

Temporary

Name Green Spring Farms

Address 8936 Siver Rd  
Monmouth, OR 97361

Change in POU, POU

Date Filed 5/11/2023

Initial notice date 5/16/2023

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

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

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

Date of FO 12/7/2023 Vol 129 Page 493

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

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

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

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

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

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

Agent GSI Water Solutions, Inc: Attn Kimberly Grigsby

CWRE \_\_\_\_\_

CC's list Polk County

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

DESCRIPTION OF WATER RIGHT(S)

Name of Stream UNNamed Stream, Luckiamute River

Trib. of Willamette

Use Irrigation County Polk

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

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

App# S44662 Per # S33441 Cert # 42535 PR Date 4/5/1968

App# S51087 Per # S37832 Cert # 89189 PR Date 8/20/1973

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>5-1-2023</u>	<u>1,525.41</u>	<u>140618</u>

FEES REFUNDED		
Date	Amount	Receipt #



# Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

December 7, 2023

Green Springs Farms  
8930 Suver Rd  
Monmouth, OR 97361

REFERENCE: District Temporary Transfer Application T-14233

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 2023 irrigation season**.

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

Sincerely,

Elyse Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
Kimberly Grigsby, Agent  
Polk County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-14233, Polk County	)	CHANGES IN PLACES 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**

GREEN SPRING FARMS  
8930 SUVER RD  
MONMOUTH, OR 97361

**Findings of Fact**

1. On May 1, 2023, GREEN SPRING FARMS filed an application to temporarily change the place of use and to change the point of diversion to serve the proposed place of use under Certificates 42535 and 89189 for a period of 1 year. The Department assigned the application number T-14233.
2. Notice of the application for transfer was published on May 16, 2023, pursuant to OAR 690-380-4000.
3. The portion of the first right to be temporarily transferred is as follows:  
**Certificate:** 42535 in the name of PHILIP D. AND DELIA M. SPERLING (perfected under Permit S-33441)  
**Use:** IRRIGATION of 33.8 ACRES  
**Priority Date:** APRIL 5, 1968

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.

**Rate:** 0.34 CUBIC FOOT PER SECOND, BEING 0.22 CFS FROM UNNAMED STREAM AND 0.12 C.F.S. FROM LUCKIAMUTE RIVER WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM THE UNNAMED STREAM TO BE MADE UP BY APPROPRIATION FROM LUCKIAMUTE RIVER PROVIDED THAT THE TOTAL QUANTITY DIVERTED FROM BOTH SOURCES SHALL NOT EXCEED 0.34 CFS

**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:** LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
9 S	4 W	WM	17	NE SW			POD 1 (UNNAMED STREAM) - 1000 FEET SOUTH AND 1420 FEET EAST FROM THE NE CORNER OF DLC 61
9 S	4 W	WM	17	SW SE	6		POD 2 (UNNAMED STREAM) - 1980 FEET SOUTH AND 1670 FEET EAST FROM THE NE CORNER OF DLC 61
9 S	4 W	WM	18	SE SW	2		POD 3 (LUCKIAMUTE RIVER) - 2130 FEET SOUTH AND 4280 FEET WEST FROM THE NE CORNER OF DLC 61
9 S	4 W	WM	20	SW NW		63	POD 4 (LUCKIAMUTE RIVER) - 4500 FEET SOUTH FROM THE NE CORNER OF STEEPLEROW DLC 61

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	17	SW NE		43	28.3
9 S	4 W	WM	17	SE NE		43	3.0
9 S	4 W	WM	17	SE NW	1		0.2
9 S	4 W	WM	17	SE NW		43	2.3
						Total	33.8

4. Temporary Transfer Application T-14233 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	29	SE SW	69	0.6
9 S	4 W	WM	29	SW SE	69	21.4
9 S	4 W	WM	29	SE SE	69	6.3
9 S	4 W	WM	32	NE NE	69	1.2
9 S	4 W	WM	32	NW NE	69	4.1
9 S	4 W	WM	32	NE NW	69	0.2
					Total	33.8

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14233 proposes to move the authorized point of diversion with approximate distances as described below:

Twps	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Authorized POD in miles (mi.)
9 S	4 W	WM	17	NE SW	46	PPOD 1 - 1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46	POD 1 - 2.0 mi. Upstream
							POD 2 - 1.8 mi. Upstream
							POD 3 - 1.9 mi. Downstream
							POD 4 - 1.4 mi. Downstream

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

**Certificate:** 89189 in the name of PHILLIP AND DELIA SPERLING (perfected under Permit S-37832)

**Use:** IRRIGATION of 64.5 ACRES

**Priority Date:** AUGUST 20, 1973

**Rate:** 0.81 CUBIC FOOT PER SECOND

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

**Source:** LUCKIAMUTE RIVER, tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twps	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	20	SW NW	63	POD 5 - 2530 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF VANDERPOOL DLC 63

**Authorized Place of Use:**

IRRIGATION						
Twps	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	17	SW SW	63	7.0
9 S	4 W	WM	17	SE SW	63	25.0
9 S	4 W	WM	20	NE NW		25.0
9 S	4 W	WM	20	NW NW		7.5
Total						64.5

7. Temporary Transfer Application T-14233 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twps	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	32	NE NE	69	10.3
9 S	4 W	WM	32	NW NE	69	37.6
9 S	4 W	WM	32	NE NW	69	3.7
9 S	4 W	WM	32	SE NE	69	2.3
9 S	4 W	WM	32	SW NE	69	9.1

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	32	SE NW	69	1.5
					Total	64.5

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14233 proposes to move the authorized point of diversion approximately 1.4 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	20	SW NW	PPOD 1 - 1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46

**Temporary Transfer Review Criteria**

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
12. The proposed changes 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**

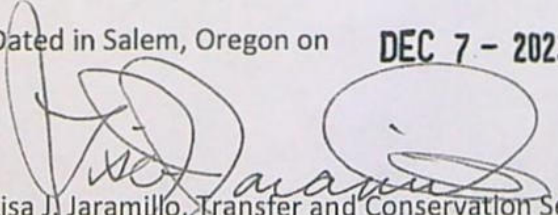
The temporary changes in places of use and points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14233 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary change in places of use and change in points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14233 are approved.
2. The former places of use shall not be irrigated as part of these water rights during the 2023 irrigation season.

3. The use shall revert to the authorized places of use at the end of the 2023 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary points 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 Certificates 42535 and 89189 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 Certificates 42535 and 89189.
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).
  - 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 rights described by Certificates 42535 and 89189 shall continue to be in accordance with the terms and conditions of Certificates 42535 and 89189.

Dated in Salem, Oregon on **DEC 7 - 2023**

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

Mailing Date: **DEC 8 - 2023**

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

Transfer #: T-

[X] 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:

[X] 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: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem, OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@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



WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14233

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT?

<b>Applicant:</b> Green Spring Farms 8930 SUVER RD MONMOUTH, OR 97361	<b>Agent:</b> KIMBERLY GRIGSBY 1600 SW WESTERN BLVD SUITE 240 CORVALLIS, OR 97333	<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> County Of Polk	<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"/>	S44662	S33441	42535
<input type="checkbox"/>	S51087	S37832	89189
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: May 1, 2023	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1525.41	Acknowledgement Letter Sent <input type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/>	County: POLK
WM District: 22 Joel M. Plahn	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: <i>10/13/23</i> Initials: <i>Scott</i>	Date: <i>10/16/23</i> Initials: <i>pm</i>	Date: <i>PKS</i> Initials: <i>12/1/23</i>	Date: <i>12/1/23</i> Initials: <i>Scott</i>	Date: <i>12/1/23</i> No. of docs for sig: <i>1</i> WM Sheet <input checked="" type="checkbox"/>	Date: _____

Special Issues: *corrected*

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

*10/27/23*  
*Scott*

*Vol. 129 Pages 493*

*10/13/23*  
*Agent sending in info from agent corrected Table 1 for cert 89189.*

## GREW Scott A \* WRD

---

**From:** Kim Grigsby <kgrigsby@gsiws.com>  
**Sent:** Tuesday, October 17, 2023 11:28 AM  
**To:** GREW Scott A \* WRD  
**Cc:** Zach Pike-Urlacher  
**Subject:** RE: Temporary T-14233 Green Springs Road  
**Attachments:** Revised Page 9 Temporary Transfer Application T-14233 Green Spring Farms.pdf;  
Revised Map T-14233 Green Springs Farms.pdf

Hi Scott,

Please find attached a revised Table 1 for Certificate 89189, which corrects the description for the authorized point of diversion (now labeled as POD 5). We have also added POD 5 to the map. The NW Corner of Vanderpool DLC 63 was also added to the map. Please also find attached a copy of the revised map. Hard copies of these documents will also be mailed to you.

Please let me know if you need anything else.

Thank you,  
Kim

**Kimberly Grigsby**  
**Principal Water Resources Consultant**  
direct: 541.257.9004; mobile: 503.351.1912  
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)  
*pronouns: she, her*

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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Friday, October 13, 2023 11:51 AM  
**To:** Kim Grigsby <kgrigsby@gsiws.com>  
**Cc:** Zach Pike-Urlacher <zpikeurlacher@gsiws.com>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** RE: Temporary T-14233 Green Springs Road

Thank you Kim,

Is POD 4 for Certificate 42535 the same as POD 1 from Certificate 89189?

- It would be good to be able to match the name of the POD on Table 1 for C 89189 with the map POD name.
- Also for clarity could the map also identify the "NW Corner of Vanderpool DLC 63"?

An e-mail copy and hard copy both would be great.

Thank you,

Scott Grew  
Transfer Specialist

Oregon Water Resources Department  
503-986-0890

---

From: Kim Grigsby <[kgrigsby@gsiws.com](mailto:kgrigsby@gsiws.com)>  
Sent: Friday, October 13, 2023 11:32 AM  
To: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Cc: Zach Pike-Urlacher <[zpikeurlacher@gsiws.com](mailto:zpikeurlacher@gsiws.com)>  
Subject: RE: Temporary T-14233 Green Springs Road

Hi Scott,

Thank you for bringing this to our attention. We will correct the error and send you the corrected pages. Can we provide them by email or will you need us to mail you hard copies?

Thank you,  
Kim

**Kimberly Grigsby**  
Principal Water Resources Consultant  
direct: 541.257.9004; mobile: 503.351.1912  
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)  
*pronouns: she, her*

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From: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Sent: Thursday, October 12, 2023 3:04 PM  
To: Kim Grigsby <[kgrigsby@gsiws.com](mailto:kgrigsby@gsiws.com)>  
Cc: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Subject: Temporary T-14233 Green Springs Road

Good afternoon Kim,

I am working on Temporary Transfer T-14233 and found the POD listed in Table 1 is incorrect. See below.

Could you please amend the Table 1 and send it to me?

Thank you,  
Scott

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

T-14233 Table 1:

## GREW Scott A \* WRD

---

**From:** Kim Grigsby <kgrigsby@gsiws.com>  
**Sent:** Friday, October 13, 2023 11:32 AM  
**To:** GREW Scott A \* WRD  
**Cc:** Zach Pike-Urlacher  
**Subject:** RE: Temporary T-14233 Green Springs Road

Hi Scott,

Thank you for bringing this to our attention. We will correct the error and send you the corrected pages. Can we provide them by email or will you need us to mail you hard copies?

Thank you,  
Kim

**Kimberly Grigsby**  
**Principal Water Resources Consultant**  
direct: 541.257.9004; mobile: 503.351.1912  
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333  
GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)  
pronouns: she, her

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**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** Temporary T-14233 Green Springs Road

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Could you please amend the Table 1 and send it to me?

Thank you,  
Scott

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

T-14233 Table 1:

POD	Proposed									Lot	
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	17	NE	SW	TL 600	1,000 feet South and 1,420 feet East from NE corner of DLC 61
											1,000 feet North and 100

Certificate 89189 POD:

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	20	SW NW	63	2530 FEET SOUTH & 30 FEET EAST FROM NW CORNER, VANDERPOOL, DLC 63

The amount of water used for irrigation, together with the amount pumped and measured at the point of diversion:

Temporary Transfer T-13467 Table 1:

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	N	S	W	E	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	9	S	4	W	20	S	N	DLC 63	2,530 feet South and 30 feet East from the NW corner of DLC 63
	<input type="checkbox"/> Authorized										1,000 feet North and 100 feet West from

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14233

Review Due Date:

Applicant Name: Green Spring Farms

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Joel Plahn

Date of Review: 06/29/2023

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:  
2021, 2016 and 2015 Luckiamute River and tributary were regulated back to 6/22/1964 to satisfy senior water rights. In 2017 they were regulated back to 1/1/1970
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

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: \_\_\_\_\_





# 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

May 9, 2023

GREEN SPRING FARMS  
8930 SUVER RD  
MONMOUTH, OR 97361

Reference: Application T-14233

On May 1, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1525.41. Receipt number 140618 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) 986-0935.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)  
Kimberly Grigsby, Agent  
POLK COUNTY

Enclosure

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

RECEIPT # **140618**

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

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

RECEIVED FROM: GSI Water Solutions INC. APPLICATION \_\_\_\_\_  
 BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
 CASH:  CHECK: # 25847 OTHER: (IDENTIFY) \_\_\_\_\_ TRANSFER T-14233  
 TOTAL REC'D \$ 1,525.41

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1,525.41</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 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 (FWWRD) \$ \_\_\_\_\_  
 0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
 HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

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

RECEIPT: **140618** DATED: 5-1-23 BY: McAlly

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

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Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Mulkey - TA fee	3/22/2023	0021734	1,525.41			1,525.41
Oregon Water Resources Department						
Beneficial Checking	8	00245	1,525.41			1,525.41
<b>TOTAL</b>						

Check Date: 3/29/2023

**025847**

GSI WATER SOLUTIONS INC

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.

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**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

MAY 01 2023

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

OWRD

- 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: The required application fee of \$1,525.41 is enclosed.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 42535 and 89189 (Attachment A)**  
 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: 2023 End Year: 2023.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

- Completed Temporary Transfer Application Map. **(Attachment B)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. **(Attachment D)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) **(Attachment E)**
- 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. **(Attachment F)**
- 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°).



**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>Green Spring Farms</b>		PHONE NO. <b>503-838-7333</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>8930 Suver Rd.</b>			FAX NO.
CITY <b>Monmouth</b>	STATE <b>OR</b>	ZIP <b>97361</b>	E-MAIL
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.			

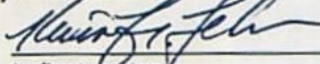
**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>GSI Water Solutions, Inc. ATTN: Kimberly Grigsby</b>		PHONE NO. <b>541-257-9004</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1600 SW Western Blvd., Suite 240</b>			FAX NO.
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97333</b>	E-MAIL <b>kgrigsby@gsiws.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:  
**The Applicant is requesting to temporarily change the place of use and points of diversion for Certificates 42535 and 89189. These certificates are currently included in the Applicant's temporary transfer T-13467. The Applicant has requested that OWRD terminate the portion of T-13467 that changed the portions of Certificates 42535 and 89189 included in this transfer. (Transfer T-13467 has not been used to authorize irrigation during 2023.)**

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

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

  
 Applicant signature

**Kevin Lehar, General Manager**  
 Print Name (and Title if applicable)

**3/21/23**  
 Date

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

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

\_\_\_\_\_  
 Date

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

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.



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 <b>N/A</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>N/A</b>	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Polk County</b>	ADDRESS <b>850 Main Street</b>	
CITY <b>Dallas</b>	STATE <b>OR</b>	ZIP <b>97338</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Water Right Certificate # 42535

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Description of Water Delivery System

System capacity: 2.04 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. Water is pumped using a 75 hp pump into a 6-inch aluminum mainline then into 4-inch hoses that distribute water to big guns.

**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	9	S	4	W	17	NE	SW	TL 600	1,000 feet South and 1,420 feet East from NE corner of DLC 61
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	17	SW	SE	Lot 6	1,980 feet South and 1,670 feet East from NE corner of DLC 61
POD 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	18	SE	SW	Lot 2	2,130 feet South and 4,280 feet West from NE corner of DLC 61
POD 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	20	SW	NW	DLC 63	4,500 feet South from the NE corner, Steeprow DLC 61
PPOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9	S	4	W	29	NE	SW	TL 400	1,000 feet North and 100 feet West from the SE corner of DLC 46

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

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

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

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.

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 42535**

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) 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				
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
9	S	4	W	17	SW	NE	600	43	28.3	Irrigation	POD 1, POD 2, POD 3, POD 4	4/5/1968	POU/POD	9	S	4	W	29	SE	SE	401	DLC 69	6.3	Irrigation	PPOD 1	4/5/1968
9	S	4	W	17	SE	NE	600	43	3.0	Irrigation				9	S	4	W	29	SW	SE	401	DLC 69	21.4	Irrigation		
9	S	4	W	17	SE	NW	600	43	2.3	Irrigation				9	S	4	W	29	SE	SW	401	DLC 69	0.6	Irrigation		
9	S	4	W	17	SE	NW	600	Lot 1	0.2	Irrigation				9	S	4	W	32	NE	NE	202	DLC 69	1.2	Irrigation		
														9	S	4	W	32	NW	NE	202	DLC 69	4.1	Irrigation		
														9	S	4	W	32	NE	NW	202	DLC 69	0.2	Irrigation		
TOTAL ACRES									33.8	TOTAL ACRES										33.8						

Additional remarks: Certificate 42535 is currently included in the Applicant's temporary transfer T-13467, but the Applicant has requested that OWRD terminate the portion of the transfer that changed the portion of Certificate 42535 included in this transfer.

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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: Certificate 95687 is appurtenant to the "TO" lands but has an irrigation season that ends June 30 each year.



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: N/A**

- 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
N/A										

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Part 5 of 5 – Water Right Information

Water Right Certificate # 89189

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OCT 19 2023

Description of Water Delivery System

System capacity: 2.04 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped using a 75 hp pump into a 6-inch aluminum mainline then into 4-inch hoses that distribute water to big guns.

**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 5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	9	S	4	W	20	SW	NW	63	2,530 feet South and 30 feet East from NW corner of DLC 63
PPOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9	S	4	W	29	NE	SW	TL 400	1,000 feet North and 100 feet West from the SE corner of DLC 46

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

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

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

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

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

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

**SUPERSEDING**

Part 5 of 5 – Water Right Information

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Water Right Certificate # 89189

Description of Water Delivery System

System capacity: 2.04 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. Water is pumped using a 75 hp pump into a 6-inch aluminum mainline then into 4-inch hoses that distribute water to big guns.

**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	9	S	4	W	17	NE	SW	TL 600	1,000 feet South and 1,420 feet East from NE corner of DLC 61
PPOD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9	S	4	W	29	NE	SW	TL 400	1,000 feet North and 100 feet West from the SE corner of DLC 46

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

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

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

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

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

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

**SUPERSEDED**

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 89189**

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) 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								
<b>EXAMPLE</b>																												
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901		
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901		
9	S	4	W	17	SE	SW	700	DLC 63	25.0	Irrigation	POD 1	9/20/1973		9	S	4	W	32	NE	NE	202	DLC 69	10.3	Irrigation	PPOD 1	9/20/1973		
9	S	4	W	17	SW	SW	700	DLC 63	7.0	Irrigation				9	S	4	W	32	NW	NE	202	DLC 69	37.6	Irrigation				
9	S	4	W	20	NW	NW	300		7.5	Irrigation				9	S	4	W	32	NE	NW	202	DLC 69	3.7	Irrigation				
9	S	4	W	20	NE	NW	300		25.0	Irrigation				9	S	4	W	32	SE	NE	202	DLC 69	2.3	Irrigation				
																9	S	4	W	32	SW	NE	202	DLC 69			9.1	Irrigation
																9	S	4	W	32	SE	NW	202	DLC 69			1.5	Irrigation
TOTAL ACRES									64.5	TOTAL ACRES										64.5								

Additional remarks: Certificate 89189 is currently included in the Applicant's temporary transfer T-13467. The Applicant has, however, requested that OWRD terminate the portion of temporary transfer T-13467 that changed the portions of Certificate 89189 included in this transfer application.

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Water Right Certificate # 89189

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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: Certificate 95687 is appurtenant to the "TO" lands but has an irrigation season that ends June 30 each year.



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: N/A

- 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
N/A										

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

**This Is to Certify, That** PHILLIP D. & DELIA M. SPERLING

of Rt. 1, Box 159, Independence, State of Oregon 97351, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream and Luckiamute River a tributary of Willamette River for the purpose of irrigation of 153.7 acres under Permit No. 33441 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 April 5, 1968

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 1.93 cubic feet per second, being 1.28 c.f.s. from unnamed stream and 0.65 c.f.s. from Luckiamute River with any deficiency in the available supply from the unnamed stream to be made up by appropriation from Luckiamute River provided that the total quantity diverted from both sources shall not exceed 1.93 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the unnamed stream-NE $\frac{1}{4}$  SW $\frac{1}{4}$ , & Lot 6 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 17, Luckiamute River-Lot 2 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 18, & SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Vanderpool DLC 63, Section 20, T. 9 S., R. 4 W., W. M., unnamed stream-1000 ft. South & 1420 ft. East, 1980 ft. South & 1670 ft. East, Luckiamute River-2130\*

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:

Unnamed Stream &  
Luckiamute River  
28.3 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
3.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
2.3 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
As projected within Davis DLC 43  
1.6 acres Lot 1 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
4.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
0.7 acre Lot 5 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
14.1 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
34.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
9.4 acres Lot 6 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
3.8 acres Lot 7 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )  
Section 17  
T. 9 S., R. 4 W., W. M.

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\* ft. South & 4280 ft. West, 4500 ft. South, all from NE Corner, Steeprow DLC 61.

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Luckiamute River

5.7 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$

As projected within Steeprow DLC 61

10.8 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$

17.8 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$

Both as projected within Davis DLC 43

11.8 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$

3.8 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$

1.8 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

All as projected within Steeprow DLC 61

Section 18

T. 9 S., R. 4 W., W. M.

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*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 15 day of September, 1975.

James E. Saxson

Water Resources Director ~~State Engineer~~

Recorded in State Record of Water Right Certificates, Volume 34, page 42535

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## STATE OF OREGON

## COUNTY OF POLK

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILIP AND DELIA SPERLING  
8675 PARKER RD  
INDEPENDENCE OR 97351

confirms the right to use the waters of LUCKIAMUTE RIVER, tributary of WILLAMETTE RIVER, for IRRIGATION of 126.0 ACRES.

This right was perfected under Permit S-37832. The date of priority is AUGUST 20, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.58 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	20	SW NW	63	2530 FEET SOUTH & 30 FEET EAST FROM NW CORNER, VANDERPOOL DLC 63

The amount of water used for irrigation, 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 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 is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	17	SW NW	2		0.7
9 S	4 W	WM	17	SE NW	1		8.0
9 S	4 W	WM	17	NE SW			24.0
9 S	4 W	WM	17	NW SW	3		7.8
9 S	4 W	WM	17	SW SW	4		1.2
9 S	4 W	WM	17	SW SW		63	7.0
9 S	4 W	WM	17	SE SW	5		7.1
9 S	4 W	WM	17	SE SW		63	25.0
9 S	4 W	WM	20	NE NW		63	30.4
9 S	4 W	WM	20	NW NW		63	7.5
9 S	4 W	WM	20	SE NW		63	7.3

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**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.

T-8749-cf-45572.klk

Page 1 of 2

Certificate 89189

14283

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
9 S	4 W	WM	19	NE NW	1	7120 FEET NORTH AND 1640 FEET EAST FROM SE CORNER, CHAMBERLAIN DLC 42
9 S	4 W	WM	19	SE NE	5	6130 FEET NORTH AND 5220 FEET EAST FROM SE CORNER, CHAMBERLAIN DLC 42
9 S	4 W	WM	20	SW SW	4	3170 FEET NORTH AND 6110 FEET EAST FROM SE CORNER, CHAMBERLAIN DLC 42

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

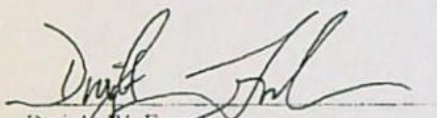
Water shall be acquired from the same surface source as the original point of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 15, 2002, at Special Order Volume 56, Page 292, approving Transfer Application 8749, together with Certificate 79471, supercedes Certificate 45572, State record of Water Right Certificates.

Issued           MAY 09 2014          

  
 Dwight V. French  
 Administrator, Water Right Services, for  
 Phillip C. Ward, Director  
 Oregon Water Resources Department

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of POLK)

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I, Kevin Lehar, in my capacity as General Manager, Green Spring Farms,  
 mailing address 8930 SUVER ROAD, MONMOUTH, OR 97361  
 telephone number (503) 932-7307, 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 Certificates # 42535 AND 89189 AS MODIFIED BY TEMPORARY TRANSFER T-13467; OR
- My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

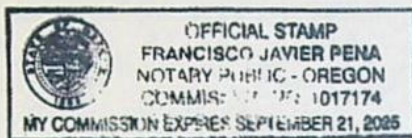
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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.

*Marin L. Felts*  
Signature of Affiant

3/28/23  
Date

Signed and sworn to (or affirmed) before me this 28 day of March, 2023.



*[Signature]*  
Notary Public for Oregon

My Commission Expires: 09/21/2025

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	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

FIRST AMERICAN TITLE 2974278

**After Recording Return to:**  
Kami Anderson  
First American Title Insurance Company  
807 Main Street  
Dallas, OR 97338

**Grantor's Name and Address:**  
McKee Properties, L.L.C., an Oregon  
limited liability company  
ATTN: Bruce McKee, Manager  
23350 SW McKee Road  
Amity, OR 97101

**Grantee's Name and Address:**  
Wendell P. Sperling and Sherry L. Sperling  
8835 Parker Road  
Independence, OR 97351

**After Recording, Future Tax Statements  
to be Sent to:**  
Wendell P. Sperling and Sherry L. Sperling  
8835 Parker Road  
Independence, OR 97351

**Tax Account Nos.:** 212625; and 218122  
**MAP NOS:** 09420-00-00300 AND 09417-00-00700  
**CODE NOS.:** 1305 and 1308  
**Consideration:** \$ 600,000.00

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RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2018-003728 03/28/2018 09:09:54 AM
REC-WD      Cnt=1    Stn=5    C. PARIS \$20.00 \$11.00 \$10.00 \$20.00 \$5.00	\$66.00

**STATUTORY WARRANTY DEED**

McKee Properties, L.L.C., an Oregon limited liability company, Grantor, conveys and warrants to, Wendell P. Sperling and Sherry L. Sperling, husband and wife, Grantee, the following described real property:

See EXHIBIT A attached hereto and incorporated herein by this reference.

Subject to easements, conditions and restrictions of record, including the following:

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm. Use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Unnamed Creek.

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4. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Unnamed Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

The true and actual consideration paid for this conveyance in dollars is \$600,000.00.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 27 day of March, 2018.

McKee Properties, L.L.C.,  
an Oregon limited liability company

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Bruce McKee, Manager  
Bruce McKee, Manager

Douglas McKee (Manager)  
Douglas McKee, Manager

STATE OF OREGON     )  
                                  ) ss.  
County of Polk        )

This instrument was acknowledged before me on March 27, 2018, by Bruce McKee, Manager of McKee Properties, L.L.C., an Oregon limited liability company.



Kami J. Anderson  
Notary Public for Oregon  
My commission expires: 3-6-22



STATE OF OREGON     )  
                                  ) ss.  
County of Polk         )

This instrument was acknowledged before me on March 27<sup>th</sup>, 2018, by Douglas McKee, Manager of McKee Properties, L.L.C., an Oregon limited liability company.



Kami J Anderson  
Notary Public for Oregon  
My commission expires: 3-6-22

N:\ATTY\MGC\LLC\McKee Properties, LLC\2<sup>nd</sup> Loan to Sperling\Sperling Place\Statutory Warranty Deed.docx

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**Exhibit "A"**

Real property in the County of Polk, State of Oregon, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF THE MEDDERS VANDERPOOL DONATION LAND CLAIM NO. 63, NOTIFICATION NO. 1539, IN TOWNSHIP 9 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN POLK COUNTY, OREGON;  
THENCE RUNNING SOUTH 7° WEST 32.81 CHAINS;  
THENCE SOUTH 70° EAST 4.30 CHAINS;  
THENCE SOUTH 45° EAST 3.00 CHAINS;  
THENCE SOUTH 63° EAST 5.00 CHAINS;  
THENCE 21-1/2° EAST 8.00 CHAINS TO A STONE;  
THENCE NORTH 87° EAST 12.00 CHAINS TO A STONE;  
THENCE NORTH ALONG THE RIGHT OF WAY OF THE OREGON AND CALIFORNIA RAILROAD 40.00 CHAINS;  
THENCE NORTH 4° WEST 5.00 CHAINS TO THE NORTH LINE OF THE VANDERPOOL DONATION LAND CLAIM;  
THENCE WEST 21.23 CHAINS TO THE PLACE OF BEGINNING.

SAVING AND EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY 1.24 ACRES OF LAND DEEDED BY EMANUEL KING AND BERTHA R. KING, HIS WIFE, TO POLK COUNTY, OREGON, ON SEPTEMBER 26, 1913, BY DEED RECORDED OCTOBER 1, 1913, IN VOLUME 57, PAGE 631, OF DEED RECORDS OF POLK COUNTY, OREGON.

ALSO SAVING AND EXCEPTING A STRIP 60 FEET WIDE OFF THE EAST SIDE OF THE ABOVE DESCRIBED LAND, RUNNING PARALLEL WITH THE OREGON AND CALIFORNIA RAILROAD, DEEDED TO POLK COUNTY FOR ROAD PURPOSES.

ALSO SAVE AND EXCEPT THAT PORTION CONVEYED TO POLK COUNTY BY DEED RECORDED SEPTEMBER 23, 1957, IN BOOK 165, PAGE 77, DEED RECORDS OF POLK COUNTY, OREGON.

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

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# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Polk )

I Sherry Sperling & Wendall Sperling in my/our capacity as landowner,

mailing address 8835 Parker Rd. Independence, OR 97351,

telephone number 503-838-2704, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 42535 & 89189

described in a Water Right Transfer Application (T-\_\_\_\_),  
(transfer number, if known)

submitted by Green Spring Farms

on the property in tax lot number(s) 401 & 202,

Section 29 & 32 Township 9S Range 4W, W.M.,

located at 8930 Suver Rd., Monmouth, OR, 97361

Wendall P Sperling  
(site address)  
Signature of Affiant

3-28-23  
Date

Sherry J Sperling  
Signature of Affiant

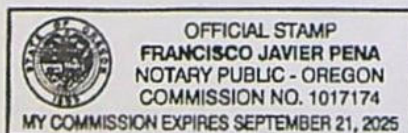
3-28-23  
Date

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Subscribed and Sworn to before me this 28 day of March, 2023.

[Signature]  
Notary Public for Oregon

My commission expires 9/21/2025.



# 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): Green Springs Farms

Mailing Address: 8930 Suver Rd.

City: Monmouth

State: OR

Zip Code: 97361

Daytime Phone: 503-838-7333

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## 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:
						Diverted	Conveyed	Used	
9S	4W	29	NESW	300	EFU	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Irrigation
9S	4W	29	SESW	300	EFU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Irrigation
9S	4W	29	SESW	401	EFU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	29	SWSE	401	EFU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	29	SESE	401	EFU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	32	NENW	202	EFU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	32	NWNE	202	EFU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	32	NENE	202	EFU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	32	SESW	202	EFU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	32	SWNE	202	EFU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation
9S	4W	32	SENE	202	EFU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation

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

Polk 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 Temporary 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) Luckiamute River

Estimated quantity of water needed: 1.2  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 Applicant is proposing to temporarily change the place of use and point of diversion for portions of two Water rights (Certificates 42535 and 89189) to allow irrigation of different lands. The proposed point of diversion is already in use.

### 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): PC20 136.030(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
		<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: Michael Burns Title: Assistant Planner

Signature: Michael C. Burns Phone: (503)623-9237 Date: 4/4/2023

Government Entity: Polk County

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



**Receipt for Request for Land Use Information**

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

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

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



April 26, 2023

Kelly Starnes  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Temporary Transfer Application for Certificates 42535 and 89189 – Green Spring Farms

Dear Kelly:

Green Spring Farms (Applicant) is applying for a temporary transfer to change the place of use and points of diversion for Certificates 42535 and 89189. These certificates are currently included in the Applicant's temporary transfer T-13467. The Applicant has requested that OWRD terminate the portion of T-13467 that changed the portions of Certificates 42535 and 89189 included in this transfer.

Please find enclosed a temporary transfer application, attachments, and a check for the application fee in the amount of \$1,525.41

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

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Enclosures: Temporary transfer application  
Check in the amount of \$1,525.41

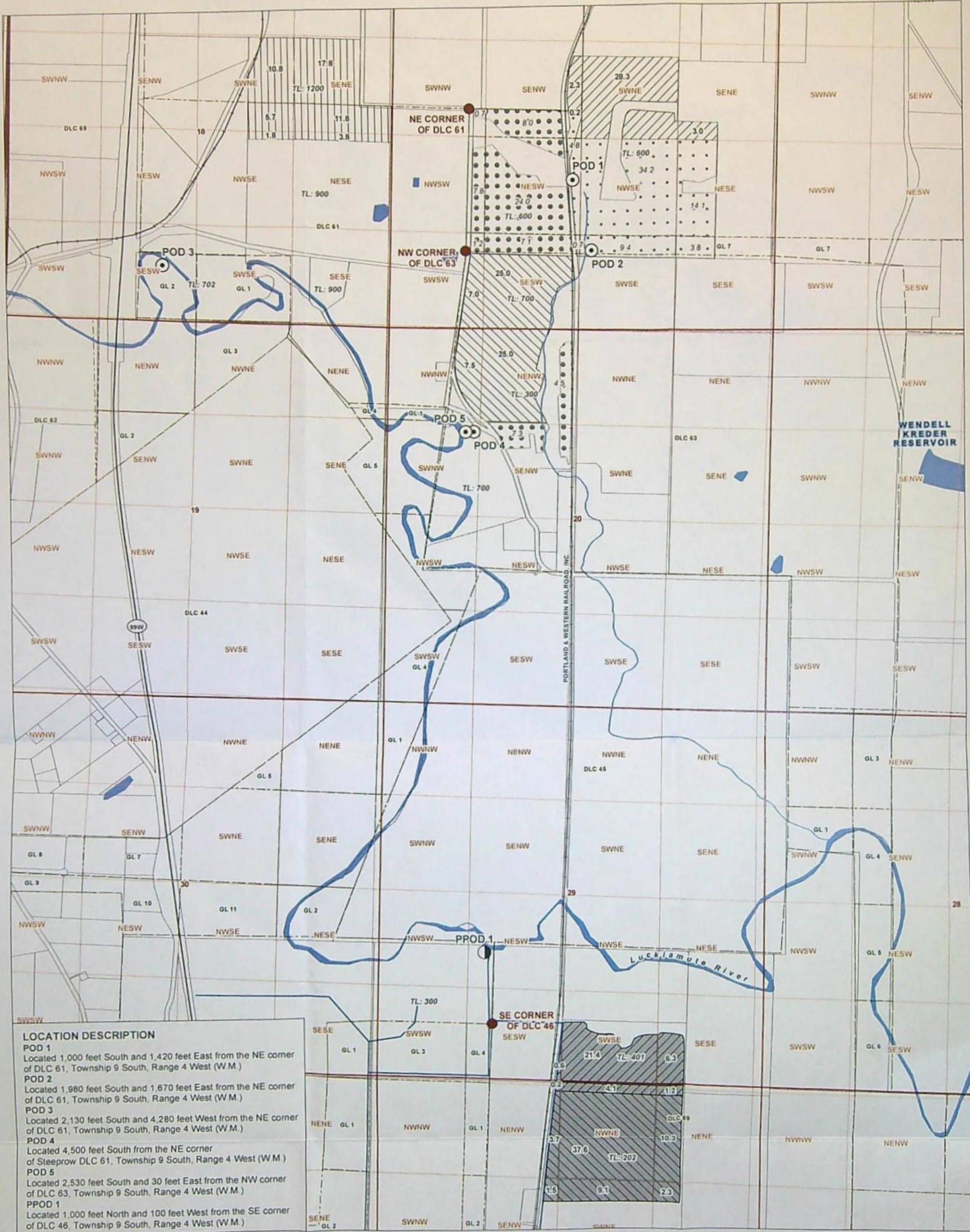


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**LOCATION DESCRIPTION**

**POD 1**  
Located 1,000 feet South and 1,420 feet East from the NE corner of DLC 61, Township 9 South, Range 4 West (W.M.)

**POD 2**  
Located 1,980 feet South and 1,670 feet East from the NE corner of DLC 61, Township 9 South, Range 4 West (W.M.)

**POD 3**  
Located 2,130 feet South and 4,280 feet West from the NE corner of DLC 61, Township 9 South, Range 4 West (W.M.)

**POD 4**  
Located 4,500 feet South from the NE corner of Steeprow DLC 61, Township 9 South, Range 4 West (W.M.)

**POD 5**  
Located 2,530 feet South and 30 feet East from the NW corner of DLC 63, Township 9 South, Range 4 West (W.M.)

**PPOD 1**  
Located 1,000 feet North and 100 feet West from the SE corner of DLC 46, Township 9 South, Range 4 West (W.M.)

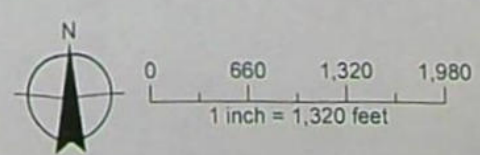
- LEGEND**
- Authorized Point of Diversion (POD)
  - Proposed Point of Diversion (POD)
  - Mainline
  - ▨ Authorized POU, Certificate 42535 (33.8 acres)
  - ▩ Authorized POU, Certificate 89189 (64.5 acres)
  - ▧ Proposed POU Certificate 42535 (33.8 acres)
  - ▦ Proposed POU Certificate 89189 (64.5 acres)
  - Remaining Place of Use, Certificate 42535
  - ▤ In Temporary Transfer T-13467, Certificate 42535
  - ▥ In Temporary Transfer T-13467, Certificate 89189
  - Tax Lot
  - Government Lot (GL)
  - Donation Land Claim (DLC)
  - Railroad
  - Major Road
  - Watercourse
  - Waterbody

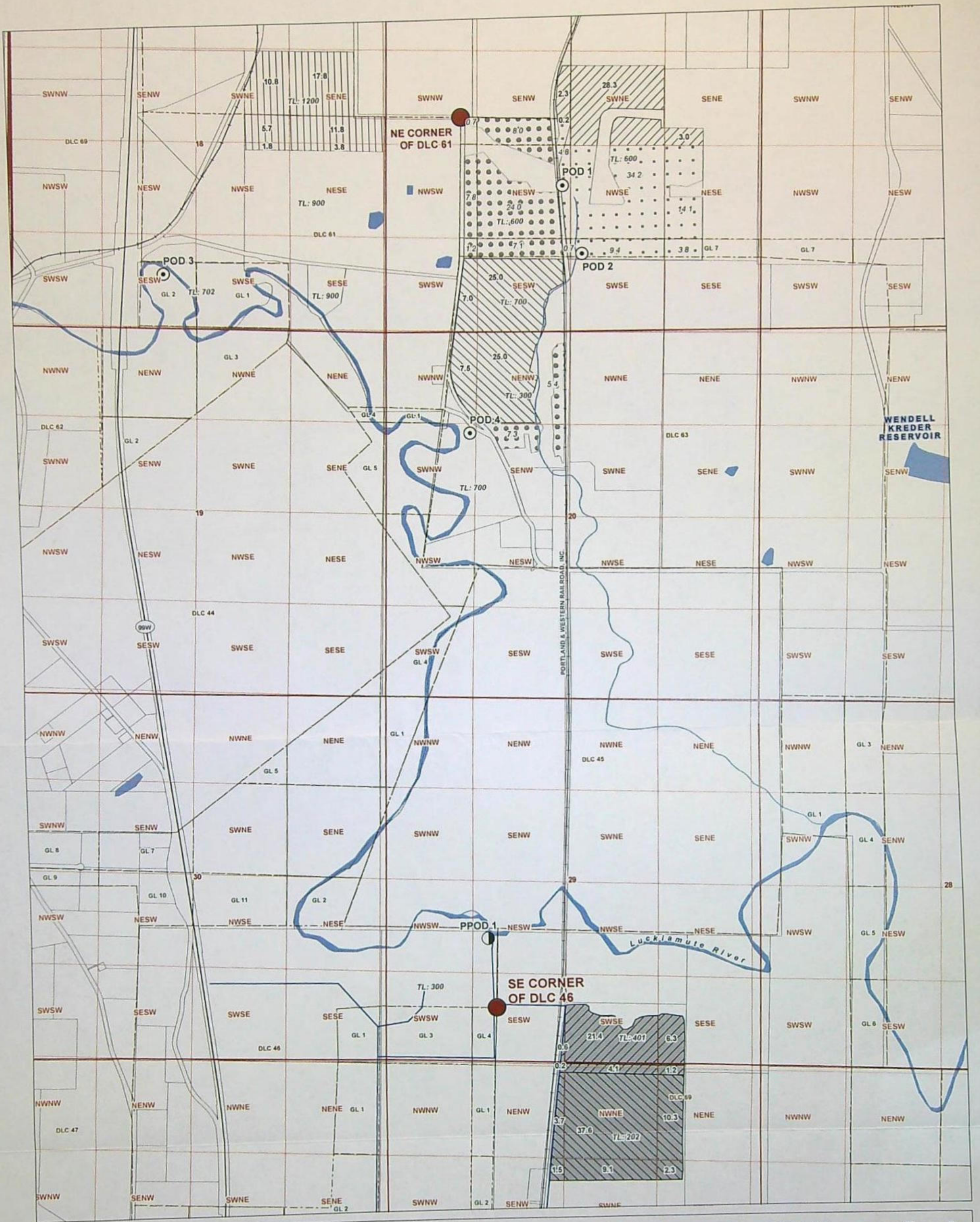
**Application for a Water Right Temporary Transfer in the Name of Green Springs Farms**  
**Proposed Place of Use/Point of Diversion**  
 Certificate 42535, 89189  
 Township 9 South, Range 4 West (W.M.)

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 OCT 19 2023  
 OWRD

**SUPERSEDING**

**DISCLAIMER**  
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
 Date: October 17, 2023  
 Data Sources: BLM, ESRI, OWRD, USGS





**LEGEND**

- Authorized Point of Diversion (POD)
- Proposed Point of Diversion (POD)
- Mainline
- ▨ Authorized POU, Certificate 42535 (33.8 acres)
- ▩ Authorized POU, Certificate 89189 (64.5 acres)
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- PPOD 1**  
Located 1,000 feet North and 100 feet West from the SE corner of DLC 46, Township 9 South, Range 4 West (W.M.)

**SUPERSEDED**

**Application for a Water Right Temporary Transfer  
in the Name of Green Springs Farms Authorized  
and Proposed Place of Use/Point of Diversion**

Certificate 42535, 89189  
Township 9 South, Range 4 West (W.M.)

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**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.  
Date: February 21, 2023  
Data Sources: BLM, ESRI, OWRD, USGS



0 660 1,320 1,980  
1 inch = 1,320 feet



## Temporary Transfer Application Intake Checklist

Transfer # T-

Reviewer <u>Scott</u>	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u>		
Date <u>5/4/23</u>	<input type="checkbox"/> POU	<input checked="" type="checkbox"/> POU/POD	<input type="checkbox"/> POU/APOD
	<input type="checkbox"/> POU/POA	<input type="checkbox"/> POU/APOA	
Calculated Fee \$	Use fee calculator on back of this form	Fee Received \$	<u>1525.41</u>
Certificate(s): <u>42535 89189</u>	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled		
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Notes:			

**Application:** OAR 690-380-3000; OAR 690-380-3220

1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?		

**Map Requirements:** OAR 690-380-3100

4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Map included and meets mapping requirements?
5.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	Map Waiver? The map waiver must be issued by the Department		
Notes:			

**Attachments:** OAR 690-380-3000

6.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?
	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Affidavit of Consent from Landowner(s) described on the deed?		
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Land Use Form included and signed by the County?		
8.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Consent Form included, signed, and notarized?		
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District		
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	For changes in POA/APOA – are the well logs included?		
11.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	For change in POU within Umatilla County, Supplemental Form U included?		

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

## Temporary Transfer Application Intake Checklist

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>2</u> (2a) Subtract 1 from the number in 3a above: <u>1</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	310
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	263.41
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>98.3</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	265.41
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » Subtotal:	5	1525.41
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	7	1525.41

used election