

T-14188

Temporary

T-14188

Name MK Farms Inc.Address 7991 Stratford Dr. NE  
Salem, OR 97305  
Kevin.b.wiesner@gmail.comChange in POU PODDate Filed 3/17/2023Initial notice date 3/21/2023

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 7/18/2023 Vol 128 Page 686-89

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Podding RiverTrib. of Molalla RiverUse IrrigationCounty Marion

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

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

App# 5 25718Per # 9 20256Cert # 22344PR Date 3/13/1951

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

## FEES PAID

Date

Amount

Receipt #

3/17/23\$978.35140313

## FEES REFUNDED

Date

Amount

Receipt #

Assignments: \_\_\_\_\_

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

Agent Will McGill Surveying, LLC - willmcgill.surveying@gmail.comCWRE Marion County

CC's list \_\_\_\_\_

☐ - Oversized map - Location \_\_\_\_\_





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

July 18, 2023

MK FARMS INC.  
7991 STRATFORD DR. NE  
SALEM, OR 97305

REFERENCE: District Temporary Transfer Application T-14188

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

The temporary change shall be effective at the **beginning of the 2023 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2028 irrigation season**.

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

Sincerely,

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

cc: Joel Plahn, Watermaster (via email)  
Marion County Planning Department  
John A. Short, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

|                                       |   |                                    |
|---------------------------------------|---|------------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING TEMPORARY    |
| T-14188, Marion County                | ) | CHANGES IN PLACE OF USE AND POINTS |
|                                       | ) | OF DIVERSION                       |

**Authority**

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

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

**Applicant**

MK FARMS INC.  
7991 STRATFORD DR. NE  
SALEM, OR 97305

**Findings of Fact**

1. On March 17, 2023, MK FARMS INC., filed an application to temporarily change the place of use and to change the points of diversion to serve the proposed place of use under Certificate 22344 for a period of 5 years. The Department assigned the application number T-14188.

2. Notice of the application for transfer was published on March 21, 2023, pursuant to OAR 690-380-4000.

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

**Certificate:** 22344 in the name of E. G. and LULA C. WIESNER c/o GEORGE W. WIESNER  
(perfected under Permit S-20256)

**Use:** IRRIGATION of 10.5 ACRES

**Priority Date:** MARCH 13, 1951

**Rate:** 0.09 CUBIC FOOT PER SECOND

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



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

**Source:** PUDDING RIVER a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | DLC |
|-----|-----|-----|-----|-------|-----|
| 6 S | 1 W | WM  | 8   | NE SW | 56  |
| 6 S | 1 W | WM  | 8   | NE SE |     |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 6 S        | 1 W | WM  | 8   | SW NE | 56  | 4.9   |
| 6 S        | 1 W | WM  | 8   | SE NW | 56  | 5.6   |
| Total      |     |     |     |       |     | 10.5  |

4. Temporary Transfer Application T-14188 proposes to temporarily change the place of use of the right to:

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 6 S        | 1 W | WM  | 8   | SW SW | 56  | 5.2   |
| 6 S        | 1 W | WM  | 8   | SE SW | 56  | 5.3   |
| Total      |     |     |     |       |     | 10.5  |

5. A change in points of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14188 proposes to move the authorized points of diversion with approximate distances from the authorized points of diversion as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Measured Distances  | Distance from Authorized POD       |
|-----|-----|-----|-----|-------|---|------------------------------------|
| 6 S | 1 W | WM  | 8   | SE SW | 150 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 8 | POD 1 – 0.47 mi<br>POD 2 – 0.60 mi |

**Temporary Transfer Review Criteria**

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.



8. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### Conclusions of Law

The temporary changes in place of use and points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14188 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and change in points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14188 are approved.
2. The former place of use shall not be irrigated as part of this water right during the 2024, 2025, 2026, 2027 and 2028 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2028 irrigation season. The authorization to use the point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificate 22344 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 22344.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.



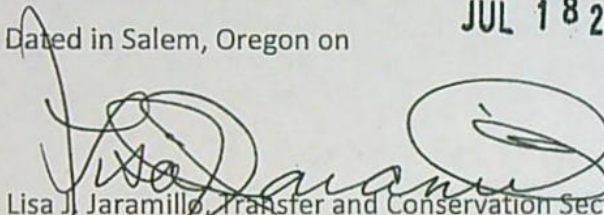
9. Water use measurement conditions:

- 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 (new and existing) or at each new point of diversion.
- 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.

10. The use of the remaining water right described by Certificate 22344 shall continue to be in accordance with the terms and conditions of Certificate 22344.

Dated in Salem, Oregon on

**JUL 18 2023**



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

Mailing Date:

**JUL 19 2023**



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14188

Transfer Specialist:

Transfer Type: Temporary Transfer

DROUGHT? ☐

*Aula*

|  |   |                             |
|--|---|-----------------------------|
| <b>Applicant:</b><br>MK FARMS INC.<br>7991 STRATFORD DR. NE<br>SALEM, OR 97305 | <b>Agent:</b><br>WILL MCGILL SURVEYING LLC<br>15333 PLETZER RD SE<br>TURNER, OR 97392 | <b>Receiving Landowner:</b> |
| <b>Current Landowner if other than Applicant:</b>                              | <b>CWRE:</b>  | <b>Irrigation District:</b> |
| <b>Affected Local Gov'ts:</b><br>County Of Marion planning<br>Department       | <b>Affected Tribal Gov't:</b>   | <b>BOR Notified (date):</b> |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit  | Certificate |
|--------------------------|----------------------------|---------|-------------|
| <input type="checkbox"/> | S 25718                    | S 20256 | 22344       |
| <input type="checkbox"/> |                            |         |             |
| <input type="checkbox"/> |                            |         |             |

## Key Dates & Initial Actions (Support Staff)

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| Rec'd: March 17, 2023             | Proposed Action(s): POINT OF DIVERSION; PLACE OF USE              |                          |
| Fees Pd: 978.35                   | Acknowledgement Letter Sent <input checked="" type="checkbox"/>   | Basin: 2 Willamette      |
| Initial Public Notice:            | County sent cc: of Ack Letter <input checked="" type="checkbox"/> | County: MARION           |
| WM District: 16 Gregory J. Wacker | WM Review request sent:   | WM Review date received: |
| Groundwater                       | GW Review sent:   | GW Review date received: |

## Peer Review:

| Document | Drafted                                    | Peer Review                                   | Coordinator                                  | Changes Made                               | Signature Bin  | Signature Date         |
|----------|--|---|--|--|--|------------------------|
| FO       | Date: <u>6/9/23</u><br>Initials: <u>AW</u> | Date: <u>6/9/23</u><br>Initials: <u>Steff</u> | Date: <u>6/28/23</u><br>Initials: <u>PLS</u> | Date: <u>7/7/23</u><br>Initials: <u>AW</u> | Date: <u>7/7/23</u><br>No. of docs for sig: <u>1</u><br>WM Sheet <input checked="" type="checkbox"/> | Date: <u>7/18/2023</u> |

Special Issues: Work flow updated

Special Order Volume: Vol. 128 Pages 1286-89



STATE OF OREGON  
COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify**, That **E. G. & LULA C. WIESNER**  
c/o George W. Wiesner  
of Silverton, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Pudding River  
a tributary of Willamette River for the purpose of  
irrigation  
under Permit No. 20256 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from March 13, 1951

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Johnson DLC #56,  
Lot 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ), Section 8, Township 6 South, Range 1 West, W. M.

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

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

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

18.6 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$  & SE $\frac{1}{4}$ NE $\frac{1}{4}$ )  
0.4 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )  
4.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , as projected within Johnson DLC #56  
9.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , as projected within Johnson DLC #56  
0.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , as projected within Parker DLC #19  
9.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Johnson DLC #56  
5.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected within Johnson DLC #56  
0.46 4.7 acres in Lot 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )  
0.8 acres in Lot 8 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )

Section 8  
Township 6 South, Range 1 West, W. M.

$= 0.0086957 \times 10.5 = 0.091304346$  or 0.09 cfs

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

WITNESS the signature of the State Engineer, affixed

this 10th day of April, 1971

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22344.

See attached spreadsheet



|                   | cert  | acres | cfs  | cfs/ac    |
|-------------------|-------|-------|------|-----------|
| certificated rate | 22344 | 52.9  | 0.46 | 0.0086957 |
|                   |       |       |      |           |
|                   |       |       |      |           |

| portion acres | cfs  | acres remain | cfs remain |
|---------------|------|--------------|------------|
| 10.5          | 0.09 | 42.4         | 0.37       |
|               |      |              |            |
|               |      |              |            |





# 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

March 20, 2023

MK FARMS INC.

7991 STRATFORD DR. NE

SALEM, OR 97305

Reference: Application T-14188

On March 17, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$978.35. Receipt number 140313 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #16, Gregory J. Wacker (via email)  
Marion County  
Will McGill Surveying LLC, Agent

Enclosure



**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 # **140313**

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

RECEIVED FROM: Will McGill Surveying, LLC

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 2115 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>T-14188</u> |

TOTAL REC'D \$ 978.55

**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      | \$ <u>978.55</u> |      |            |

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **140313**

DATED: 3/17/23 BY: Lucy D. Miller



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



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

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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Cert. 22344**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2028.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

☐ Land Use Form not enclosed or incomplete

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

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

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



## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

RECEIVED

MAR 17 2023

CWRD



| FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS |  |  |   |          |  |
|---|--|--|---|----------|--|
| 1   | Base Fee (includes temporary change to one water right for up to 1 cfs)  |  | 1 | \$950.00 |  |
| 2   | Number of water rights included in transfer: <u>1 (2a)</u><br>Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0<br>Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »   |  | 2 | 0        |  |
| 3   | Do you propose to change the place of use for a non-irrigation use?<br><input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a)<br>Subtract 1.0 from the number in 3a above: _____ (3b)<br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3 |  | 3 | 0        |  |
| 4   | Do you propose to change the place of use for an irrigation use?<br><input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » »<br><input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>10.5 (4a)</u><br>Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »   |  | 4 | 28.35    |  |
| 5   | Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:   |  | 5 | 978.35   |  |
| 6   | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »<br>If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »   |  | 6 | 0        |  |
| 7   | Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:  |  | 7 | \$978.35 |  |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS |   |   |          |
|---|---|---|----------|
| 1   | Base Fee (includes drought application and recording fee for up to 1 cfs)   | 1 | \$200.00 |
|   | Enter the cfs for the portions of the rights to be transferred (see example below*):<br><div style="text-align: center;">_____ (2a)</div> Subtract 1.0 from the number in 2a above: _____ (2b)<br>If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » »<br>If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and<br>multiply 2c by \$50, then enter on line 2 » » » » » » » » » |   |          |
| 2   |   | 2 |          |
| 3   | Add entries on lines 1 through 2 above » » » » » » » » » » <b>Transfer Fee:</b>   | 3 |          |

2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)

3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

## TACS



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|   |                    |                                    |  |
|---|--------------------|------------------------------------|--|
| APPLICANT/BUSINESS NAME<br><b>MK Farms Inc.</b>   |                    | PHONE NO.<br><b>(503) 932-6191</b> | ADDITIONAL CONTACT NO.                     |
| ADDRESS<br><b>7991 Stratford Dr. NE</b>   |                    |                                    | FAX NO.                                    |
| CITY<br><b>Salem</b>  | STATE<br><b>OR</b> | ZIP<br><b>97305</b>                | E-MAIL<br><b>kevin.b.wiesner@gmail.com</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. |                    |                                    |  |

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

|   |                    |                                    |   |
|---|--------------------|------------------------------------|---|
| AGENT/BUSINESS NAME<br><b>Will McGill Surveying, LLC</b>  |                    | PHONE NO.<br><b>(503) 931-0210</b> | ADDITIONAL CONTACT NO.<br><b>(503) 510-3026</b> |
| ADDRESS<br><b>15333 Pletzer Rd. SE</b>  |                    |                                    | FAX NO.   |
| CITY<br><b>Turner</b>   | STATE<br><b>OR</b> | ZIP<br><b>97392</b>                | E-MAIL<br><b>willmcgill.surveying@gmail.com</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. |                    |                                    |   |

Explain in your own words what you propose to accomplish with this transfer application and why:  
*It is proposed to move a 10.5-acre portion of Cert. 22344 to tax lot 300 to establish a crop and irrigate from a pump site at that property.*

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

*Mark Wiesner*  
Applicant signature

*Mark Wiesner*  
Print Name (and Title if applicable)

*3/16/23*  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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

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

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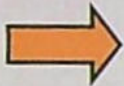


☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

|               |         |     |
|---------------|---------|-----|
| DISTRICT NAME | ADDRESS |     |
| CITY          | STATE   | ZIP |

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

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |



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

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| ENTITY NAME<br><b>Marion County</b> | ADDRESS<br><b>5155 Silverton Rd. NE</b> |                     |
| CITY<br><b>Salem</b>                | STATE<br><b>OR</b>                      | ZIP<br><b>97305</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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## Part 5 of 5 – Water Right Information

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

### Water Right Certificate # 22344

#### Description of Water Delivery System

System capacity: 0.84 cubic feet per second (cfs) OR

\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **15 HP centrifugal pump delivers water through buried 5" PVC mainline to handlines and a big gun.**

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp | Rng | Sec | ¼  | ¼  | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|-----|-----|-----|----|----|---------------------------|--|
| POD 1                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |  | 6 S | 1 W | 8   | NE | SW | 1000                      | in NESW, as projected within Johnson DLC #56*        |
| POD 2                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |  | 6 S | 1 W | 8   | NE | SE | 700                       | in Lot 8 (NESE), Sec. 8*                             |
| POD 3                  | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | 6 S | 1 W | 8   | SE | SW | 300                       | 1930' E and 150' N from SW corner, Sec. 8            |

\*No defined distances from a survey corner in the certificate.

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU)        | <input type="checkbox"/> Appropriation/Well (POA)                 |
| <input checked="" type="checkbox"/> Point of Diversion (POD)  | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) |   |

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

- |   |   |
|---|---|
| <input type="checkbox"/> Place of Use (POU)       | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Character of Use (USE)   | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD)     |

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

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

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**Table 2. Description of Temporary Changes to Water Right Certificate # 22344**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the Certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |   |     |     |    |            |                      |       |   |   | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|--|-----|---|-----|-----|----|------------|----------------------|-------|---|---|---|---|---------|-----|---|-----|-----|---|------------|----------------------|-------|--------------------|--|------------------|-------|------|--|--|
| Twp  | Rng |   | Sec | ¼ ¼ |    | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) |   | Priority<br>Date  | Twp     | Rng |   | Sec | ¼ ¼ |   | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | New Type<br>of USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |       |      |  |  |
| 6  | S   | 1 | W   | 8   | SW | NE         | 1000                 | 56    | 4.9                                     | Irrigation  | POD 1, 2  | 1951  | POU/POD | 6   | S | 1   | W   | 8 | SW         | SW                   | 300   | 56                 | 5.2  | Irrigation       | POD 3 | 1951 |  |  |
| 6  | S   | 1 | W   | 8   | SE | NW         | 1000                 | 56    | 5.6                                     | Irrigation  | POD 1, 2  | 1951  | POU/POD | 6   | S | 1   | W   | 8 | SE         | SW                   | 300   | 56                 | 5.3  | Irrigation       | POD 3 | 1951 |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
| TOTAL ACRES  |     |   |     |     |    |            |                      |       | 10.5                                    |   |   |   |         |     |   |     |     |   |            |                      |       |                    |  |                  |       |      |  |  |
|  |     |   |     |     |    |            |                      |       |   | TOTAL ACRES   |   |   |         |     |   |     |     |   |            |                      |       |                    |  | 10.5             |       |      |  |  |

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

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**For Place of Use Changes**

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

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

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

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

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

**AND/OR**

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

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

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

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

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## Business Registry Business Name Search

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## Business Entity Data

03-07-2023

09:18

| Registry Nbr | Entity Type   | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--------------|---------------|---------------|--------------|---------------|-------------------|--------------|
| 1239210-90   | DLLC          | ACT           | OREGON       | 08-08-2016    | 08-08-2023        |              |
| Entity Name  | MK FARMS, LLC |               |              |               |                   |              |
| Foreign Name |               |               |              |               |                   |              |

[New Search](#)

## Associated Names

|        |                      |                             |       |         |                          |
|--------|----------------------|-----------------------------|-------|---------|--------------------------|
| Type   | PPB                  | PRINCIPAL PLACE OF BUSINESS |       |         |                          |
| Addr 1 | 7991 STRATFORD DR NE |                             |       |         |                          |
| Addr 2 |                      |                             |       |         |                          |
| CSZ    | SALEM                | OR                          | 97305 | Country | UNITED STATES OF AMERICA |

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

|        |                      |                  |            |            |                          |  |
|--------|----------------------|------------------|------------|------------|--------------------------|--|
| Type   | AGT                  | REGISTERED AGENT | Start Date | 08-08-2016 | Resign Date              |  |
| Name   | MARK                 | WIESNER          |            |            |                          |  |
| Addr 1 | 7991 STRATFORD DR NE |                  |            |            |                          |  |
| Addr 2 |                      |                  |            |            |                          |  |
| CSZ    | SALEM                | OR               | 97305      | Country    | UNITED STATES OF AMERICA |  |

|        |                      |                 |       |         |                          |
|--------|----------------------|-----------------|-------|---------|--------------------------|
| Type   | MAL                  | MAILING ADDRESS |       |         |                          |
| Addr 1 | 7991 STRATFORD DR NE |                 |       |         |                          |
| Addr 2 |                      |                 |       |         |                          |
| CSZ    | SALEM                | OR              | 97305 | Country | UNITED STATES OF AMERICA |

|        |                      |         |       |         |                          |  |
|--------|----------------------|---------|-------|---------|--------------------------|--|
| Type   | MEM                  | MEMBER  |       |         | Resign Date              |  |
| Name   | MARK                 | WIESNER |       |         |                          |  |
| Addr 1 | 7991 STRATFORD DR NE |         |       |         |                          |  |
| Addr 2 |                      |         |       |         |                          |  |
| CSZ    | SALEM                | OR      | 97305 | Country | UNITED STATES OF AMERICA |  |

|        |                      |         |       |         |                          |  |
|--------|----------------------|---------|-------|---------|--------------------------|--|
| Type   | MEM                  | MEMBER  |       |         | Resign Date              |  |
| Name   | KEVIN                | WIESNER |       |         |                          |  |
| Addr 1 | 7991 STRATFORD DR NE |         |       |         |                          |  |
| Addr 2 |                      |         |       |         |                          |  |
| CSZ    | SALEM                | OR      | 97305 | Country | UNITED STATES OF AMERICA |  |

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## RECORDING COVER SHEET

### ALL TRANSACTIONS, PER ORS 205.234

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING  
THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS  
COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

This Space For County Recording Use Only

### AFTER RECORDING RETURN TO:

Daniel A. Ritter, P.C.  
530 Center Street NE, Suite 700  
Salem, OR 97301-3740

REEL 4684 PAGE 336  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
01-23-2023 11:46 am.  
Control Number 729237 \$ 106.00  
Instrument 2023 00001751

#### 1. NAME(S) OF THE TRANSACTION(S)

Personal Representative Deed

#### 2. DIRECT PARTY, name(s) of the person(s) described in ORS 205.125(1)(b) or GRANTOR, as described in ORS 205.160.

Personal Representative of the Estate of George W. Wiesner, Deceased

#### 3. INDIRECT PARTY, name(s) of the person(s) described in ORS 205.125(1)(a) or GRANTEE, as described in ORS 205.160.

Mark T. Wiesner, Trustee for George Robert Wiesner

#### 4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

None

#### 5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS for instruments conveying or contracting to convey fee title to any real estate, reference ORS 93.260.

Mark T. Wiesner, Trustee  
7991 Stratford Drive NE  
Brooks, OR 97305

#### 6. RERECORDED AT THE REQUEST OF TICOR TITLE CO. TO CORRECT THE LEGAL DESCRIPTION, PREVIOUSLY RECORDED AS RECORDING NUMBER

Reel: 1864 Page: 5 Control #: 46023

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PERSONAL REPRESENTATIVE DEED

THIS INDENTURE, made this 16 day of November, 2001, by and between GEORGE ROBERT WIESNER, PHILIP L. WIESNER, and NORMAN P. WIESNER, the duly appointed, qualified, and acting PERSONAL REPRESENTATIVE OF THE ESTATE OF GEORGE W. WIESNER, DECEASED, hereinafter called the "Grantor," and MARK T. WIESNER, TRUSTEE FOR GEORGE ROBERT WIESNER, hereinafter called the "Grantee."

This deed is executed by Grantor to Grantee as part of Grantee's distributive share of estate assets, and the true and actual consideration stated in terms of dollars is NONE.

The Grantor does hereby grant, bargain, sell, and convey unto the Grantee and Grantee's successors-in-interest and assigns, all the estate, right, and interest of the said deceased at the time of the decedent's death, and all the right, title, and interest that the said estate of the said deceased by operation of law or otherwise may have thereafter acquired in that certain real property situate in the county of Marion, and state of Oregon, described as follows, to wit:

Beginning at a point in the middle line of Pudding River 23.00 chains North and 2.22 chains West of the inward corner of the ell of the Donation Land Claim of R. D. Johnson in Section 8, Township 6 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and running thence East 2.22 chains; thence South 20.00 chains; thence East 1.01 chains; thence North 45' East along the middle of the County Road 7.12 chains; thence North 88' East 4.55 chains; thence North 9.65 chains to the middle of Pudding River; thence down the middle line of said stream to the place of beginning and containing 26.03 acres, more or less.

TOGETHER WITH the following described real property lying west of the following described line: Beginning at a point in the center-line of Market Road No. 49, Marion County, Oregon, said point being North 45' East 563.10 feet and North 87'55' East 303.46 feet from the re-entrant corner on the West line of R. D. Johnson Donation Land Claim, also described as the inward corner of the ell of said Donation Land Claim in Section 8, Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 01'55' East 23.60 feet to a fence post; thence North 01'55' East along an old fence line and extension thereof, 646.40 feet, more or less, to the center of Pudding River and terminus.  
(Home Place) (Marion County Tax Account No. R15721)

To Have and To Hold the same unto the said Grantee, and Grantee's successors-in-interest and assigns forever.

The following is the notice as required by Oregon law: "THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

MAIL TAX STATEMENTS TO:

Mark T. Wiesner, Trustee  
7991 Stratford Drive NE  
Brooks, OR 97305

AFTER RECORDING RETURN TO:

✓ Daniel A. Ritter, P.C.  
530 Center Street NE, Suite 700  
Salem, OR 97301-3740

Page 1 - Personal Representative Deed

Per Rep Deed RW wpl

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In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed the day and year first hereinabove written.

George Robert Wiesner  
George Robert Wiesner

Philip L. Wiesner  
Philip L. Wiesner

Norman P. Wiesner  
Norman P. Wiesner  
Personal Representatives of the Estate of  
George W. Wiesner, Deceased

STATE OF OREGON            )  
  ) ss.  
County of Marion

On this 16 day of November, 2001, before me personally appeared the above named GEORGE ROBERT WIESNER, PHILIP L. WIESNER, and NORMAN P. WIESNER, PERSONAL REPRESENTATIVES OF THE ESTATE OF GEORGE W. WIESNER, DECEASED, and acknowledged the foregoing instrument to be their voluntary act and deed.



Judy K. Snider  
Notary Public for Oregon  
My Commission Expires: June 15, 2003

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REEL:1864

PAGE: 5

November 16, 2001, 04:02 pm.

CONTROL #: 46023

State of Oregon  
County of Marion

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

FEE: \$ 31.00

ALAN H DAVIDSON  
COUNTY CLERK

THIS IS NOT AN INVOICE.



I hereby certify this copy consisting of 3  
pages is to be a true and correct copy of the  
document now on record in my office.  
BILL BURGESS, MARION COUNTY CLERK  
By: Donna A. Sadell  
Deputy Clerk  
Date: 1/18/23

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## CORRECTED LEGAL DESCRIPTION

Order No.: 471822122676

Beginning at a point in the middle line of Pudding River, 23.00 chains North and 2.22 chains West of the inward corner of the ell of the Donation Land Claim of R.D. Johnson in Section 8, Township 6 South, Range 1 West, Willamette Meridian, Marion County, Oregon; and running thence East 2.22 chains; thence South 20.00 chains; thence East 1.01 chains; thence North 45° East, along the middle of the county Road, 7.12 chains; thence North 88° East 4.55 chains; thence North 9.65 chains to the middle of Pudding River; thence, down the middle of said stream, to the place of beginning.

TOGETHER WITH the following described real property lying West of the following described line:

Beginning at a point in the centerline of Market Road No. 49, Marion County, Oregon, said point being North 45° East 563.10 feet and North 87°55' East 303.46 feet from the re-entrant corner on the West line of R.D. Johnson Donation Land Claim, also described as the inward corner of the ell of said Donation land Claim in Section 8, Township 6 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence North 01°55' East 23.60 feet to a fence post; thence North 01°55' East, along an old fence line and extension thereof, 646.40 feet, more or less, to the center of the Pudding River and terminus.

The "following described property" being as follows: Beginning at a point in the middle line of Pudding River, 17.73 chains North and 7.76 chains East of the inward corner of the ell of the Donation Land Claim of R.D. Johnson in Section 8 in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence South 9.65 chains to the middle of the County Road; thence, along the middle line of said road, North 88° East 5.95 chains; thence North 58° East 2.70 chains to Jennie Van Trump's land; thence North 5.00 chains; thence North 47° East 13.96 chains; thence North 19.40 chains to the middle line of Pudding River; thence, down the middle line of said stream, to the place of beginning.

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REEL: 4684

PAGE: 336

January 23, 2023, 11:46 am.

CONTROL #: 729237

State of Oregon  
County of Marion

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

FEE: \$ 106.00

BILL BURGESS  
COUNTY CLERK

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# Land Use Information Form



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

Applicant(s): MK Farms Inc.

Mailing Address: 7991 Stratford Dr. NE

City: Salem

State: OR

Zip Code: 97305

Daytime Phone: (503) 932-6191

## 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>6S</u> | <u>1W</u> | <u>8</u> | <u>SESW</u> | <u>300</u> | <u>EFU</u>                                      | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>farming</u>     |
| <u>6S</u> | <u>1W</u> | <u>8</u> | <u>SWSW</u> | <u>300</u> | <u>EFU</u>                                      | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used            | <u>farming</u>     |
| _____     | _____     | _____    | _____       | _____      | _____   | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                       | _____              |
| _____     | _____     | _____    | _____       | _____      | _____   | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used                       | _____              |

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

Marion

## 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) Pudding River

Estimated quantity of water needed: 26.25 ☐ 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:

It is proposed to temporarily transfer a 10.5-acre portion of Cert. 22344 to irrigate crops on tax lot 300.

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

See bottom of Page 3. →

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## For Local Government Use Only

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

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

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136.020 (A) Farm Use
- ☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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: Daniel Jansen Title: Assistant Planner

Signature: [Signature] Phone: (503) 588-5038 Date: 3/15/23

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: \_\_\_\_\_



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss

County of MARION

I, MARK WIESNER, in my capacity as OWNER,

mailing address 7991 STRATFORD DR. NE, SALEM, OR 97305

telephone number ( ) , 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 # 22344; 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<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|-------|-----|-----|-----|---------------------|--------------------------|
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |

OR

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

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

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

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

(continues on reverse side)

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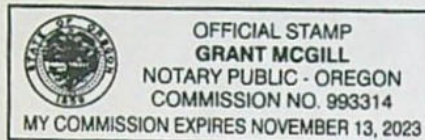
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Muh Mies  
Signature of Affiant

3/16/23  
Date

Signed and sworn to (or affirmed) before me this 16 day of March, 2023.



Grant McGill  
Notary Public for Oregon

My Commission Expires: 11/13/23

| Supporting Documents   | Examples   |
|--|--|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <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 checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph                            | Multiple photos can be submitted to resolve different areas of a water right.<br>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.<br><br>Sources for aerial photos:<br>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years  | Copy of instream lease or lease number   |

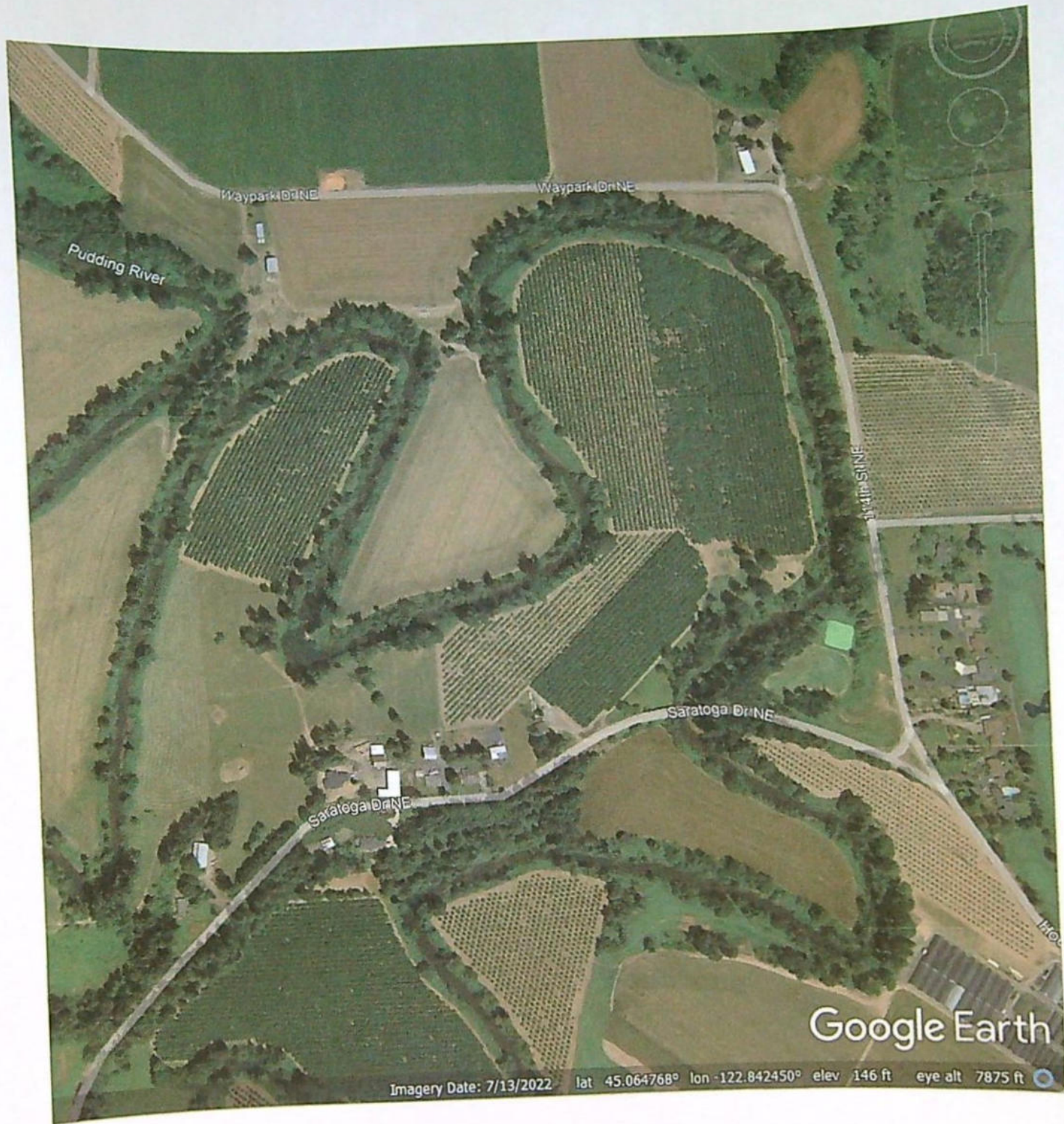
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## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14188



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

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

Phone: 971-719-6262

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

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

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

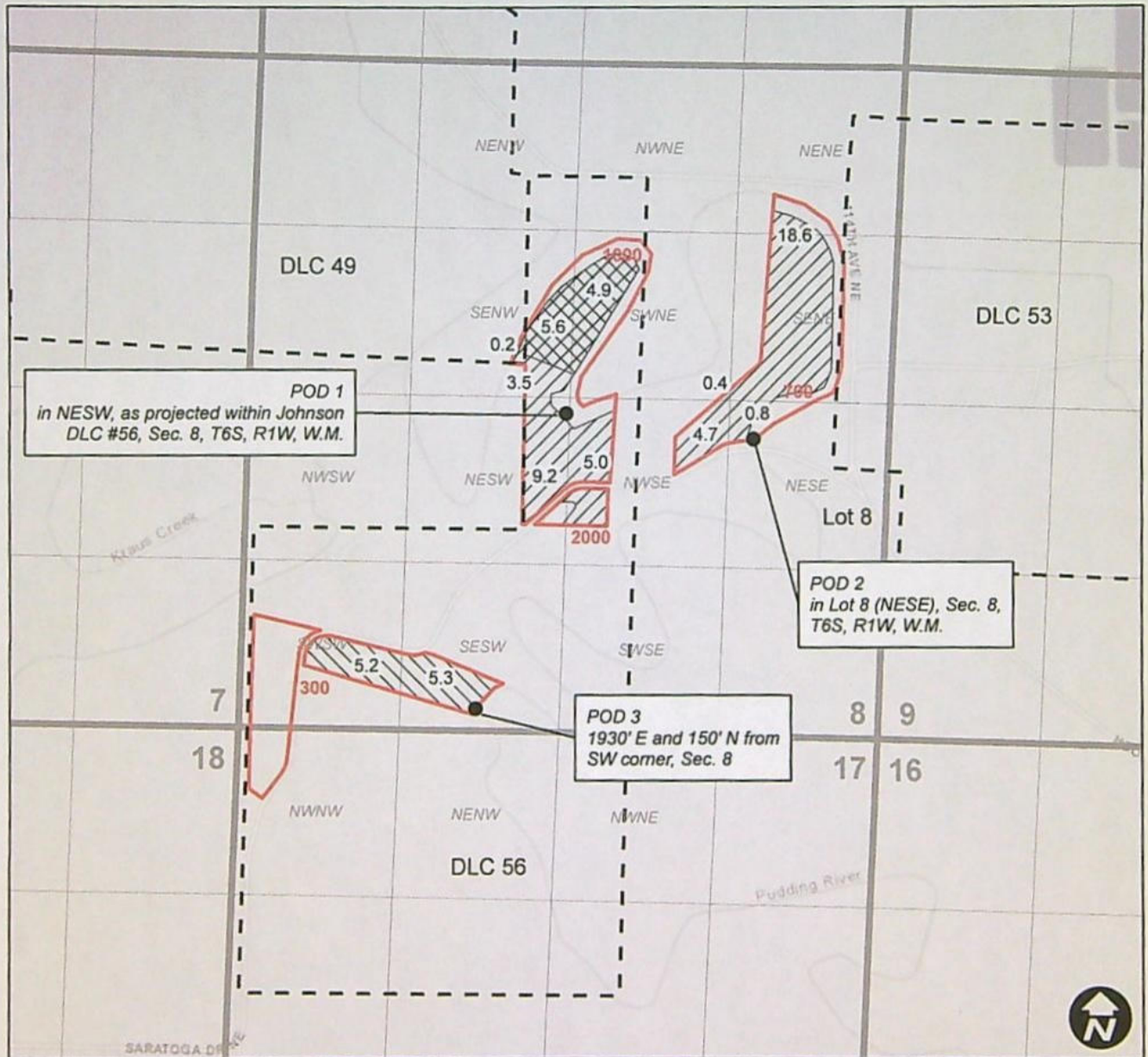
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



# Temporary Transfer - Certificate 22344

Wiesner

Township 6S, Range 1W, W.M.



## Legend

- |  |                       |  |          |
|--|-----------------------|--|----------|
|  | Cert. 22344 From      |  | Tax Lots |
|  | Cert. 22344 To        |  | DLC      |
|  | Cert. 22344 No Change |  |          |

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WILL MCGILL SURVEYING LLC

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Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: MK Farms Inc  
7991 Stratford Dr NE Salem OR 97305

Transaction Type: Temporary Transfer

Fees Received: \$ 978<sup>35</sup>

☐ Cash

☒ Check:

Check No. 2115

Name(s) on Check: Will McGill Surveying LLC

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: Nick Reece  
(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.

14188



# Regular Temporary Water Right Transfer Application Checklist

Checked by Aula

Date 3/17/23

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

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

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

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

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