
<a href="#">Select</a> Cert:97217 (T 14141 RR) CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 97217	T14287	3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN	43						-0.4-	-0.1-	-7.9-	-2.4-	-0.1-	-0.4-								
<a href="#">Select</a> Inchoate: T 14288 CF (REG) *  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)												(4.3)									





# Oregon Water Resources Department Water Rights Platcard Report

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Govt Lot	QQ(40): Qt(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
<a href="#">Select</a> Cert:97590 (T 14287 RR) *		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																20					
Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 97590																								
<a href="#">Select</a> Cert:97588 (T 14287 RR) *		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		43							0.4	0.1	7.9	2.4	0.1	0.4							
Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 97588																								

<< ... 3 4 5 6 7 8 9 10 11 12

Acreage Legend: 12.25 Regular acreage

-12.25- Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

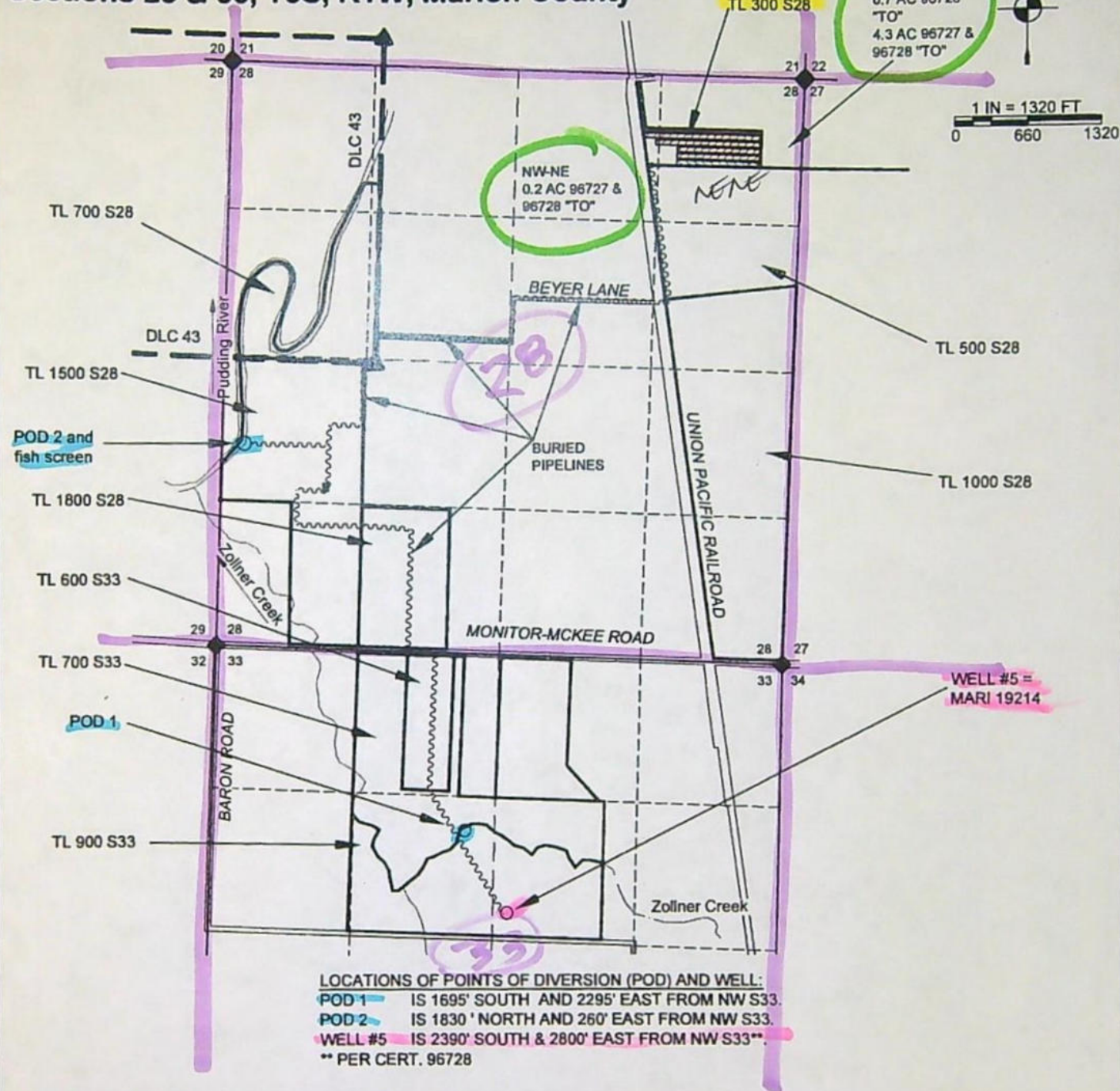
[12.25] Acreage has been suspended

\* Acreage is not specified



# Claim of Beneficial Use Map

Sections 28 & 33, T5S, R1W, Marion County



THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

## LEGEND



DONATION LAND CLAIM (DLC) CORNER  
SECTION CORNER  
POINT OF DIVERSION OR APPROPRIATION  
STREAM OR SURFACE DRAINAGE  
TAX LOT LINE  
SECTION LINE  
QUARTER-QUARTER LINE  
DLC LINES  
CONVEYANCE PIPELINES



"TO" ACRES 96727 IRRIG & 96728 SUPPL  
"TO" ACRES 96728 IRRIG



RECEIVED

MAR 18 2024

OWRD

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
ERIC URSTADT, PE, PLS  
971-250-1520  
FEB 2024  
FesslerEbnerSJ



In the Matter of Transfer Application ) FINAL ORDER APPROVING CHANGES IN  
T-14141, Marion County ) PLACE OF USE

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.

FESSLER FAMILY, LLC  
13009 MCKEE SCHOOL ROAD  
WOODBURN, OR 97071

1. On January 3, 2023, FESSLER FAMILY, LLC filed an application to change the place of use under Certificates 96727 and 96728. The Department assigned the application number T-14141.
2. Notice of the application for transfer was published on January 24, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 30, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14141 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 29, 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 June 27, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14141 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 June 27, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 96727 in the name of FESSLER FAMILY LLC (perfected under Permit S-25354)  
**Use:** IRRIGATION OF 4.5 ACRES  
**Priority Date:** FEBRUARY 24, 1958  
**Rate:** 0.06 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 a diversion of 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:** ZOLLNER CREEK, a tributary of PUDDING RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SE NW	POD 1 (ORIGINAL) - 1695 FEET SOUTH AND 2295 FEET EAST FROM THE NW CORNER OF SECTION 33
5 S	1 W	WM	28	NW SW	POD 2 (ADDITIONAL) - 1830 FEET NORTH AND 260 FEET EAST FROM THE NW CORNER OF SECTION 33

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	1.0
5 S	1 W	WM	33	SE NW	3.5
Total					4.5

6. Transfer Application T-14141 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2
Total					4.5

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

**Certificate:** 96728 in the name of FESSLER FAMILY LLC (perfected under Permit G-13673)  
**Use:** IRRIGATION OF 0.7 ACRE AND SUPPLEMENTAL IRRIGATION OF 4.5 ACRES  
**Priority Date:** MARCH 24, 1995



**Rate:** 0.07 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR IRRIGATION OF 0.7 ACRE AND 0.06 CFS FOR SUPPLEMENTAL IRRIGATION OF 4.5 ACRES

**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** WELL 5 in the PUDDING RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SW NE	WELL 5 - 2390 FEET SOUTH AND 2800 FEET EAST FROM THE NW CORNER OF SECTION 33

**Authorized Place of Use:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	1.0
5 S	1 W	WM	33	SE NW	3.5
Total					4.5

8. Transfer Application T-14141 also proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2
Total					4.5

201 0 0 3053

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

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14141.



11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other existing water rights.
14. All other application requirements are met.

#### Conclusions of Law

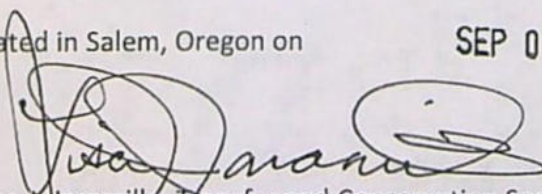
The changes in place of use proposed in Transfer Application T-14141 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The changes in place of use proposed in Transfer Application T-14141 are approved.
2. The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 96727 and 96728 and any related decree.
3. Water right Certificates 96727 and 96728 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The former place of use of the transferred rights shall no longer receive water under the right.
5. 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.
6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

**SEP 06 2023**

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

Mailing date: **SEP 07 2023**



1st Cert - 3W

STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN OR 97071

confirms the right to use the waters of ZOLLNER CREEK, A TRIBUTARY OF PUDDING RIVER for IRRIGATION of 15.8 ACRES.

This right was perfected under Permit S-25354. The date of priority is FEBRUARY 24, 1958.

The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.20 cubic foot per second, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SE NW	POD 1 (ORIGINAL) - 1695 FEET SOUTH AND 2295 FEET EAST FROM NW CORNER, SECTION 33
5 S	1 W	WM	28	NW SW	POD 2 (ADDITIONAL) - 1830 FEET NORTH AND 260 FEET EAST FROM NW CORNER, SECTION 33

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

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NE NW	43	0.4
5 S	1 W	WM	28	NW NW	43	0.1
5 S	1 W	WM	28	SW NW	43	7.9
5 S	1 W	WM	28	SE NW	43	2.4
5 S	1 W	WM	28	NE SW	43	0.1
5 S	1 W	WM	28	NW SW	43	0.4
5 S	1 W	WM	33	SW NE		1.0
5 S	1 W	WM	33	SE NW		3.5

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



The quantity of water diverted, as authorized by Certificate 29565, diverted at the new additional new point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).

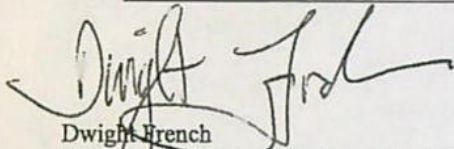
The water user shall maintain and operate the fish screen at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

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

This certificate is issued to confirm changes in ADDITIONAL POINT OF DIVERSION and PLACE OF USE approved by an order of the Water Resources Director entered APRIL 1, 2021, at Special Order Volume 120, Page 15, approving Transfer Application T-13190, supersedes Certificate 29565, State Record of Water Right Certificates.

NOV 04 2022

Issued \_\_\_\_\_



Dwight French  
Water Right Services Division Administrator, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department



RR Cert - 1<sup>st</sup> Cert

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN, OR 97071

confirms the right to use the waters of ZOLLNER CREEK, a tributary of PUDDING RIVER for IRRIGATION on 11.3 ACRES.

This right was perfected under Permit S-25354. The date of priority is FEBRUARY 24, 1958.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.14 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SE NW	POD 1 (ORIGINAL) - 1695 FEET SOUTH AND 2295 FEET EAST FROM THE NW CORNER OF SECTION 33
5 S	1 W	WM	28	NW SW	POD 2 (ADDITIONAL) - 1830 FEET NORTH AND 260 FEET EAST FROM THE NW CORNER OF SECTION 33

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

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NE NW	43	0.4
5 S	1 W	WM	28	NW NW	43	0.1
5 S	1 W	WM	28	SW NW	43	7.9
5 S	1 W	WM	28	SE NW	43	2.4
5 S	1 W	WM	28	NE SW	43	0.1
5 S	1 W	WM	28	NW SW	43	0.4
					Total	11.3



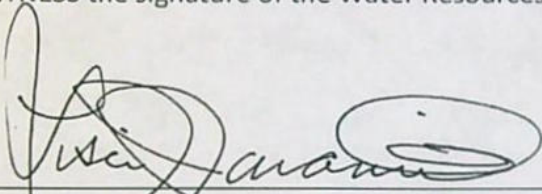
The water user shall maintain and operate the fish screen at the points of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

This certificate describes that portion of water right Certificate 96727, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 06 2023, approving Transfer Application T-14141.

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 SEP 06 2023.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

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



2nd Cert

STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN OR 97071

confirms the right to use the waters of WELL 5 in the PUDDING RIVER BASIN for PRIMARY IRRIGATION OF 13.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 15.8 ACRES.

This right was perfected under Permit G-13673. The date of priority is MARCH 24, 1995.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed maximum total of 0.372 CUBIC FOOT PER SECOND (CFS), BEING 0.172 CFS FOR IRRIGATION OF 13.7 ACRES AND 0.200 CFS FOR SUPPLEMENTAL IRRIGATION OF 15.8 ACRES.

The period of use is March 1 through October 31 for irrigation.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SW NE	WELL 5 - 2390 FEET SOUTH AND 2800 FEET EAST FROM NW CORNER, SECTION 33

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	7.6
5 S	1 W	WM	33	SE NW	6.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NE NW	43	0.4
5 S	1 W	WM	28	NW NW	43	0.1
5 S	1 W	WM	28	SW NW	43	7.9
5 S	1 W	WM	28	SE NW	43	2.4
5 S	1 W	WM	28	NE SW	43	0.1
5 S	1 W	WM	28	NW SW	43	0.4

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.



SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	33	SW NE		1.0
5 S	1 W	WM	33	SE NW		3.5

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall maintain a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
  - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
  - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
  - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user.
  - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
  - (e) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).



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

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

The Director may require water level or pump test results every ten years.

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

This right is for beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.


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

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

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered APRIL 1, 2021, at Special Order Volume 120, Page 15, approving Transfer Application T-13190, and together with Certificate 95394, supersedes Certificate 90327, State Record of Water Right Certificates.

Issued DEC 09 2022



Dwight French  
Water Right Services Division Administrator, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department



RR Cert for 2nd Cert

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN, OR 97071-9089

confirms the right to use the waters of WELL 5 in the PUDDING RIVER BASIN for PRIMARY IRRIGATION of 13.0 ACRES AND SUPPLEMENTAL IRRIGATION of 11.3 ACRES.

This right was perfected under Permit G-13673. The date of priority is MARCH 24, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.302 CUBIC FOOT PER SECOND (CFS) BEING 0.302 CFS, BEING 0.162 CFS FOR IRRIGATION OF 13.0 ACRES, AND 0.140 CFS FOR SUPPLEMENTAL IRRIGATION OF 11.3 ACRES, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SW NE	WELL 5 - 2390 FEET SOUTH AND 2800 FEET EAST FROM THE NW CORNER OF SECTION 33

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	6.9
5 S	1 W	WM	33	SE NW	6.1
Total					13.0

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NE NW	43	0.4
5 S	1 W	WM	28	NW NW	43	0.1
5 S	1 W	WM	28	SW NW	43	7.9
5 S	1 W	WM	28	SE NW	43	2.4
5 S	1 W	WM	28	NE SW	43	0.1



SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NW SW	43	0.4
					Total	11.3

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
  - (a) An average water level decline of three or more feet per year for five consecutive years; or
  - (b) A total water level decline of fifteen or more feet; or
  - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall maintain a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
  - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
  - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
  - (c) All water level measurements shall be made by a qualified individual. Qualified



individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user.

- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

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

The Director may require water level or pump test results every ten years.

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

This right is for beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

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

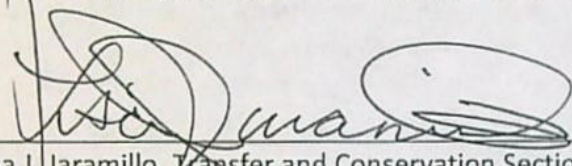


This certificate describes that portion of water right Certificate 96728, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 06 2023, approving Transfer Application T-14141.

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 SEP 06 2023.

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



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
RECEIPT # 142707 INVOICE #  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Woodburn Nursery & Azaleas, Inc.  
BY: APPLICATION PERMIT TRANSFER T-14141  
CASH: CHECK: # 23226 OTHER: (IDENTIFY)  
TOTAL REC'D \$ 1,777.00

1083 TREASURY 4170 WRD MISC CASH ACCT  
0407 COPIES 47123 R13034-25 \$  
0413 OTHER: (IDENTIFY) Certificate KA \$ 1,777.00  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT  
MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$  
WATER RIGHTS: EXAM FEE RECORD FEE  
0201 SURFACE WATER \$ 0202 \$  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$  
WELL CONSTRUCTION EXAM FEE LICENSE FEE  
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$  
LANDOWNER'S PERMIT 0220 \$  
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE  
0211 WELL CONST START FEE \$ CARD#  
0210 MONITORING WELLS \$ CARD#  
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER  
0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

TREASURY OTHER / RDX  
FUND TITLE  
OBJ. CODE  
DESCRIPTION \$

RECEIPT: 142707 DATED: 4.10.24 BY: m.mill  
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

PERIOD ENDING	DAYS-HRS O.T.-HRS	RATE	REGULAR OVERTIME	GROSS	F.I.C.A.	FED. INC. TAX	STATE INC. TAX	NET PAY
DATE	DESCRIPTION			GROSS	DISCOUNT	AMOUNT		
	T-14141					OWRD		

WOODBURN NURSERY & AZALEAS, INC.

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
RECEIPT # 142707 INVOICE #  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Woodburn Nursery & Azaleas, Inc.  
BY: APPLICATION PERMIT TRANSFER T-14141  
CASH: CHECK: # 23226 OTHER: (IDENTIFY)  
TOTAL REC'D \$ 1,777.00

1083 TREASURY 4170 WRD MISC CASH ACCT  
0407 COPIES 47123 R13034-25 \$  
0413 OTHER: (IDENTIFY) Certificate KA \$ 1,777.00  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT  
MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$  
WATER RIGHTS: EXAM FEE RECORD FEE  
0201 SURFACE WATER \$ 0202 \$  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$  
WELL CONSTRUCTION EXAM FEE LICENSE FEE  
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$  
LANDOWNER'S PERMIT 0220 \$  
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE  
0211 WELL CONST START FEE \$ CARD#  
0210 MONITORING WELLS \$ CARD#  
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER  
0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

TREASURY OTHER / RDX  
FUND TITLE  
OBJ. CODE  
DESCRIPTION \$

RECEIPT: 142707 DATED: 4.10.24 BY: m.mill  
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

PERIOD ENDING	DAYS-HRS O.T.-HRS	RATE	REGULAR OVERTIME	GROSS	F.I.C.A.	FED. INC. TAX	STATE INC. TAX	NET PAY
DATE	DESCRIPTION			GROSS	DISCOUNT	AMOUNT		
	T-14141					OWRD		

THE ATTACHED CHECK IS IN FULL PAYMENT OF ITEMS LISTED ABOVE





OREGON  
WATER  
RESOURCES  
DEPARTMENT

OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R13034-25

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Fessler Family LLC, hereafter Applicant, hereafter known together as the parties.

**OWRD Information**

Project Contact: Kerry Kavanagh  
Reimbursement Authority  
Oregon Water Resources Department  
725 Summer Street NE  
Salem OR 97301-1271  
Phone: 503-979-3208  
Email: [Kerry.L.Kavanagh@water.oregon.gov](mailto:Kerry.L.Kavanagh@water.oregon.gov)

**Applicant's Information**

Company: Fessler Family LLC  
Address: 13009 McKee School Rd  
Woodburn OR 97071  
Phone: 503-634-2231  
Email\*: [tom@woodburnnursery.com](mailto:tom@woodburnnursery.com)

**Applicant's Representative**

Name: Eric Urstadt  
Title: Representative  
Company: Aspen Rural Land Consulting  
Address: 39290 NW Murtaugh Rd  
North Plains OR 97133  
Phone: 971-250-1520  
Email\*: [ericurstadt@hotmail.com](mailto:ericurstadt@hotmail.com)

\*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

- Purpose.** The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (Transfer Application Number: T-14141)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Fessler Family LLC and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** Fessler Family LLC shall pay OWRD in advance for actual costs incurred by OWRD. Fessler Family LLC agrees to pay the full amount of \$1777 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Fessler Family LLC agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify and their officers, employees, and agents from and against all claims, liabilities, costs and expenses of any nature resulting from or arising out of Applicant or its representatives, officers, employees, contractors, or with respect to the expedited service. The Applicant acknowledges that the Department cannot and does not guarantee a favorable review under the

Received  
APR 08 2024  
OWRD

PCA 47123



8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: Thomas R Fessler  
Name: [Signature]  
Company: Fessler Family LLC  
Date: 4-10-24

For OWRD: [Signature]  
Name: Kerry Kavanagh  
Water Right Services Division  
Date: 4-18-2024

Mail signed Agreement to:

Kerry Kavanagh  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

PCA 47123



## KAVANAGH Kerry L \* WRD

---

**From:** KAVANAGH Kerry L \* WRD  
**Sent:** Monday, April 08, 2024 1:12 PM  
**To:** tom@woodburnnursery.com; Eric Urstadt  
**Cc:** KAVANAGH Kerry L \* WRD  
**Subject:** Certificate RA Estimate R13034-25 for Fessler Family LLC involving Application T-14141  
**Attachments:** RA contract\_T-14141.pdf; estimate receipt\_T-14141.pdf; estimate request\_T-14141.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at [kerry.l.kavanagh@water.oregon.gov](mailto:kerry.l.kavanagh@water.oregon.gov).

Thanks,  
Kerry

### **Kerry Kavanagh**

Certificate Reimbursement Authority Program Coordinator  
Certificate Section, Water Rights Services Division  
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208  
[kerry.l.kavanagh@water.oregon.gov](mailto:kerry.l.kavanagh@water.oregon.gov) | <https://www.oregon.gov/OWRD>



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



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 142557

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

INVOICE #

RECEIVED FROM: Woodburn Nursery  
BY: Azaleas, Inc.

APPLICATION  
PERMIT  
TRANSFER T-14141

CASH: CHECK: # OTHER: (IDENTIFY)

☐ ☒ 23190 ☐

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R 13034-25 \$  
0413 OTHER: (IDENTIFY) Certificate Reimbursement Authority \$125.00  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$  
0203 GROUND WATER EXAM FEE \$ 0204 RECORD FEE \$  
0205 TRANSFER EXAM FEE \$

WELL CONSTRUCTION

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

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 142557

DATED: 3-18-2024 BY: [Signature]

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 142557

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

INVOICE #

RECEIVED FROM: Woodburn Nursery  
BY: Azaleas, Inc.

APPLICATION  
PERMIT  
TRANSFER T-14141

CASH: CHECK: # OTHER: (IDENTIFY)

☐ ☒ 23190 ☐

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R 13034-25 \$  
0413 OTHER: (IDENTIFY) Certificate Reimbursement Authority \$125.00  
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

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WELL CONSTRUCTION

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

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 142557

DATED: 3-18-2024 BY: [Signature]

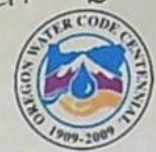
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal





OREGON WATER RESOURCES DEPARTMENT  
**TRANSFER REIMBURSEMENT AUTHORITY**  
**CERTIFICATE ESTIMATE APPLICATION**

ATTACH B-1/1



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

**Please contact Transfer Staff before submitting this request, as the application fee of \$125.00 per request is non-refundable.**

**Checks submitted for this application must be separate from Transfer fees.**

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14141

	Applicant Information	Applicant's Representative/Contact
<b>Name:</b>	Fessler Family, LLC	Eric Urstadt, PE, PLS, CWRE
<b>Address:</b>	13009 McKee School Road	39290 NW Murtaugh Road
	Woodburn, OR 97071	North Plains, OR 97133
<b>Phone:</b>	503.634.2231	971.250.1520
<b>Fax:</b>	N/A	N/A
<b>E-Mail Address:</b>	tom@woodburnnursery.com	ericurstadt@hotmail.com

By signing this application, I understand:

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

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

**Name:** Eric Urstadt

**Signature:** \_\_\_\_\_

Send completed Application and payment to:

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

RECEIVED

FEB 22 2024

OWRD RECEIVED

MAR 18 2024

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R13034-25





# 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

September 6, 2023

TOM FESSLER  
13009 MCKEE SCHOOL RD  
WOODBURN, OR 97071

REFERENCE: Transfer Application T-14141

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@oregon.gov](mailto:Scott.A.Grew@oregon.gov).

Sincerely,

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

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)  
Marion County Planning Department  
Eric Anthony Urstadt, Agent

Enclosure



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14141

RA

Transfer Specialist: Scott

Transfer Type: Regular Transfer

<b>Applicant:</b> TOM FESSLER 13009 MCKEE SCHOOL RD WOODBURN, OR 97071 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A ERIC ANTHONY URSTADT 39290 NW MURTAUGH RD NORTH PLAINS, OR 97133 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Marion Countyplanning Dept Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S32141	S25354	96727	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97216
<input type="checkbox"/>	G14013	G13673	96728	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97217
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: January 3, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1970.00	WM District: 16	ODFW District:
Initial Public Notice: January 24, 2023	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

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 3/8/23 Initials: Scott	Date: 3/14/23 Initials: AUS	Date: _____ Initials: _____	Date: 3/29/23 Initials: PKS	Date: 3/30/23 Initials: Scott	CW Sent: 3/30/23	N/A
PD	Date: 4/25/23 Initials: Scott	Date: 5/1/23 Initials: AUS	Date: _____ Initials: _____	Date: 6/14/23 Initials: PKS	Date: 6/15/23 Initials: Scott	Date: 6/26/23	Date: 6/27/23 PPO
FO	Date: 8/3/23 Initials: Scott	Date: 8/7/23 Initials: Scott	Date: _____ Initials: _____	Date: 8/23/23 Initials: PKS	Date: 8/24/23 Initials: Scott	Date: 8/24/23	Date: 9/16/2023

Special Issues: SENT PD REVIEW TO DATA 6/15/23 Rova 6/20/23

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_





# Oregon

Tina Kotek, Governor

## Water Resources Department

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

June 27, 2023

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

FESSLER FAMILY, LLC  
13009 MCKEE SCHOOL ROAD  
WOODBURN, OR 97071

SUBJECT: Water Right Transfer Application T-14141

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14141. 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](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890/503-986-0886 or [Patrick.K.Starnes@wrdd.state.or.us](mailto:Patrick.K.Starnes@wrdd.state.or.us) if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14141  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
Eric Anthony Urstadt, Agent for the applicant (*via mail and e-mail*)

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14141, Marion County	)	PROPOSING APPROVAL OF CHANGES 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**

FESSLER FAMILY, LLC  
13009 MCKEE SCHOOL ROAD  
WOODBURN, OR 97071

**Findings of Fact**

1. On January 3, 2023, FESSLER FAMILY, LLC filed an application to change the place of use under Certificates 96727 and 96728. The Department assigned the application number T-14141.
2. Notice of the application for transfer was published on January 24, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 30, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14141 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 29, 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 first right to be transferred is as follows:

**Certificate:** 96727 in the name of FESSLER FAMILY LLC (perfected under Permit S-25354)

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.



**Use:** IRRIGATION OF 4.5 ACRES  
**Priority Date:** FEBRUARY 24, 1958  
**Rate:** 0.06 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 a diversion of 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:** ZOLLNER CREEK, a tributary of PUDDING RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SE NW	POD 1 (ORIGINAL) - 1695 FEET SOUTH AND 2295 FEET EAST FROM THE NW CORNER OF SECTION 33
5 S	1 W	WM	28	NW SW	POD 2 (ADDITIONAL) - 1830 FEET NORTH AND 260 FEET EAST FROM THE NW CORNER OF SECTION 33

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	1.0
5 S	1 W	WM	33	SE NW	3.5
				Total	4.5

5. Transfer Application T-14141 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2
				Total	4.5

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

**Certificate:** 96728 in the name of FESSLER FAMILY LLC (perfected under Permit G-13673)  
**Use:** IRRIGATION OF 0.7 ACRE AND SUPPLEMENTAL IRRIGATION OF 4.5 ACRES  
**Priority Date:** MARCH 24, 1995  
**Rate:** 0.07 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR IRRIGATION OF 0.7 ACRE AND 0.06 CFS FOR SUPPLEMENTAL IRRIGATION OF 4.5 ACRES  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Source:** WELL 5 in the PUDDING RIVER BASIN



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	33	SW NE	WELL 5 - 2390 FEET SOUTH AND 2800 FEET EAST FROM THE NW CORNER OF SECTION 33

**Authorized Place of Use:**

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	1.0
5 S	1 W	WM	33	SE NW	3.5
Total					4.5

7. Transfer Application T-14141 also proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	0.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2
Total					4.5

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

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14141.
10. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed changes would not result in enlargement of the rights.
12. The proposed changes would not result in injury to other existing water rights.
13. All other application requirements are met.



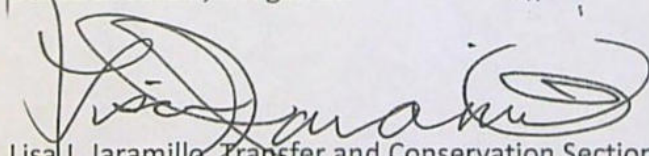
### Determination and Proposed Action

The changes in place of use proposed in Transfer Application T-14141 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-14141 is approved, the final order will include the following:*

- 1. The changes in place of use proposed in Transfer Application T-14141 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 96727 and 96728 and any related decree.*
- 3. Water right Certificates 96727 and 96728 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. 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.*
- 6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **JUN 27 2023**



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](mailto: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 or 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 Service Members:** Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free



telephone number for the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <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 503-986-0801.

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.



## GREW Scott A \* WRD

---

**From:** ELLIOTT Chloe \* WRD  
**Sent:** Tuesday, June 20, 2023 12:26 PM  
**To:** GREW Scott A \* WRD  
**Cc:** MARTIN Duff A \* WRD  
**Subject:** RA PD T 14141 recorded time & correction for Cert 97217

Good Afternoon Scott,

Data has completed RA PD T 14141 in 3hrs and 10 min.

1) Cert 97217 has a typo in the second paragraph after 11.3. 2) Additionally, the original cert doesn't mention Nursery use so I think the below mention of Nursery could also be a typo?

This right was perfected under Permit G-13673. The date of priority is MAY 1973. The amount of water to which this right is entitled is limited to an amount actually used, which shall not exceed 0.302 CUBIC FOOT PER SECOND (CFS) BEING 0.302 CFS FOR NURSERY USE FOR IRRIGATION OF 13.0 ACRES, AND 0.140 CFS FOR SUPPLEMENTAL IRRIGATION OF 13.0 ACRES, equivalent in case of rotation, measured at the well.

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



## GREW Scott A \* WRD

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**From:** Eric Urstadt <ericurstadt@hotmail.com>  
**Sent:** Sunday, April 16, 2023 2:04 PM  
**To:** GREW Scott A \* WRD; tomf@woodburnnursery.com  
**Subject:** Fessler/Woodburn Nursery - Ebner - T-14141 - Fessler response to Draft Preliminary Determination (DPD) -  
**Attachments:** OwnerReportFROM2-11948 Baron Rd NE - Mt Angel.pdf

Scott,

Attached is the Owner Report for the FROM property as requested.

We have reviewed the DPD and find it satisfactory; please consider this as our response to the DPD that is due 29 APR 2023.

It is my understanding that, with this email, all is done on our end. Please let me know if there are questions or you need anything else.

Thank You.

Eric Urstadt, PE, PLS, CWRE

### ***Aspen Rural Land Consulting***

39290 NW Murtaugh Road, North Plains, OR 97133  
(971) 250-1520

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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Thursday, March 30, 2023 12:53 PM  
**To:** tomf@woodburnnursery.com <tomf@woodburnnursery.com>; Eric Urstadt <ericurstadt@hotmail.com>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; WACKER Gregory J \* WRD <Gregory.J.WACKER@water.oregon.gov>  
**Subject:** T-14141 - Issuance of Draft Preliminary Determination - Action Required!

March 30, 2023

VIA MAIL AND E-MAIL

### **Applicant**

FESSLER FAMILY, LLC  
13009 MCKEE SCHOOL ROAD  
WOODBURN, OR 97071

Reference: Water Right Transfer Application T-14141

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-14141. 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 April 29, 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.





# TICOR TITLE™

## Property Profile Report

*Client Name:*

**Tracy Shea - Ticor Title**

*Today's Date:*

**04/11/2023**

*Owner Name:*

**Woodburn Nursery Inc**

*Property Address:*

**11948 Baron Rd NE  
Mt Angel OR 97071**

*Reference Number:*

**051W330000900**

*Account Number:*

**514323**

### 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.

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](http://www.TicorMidValley.com)

**For all your customer service needs: [MVCS@TicorTitle.com](mailto:MVCS@TicorTitle.com)**





### Parcel Information

Parcel #: 514323  
 Tax Lot: 051W330000900  
 Site Address: 11948 Baron Rd NE  
 Mt Angel OR 97071  
 Owner: Woodburn Nursery Inc  
 Owner2:  
 Owner Address: 13009 McKee School Rd NE  
 Woodburn OR 97071 - 9006  
 Twn/Range/Section: 05S / 01W / 33  
 Parcel Size: 42.62 Acres (1,856,527 SqFt)  
 Plat/Subdivision:  
 Lot:  
 Block:  
 Census Tract/Block: 010400 / 5012  
 Waterfront:

### Tax Information

Levy Code Area: 91470  
 Levy Rate: 13.1194  
 Tax Year: 2022  
 Annual Tax: \$2,299.58  
 Exempt Desc:

### Legal

ACRES 42.62

### Assessment Information

Market Value Land: \$702,750.00  
 Market Value Impr: \$336,340.00  
 Market Value Total: \$1,039,090.00  
 Assessed Value: \$162,981.00

### Land

Zoning: EFU - Exclusive Farm Use	Cnty Bldg Use: 133 - Resource - One Story With Basement
Cnty Land Use: 401 - Rural improved, outside city and urban growth boundary, 20 acres and under	Neighborhood:
Std Land Use: RSFR - Single Family Residence	Recreation:
School District: 91 - Mt Angel	Primary School: ST MARYS PUBLIC SCHOOL
Middle School: MT ANGEL MIDDLE SCHOOL	High School: JOHN F KENNEDY HIGH SCHOOL

### Improvement

Year Built: 1967	Stories: 1	Finished Area: 2,525
Bedrooms: 5	Bathrooms: 2	Garage:
Basement Fin:		

### Transfer Information

Sale Date: 10/16/1989	Sale Price: \$95,000.00	Doc Num: 07240201	Doc Type: RD
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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.



OA

W.V.T.

## PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 16<sup>th</sup> day of October, 19 89, by and between BARBARA REIS the duly appointed, qualified and acting personal representative of the estate of LILLIAN BOEN, deceased, hereinafter called the first party, and WOODBURN NURSERY, INC., an Oregon corporation 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 Marion, State of Oregon, described as follows, to-wit:

.Beginning at a point 20.07 chains North 89° 56' West and 24.59 chains South 15' East from the quarter section corner on the North line of Section 33 in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 15' East 15.50 chains to the South line of the North half of Section 33; thence North 89° 51' East 35.41 chains; thence North 8' East 11.38 chains to the center line of a creek; thence down said creek in a Westerly direction to a point 1 chain East of the point of beginning; thence West 1 chain to the point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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 \$ 95,000.00  
 However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).<sup>①</sup>

IN WITNESS WHEREOF, the said first party has executed this instrument; if first party is a corporation, it has caused its corporate name to be signed hereto and its corporate seal affixed by its officers duly authorized thereunto by order of its Board of Directors.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

*Barbara Reis*  
BARBARA REIS

Personal Representative  
of the Estate of LILLIAN BOEN Deceased.

NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See ORS 92.030.

STATE OF OREGON,

County of Marion  
October 16, 19 89

Personally appeared the above named  
BARBARA REIS

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 2/26/92

Barbara Reis

GRANTOR'S NAME AND ADDRESS

Woodburn Nursery, Inc., an  
Oregon corporation

GRANTEE'S NAME AND ADDRESS

After recording return to:

James D. Fournier  
Attorney at Law  
P. O. Box 680  
Mt. Angel, OR 97132

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

Woodburn Nursery  
11796 Monitor-McKee Rd.  
Woodburn, OR 97071

NAME, ADDRESS, ZIP

STATE OF OREGON, County of \_\_\_\_\_ ) ss.

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

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

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of \_\_\_\_\_ ) ss.

STATE OF OREGON

County of Marion REEL PAGE  
724 201

I hereby certify that the within was received and duly recorded by me in Marion County records:

Fee \$ 150Hand Returned ☐

OCT 17 12 26 PM '89

ALAN H. D. JENSEN  
MARION COUNTY CLERK

BY: CAP



Aerial Map



**TICOR TITLE™**

Parcel ID: 514323

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.





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

March 30, 2023

VIA MAIL AND E-MAIL

### Applicant

FESSLER FAMILY, LLC  
13009 MCKEE SCHOOL ROAD  
WOODBURN, OR 97071

Reference: Water Right Transfer Application T-14141

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-14141. 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 April 29, 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 April 29, 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;
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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



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

**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 April 29, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto: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-14141  
Gregory J. Wacker, District 16 Watermaster (via e-mail)  
Eric Anthony Urstadt, Agent for the applicant (via mail and e-mail)

encs



## 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](http://www.oregon.gov/OWRD)

Transfer Application: T-14141

Review Due Date: 02/17/2023

Applicant Name: Fessler Family LLC. Tom Fessler

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

Reviewer(s): G. Wacker

Date of Review: 01/20/2023

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



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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:



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

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

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

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

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:
- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:



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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

\*\*\*\*\*

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature\_\_\_\_\_  
District\_\_\_\_\_  
Date

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

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



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

*RA Transfer*

RECEIPT # **140097**

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

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

RECEIVED FROM: Woodburn Nursery & Azaleas, Inc.  
BY: \_\_\_\_\_

APPLICATION	<u>T-14141</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 23020 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,338.93

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	<u>47124</u>	<u>R11-414-23</u>	\$
0412 OTHER:	(IDENTIFY) <u>Reimbursement Authority</u>		<u>\$1,338.93</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water	

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
<b>WATER RIGHTS:</b>	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	\$
0205 TRANSFER	\$
<b>WELL CONSTRUCTION</b>	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	\$
<b>OTHER (IDENTIFY)</b>	

**RECORD FEE**

0202 \$  
0204 \$

**LICENSE FEE**

0219 \$  
0220 \$

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **140097**

DATED: 2/10/23 BY: Leslie D. Davis

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

PERIOD ENDING	DAYS-HRS O.T.-HRS	RATE	REGULAR OVERTIME	GROSS	F.I.C.A.	FED. INC. TAX	STATE INC. TAX	INS.	DISCOUNT	NET PAY
DATE	DESCRIPTION			GROSS	DISCOUNT		AMOUNT			
	# 6480, 2				# R11-414-23					



FEB 10 2023

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-414-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Fessler Family, LLC, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Fessler Family, LLC	Name: Eric Urstadt, PE, PLS, CWRE
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 13009 McKee School Rd. Woodburn, OR 97101	Address: 39290 NW Murtaugh Rd. North Plains, OR 97133
Phone: 503 979-3511	Phone: (503) 559-1471	Phone: (971) 250-1520
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:tomf@woodburnnursery.com">tomf@woodburnnursery.com</a>	Email: <a href="mailto:ericurstadt@hotmail.com">ericurstadt@hotmail.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14141)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,338.93. Applicant agrees to pay the full amount of \$1,338.93 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: W. French Member  
Name/Title:

2-7-23  
Date

For OWRD: Dwight French  
Dwight French - Administrator

2-16-2023  
Date

Mail signed Agreement to:

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

Received by OWRD

FEB 10 2023

Salem, OR



**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 # **139842**

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

RECEIVED FROM: Woodburn Nursing Azaleas  
BY: 100

APPLICATION	
PERMIT	
TRANSFER	T-14141

CASH: ☐ CHECK: # 22999 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R 11414-23 \$  
0412 OTHER: (IDENTIFY) Transfer Bribouin with Authority \$ 125.00  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **139842**

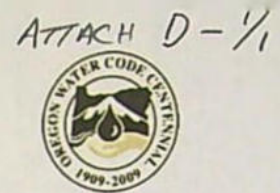
DATED: 1-4-2023

BY: B





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14141</u> <del>unknown</del>

	Applicant Information	Applicant's Representative/Contact
Name:	Fessler Family, LLC	Eric Urstadt, PE, PLS, CWRE
Address:	13009 McKee School Road	39290 NW Murtaugh Road
	Woodburn, OR 97101	North Plains, OR 97133
Phone:	503.559.1471	971.250.1520
Fax:	N/A	N/A
E-Mail Address:	tomf@woodburnnursery.com	ericurstadt@hotmail.com

I understand the following:

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

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

I certify that I am the (check one):

☒ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Eric Urstadt

Signature: \_\_\_\_\_

OWRD USE ONLY: Reimbursement Authority Number: R11-414 -23

RECEIVED  
JAN 03 2023  
OWRD





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900

January 18, 2023

FESSLER FAMILY LLC  
13009 MCKEE SCHOOL RD  
WOODBURN, OR 97071-9089

Reference: Application T- 14141

On January 3, 2023, we received your water right Transfer application. The application was accompanied by \$1970.00. Our receipt number 139849 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.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

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) 986-0815.

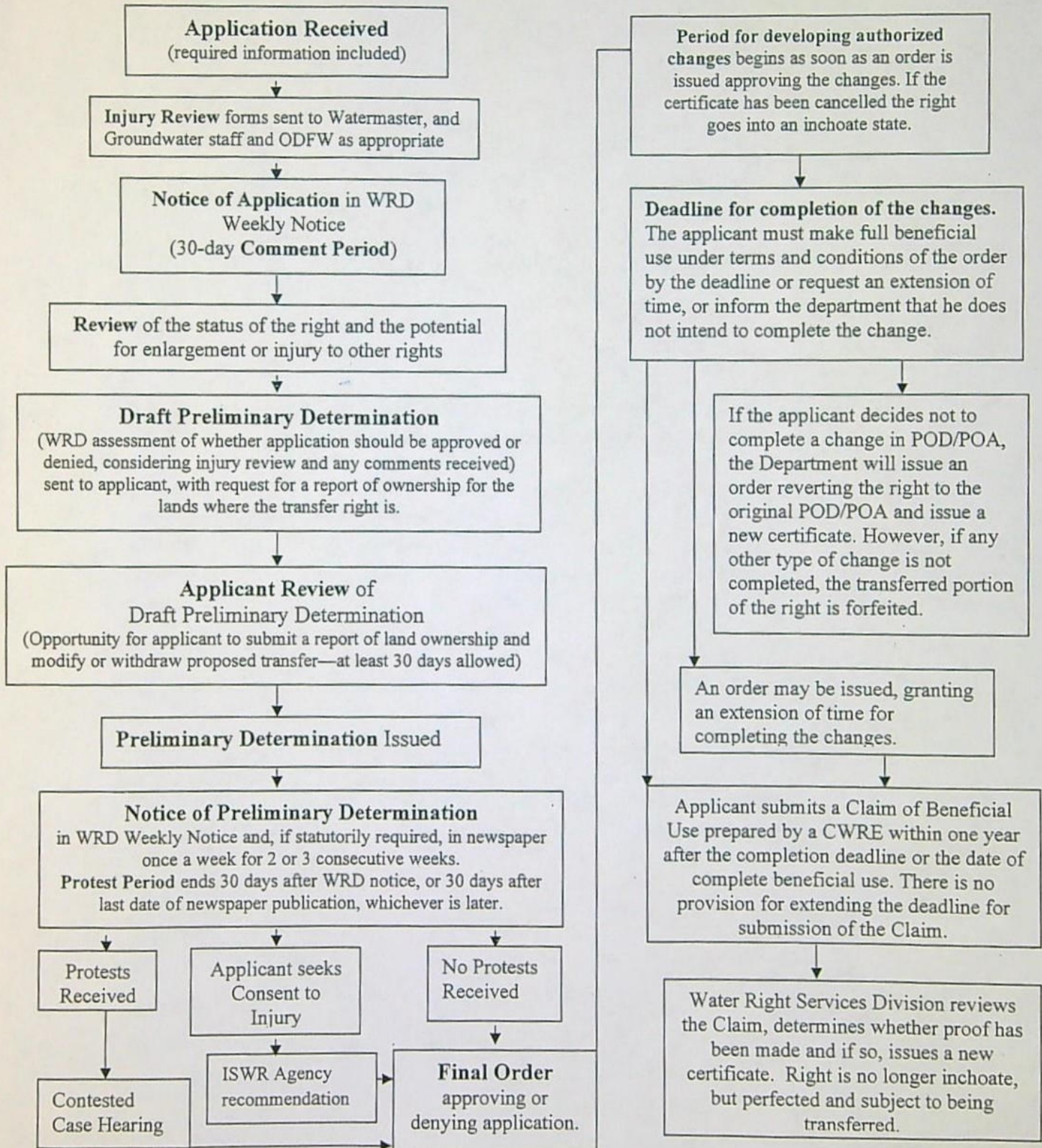
Cc: Watermaster Dist. #16 (via email)  
Marion County Planning Department  
Eric Anthony Urstadt, Agent

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 # **139849**

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

RECEIVED FROM: Woodburn Nursery & Azaleas, Inc.  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14141</u>

CASH: ☐ CHECK: # 22998 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 1,970.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____

0205 TRANSFER \$ 1,970.00

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **139849**

DATED: 1-3-2013 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](http://www.oregon.gov/OWRD)

## Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

JAN 03 2023

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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? 2 List them here: 92727 & 92728** ← 96727  
Please include a separate Part 5 for each water right. 96728  
**NOTE: A separate transfer application is required if the criteria in OAR 690-380-3220 are met. Joan Smith on 14 DEC 2022, that this type of transfer having the other supplemental to the primary can and should be a conversation primary and conversation.**

### 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 from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient
- ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Evidence of Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Part \_\_\_\_\_ is incomplete

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

Revised 7/7/20 Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: 14141 ACS



## Part 2 of 5 – Transfer Application Map

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

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/](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°).



## Part 3 of 5 – Fee Worksheet

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b) If only one change, this will be 0</u> Multiply line 2b by \$1090 and enter » 	2	0
3	Number of water rights included in transfer <u>2 (3a)</u> Subtract 1 from the number in line 3a above: <u>1 (3b) If only one water right this will be 0</u> Multiply line 3b by \$610 and enter » 	3	610
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>0 (4a)</u>  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0 (4b)</u> Add line 4a to line 4b and enter » 	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.121 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.879 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c) and multiply</u> <u>5c by \$410, then enter on line 5</u> » 	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	1970
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » 	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	1970

RECEIVED  
JAN 03 2023  
OWRD

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

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

## FEE WORKSHEET for SUBSTITUTION

1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	N/A



## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME <b>Fessler Family, LLC</b>		PHONE NO. <b>503.559.1471</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>13009 McKee School Road</b>		FAX NO. <b>N/A</b>	
CITY <b>Woodburn</b>	STATE <b>OR</b>	ZIP <b>97101</b>	E-MAIL <b>See note below agent information:</b>
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.			

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

AGENT/BUSINESS NAME <b>Aspen Rural Land Consulting c/o Eric Urstadt, PE/PLS</b>		PHONE NO. <b>971.250.1520</b>	ADDITIONAL CONTACT NO. <b>503.647.1919</b>
ADDRESS <b>39290 NW Murtaugh Road</b>		FAX NO. <b>N/A</b>	
CITY <b>North Plains</b>	STATE <b>OR</b>	ZIP <b>97133</b>	E-MAIL <b>See note below</b>
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.			
<b>Note: We do not want all correspondence sent electronically; instead please send correspondence via both regular mail and email to: <a href="mailto:tomf@woodburnnursery.com">tomf@woodburnnursery.com</a> and <a href="mailto:ericurstadt@hotmail.com">ericurstadt@hotmail.com</a>.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**This transfer proposes to move a portion of the Place of Use for certificate 96727 together with applicable supplemental rights per certificate 96728 to another property. The acres of 96727 & 96728 that are to remain on the FROM property are shown on the transfer map for any quarter-quarter affected by the transfer.**

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

## Check One Box

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

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: Woodburn Independent.
- 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.



Tom R. Fessler  
Applicant signature

Tom R. Fessler\*  
Print Name (and Title if applicable)

12-20-22  
Date

**\*Tom Fessler is both the Managing Member of Fessler Family, LLC and Vice President of Woodburn Nursery, Inc.**

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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME <b>Fessler Family, LLC (Same as applicant)</b>		PHONE NO. <b>503.559.1471</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>13009 McKee School Road</b>		FAX NO. <b>N/A</b>	
CITY <b>Woodburn</b>	STATE <b>OR</b>	ZIP <b>97101</b>	E-MAIL <b><a href="mailto:tomf@woodburnnursery.com">tomf@woodburnnursery.com</a></b>
Describe any special ownership circumstances: <b>Tom R. Fessler is both the Managing Member of Fessler Family, LLC and the Vice President of Woodburn Nursery, Inc., so he can sign for both the FROM and TO land ownerships. All intervening tax lots that the conveyance system crosses are owned by Fessler Family, LLC. The "TO" property is in the process of being sold to Fessler Family, LLC.</b>			
The confirming Certificate shall be issued in the name of: <input checked="" 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 <b>None Known</b>	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 <b>None Known</b>	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 <b>Marion County</b>	ADDRESS <b>5155 Silverton Rd NE</b>	
CITY <b>Salem</b>	STATE <b>OR</b>	ZIP <b>97305</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5a 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 # **96727**

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### Description of Water Delivery System

System capacity: **0.20\*** cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

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\*per certificate

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. **There is a submerged pump in the river with a fish screen that pumps water via underground pipes to the various fields.**

**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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	5 S	1 W	33	SE NW	900 of S33	1695' S & 2295' E OF NW S33
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	5 S	1 W	28	NW SW	1500' of S28	1830' NORTH AND 260' EAST FROM NW S33.

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.



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 # 96727**

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	POA(s) to be used (from Table 1)	Priority Date				
5	S	1	W	33	SW	NE	900	-	1	IRRIG	POD 1 & 2	1958	POU	5	S	1	W	28	NE	NE	300	-	4.3	IRRIG	POD 1 & 2	1958		
5	S	1	W	33	SE	NW	900	-	3.5	IRRIG	POD 1 & 2	1958	POU	5	S	1	W	28	NW	NE	300	-	0.2	IRRIG	POD 1 & 2	1958		
TOTAL ACRES:									4.5						TOTAL ACRES:									4.5				

Additional remarks: Cert. 96728 is Supplemental to all of the above acres and is being moved with this right in this transfer application.

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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **96728**.

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 # **N/A**;

Surface water primary Certificate # **N/A**.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

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Identify the primary certificate to be cancelled. Certificate # **N/A**

**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:

**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
N/A										



## Part 5b 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 # 96728

### Description of Water Delivery System

System capacity: 0.372\* cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

\*per certificate

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. There is a submerged pump in the well that pumps water via underground pipes to the various fields.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well #5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 19214	5 S	1 W	33	SW NE	900	2390' S & 2800' E of the NW S33**

\*\*Per certificate 96278

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.



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 # 96728**

List the change proposed for the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ . 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		
5	S	1	W	33	SW	NE	900	-	.07	IRRIG	Well 5	1995	POU	5	S	1	W	28	NE	NE	300	-	0.7	IRRIG	Well 5	1995
5	S	1	W	33	SW	NE	900	-	1.0	SUPPL	Well 5	1995	POU	5	S	1	W	28	NE	NE	300	-	4.3	SUPPL	Well 5	1995
5	S	1	W	33	SE	NW	900	-	3.5	SUPPL	Well 5	1995	POU	5	S	1	W	28	NW	NE	300	-	0.2	SUPPL	Well 5	1995
TOTAL ACRES:									5.2					TOTAL ACRES:									5.2			

Additional remarks: \_\_\_\_\_.

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**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: **96727.**

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 # **N/A**;

Surface water primary Certificate # **N/A**.

**RECEIVED****JAN 03 2023****For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # **N/A**

**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:

**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
N/A										

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# Land Use Information Form



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

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Applicant(s): Tom Fessler

Mailing Address: 13009 McKee School Road

City: Woodburn

State: OR

Zip Code: 97101

Daytime Phone: 503.559.1471

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>SS</u>	<u>1W</u>	<u>28</u>	<u>N/A</u>	<u>300, 500, 700, 1000, 1500, 1800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>SS</u>	<u>1W</u>	<u>33</u>	<u>N/A</u>	<u>600, 700, 900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>farming</u>

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

Marion county.

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water    ☒ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☒ Ground Water    ☒ Surface Water (name) Zollner Creek

Estimated quantity of water needed: 0.121 ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

Intended use of water: ☒ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

The owner is moving the place of use for the water rights so that different lands can be irrigated.

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

## For Local Government Use Only

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



**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Marion County Code 17.136.020 (A)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Nicole Inman Title: Associate Planner

Signature: Nicole Inman Phone: 503-588-5038 Date: 12/27/2022

Government Entity: Marion County Planning

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

Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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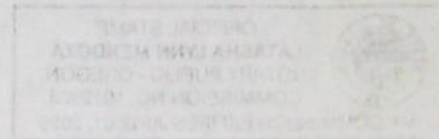
# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
County of MARION ) ss



I, TOM FESSLER, in my capacity as FARMER,

mailing address 13009 MCKEE SCHOOL ROAD, WOODBURN, OR 97071

telephone number (503)559-1471, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for  
Certificate # \_\_\_\_\_; 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 Certificates 92727 & 92728 have 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)

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

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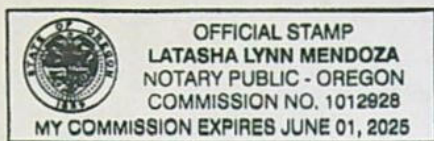
C1-2/2

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

12-20-22  
Date

Signed and sworn to (or affirmed) before me this 20 day of Dec, 2022.



[Signature]  
Notary Public for Oregon  
My Commission Expires June 1, 2025

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

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JAN 03 2023

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Rural Land Consulting

Water Resources, Water Rights, Land  
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM  
971-250-1520 (MOBILE)

Water Resources Department  
Attn: Transfer Section  
725 Summer Street NE, Ste. A  
Salem, OR, 97301

8 DEC 2022

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JAN 03 2023

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**Subject: New Transfer application for certificates 96727 & 96728**

To Whom It May Concern,

Enclosed is an application for a transfer to change the Place of Use (POU) for certificates **96727 & 96728** together with the following attachments:

- A. Application Map
- B. Land Use Compatibility Statement
- C. Evidence of Use
- D. Transfer Reimbursement Authority Estimate Application
- E. 2 checks made out to "Oregon Water Resources Department".
  - a. One for \$1970.00 (per application fee worksheet), and
  - b. One for \$125.00 (for Reimbursement Authority).

Please let me know if there are any concerns or you need any more information.

Respectfully,  
**Aspen Rural Land Consulting**

Eric Urstadt, PE, PLS

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## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

01-11-2023  
08:54

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
664872-82	DLLC	ACT	OREGON	12-10-1998	12-10-2023	
Entity Name	FESSLER FAMILY, LLC					
Foreign Name						

[New Search](#)

## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	13009 MCKEE SCHOOL RD NE			
Addr 2				
CSZ	WOODBURN	OR	97071	Country UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT	Start Date	08-14-2020	Resign Date	
Name	SANDRA	L	TRAEGER			
Addr 1	13009 MCKEE SCHOOL RD NE					
Addr 2						
CSZ	WOODBURN	OR	97071	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	13009 MCKEE SCHOOL RD NE			
Addr 2				
CSZ	WOODBURN	OR	97071	Country UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	KAREN	S	JAEGER		
Addr 1	13009 MCKEE SCHOOL RD NE				
Addr 2					
CSZ	WOODBURN	OR	97071	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	RICHARD	D	FESSLER		
Addr 1	13009 MCKEE SCHOOL RD NE				
Addr 2					
CSZ				Country	

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	WOODBURN	OR	97071			UNITED STATES OF AMERICA
--	----------	----	-------	--	--	--------------------------

Type	MEM	MEMBER			Resign Date	
Name	JODI	L	ARRITOLA			
Addr 1	13009 MCKEE SCHOOL RD NE					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	THOMAS	R	FESSLER			
Addr 1	13009 MCKEE SCHOOL RD NE					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	SANDRA	L	TRAEGER			
Addr 1	13009 MCKEE SCHOOL RD NE					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	SANDRA	L	TRAEGER			
Addr 1	13009 MCKEE SCHOOL RD NE					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	KAREN	S	JAEGER			
Addr 1	13009 MCKEE SCHOOL RD NE					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

New Search

## Name History






Business Entity Name	Name Type	Name Status	Start Date	End Date
FESSLER FAMILY, LLC	EN	CUR	12-10-1998	

Please [read](#) before ordering [Copies](#).New Search

## Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
-----------------	--------	------------------	----------------	--------	-------------------	--------------



	AMENDED ANNUAL REPORT	12-08-2022		FI		
	AMENDED ANNUAL REPORT	11-17-2021		FI		
	ANNUAL REPORT PAYMENT	11-06-2020		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	08-14-2020		FI	Agent	
	ANNUAL REPORT PAYMENT	11-05-2019		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	10-28-2019		FI		
	ANNUAL REPORT PAYMENT	11-26-2018		SYS		
	ANNUAL REPORT PAYMENT	11-14-2017		SYS		
	ANNUAL REPORT PAYMENT	11-09-2016		SYS		
	ANNUAL REPORT PAYMENT	11-09-2015		SYS		
	ANNUAL REPORT PAYMENT	11-04-2014		SYS		
	ANNUAL REPORT PAYMENT	11-06-2013		SYS		
	ANNUAL REPORT PAYMENT	11-15-2012		SYS		
	ANNUAL REPORT PAYMENT	11-14-2011		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	11-26-2010		FI		
	ANNUAL REPORT PAYMENT	11-05-2010		SYS		
	ANNUAL REPORT PAYMENT	11-10-2009		SYS		
	ANNUAL REPORT PAYMENT	11-06-2008		SYS		
	ANNUAL REPORT PAYMENT	10-30-2007		SYS		
	ANNUAL REPORT PAYMENT	11-01-2006		SYS		
	ANNUAL REPORT PAYMENT	11-09-2005		SYS		
	ANNUAL REPORT PAYMENT	11-04-2004		SYS		
		11-07-2003		SYS		

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	ANNUAL REPORT PAYMENT					
	ANNUAL REPORT PAYMENT	11-05-2002		SYS		
	ANNUAL REPORT PAYMENT	10-30-2001		SYS		
	STRAIGHT RENEWAL	11-17-2000		FI		
	AMENDED RENEWAL	12-07-1999		FI		
	NEW FILING	12-10-1998		FI		

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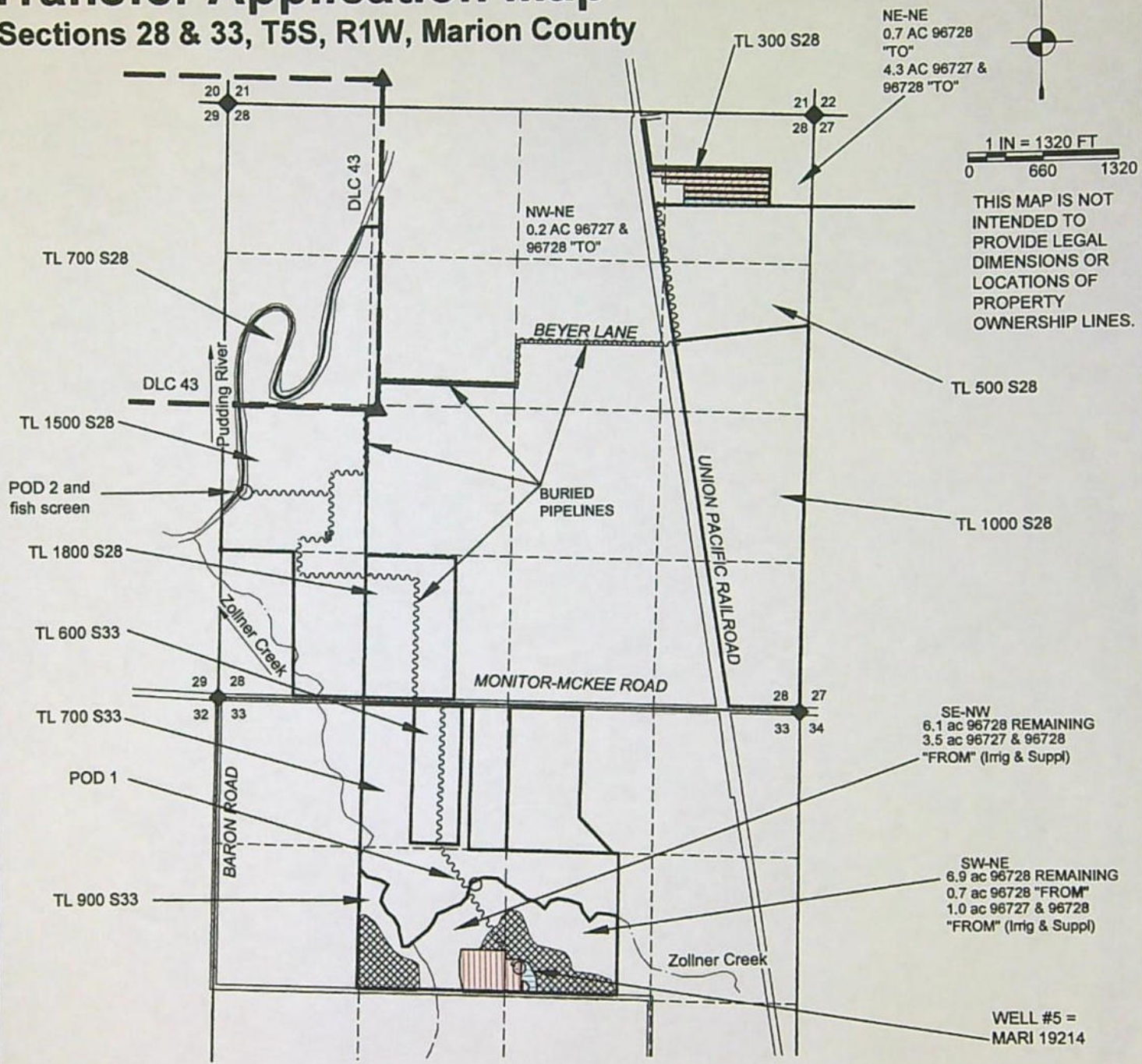
# Transfer Application Map

## Sections 28 & 33, T5S, R1W, Marion County



1 IN = 1320 FT  
0 660 1320

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.



### LEGEND

- DONATION LAND CLAIM (DLC) CORNER
- SECTION CORNER
- POINT OF DIVERSION OR APPROPRIATION
- STREAM OR SURFACE DRAINAGE
- TAX LOT LINE
- SECTION LINE
- QUARTER-QUARTER LINE
- DLC LINES
- CONVEYANCE PIPELINES.
- "FROM" ACRES 96727 IRRIG & 96728 SUPPL
- "FROM" ACRES 96728 IRRIG
- "TO" ACRES 96727 IRRIG & 96728 SUPPL
- "TO" ACRES 96728 IRRIG
- REMAINING ACRES 96728 IRRIG

LOCATIONS OF POINTS OF DIVERSION (POD) AND WELL:  
POD 1 IS 1695' SOUTH AND 2295' EAST FROM NW S33.  
POD 2 IS 1830' NORTH AND 260' EAST FROM NW S33.  
WELL #5 IS 2390' SOUTH & 2800' EAST FROM NW S33\*\*.  
\*\* PER CERT. 96728

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MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
ERIC URSTADT, PE, PLS  
971-250-1520  
DEC 2022  
lesslerEbner5H

14141





Received by OWRD

APR 10 2024

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Fessler Family LLC  
13009 McKee School Rd, Woodburn OR 97071

Transaction Type: RA

Fees Received: \$ 1777.00

☐ Cash

☒ Check:

Check No. 23726

Name(s) on Check Woodburn Nursery & Azaleas Inc.

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Lorrain

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



## Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T-

Checked by <u>Dante</u>	Type of Change(s) Proposed: <u>NO</u> other changes allowed other than those listed	
Date <u>1-11-2023</u>		
Fee Received: \$1970	X POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE	
Calculated Fee: \$1970		How many rights to be Transferred? <b>2</b>
Deficiencies and Observations: None		Certificate #(s) 96727 96728

If OK, check box; if not, fill in.

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (compare with OAR 690-380-3220-may need to return)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☒ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_  
\_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ 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 \_\_\_\_\_



## Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	