

T-14141

Name Fessler Family UC  Address 13009 muse School Rd  woodburn Onecon Griot  temf @ woodburnnusery com  Change in PW  Date Filed 13 2023  Initial notice date 24 2023  DPD issued date 12711, 13	Name of Stream Zolln  Trib. of <u>Podding</u> R  Use <u>Trigation</u> S  Quantity of water (CFS)	ever, Pudding to	County Marion		1-4-2023	FEES PAID Amount 1,970.00 \$125.00 \$1,338.93 #1230.00	Receipt # 139 8 4 9 139 8 4 2 140097 142568
PD issued date \( \begin{align*} \frac{121}{2023} \\ PD notice date \( \begin{align*} \frac{121}{2023} \\ Date of FO \( \begin{align*} \frac{10}{2023} \\ \text{COBU due date \( \begin{align*} \frac{10}{2023} \\ \text{COBU Received date \( \begin{align*} \frac{10}{2023} \\ \text{Cortificate issued \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{10}{2023} \\ \text{Cortificate issued \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{10}{2023} \\ \text{Cortificate issued \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{10}{2023} \\ \text{Cortificate issued \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \text{Solution \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \text{Solution \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \text{Solution \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \text{Solution \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \frac{91925}{2024} \\ \end{align*} \text{Solution \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \text{Solution \( \begin{align*} \frac{91925}{2024} \\ \end{align*} \text{Solution \( \begin{align*} \frac{91925}{20	App#_G 14013 App#_ App#_	Per # 525354 Per # G13673 Per # Per	Cert # (912727) Cert # (912728) Cert # (Cert #	PR Date 3/24/190 PR Date PR Date	Date	FEES REFUN Amount	IDED Receipt #
Assignments:  Agent Good - Enc L	Irstadt enci	orstadt@hoti	nau				
Cos list Marion County  Oversized map - Location				<del>-</del>			

# **RA Mailing List for Certificate**

Scheduled Mailing Date:

Application: T-14141

Certificate: 97924 (cf-96727)

97925 (cf-96728)

Water Right Holder:

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

Copies of Final Certificate to be sent to:

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

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

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

Other persons to receive copies: (include map):

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

# Record Marking(s):

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



# 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

Date Mailed: SEP 1 3 2024

## NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

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

#### STATE OF OREGON

#### COUNTY OF MARION

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC 13009 MCKEE SCHOOL RD WOODBURN OR 97071

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

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

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

The points of diversion are located as follows:

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

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

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

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

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

# NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

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

~ //

Issued

Dwight Pench

Water Right Services Division Administrator, for

Ivan Gall, Director

Oregon Water Resources Department

#### STATE OF OREGON

#### COUNTY OF MARION

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

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

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

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

The well is located as follows:

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

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

A description of the place of use is as follows:

	PR	IMARY	IRRIC	GATION	
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	0.7

	SUPPI	LEMEN	TAL IF	RIGATION	I
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2

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

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

Measurement, recording and reporting conditions:

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

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

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

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

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

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

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

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

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

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

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

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

Issued

1/

Dwight French

Water Right Services Division Administrator, for

Ivan Gall, Director

Oregon Water Resources Department

# Checklist for Claims of Beneficial Use Received at CSG Counter

Application	n#:	WRD Revi	iewer: Nick Ree	ce
Transfer #:	T-14141			
Date Rece	ived: 3/18/2024			
CWRE Na	me: Eric Urstadt			
The second secon	te (s): 2/24/1958, 3/24/1995			
Fees Require	ed:			
☑ YES NO□	A fee of \$230 must accompany 1987, or later.	y this form for per	mits with priorit	y dates of July 9,
□YES NOŒ	A fee of \$230 must accompany with a priority date of July 9, 1 Example – A transfer involv has a priority date of July 9,	987, or later. es 5 rights and on	e of the rights	ing a water right  Fill in App or Transfer
Map Review				Number
Application & p Disclaimer (OA North arrow (O) CWRE stamp a Appropriate sca	er film (OAR 690-014-0170(1) & 310-009 permit #; or transfer # (OAR 690-014-0100 R 690-014-0170(5))  AR 690-310-0050(2)(c))  and signature (OAR 690-014 & 310-0050)  le (1" = 1320', 1" = 400', or the original function from the section, and tax lot numbers (OAR 690-014 & 310)  e, section, and tax lot numbers (OAR 690-014 & 310)	o(1))	DATE: R  RECEIVED FINAM  CASH OPERS COTTON  GET TREASURE STIT MAKE  GET COTTON  MICHIGANOUS  GET COTTON  MICHIGAN  MICH	NEY SLIP  ECEIPT 6:    APPLICATION   PROPERTY   PROPERT
Report Revie	ew:		WATER RIGHTS 0.201 SURFACE WATER 0.005 GROUND WATER 0.005 TRANSPER	BANK PET NOON PET NOO
Application & p  Ownership info  Date of survey ( Person interview  County (OAR 6	ved (OAR 690-014)	0(1))	WELL COMETRICTION  EVE WELL DRILL CONTENTION OF  LINECOMETRY FRINCE  DO OTHER GENETRY  EVE WELLIAMY  EVEN WITH LEGISLE HES PROMING  EVEN WITH LEGISLE HES PROMING  WITH DEPT STRUCTIONS:	OBU STONE
	all permittee of transfer holder (OAR 690-	-014-0100)	☐ RETURN TO APP	LICANT - LETTER ATTACHED

# Groundwater File Review:

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

Pump Test submitted

□Pump Test not submitted

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STATE OF OREGON

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	0607	TREASURY	0467 HYDI	RO ACTIVITY	LIC NUMBER	
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# CLAIM OF BENEFICIAL USE for Transfers Place of Use Only



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900

www.oregon.gov/OWRD

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

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

# A separate form shall be completed for each transfer.

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

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

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

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

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

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

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

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

# **SECTION 1**

# **GENERAL INFORMATION**

# Type of Authorized Change

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

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

1. File Information

APPLICATION # T-14141

Change in Place of Use Only - Page 1 of 8

YES

RECEIVED ,

MAR 1 8 2024

RECEIVED

FEB 2 2 2024 OWRD

OWRD

Revised 7/1/2021

WR

2	<ul> <li>Property</li> </ul>	Owner I	current owner	information)	į
---	------------------------------	---------	---------------	--------------	---

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

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

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

TRANSFER HOLDER OF RECO Fessier Family, LLC	ORD		
ADDRESS 13009 McKee School Re	oad		
CITY	STATE	ZIP	
Woodburn	OR	97071	

4. Date of Site Inspection:

# 8 FEB 2024

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

Name	DATE	ASSOCIATION WITH THE PROJECT	
Tom Fessler	Dec 2023	managing member of LLC	
Craig Hopkins	Feb 2024	Key farm person	

6. County:

# Marion

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

OWNER OF RECORD  Same as transfer hold	ler above		
ADDRESS			
CITY	STATE	ZIP	

Add additional tables for owners of record as needed

RECEIVED RECEIVED

FEB 2 2 2024 MAR 1 8 2024

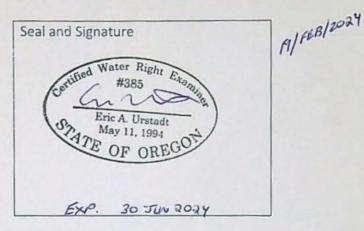
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# SECTION 2 SIGNATURES

# CWRE Statement, Seal and Signature

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



CWRE NAME Eric Urstadt, PE, PLS, CWRE		PHONE NO. ADDITIONAL CONTA 971.250.1520 N/A		
ADDRESS 39290 NW Murtaugh Ro	ad			
CITY North Plains	STATE OR	ZIP 97133	E-MAIL ericursta	dt@hotmail.com

# Transfer Holder of Record Signature or Acknowledgement

<u>Each</u> transfer holder of record must sign this form in the space provided below.

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

Signature	PRINT OR TYPE NAME	TITLE	DATE	
Tom Fest	Tom Fessler	Managing Member	2-12-24	

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FEB 2 2 2024 MAR 1 8 2024

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# **SECTION 3**

# **EXTENT OF CHANGE COMPLETED**

# 1. Claim Summary:

If Irrigation or Nursery Use:

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

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

WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT
AUTHORIZED UNDER THE ORDER?

(INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE
CLAIM MAP)

YES

### 2. Variations:

Was the use developed differently from what was authorized by the transfer final order? NO If yes, describe below.

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

N/A

MAR 1 8 2024 OWRD RECEIVED
FEB 2 2 2024
OWRD

# **SECTION 4**

### CONDITIONS

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

#### 1. Time Limits:

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

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

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

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

NO

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

- 3. Measurement Conditions:
- a. Does the transfer final order require the installation of a meter or approved measuring device?

NO

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

- 4. Other conditions required by the transfer final order:
  - a. Other conditions?

NO

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

N/A

RECEIVED RECEIVED

**SECTION 5** 

MAR 1 8 2024 FEB 2 2 2024

OWRD

OWRD

# **ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION	THE LA
A	Claim of Beneficial Use Map	
В	Reimbursement Authority Application	

RECEIVED FEB 2 2 2024 OWRD

MAR 1 8 2024 OWRD

### SECTION 6

#### CLAIM OF BENEFICIAL USE MAP

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

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

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

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

RECEIVED RECEIVED
FEB 2 2 2024 MAR 1 8 2024
OWRD OWRD

# Map Checklist

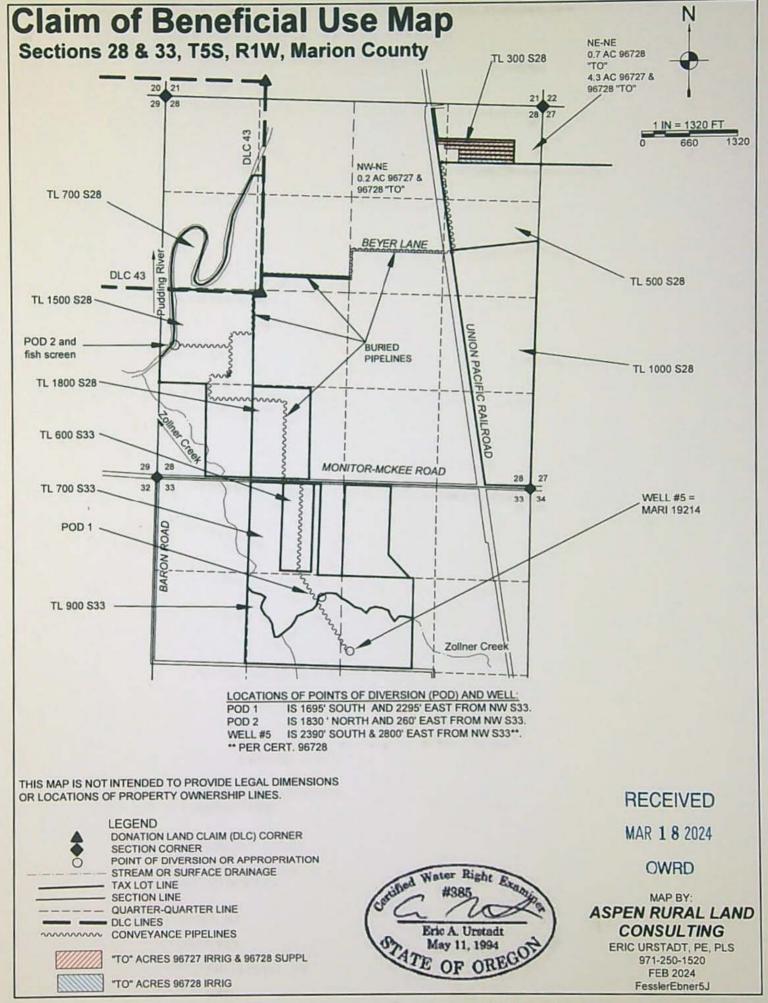
Please be sure that the map you submit includes ALL the items listed below. (Reminder: Incomplete maps and/or claims may be returned.)

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

RECEIVED RECEIVED
FEB 2 2 2024 MAR 1 8 2024

OWRD

OWRD





Rural Land Consulting

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

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

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

9 FEB 2024

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

To Whom It May Concern,

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

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

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

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

PS02 8 1 SAMEER \$ 3 SOST ORWO BECEIVED



Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 www.oregon.gov/owrd

February 23, 2024

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

RE: Application: T-14141

Dear Permit Holder,

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

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

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

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

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

Sincerely,

Gerry Clark Water Rights Specialist Certificates

cc: file T-14141 Eric Urstadt, CWRE

Enclosures: Claim, Reimbursement Authority Paperwork and Check #23191

MAR 1 8 2024 OWRD



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

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

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

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Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

REMAILEP 2024



MAR 1 8 2024 OWRD FESSLER FAMILY LCC 2 orig. certs / C96727-SW/ 2 CERTS
Completion Checklist for Claims of Beneficial Use for

POST JULY 1, 2004 Claims

Application #	WRD Reviewer Kerry Karrange
Transfer # T - 14141	Claim Logged YES
Date Received 3-18-2024	Oversized Map # MA
CWDEN	
Map Keview:  Map on polyester film (OAR 690-014-0170(1) & 310-01 Application & permit #; or transfer # (OAR 690-014-0170(1) Disclaimer (OAR 690-014-0170(5))  North arrow (OAR 690-310-0050(2)(c))  CWRE stamp and signature (OAR 690-014 & 310-0050 Appropriate scale (1" = 1320', y" = 400', or the original Fownship, range, section, and tax lot numbers (OAR 690-014-01700 Point(s) of diversion or appropriation (illustrated) (OAF Point(s) of diversion or appropriation (coordinates) (OAR Conveyance structures illustrated (pump, pipelines, dited Description of the location, in relation to the point of divand measuring devices required (OAR 690-014-01700 Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4, or projected 1/4 1/4 lines within Experimental Place of use (1/4 1/4) place of use (1/4 1/4 lines within Experimental Pla	(3)) R 690-014(4) & 690-310-0050) R 690-014(4) & 690-310-0050) Thes, etc.) (OAR 690-310-0050) Eversion or appropriation, of any fish screens, by-pass devices, (4)) DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; relling or spigot) (OAR 690-310-0050, 690-014, 690-380-
County (OAR 690-014)  Description of conveyances system (from POD to POU Source(s) of water (OAR 690-014-0100)  Place of use location (OAR 690-014-0100)  Type of use (OAR 690-014-0100)  Extent of use (OAR 690-014-0100)  Rate and Duty (OAR 690-014-0100)  Diversion rate for each use (OAR 690-014-0100)  Diversion works description (pump make, serial model, System capacity (OAR 690-014-0100)  Calculated capacity of system (required)  Measured amount of use (optional)  Permit/Transfer Final Order Conditions (OAR 690-014-0100)  Time limits  Annual static water level measurements  Measurement, recording, and reporting  Meter/measuring device  Water use reporting  Fish screening and/or by-pass  Pump test (ground water)  Other	capacity, and description) (OAR 690-014-0100)
Conditions from Extension Final Order and/or Water M	lanagement Conservation Plan
CWRE stamp and signature (OAR 690-014-0100) Signature(s) of permittee of transfer holder (OAR 690-0	014-0100)
DEF = deficient	

N/A = Not Applicable

Certificate Issuance Processing Checklist Map and COBU reviewed Conflict check Any Conflicts? \_ Check for ownership Check Area of Interest | YES | NO Identified Party Staff Recommendations: Proof to the Satisfaction has been established to the full extent as described in the permit or transfer Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_ Proof to the Satisfaction has not been established for the following reasons: Proposed Actions: Send letter requesting the following items/information:\_ Send letter recommending extension to cure deficiencies: Can certificate be processed further? Yes If "Yes": Proposed Certificate # Mailing list: Proposed: COBU map mirrors transfer app map 0. Fac -> NENE Sec 28, T53 RIW, W.M. - IR -

Zong certs ' ZCE

T-14141 number of acres

originating certificate 96727 - number of acres

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

# originating certificat 96728 - number of acres

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

0.7

	SUI	PLEMENTA	L IRRIGA	TION	
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	28	NE NE	4.3
5 S	1 W	WM	28	NW NE	0.2

4.5

Transfer # T-

Application #

Permit #

14141

RA# R13034-

Fessler Family LLC

25

# Reimbursement Authority Process Itemized FINAL Sheet

for Certificates

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

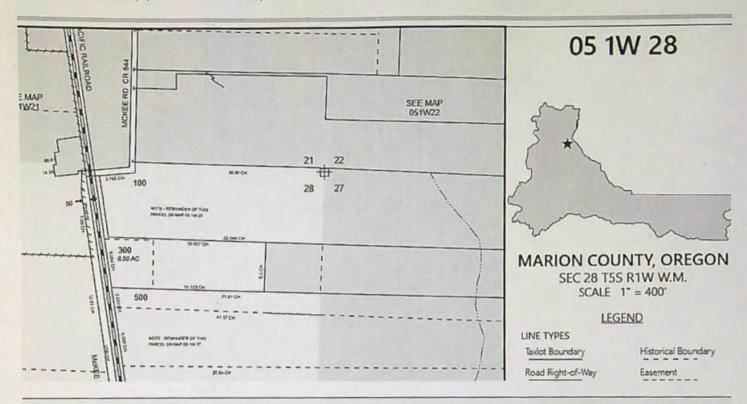
10%

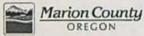
Overhead \$161.59 TOTAL \$1,778

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

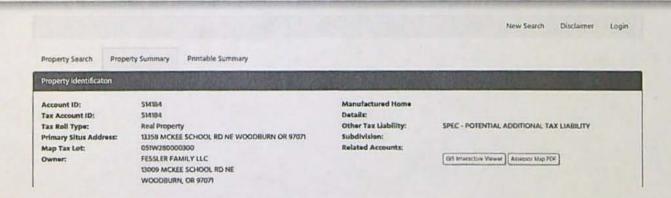
TFO issued 9-7-2023. C Date = 10-1-2024. change in POU portion Cert 96727 - 0.06 cfs from Zollner Creek for IR of 4.5 ac portion Cert 96728 - 0.07 cfs from Well 5 in Pudding River Basin for IR of 0.7 ac and IS of 4.5 ac

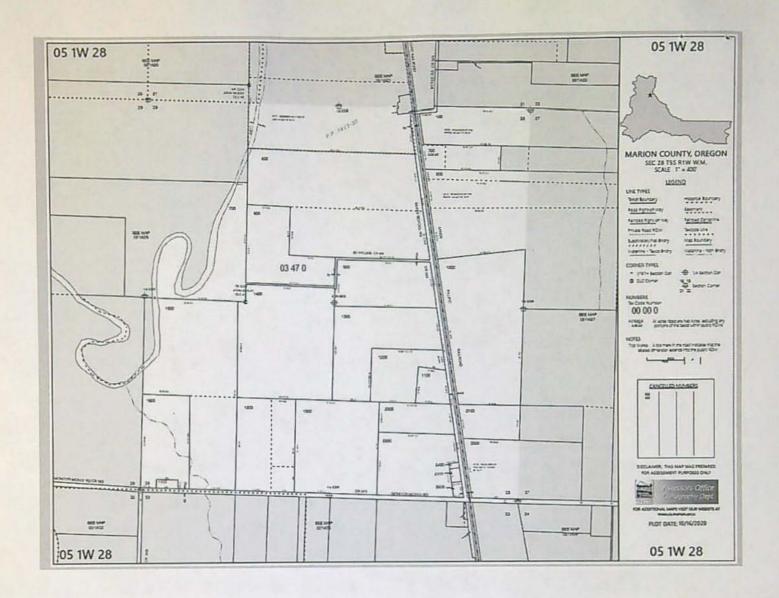
T-14141 - Ownership per MARION County Assessor: 05 1W 28 00300:





# Assessor's Property Records





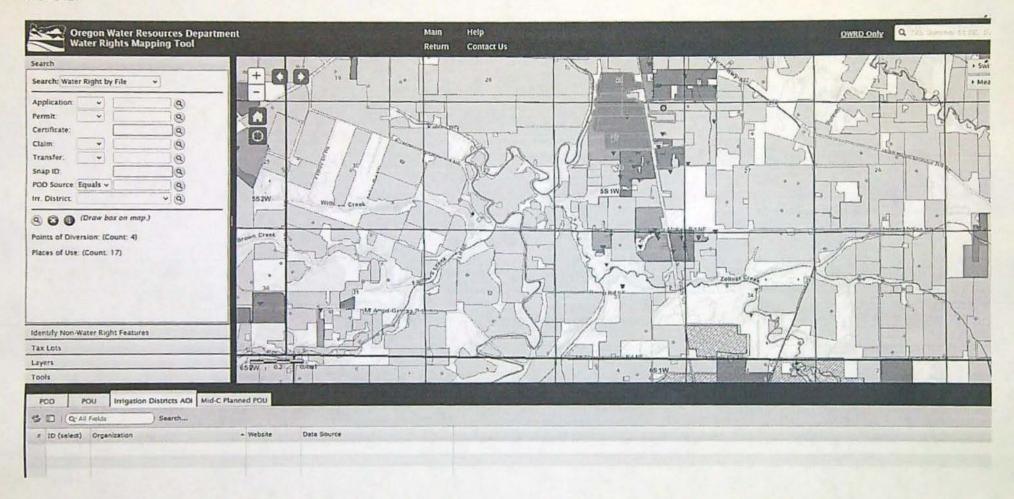
T-14141: \*

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

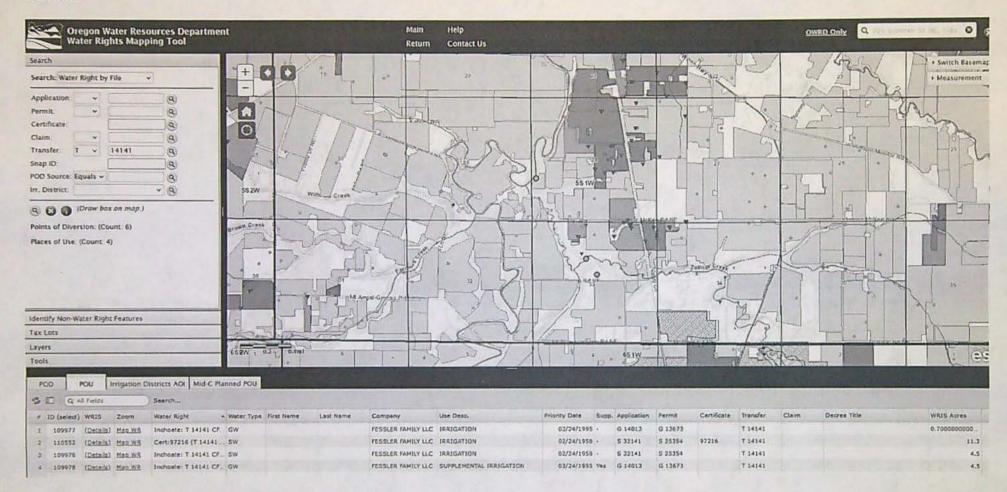
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### T-14141:



#### T-14141:



# Search Criteria

Meridian: Willamette V Township: 5 South V Range: 1 West V Section: 28 V Records per Page: 6 Search Platcards Maps!

Learn about \* View Map

	Water Right	Changing Xfers	Priority	<u>Use</u>	Use DL	C Govi	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
	Claim:GR 32 * Additional Info; LAWRENCE W ZACH Claim: GR32		4/7/1954	IRRIGATION															15			20		
Select	Claim:GR 354 *  Additional Info: GORDON SEELY Claim: GR354		12/31/1953	IRRIGATION				15	1															
Select	Claim:GR 1569 *  Additional Info: A J VANDECOEVERING Claim: GR1569		12/31/1949	IRRIGATION				20.3	2		11													
Select	Additional Info; RAY MCLAUGHLIN App: S20829 Permit: S16298 Cert: 16757		5/7/1945	IRRIGATION	CN			AM)	-3.7			2.8												
Select	Additional Info: JOE OBERSINNER App: S20402 Permit: S15908 Cert: 20832		8/16/1944	IRRIGATION														11.2						
Select	Additional Info: JOE OBERSINNER App: \$25021 Permit: \$19713 Cert: 20865		7/21/1950	IRRIGATION										0.5			31							
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Meridian: Willamette V Township: 5 South V Range: 1 West V Section: 28 V Records per Page: 6 Search

1500	Water Bish	Changing	Divis	-	Use	010	Govt	QQ(40):	NE I	W	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
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Select	Cert:22321 OR *  Additional Info: CLYDE BAUMAN App: S24428 Permit: S19262 Cert: 22321			IRRIGATION		43								6.6	10.4										
Select	Cert:26983 OR *  Additional Info: ALFRED JUVE App: G174 Permit: G86 Cert: 26983		11/18/1955	IRRIGATION																	3.8	37.2			
Select	Cert: 28589 OR *  Additional Info: E S MINTON App: G348 Permit: G227 Cert: 28589		5/4/1956	IRRIGATION																	3.4	0.3	6	3.5	
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Select	Cert:40593 OR *  Additional Info; ROBERT F FESSLER App: S45752 Permit: S34151 Cert: 40593		2/10/1969	IRRIGATION																20					
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Meridian: Willamette V Township: 5

South v

Range: 1

| West v | Section: 28 v | Records per Page: 6

Search

Platcards Maps! Learn about \* View Map

Sel.	Water Right	Changing Xfers	Priority	<u>Use</u>	Use Status DL	C Govt	QQ(40):   Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW WN	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknov QQ
Select	Cert:48984 CF *  Additional Info: HENRY & AGNES POSTMA App: S55803		5/3/1977	IRRIGATION				_	10.2			9.8												
	Permit: S41780 Cert: 48984																							
Select	Cert:49873 OR *  Additional Info: C J VANDECOEVERING App: G7837 Permit: G7273 Cert: 49873		2/25/1977	IRRIGATION							21.2									30.5			9.7	
Select	Cert:50107 OR *  Additional Info: MELVIN/MARILYNN BYROADS App: \$54718 Permit: \$41050 Cert: 50107		8/26/1976	IRRIGATION														8						
Select	Additional Info: PETER J/MARIE WEINACHT App: S67974 Permit: S48167 Cert: 54077		11/29/1983	IRRIGATION					19															
Select	Additional Info: PETER J/MARIE WEINACHT App: S67974 Permit: S48167 Cert: 54077		11/29/1983	IRRIGATION		1						13.7												
Select	Cert:88330 CF *  Additional Info: ROBERT FESSLER App: S25433 Permit: S20217 Cert: 88330		11/14/1950	IRRIGATION								0.6												

Meridi	an: Willamette ~	Township	: 5	South >	Range:	1	West	v s	ectio	n: 28	3 ~	Reco	ords	per P	age:	6		S	earch		L			rds Maps! t * View N
	Water Right	Changing Xfers	Priority	<u>Use</u>	Use Status	OLC Govit	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE	NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
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Select	Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705	2	9/25/1992	IRRIGATION						18.6														
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## Search Criteria

Meridian: Willamette v

Township: 5

South v

Range: 1

West V Section: 28 V

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	<u>Use</u>	Use Status	LC Gov	QQ(40): Q(160):	NE NE	NW	SW NE	SE NE	NE	NW NW	SW NW	SE	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE !	Jnknov QQ
Cert:89964 OR *  Additional Info: GESCHWILL FARMS App: G13939 Permit: G12620 Cert: 89964		1/17/1995	IRRIGATION		3						1.3	33.6											
Additional Info: ROBERT FESSLER App: G12004 Permit: G11807 Cert: 90406		12/26/1989	IRRIGATION				32	2.5		8									29.4			9.7	
Cert:96727 CF CN  Additional Info: FESSLER FAMILY LLC App: S32141 Permit: S25354 Cert: 96727	T14141	2/24/1958	IRRIGATION	CN 4	3						-0.4-	-0.1	-7,9	2.4	-0,1	-0.4							
Additional Info: FESSLER FAMILY LLC App: S32141 Permit: S25354		2/24/1958	IRRIGATION				(4.3)																
Inchoate: T 14141 CF (REG) *  Additional Info; FESSLER FAMILY LLC App: S32141 Permit: S25354		2/24/1958	IRRIGATION		13			(0.2)															
Inchoate: T 14141 CF (REG) *  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	IRRIGATION				(0.7)																

## Search Criteria

Meridian: Willamette V Township: 5 South V Range: 1 West V Section: 28 V Records per Page: 6 Search Platcards Maps!

Learn about View Map

	Water Right	Changing Xfers	Priority	Use	<u>Use</u> Status	DLC G	ovt QQ(40 ot Q(160	NE NE	NW NE	SW	SE	NE	NW	SW NW	SE	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknow QQ
Select	Additional Info: FESSLER FAMILY LLC App: S32141 Permit: S25354 Cert: 97216		2/24/1958	IRRIGATION		43							0.1		_	0.1	0.4							
Select	Additional Info; FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	IRRIGATION												(4.5)								
Select	Additional Info: FESSLER FAMILY LLC App. S29014 Permit: S23108		2/15/1954	IRRIGATION												(2.7)								
Selec	Additional Info: FESSLER FAMILY LLC App: S29014 Permit: S23108		2/15/1954	IRRIGATION		2									(5.3)									
Select	Additional Info; FESSLER FAMILY LLC App: S29014 Permit: S23108		2/15/1954	IRRIGATION												(3.8)								
Select	Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	IRRIGATION												(13)								

Meridian: Willamette v Township: 5 South v Range: 1 West v Section: 28 v Records per Page: 6 Search

	Water Right	Changing	Priority	Use	Use DIC	Govit QQ(40): Lot Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE SE	иW	SW	SE	Unknown
Select	Cert:67128 OR *  Additional Info: ROBERT FESSLER App: G11603 Permit: G10715 Cert: 67128	Xfers	12/19/1986		Status	Tot edieni:	NE	NE	16.5		NW	NW	NW	NW	SW	SW	SW	SW		21.6	<u>SE</u>	⊇E.	242
Select	Cert:80804 OR *  Additional Info: BOB FESSLER App: G13491 Permit: G12167 Cert: 80804		8/13/1993	NURSERY USES				0.2															
Select	Permit: G 15805 *  Additional Info; FESSLER FAMILY LLC App: G16149 Permit: G15805		12/11/2003	NURSERY USES				32.4	18.6		31.3			9.1									
Select	Cert:89704 OR *  Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704		10/11/1996	NURSERY USES				19	18.6														
Select	Cert:89704 OR *  Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704		10/11/1996	NURSERY USES	A. In	1					18.2												
Select	Cert:89704 OR *  Additional Info: RICHARD FESSLER App: G14392 Permit: G13371 Cert: 89704		10/11/1996	NURSERY USES		2								9.1									
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Meridian: Willamette V Township: 5 South V Range: 1 West V Section: 28 V Records per Page: 6 Search

Changing

	Water Right	Xfers	Priority	<u>Use</u>	Status	DLC 1	Lot C	(40): 2(160):	NE NE	NE	NE	NE SE	NM	WW	NM	NM	SW	SW	SW	SW	SE	SE	SE	SE	QQ
Select	Additional Info: ROBERT FESSLER App: G14763 Permit: G13640 Cert: 89717		5/29/1998	NURSERY USES						11.8															
Select	Additional Info: ROBERT FESSLER App: G12004 Permit: G11807 Cert: 90406		12/26/1989	NURSERY USES								20.2									1.8				
Select	Cert:90577 OR *  Additional Info: FESSLER FAMILY LLC App: G14762 Permit: G13641 Cert: 90577		5/29/1998	NURSERY USES								11.6									1.8				
Select	Cert:91276 OR *  Additional Info; FESSLER FAMILY LLC App: S85895 Permit: S54143 Cert: 91276		12/11/2003	NURSERY USES						32.4	18.6					9.1									
Select	Additional Info: FESSLER FAMILY LLC App: S85895 Permit: S54143 Cert: 91276		12/11/2003	NURSERY USES		1							31.3												
Select	Cert:91279 OR *  Additional Info: FESSLER FAMILY LLC App: G15893 Permit: G15606 Cert: 91279		12/17/2002	NURSERY USES																			13	6.6	

## Search Criteria

Meridian: Willamette V

Township: 5

South v

Range: 1 West v

Section: 28 V

Records per Page: 6

Search

Water Right Chan		Use	Use DLC Govt QQ(40): Status	NE N	W SW E NE	SE NE	NE	NW I	W.	SE NW :	NE SW	NW S	SW S	SE N SW 5	E NV	SW SE	SE SE	Unknow QQ
Cert:91277 OR *  Additional Info: FESSLER FAMILY LLC App: S85381	12/17/2002	NURSERY USES															6.6	
Permit: S54056 Cert: 91277																		
Cert:94095 OR *  Additional Info; FESSLER FAMILY LLC App: G16836 Permit: G16541 Cert: 94095	4/24/2007	NURSERY USES							1	19.3								
Cert:94482 OR *  Additional Info: FESSLER FAMILY LLC App: G16581 Permit: G16172 Cert: 94482	12/12/2005	NURSERY USES								19.3						13	6.6	
Cert:97440 OR *  Additional Info: ROBERT FESSLER App: G15041 Permit: G13850 Cert: 97440	9/29/1999	NURSERY USES														13	6.6	
Cert:79997 OR CR.*  Additional Info: OREGON WATER RESOURCES DEPARTMENT App. IS73534 Cert: 79997	8/5/1993	POLLUTION ABATEMENT (INSTREAM)																
Permit: G 18237 CN  Additional Info: MILORIS WATER ASSOCIATION INC. App: G18568 Permit: G18237	10/12/2017	QUASI- MUNICIPAL USES	CN									-			-			

Meridian: Willamette V

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Township: 5

South ~

Range: 1 West v

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Section: 28 v

Records per Page: 6

Search

	Water Right	Changing Priority	<u>Use</u>	Use DLC Govt	QQ(40): N	E NV	SW NE	SE NE	NE	NW	SW NW	SE I	E NV	V SW	SE SW	NE NV SE SE	V SW	SE U	nknow QQ
Select	Permit: G 18290 *  Additional Info: MILORIS WATER ASSOCIATION INC. App: G18568 Permit: G18290	10/12/201	7 QUASI- MUNICIPAL USES																
Select	Additional Info; ALFRED JUVE App: G2472 Permit: G2285 Cert: 34678	10/22/196	2 SUPPLEMENTAL IRRIGATION (Suppl'mtl)				19	1								3.8 37.	2		
Select	Additional Info; RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705	9/25/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			19													
Select	Additional Info: RICHARD FESSLER App: G13137 Permit: G12487 Cert: 89705	9/25/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	1					13.7										
Select	Additional Info: ROBERT FESSLER App: G14763 Permit: G13640 Cert: 89717	5/29/1998	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			1.6													
Select	Cert:89717 OR *  Additional Info: ROBERT FESSLER App: G14763 Permit: G13640 Cert: 89717	5/29/1998	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	1					13.1										
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## Search Criteria

Meridian: Willamette V

Township: 5

South V

Range: 1 West >

Section: 28 V

Records per Page: 6

Search

Water Right	Changing Xfers	Priority	Use S	<u>Use</u> tatus	DLC Govt QQ(40)	NE NE	NW NE	SW NE	SE NE	NE NE	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE I	W S	W SE	Unknov QQ
Cert:90327 OR CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 90327	T13190		SUPPLEMENTAL CI IRRIGATION (Suppl'mtl)	2000													_20_				
Cert:95394 (T 13190 RR) CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 95394	T14287, T14288		SUPPLEMENTAL C IRRIGATION (Suppl'mtl)	N													-20-				
Cert:96728 CF CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 96728	T14141. T14287		SUPPLEMENTAL C IRRIGATION (Suppl'mtl)	N	43					0.4	-0.1	<del>-7.9</del>	2.4	-0.1	-0.4						
Inchoate: T 14141 CF (REG) *  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		43	(4.3)	(0.2)														
Cert:97217 (T 14141 RR) CN  Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673 Cert: 97217	T14287	3/24/1995	SUPPLEMENTAL C IRRIGATION (Suppl'mtl)	N	43					-0.4-	-0.1	-7.9	2.4	-0.1-	-0.4						
Additional Info: FESSLER FAMILY LLC App: G14013 Permit: G13673		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											(4.3)							

## Search Criteria

Meridian: Willamette V Township: 5

South v

Range: 1

West v

Section: 28 V

Records per Page: 6

Search

Platcards Maps! Learn about \* View Map

Select Cert:	:97590 (T 14287 RR) *	Annual Control			<u>Use</u> Status		Lot	Q[160]:	NE	NE	NE	NE	NM	<u>ww</u>	<u>NW</u>	MM	<u>sw</u>	SW	<u>SW</u>	<u>sw</u>	SE	SE	SE	SE	Unknow QQ
FESS App: Perm	tional Info: SLER FAMILY LLC G14013 nit: G13673		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)							+11									20					
Additi FESS App: Perm	tional Info: SLER FAMILY LLC G14013 nit: G13673		3/24/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		43							0.4	0.1	7.9	2.4	0.1	0.4							

Acreage Legend: 12.25 Regular

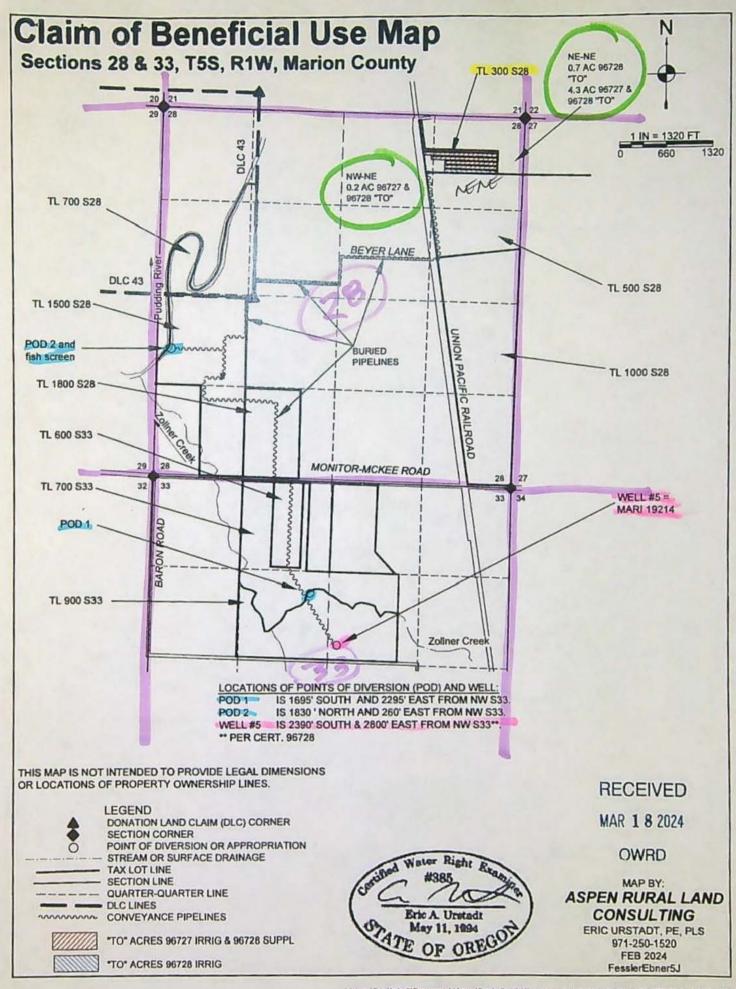
acreage

-12.25- Acreage is on a canceled right

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

[12.25] Acreage has been suspended

\* Acreage is not specified



# OF THE STATE OF OREGON

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

#### Authority

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

### Applicant

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

#### **Findings of Fact**

- On January 3, 2023, FESSLER FAMILY, LLC filed an application to change the place of use under Certificates 96727 and 96728. The Department assigned the application number T-14141.
- Notice of the application for transfer was published on January 24, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On March 30, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14141 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 29, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

- 4. On June 27, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14141 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 27, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 5. The portion of the first right to be transferred is as follows:

Certificate: 96727 in the name of FESSLER FAMILY LLC (perfected under Permit

S-25354)

Use: IRRIGATION OF 4.5 ACRES

Priority Date: FEBRUARY 24, 1958

Rate: 0.06 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount

secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated

during the irrigation season of each year.

Source: ZOLLNER CREEK, a tributary of PUDDING RIVER

#### Authorized Points of Diversion:

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

#### Authorized Place of Use:

		IRR	IGATION	V	
Twp	Rng	Mer	Sec	Q-Q	Acres
55	1W	WM	33	SW NE	1.0
55	1W	WM	33	SE NW	3.5
		111		Total	4.5

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

Twp	Rng	Mer	Sec	Q-Q	Acres
					710100
5 S	1W	WM	28	NENE	4.3
. 5 \$	1W	WM	28	.NW NE	0.2
-				-Total	4.5

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

Certificate: 96728 in the name of FESSLER FAMILY LLC (perfected under Permit G-

136731

Use: IRRIGATION OF 0.7 ACRE AND SUPPLEMENTAL IRRIGATION OF 4.5 ACRES

Priority Date: MARCH 24, 1995

Rate: 0.07 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR IRRIGATION OF

· 0.7 ACRE AND 0.06 CFS FOR SUPPLEMENTAL IRRIGATION OF 4.5 ACRES

Limit/Duty: The amount of water used for irrigation under this right, together with the

amount secured under any other right existing for the same lands, is

limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation

season of each year.

Source: WELL 5 in the PUDDING RIVER BASIN

#### Authorized Point of Appropriation:

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

#### Authorized Place of Use:

		PRIMAR	Y IRRIGA	NOITA	
Twp	Rng	Mer	Sec	Q-Q	Acres
55	1W	WM	33	SW NE	0.7

Twp	Rng	Mer	Sec	Q-Q	Acres
55	1 W	WM	33	SW NE	1.0
55	1W	WM	33	SE NW	3.5
				Total	4.5

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

		PRIMAR	Y IRRIGA	TION	
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1W	WM	28	NENE	0.7

Twp	Rng	Mer	Sec	Q-Q	Acres
55	1W	WM	28	NENE	4.3
5 S	1·W	WM	28	NW NE	0.2
				Total	4.5.

SD 0 6 2023

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

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

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

#### Conclusions of Law

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

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

- 1. The changes in place of use proposed in Transfer Application T-14141 are approved.
- The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 96727 and 96728 and any related decree.
- Water right Certificates 96727 and 96728 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
- The former place of use of the transferred rights shall no longer receive water under the right.
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2024. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
- After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

SEP 0 6 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

SEP 0 7 2023

1start - SW

#### STATE OF OREGON

#### COUNTY OF MARION

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC 13009 MCKEE SCHOOL RD WOODBURN OR 97071

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

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

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

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
58	1 W	WM	33	SENW	POD 1 (ORIGINAL) - 1695 FEET SOUTH AND 2295 FEET EAST FROM NW CORNER, SECTION 33
5 S	1 W	WM	28	NWSW	POD 2 (ADDITIONAL) - 1830 FEET NORTH AND 260 FEET EAST FROM NW CORNER, SECTION 33

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NE NW	43	0.4
5 S	1 W	WM	28	NWNW	43	0.1
5 S.	1 W	WM	28	SWNW	43	7.9
5 S	1 W	WM	28	SENW	43	2.4
5 S	1 W	WM	28	NESW	43	0.1
5 S	1 W	WM	28	NWSW	43	0.4
5 S	1 W	WM	33	SW NE		1.0
5 S	1 W	WM	33	SENW		3.5

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

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

T-13190-cf-29565.ra.klk

Page 1 of 2

Certificate 96727

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

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

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

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

NOV 0 4 2022

Issued

Dwight French

Water Right Services Division Administrator, for

Douglas E. Woodcock, Acting Director Oregon Water Resources Department

RR Cent - 1st cent

#### STATE OF OREGON

#### COUNTY OF MARION

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC 13009 MCKEE SCHOOL RD WOODBURN, OR 97071

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

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

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

The points of diversion are located as follows:

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

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

100			IRRIGA	TION		- SOUTH BANK
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
55	1W	WM	28	NE NW	43	0.4
55	1 W	WM	28	NW NW	43	0.1
55	1W	WM	28	SW NW	43	7.9
55	1W	WM	28	SE NW	43	2.4
5 S	1W	WM	28	NE SW	43	0.1
5 5	1W	WM	28	NW SW	43	0.4
			1	ALIFA TOTAL	Total	11.3

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

This certificate describes that portion of water right Certificate 96727, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered

SEP 0 6 2023 approving Transfer Application T-14141.

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

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

WITNESS the signature of the Water Resources Director, affixed \_

SEP 0 6 2023

Lisa Maramille, Fransfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

STATE OF OREGON
COUNTY OF MARION

THIS CERTIFICATE ISSUED TO

FESSLER FAMILY LLC 13009 MCKEE SCHOOL RD WOODBURN OR 97071

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

CERTIFICATE OF WATER RIGHT

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

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

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

The well is located as follows:

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

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

A description of the place of use is as follows:

	PR	IMARY	IRRIG	ATION	
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	33	SW NE	7.6
5 S	1 W	WM	33	SENW	6.1

	St	JPPLEM	ENTAL	RRIGATIO	ON	
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	28	NE NW	43	0.4
5 S	1 W	WM	28	NW NW	43	0.1
58	1 W	WM	28	SW NW	43	7.9
5 S	1 W	WM	28	SENW	43	2.4
5 S	1 W	WM	28	NE SW	43	0.1
5 S	1 W	WM	28	NWSW	43	0.4

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

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

T-13190-cf-90327.ra.klk

Page 1 of 3

Certificate 96728

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

Measurement, recording and reporting conditions:

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

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

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

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

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

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

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

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

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

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

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

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

Issued

DEC 0 9 2022

Water Right Services Division Administrator, for

Douglas E. Woodcock, Acting Director Oregon Water Resources Department

RR Cent for 2rd Cent

#### STATE OF OREGON

#### COUNTY OF MARION

#### CERTIFICATE OF WATER RIGHT

#### THIS CERTIFICATE ISSUED TO

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

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

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

#### The well is located as follows:

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

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

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

Twp	Rng	Mer	Sec	Q-Q	Acres
55	1W	WM	33	SW NE	6.9
5 5	1W	WM	33	SE NW	6.1
				Total	13.0

		SUPPLE	MENTA	LIRRIGATIO	N	
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
55	1W	WM	28	NE NW	43	0.4
55	1W	WM	28	NW NW	43	0.1
55	1 W	WM	28	SW NW	43	7.9
55	1W	WM	28	SE NW	43	2.4
55	1W	WM	28	NE SW	43	0.1

T-14141-rr-96728.sg

Page 1 of 4

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 5	1W	WM	VM 28 N	NW SW	43	0.4

Measurement, recording and reporting conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

T-14141-rr-96728.sg Page 3 of 4 Certificate 97217

This certificate describes that portion of water right Certificate 96728, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 0 6 2023 approving Transfer Application T-14141.

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

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

WITNESS the signature of the Water Resources Director, affixed

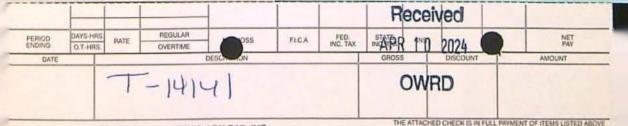
SEP 0 6 2023

Lisa J. Jaramillo, Wansfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

STATE OF OREGON STATE OF OREGON OURCES DEPARTMENT OURCES DEPARTMENT INVOICE # INVOICE # (503) 986-0900 / (503) 986-0904 (fax) (503) 986-0900 / (503) 986-0904 (fax) RECEIVED FROM: WoodBurn Nursery +
BY: Azaleas, Inc. RECEIVED FROM: WOODBURN NUTSERY +
BY: AZALOGS, FIX. APPLICATION APPLICATION PERMIT PERMIT TRANSFER TRANSFER CASH: OTHER: (IDENTIFY) CASH: OTHER: (IDENTIFY) 23226 TOTAL REC'D TOTAL REC'D X 23226 1083 TREASURY 4170 WRD MISC CASH ACCT 1083 TREASURY 4170 WRD MISC CASH ACCT COPIES 47/23 R13034-25 COPIES 47/23 R/3034-25 (IDENTIFY) Certificate KA (IDENTIFY) Certificate KA 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water 4270 WRD OPERATING ACCT 4270 WRD OPERATING ACCT MISCELLANEOUS MISCELLANEOUS 0407 COPY & TAPE FEES 0407 **COPY & TAPE FEES** 0410 RESEARCH FEES 0410 RESEARCH FEES 0408 MISC REVENUE: (IDENTIFY) 0408 MISC REVENUE: (IDENTIFY) DEPOSIT LIAB. (IDENTIFY) DEPOSIT LIAB. (IDENTIFY) TC162 TC162 0240 **EXTENSION OF TIME** 0240 **EXTENSION OF TIME** RECORD FEE RECORD FEE WATER RIGHTS: WATER RIGHTS: EXAM FEE EXAM FEE 0201 SURFACE WATER 0202 0201 SURFACE WATER 0202 0204 0204 0203 **GROUND WATER** 0203 **GROUND WATER** TRANSFER 0205 TRANSFER LICENSE FEE **EXAM FEE** LICENSE FEE **EXAM FEE** WELL CONSTRUCTION WELL CONSTRUCTION 0219 0219 0218 WELL DRILL CONSTRUCTOR 0218 WELL DRILL CONSTRUCTOR LANDOWNER'S PERMIT LANDOWNER'S PERMIT OTHER (IDENTIFY) OTHER (IDENTIFY) TREASURY 0437 WELL CONST. START FEE 0536 0437 WELL CONST. START FEE 0536 TREASURY WELL CONST START FEE WELL CONST START FEE CARD# 0211 CARD# 0211 CARD# 0210 MONITORING WELLS CARD# MONITORING WELLS 0210 OTHER (IDENTIFY) \_ OTHER (IDENTIFY) \_ LIC NUMBER 0607 TREASURY 0467 HYDRO ACTIVITY 0467 HYDRO ACTIVITY LIC NUMBER 0607 TREASURY POWER LICENSE FEE (FW/WRD) POWER LICENSE FEE (FW/WRD) 0233 S \$ 0231 HYDRO LICENSE FEE (FW/WRD) HYDRO LICENSE FEE (FW/WRD) 0231 HYDRO APPLICATION HYDRO APPLICATION TREASURY OTHER / RDX TREASURY OTHER / RDX TITLERECEIVED -RECEIVED OVER THE COUNTER OBJ. CODE DESCRIPTION DESCRIPTION . DATED: 4.10.24 BY: Mmill DATED: 4.10.24 BY: MMIPL Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



## OREGON WATER

## OREGON WATER RESOURCES DEPARTMENT

## CERTIFICATE REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

Contract Number: R13034-25

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

Woodburn OR 97071

**OWRD** Information

Project Contact: Kerry Kavanagh

Reimbursement Authority

Oregon Water Resources Department

725 Summer Street NE Salem OR 97301-1271 Phone: 503-979-3208

Email: Kerry.L.Kavanagh@water.oregon.gov Email\*: tom@woodburnnursery.com

Phone: 503-634-2231

certificate and final order documents will also be mailed.)

Applicant's Representative Applicant's Information

Name: Eric Urstadt Title: Representative

Company: Aspen Rural Land Consulting Address: 39290 NW Murtaugh Rd

North Plains OR 97133 Phone: 971-250-1520

Email\*: ericurstadt@hotmail.com

\*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the

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

Company: Fessler Family LLC

Address: 13009 McKee School Rd

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

Received

PCA 47123

R13034-25

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

Applicant:	Thomas R Frester	_
	rnzl	

Company: Fessler Family LLC
Date: H - 10 - 2.9

FOR OWRD: K Kurange

Name: Kerry Kavanagh

Water Right Services Division - 2024

Mail signed Agreement to:

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

PCA 47123

## KAVANAGH Kerry L \* WRD

From: KAVANAGH Kerry L \* WRD

Sent: Monday, April 08, 2024 1:12 PM

To: tom@woodburnnursery.com; Eric Urstadt

Cc: KAVANAGH Kerry L \* WRD

Subject: Certificate RA Estimate R13034-25 for Fessler Family LLC involving Application T-14141

Attachments: RA contract\_T-14141.pdf; estimate receipt\_T-14141.pdf; estimate request\_T-14141.pdf

Hello,

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

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks, Kerry

## Kerry Kavanagh

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



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

#### STATE OF OREGON

## WATER RESOURCES DEPARTMENT



APPLICATION PERMIT TRANSFER T- ASH: CHECK:# OTHER: (IDENTIFY)  1083 TREASURY 4170 WRD MISC CASH ACCT  0407 COPIES 47123  0413 OTHER: (IDENTIFY) Certificate Reimbursine + 5 / 2  0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water  4270 WRD OPERATING ACCT  MISCELLANEOUS  0407 COPY & TAPE FEES  0410 RESEARCH FEES  S  S	14171 25. 00 25. 00
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OBJ. CODE VENDOR #	
DESCRIPTION	
CEIPT: 142557 DATED: 3-18-2024 BY:	
CEIPT: 142557 DATED: 10-1029 BY:	

STATE OF OREGON WATER RESOURCES DEP 25 Summer St. N.E. Ste. SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-090	ARTMENT A INVOICE #
RECEIVED FROM: Woodburn Nursery+	APPLICATION
BY: Azaleos Inc.	PERMIT
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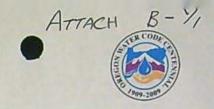
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RECEIPT: 142557



## OREGON WATER RESOURCES DEPARTMENT

## CERTIFICATE ESTIMATE APPLICATION



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

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

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

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

REQUEST	TYPE	FILE NUMBER
×	Transfer Application	Transfer Number T-14141

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

By signing this application, I understand:

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

	Applicant's Representative Other (Please specify)
Name: Eric Ursta	<u>dt</u>
Signature:	and

Send completed Application and payment to:

Oregon Water Resources Department Transfer Reimbursement Authority Program 725 Summer St. NE, Suite A Salem, OR 97301-1271 PECEIVED
FEB 2 2 2024
OWRDECEIVED
MAR 1 8 2024
OWRD

OWRD USE ONLY: Reimbursement Authority Number: R1 3034 -25



## Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone 503 986-0900 Fax 503 986-0904

September 6, 2023

TOM FESSLER 13009 MCKEE SCHOOL RD WOODBURN, OR 97071

REFERENCE: Transfer Application T-14141

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

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

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

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

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

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)

Marion County Planning Department

Eric Anthony Urstadt, Agent

Enclosure

Transfer: T- 14141

Transfer Type: Regular Transfer



Transfer Specialist: Sealth

Applicant:			Agent: 1	N/A	ut.		1111		
TOM FESSLER			ERIC ANTHONY URSTADT						
13009 MCKEE SCHOOL RD			39290 NW MURTAUGH RD						
WOODBURN, OR 97071			NORTH PLAINS, OR 97133						
Email:	Phone:		Email:	-			Phone	:	
Irrigation District: N/A			CWRE:	N/A					
Email:			Email:						
Affected Local Gov'ts: N/A			Affected Trib	al Gov't	: N/A				
Marion Countyplanning Dept		UNAVAILA	BLE						
Email:		Email:							
Current Landowner if other than Applican		Receiving Lar	ndowne	r: N/A					
Email:			Email:						
Water Rights Affected									
File Marked App. File # or Decree Na	me	Permit	Certific	rate	DD/CD N	odod		R/CR Nos.	
S32141	ine	S25354	9672		RB/CR Needed  Yes No		97216		
G14013		G13673	-50000000		Yes	No		217	
		0100.0	307.		Yes	No	1 10		
Key Dates & Initial Actions:									
Rec'd: January 3, 2023	Proposed A	Action(s): PL	ACE OF USE						
		392			ODEW Die	trict.			
Fees Pd: 1970.00	WM Distric		ODFW District:						
Initial Public Notice: January 24, 2023	WM Revie	w sent:	ODFW Review sent:						
Acknowledgement Letter Sent 🔀					GW Review sent: N/A			□ N/A	
County sent cc: of Ack Letter	BOR notifie	ed (date):		N/A					
-Newspaper quote requested:	Request fo	r news \$ sent	2		News \$ received:				
Request to publish sent:	Affidavit of	f publication r	received:		Last day o	f-publica	tion:		
NO NEWSPAPER									
Document Drafted Peer R	Review	Changes Made	Coordinate	or	Changes Made		ature in	Signature Date	
DPD Date: 2/8/23 Date: 3	A	ite:	Date: 3/29 Initials: PK		te: 3/30/2	3/30	120	N/A	
PD Date: 4/25/3 Date: S		itials:	Date: 4/19 Initials: PK	200	te: 6/5/2	Date: 1	/23	Date: 6/27/2	
FO Date: \$\frac{3}{23} Date: \$\frac{1}{23}  Initials: \$		itials:	Date: 8/23 Initials: Pic	1	te:8/24/29	Date:	1/23	Pate: 10 200	
Special Issues SOUT PD	REV	IEW -	TO DAR	FA	6/115	23	Pav.	1 6/2/23	
Special Order Volume: Vol.	Pages					/			



Water Resources Department

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

June 27, 2023

VIA CERTIFIED MAIL AND E-MAIL

#### Applicant

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

SUBJECT: Water Right Transfer Application T-14141

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14141. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14141

Gregory J. Wacker, District 16 Watermaster (via e-mail)

Eric Anthony Urstadt, Agent for the applicant (via mail and e-mail)

encs

# DEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

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

#### Authority

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

#### Applicant

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

#### Findings of Fact

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

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

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

Use:

**IRRIGATION OF 4.5 ACRES** 

Priority Date: FEBRUARY 24, 1958

Rate:

0.06 CUBIC FOOT PER SECOND

Limit/Duty:

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

during the irrigation season of each year.

Source:

ZOLLNER CREEK, a tributary of PUDDING RIVER

#### Authorized Points of Diversion:

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

#### Authorized Place of Use:

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

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

		IRR	IGATION	V	
Twp	Rng	Mer	Sec	Q-Q	Acres
5.5	1 W	WM	28	NE NE	4.3
55	1W	WM	28	NW NE	0.2
				Total	4.5

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

Certificate:

96728 in the name of FESSLER FAMILY LLC (perfected under Permit G-

13673)

Use:

IRRIGATION OF 0.7 ACRE AND SUPPLEMENTAL IRRIGATION OF 4.5 ACRES

Priority Date: MARCH 24, 1995

Rate:

0.07 CUBIC FOOT PER SECOND (CFS), BEING 0.01 CFS FOR IRRIGATION OF

0.7 ACRE AND 0.06 CFS FOR SUPPLEMENTAL IRRIGATION OF 4.5 ACRES

Limit/Duty:

The amount of water used for irrigation under this right, together with the

amount secured under any other right existing for the same lands, is

limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation

season of each year.

Source:

WELL 5 in the PUDDING RIVER BASIN

## Authorized Point of Appropriation:

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

#### Authorized Place of Use:

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

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1W	WM	33	SW NE	1.0
55	1W	WM	33	SE NW	3.5
THE			1	Total	4.5

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

		PRIMAR	Y IRRIGA	TION	
Twp	Rng	Mer	Sec	Q-Q	Acres
55	1W	WM	28	NE NE	0.7

Twp	Rng	Mer	Sec	Q-Q	Acres
55	1W	WM	28	NE NE	4.3
5 S	1W	WM	28	NW NE	0.2
				Total	4.5

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

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

# **Determination and Proposed Action**

The changes in place of use proposed in Transfer Application T-14141 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14141 is approved, the final order will include the following:

- 1. The changes in place of use proposed in Transfer Application T-14141 are approved.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 96727 and 96728 and any related decree.
- 3. Water right Certificates 96727 and 96728 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
- The former place of use of the transferred right shall no longer receive water under the right.
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2024. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
- After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

JUN 2 7 2023

Lisa J. Jaramilla, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

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

### **Protests**

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a

Page 4 of 7

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

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

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

# Requests for Standing

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

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

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;

A statement that the requester supports the preliminary determination as issued.

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

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

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

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

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

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

telephone number for the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-986-0801.

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

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

# **GREW Scott A \* WRD**

From: ELLIOTT Chloe \* WRD

Sent: Tuesday, June 20, 2023 12:26 PM

To: GREW Scott A \* WRD
Cc: MARTIN Duff A \* WRD

Subject: RA PD T 14141 recorded time & correction for Cert 97217

Good Afternoon Scott,

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

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

This right was perfected under Permit G-13673. The date of priority is MA of water to which this right is entitled is limited to an amount actually use exceed 0.302 CUBIC FOOT PER SECOND (CFS) BEING 0.302 CFS FOR NURSE FOR IRRIGATION OF 13.0 ACRES, AND 0.140 CFS FOR SUPPLEMENTAL IRRIC equivalent in case of rotation, measured at the well.

Best Wishes.



### Chloe Elliott

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



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

# **GREW Scott A \* WRD**

From: Eric Urstadt <ericurstadt@hotmail.com>

Sent: Sunday, April 16, 2023 2:04 PM

To: GREW Scott A \* WRD; tomf@woodburnnursery.com

Subject: Fessler/Woodburn Nursery - Ebner - T-14141 - Fessler response to Draft Preliminary

Determination (DPD) -

Attachments: OwnerReportFROM2-11948 Baron Rd NE - Mt Angel.pdf

Scott,

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

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

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

Thank You.

Eric Urstadt, PE, PLS, CWRE

# Aspen Rural Land Consulting

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

From: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>

Sent: Thursday, March 30, 2023 12:53 PM

To: tomf@woodburnnursery.com <tomf@woodburnnursery.com>; Eric Urstadt <ericurstadt@hotmail.com>

Cc: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; WACKER Gregory J \* WRD

<Gregory.J.WACKER@water.oregon.gov>

Subject: T-14141 - Issuance of Draft Preliminary Determination - Action Required!

March 30, 2023

VIA MAIL AND E-MAIL

### **Applicant**

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

Reference: Water Right Transfer Application T-14141

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14141. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by April 29, 2023.

# Required items needing your immediate attention:

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



# Property Profile Report

Client Name:

Tracy Shea - Ticor Title

Todays Date: 04/11/2023

Owner Name:

Woodburn Nursery Inc

Property Address:

11948 Baron Rd NE Mt Angel OR 97071

Reference Number: 051W33000900

Account Number:

514323

# Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541,926,2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585,1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
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This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance

Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

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

# **TITLE AND ESCROW SERVICES**

www.TicorMidValley.com

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



### Parcel Information

Parcel #: 514323

Tax Lot: 051W330000900

Site Address: 11948 Baron Rd NE

Mt Angel OR 97071

Owner: Woodburn Nursery Inc.

Owner2:

Owner Address: 13009 McKee School Rd NE

Woodburn OR 97071 - 9008

Twn/Range/Section: 05S / 01W / 33

Parcel Size: 42.62 Acres (1,856,527 SqFt)

Plat/Subdivision:

Lot:

Block:

Census Tract/Block: 010400 / 5012

Waterfront:

# Assessment Information

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

Assessed Value: \$162,981.00

# Tax Information

Levy Code Area: 91470

Levy Rate: 13.1194

Tax Year: 2022

Annual Tax: \$2,299,58

Exempt Desc:

# Legal

**ACRES 42.62** 

### Land

Zoning: EFU - Exclusive Farm Use

Cnty Land Use: 401 - Rural improved,

outside city and urban growth boundary, 20 acres

and under

Std Land Use: RSFR - Single Family

Residence

School District: 91 - Mt Angel

Middle School: MT ANGEL MIDDLE

SCHOOL

Cnty Bldg Use: 133 - Resource - One Story With Basement

Neighborhood:

Recreation:

Primary School: ST MARYS PUBLIC SCHOOL

High School: JOHN F KENNEDY HIGH SCHOOL

### Improvement

Year Built: 1967

Stories: 1

Finished Area: 2,525

Bedrooms: 5

Bathrooms: 2

Garage:

Basement Fin:

### Transfer Information

Sale Date: 10/16/1989

Sale Price: \$95,000.00

Doc Num: 07240201

Doc Type: RD

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



0.0





Parcel ID: 514323

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



# 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

March 30, 2023

VIA MAIL AND E-MAIL

### **Applicant**

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

Reference: Water Right Transfer Application T-14141

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14141. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by April 29, 2023.

# Required items needing your immediate attention:

- Please carefully review the Draft Preliminary Determination to verify that it accurately reflects
  the changes you intend to make and to become familiar with the proposed conditions.
- Respond in writing by April 29, 2023, with acknowledgement that you agree to the proposed action and conditions.
- 3. If you find any errors, please let me know.
- 4. REQUIRED: You must submit a Report of Ownership for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
    - Prepared within 3 months of the Draft Preliminary Determination showing current ownership; OR
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; OR
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

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

## What happens next...

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

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

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

If we do not receive the items listed above by April 29, 2023, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Transfer Specialist

Scott Grew

Transfer and Conservation Section

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

encs

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14141

Review Due Date: 02/17/2023

Applica	ant Name: Fessler Family LLC. Tom Fessler
Propos	sed Changes: POU POD POA USE OTHER
Reviev	ver(s): G. Wacker Date of Review: 01/20/2023
1.	Do you have <u>evidence</u> that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2.	Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3.	Have headgate notices been issued for the source that serves the transferred right(s)?  Yes No Records not available.
4.	In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No  If "Yes", explain:
5.	In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6.	Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
7.	N/A  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	<ul> <li>For POU changes that involve micro-irrigation:  N/A</li> <li>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?</li> <li>Yes No If "Yes", explain:</li> </ul>

\*Watermaster Review Form Transfer Application

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:

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 qages*,
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:

Salem, OR 97301-1266

# **Oregon Water Resources Department**

# Measurement Condition Information for the Applicant

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

Transfer #: T-
In order to avoid enlargement of the right or injury to other rights, a will be required to be installed <u>prior to diversion of water</u> , as a condition of this transfer:  at each point of diversion/appropriation (new and existing) OR  at each new point of diversion/appropriation.
For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:
Watermaster name:
District:
Address:
City/State/Zip:
Phone:
Email:
<b>Note</b> : 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

TACS Page 5 of 5 Last revised May 2019

### STATE OF OREGON

# WATER RESOURCES DEPARTMENT

RECEIPT # 140097

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

INVOICE #

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# REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

Contract Number: R11-414-23

Received by OWRD

FEB 1 0 2023

Salem, OR

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

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

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

- 1. Authority. The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 2. Restrictions. Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 3. Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

### 4. Consideration.

- a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,338.93. Applicant agrees to pay the full amount of \$1,338.93 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
- b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 5. Confidentiality. Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

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

For OWRD:

2-16-2023

Mail signed Agreement to:

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

Received by OWRD

FEB 1 0 2023

Salem, OR

### STATE OF OREGON

## WATER RESOURCES DEPARTMENT

RECEIPT # 139842 725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE # \_

	(503) 986-0900 /	(503) 986-0904 (fax)		
RECEIVED FRO	M: Woodbum Nurser	ON AZOLOGS	APPLICATION	
BY:	100.	, , ,	PERMIT	
			TRANSFER	T-14141
CASH: C	HECK:# OTHER: (IDENTIFY)	_		010-0
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0410	RESEARCH FEES			S
0408	MISC REVENUE: (IDENTIFY)			s
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0240	EXTENSION OF TIME			RECORD FEE
	WATER RIGHTS:	EXAM FEE	-	\$
0201	SURFACE WATER	S	0202	\$
0203	GROUND WATER	S	0204	
0205	TRANSFER	S EXAM FEE		LICENCE FEE
	WELL CONSTRUCTION	S	0219	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	D .	0550	S
	LANDOWNER'S PERMIT			
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RECEIPT:

139842 DATED 4 2023 BY: 130



# OREGON WATER RESOURCES DEPARTMENT

# TRANSFER REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
	Transfer	
x	Application	Transfer Number T-14141 -unknown

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

### I understand the following:

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

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

RECEIVED JAN 0 3 2023

I certify that I am the (check one):

Applicant Applicant's Representative Other (Please specify)

OWRD

Name: Eric Urstadt

Simnature:

CHARD USE ONLY: Reimbursement Authority Number: R11-4/4 -23



Water Resources Department

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

January 18, 2023

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

Reference: Application T- 14141

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

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

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

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

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #16 (via email)

Marion County Planning Department

Eric Anthony Urstadt, Agent

Life Antifoliy Orstade, A

Enclosure

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

OAR 690 Division 380

# Application Received

(required information included)

Injury Review forms sent to Watermaster, and Groundwater staff and ODFW as appropriate

> Notice of Application in WRD Weekly Notice (30-day Comment Period)

Review of the status of the right and the potential for enlargement or injury to other rights

# **Draft Preliminary Determination**

(WRD assessment of whether application should be approved or denied, considering injury review and any comments received) sent to applicant, with request for a report of ownership for the lands where the transfer right is.

# Applicant Review of

Draft Preliminary Determination

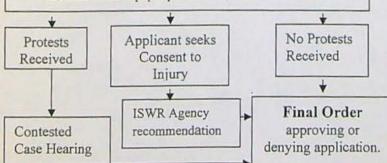
(Opportunity for applicant to submit a report of land ownership and modify or withdraw proposed transfer—at least 30 days allowed)

Preliminary Determination Issued

### Notice of Preliminary Determination

in WRD Weekly Notice and, if statutorily required, in newspaper once a week for 2 or 3 consecutive weeks.

Protest Period ends 30 days after WRD notice, or 30 days after last date of newspaper publication, whichever is later.



Period for developing authorized changes begins as soon as an order is issued approving the changes. If the certificate has been cancelled the right goes into an inchoate state.

### Deadline for completion of the changes.

The applicant must make full beneficial use under terms and conditions of the order by the deadline or request an extension of time, or inform the department that he does not intend to complete the change.

If the applicant decides not to complete a change in POD/POA, the Department will issue an order reverting the right to the original POD/POA and issue a new certificate. However, if any other type of change is not completed, the transferred portion of the right is forfeited.

An order may be issued, granting an extension of time for completing the changes.

Applicant submits a Claim of Beneficial
Use prepared by a CWRE within one year
after the completion deadline or the date of
complete beneficial use. There is no
provision for extending the deadline for
submission of the Claim.

Water Right Services Division reviews the Claim, determines whether proof has been made and if so, issues a new certificate. Right is no longer inchoate, but perfected and subject to being transferred.

# STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIPT # 139849

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

INVOICE #

		111	(503) 986-0900 / (	503) 986-0904 (fax)		
REC	EIVED FRO	OM: Woodburn	Nursin	18	APPLICATION	
BY:		AZOLEAS	s Inc /		PERMIT	
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			4270 WRD	OPERATING AC	СТ	
		MISCELLANEOUS		46110		
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	0203	GROUND WATER		S	0204	S
	0205	TRANSFER		\$1,970.00		
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	0218	WELL DRILL CONS	TRUCTOR	S	0219	\$
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	0210	MONITORING WEL		S	CARD#	
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	FUND		TITLE			
	OBJ. COD		VENDOR #			*
	DESCRIP*		A STANCE AND A STA			S
_	DESCRIP	TION				
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RECEIPT:

139849 DATED: 13 1013 BY: 7

# Application for Permanent Water Right Transfer



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

# Part 1 of 5 - Minimum Requirements Checklist

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

For guestions, please call (503) 986-0900, and ask for Transfer Section. RECEIVED Check all items included with this application. (N/A = Not Applicable) JAN 0 3 2023 M Part 1 - Completed Minimum Requirements Checklist. OWRD Part 2 - Completed Transfer Application Map Checklist. Part 3 - Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd fee calculator. Part 4 - Completed Applicant Information and Signature. Part 5 - Information about Water Rights to be Transferred: How many water rights are to be transferred? 2 List them here: 92727 & 92728 \( 96727 Please include a separate Part 5 for each water e 6) 96728 NOTE: A separate transfer application is requir s the criteria in OAR 690-380-3220 are met. Joan Sm onversation on 14 DEC 2022, that this type of transfer havin rimary and the other supplemental to the primary can and sl ation. Attachments: Completed Transfer Application Map. Completed Evidence of Use Affidavit and supporting documentation. Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) Supplemental Form D - For water rights served by or issued in the name of an irrigation N/A district. Complete when the transfer applicant is not the irrigation district. 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. Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional N/A point(s) of appropriation. Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability. (For Staff Use Only) WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): Application fee not enclosed/insufficient Map not included or incomplete Land Use Form not enclosed or incomplete Evidence of Use Form not enclosed or incomplete Additional signature(s) required Part \_\_\_ is incomplete Other/Explanation 503-Staff: Date: Revised 7/7/20

# Part 2 of 5 - Transfer Application Map

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

Please be sure that the transfer application map you submit includes all the required items and

matches the existing water right map. Check all boxes that apply. N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre license view/. CWRE stamp and signature are not required for substitutions. N/A If more than three water rights are involved, separate maps are needed for each water right. X Permanent quality printed with dark ink on good quality paper. X 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. X A north arrow, a legend, and scale. X 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. X Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines. X Tax lot boundaries (property lines) are required. Tax lot numbers are recommended. X Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads. X Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches. X Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged. N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. X Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit. N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example - 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example - 42.53764°).

	FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed:  Place of Use  Character of Use  Point of Diversion/Appropriation  Number of above boxes checked = 1(2a)  Subtract 1 from the number in line 2a = 0(2b) If only one change, this will be 0  Multiply line 2b by \$1090 and enter >>> >>> >>>>>>>>>>>>>>>>>>>>>>>>>>>>	2	0
3	Number of water rights included in transfer 2 (3a) Subtract 1 from the number in 3a above: 1 (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » »	3	
4	Do you propose to add or change a well, or change from a surface water POD to a well?  No: enter 0 Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>0 (4a)</u> Do you propose to add or change additional wells?  No: enter 0 Yes: multiply the number of additional wells by \$410 <u>0 (4b)</u> Add line 4a to line 4b and enter ** ** ** ** ** ** ** ** ** ** ** ** **	4	0
5	Do you propose to change the place of use or character of use?  No: enter 0 on line 5  Yes: enter the cfs for the portions of the rights to be transferred (see below*):0.121 (5a) Subtract 1.0 from the number in 5a above: -0.879 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »		JAN 0 3 202 OWRD
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:		1970
7	Is this transfer:  necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?  endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?  If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »  If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » Transfer Fee:	- 10	1970
100	Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres)		North Address

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

1. For irrigation calculate cfs for each water right involved as follows:

a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 cfs).

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

Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental
rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should
be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56
cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

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

JAN 0 3 2023

OWRD

# **Applicant Information**

			503.559.1471	N/A
Fessler Family, LLC ADDRESS 13009 McKee School Road			303.337.1471	FAX NO. N/A
Voodburn Voodburn	STATE OR	ZIP 97101	E-MAIL See note below ag	ent information:

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

AGENT/BUSINESS NAME Aspen Rural Land Con	sulting c/o Eric U	rstadt, PE/PLS	PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. 503.647.1919				
ADDRESS 39290 NW Murtaugh R	toad			FAX NO. N/A				
North Plains	STATE OR	ZIP 97133	E-MAIL See note below					
BY PROVIDING AN E-MAI ELECTRONICALLY. COPIES	- 2			E FROM THE DEPARTMENT				
				ase send correspondence via rstadt@hotmail.com.				

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

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

		_		
Cher	1	Or	10	Rox

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

### By my signature below, I confirm that I understand:

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

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



Revised 7/7/2022

21-021			Tom D. Facelout	12-20-22
Applicant signature			Tom R. Fessler* Print Name (and Title if applica	
*Tom Fessler is both the Mana	iging Mem	ber of Fessler	Family, LLC and Vice Presiden	at of Woodburn Nursery, Inc.
Is the applicant the sole owner located? ☑ Yes ☐ No*	of the lan	d on which the	e water right, or portion thereof	, proposed for transfer is
The state of the s		THE PARTY OF THE P	nailing and/or e-mail addresses if dresses) from all landowners or in	
Check the following boxes that	apply:			
The applicant is respo sent to the applicant.	nsible for o	completion of	change(s). Notices and correspo	ndence should continue to be
		70	r completing the proposed chan should be sent to this landowne	
			Il be responsible for completion downer and the applicant.	of change(s). Copies of notice
At this time, are the lands in th	nis transfer	application in	the process of being sold? X	es No
			pe, please complete the receiving will be, then a request for assign	
unless a sale agreement o	r other doo	ument states	cated on the land belong to the otherwise. For more information ansfer Property Transactions.pd	n see:
RECEIVING LANDOWNER NAME Fessler Family, LLC (Same as	applicant)			DDITIONAL CONTACT NO.
ADDRESS 13009 McKee School Road				AX NO.
CITY Woodburn	STATE OR	ZIP 97101	E-MAIL tomf@woodburnnurs	ery com
	-	0,101	tomas, woodburnings	cryscom
Fessler Family, LLC and both the FROM and TO	the Vice	President of erships. All	R. Fessler is both the Mana f Woodburn Nursery, Inc., intervening tax lots that the the "TO" property is in the	so he can sign for he conveyance system

JAN 0 3 2023 OWRD

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The confirming Certificate shall be issued in the name of: Applicant Receiving Landowner

RIGATION DISTRICT NAME	ADDRESS	ADDRESS							
CITY	STATE	ZIP							
	of the rights supplied under a wa vith a federal agency or other ent								
ENTITY NAME None Known	ADDRESS								
CITY	STATE	ZIP							
	tency Requirements, you must lisents within whose jurisdiction wa								
corporation, or tribal governme		t all county, city, municipal ter will be diverted, conveyed or u							
CORPORATION, OR TRIBAL GOVERNME	ents within whose jurisdiction wa	ter will be diverted, conveyed or u							
CORPORATION, OR TRIBAL GOVERNME ENTITY NAME Marion County	ents within whose jurisdiction wa	ter will be diverted, conveyed or u							
CORPORATION, OR TRIBAL GOVERNME  ENTITY NAME  Marion County	ents within whose jurisdiction was  ADDRESS 5155 Silverton Rd	ter will be diverted, conveyed or u							
CORPORATION, OR TRIBAL GOVERNME Marion County CITY	ADDRESS 5155 Silverton Rd I	ter will be diverted, conveyed or u							

RECEIVED JAN 0 3 2023 OWRD

# Part 5a of 5 - Water Right Information

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

				CERTIFI	CATE	# 9672	7		RECEIVED
Descrip	tion of Water	Delivery Sys	tem						
System	capacity: 0.2	0* cubic feet	per se	cond (c	fs) OF	1			JAN <b>0 3</b> 2023
		gallons p	er mini	ute (gpn	n)				OWRD
*per ce	rtificate								
five yea and app screen	ors. Include info oly the water a that pumps wa	ormation on t the authori ater via unde	the pur zed pla ergrour	mps, ca ace of us and pipes	nals, p se. <u>Th</u> s to th	oipeline ere is a ne vario	s, and subm ous fie	l sprinkler nerged pur lds.	some time within the last used to divert, convey, mp in the river with a fish ropriation (POA)
								The state of the s	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	**	Ж	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	Authorized Proposed	N/A	5 S	1 W	33	SE	NW	900 of S33	1695' S & 2295' E OF NW S33
POD 2		N/A	5 S	1 W	28	NW	sw	1500 `of S28	1830' NORTH AND 260' EAST FROM NW S33.
Check a	Place of Use Character of Point of Dive Additional Po Surface Wate	(POU) Use (USE) ersion (POD) oint of Divers er POD to Gr	sion (Al	POD)	chang	Supple Point Add Substitute Subst	pleme nt of A itiona stitution	ppropriati I Point of a on (SUB)	ed in parentheses): o Primary Use (S to P) on/Well (POA) Appropriation (APOA) POD (GOV)
Will all	of the propose		ffort t	no ontir	o wat	or right	+2		
Yes		ly the Propo	sed ("t	o" or "o	n" lar	nds) sec	tion o	of Table 2	on the next page. Use the
⊠ No	Complete all							er right to	be changed.

Revised 7/7/2022

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

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

# Table 2. Description of Changes to Water Right Certificate # 96727

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

	AUTHORIZED (the "from" or "off" lands)  The listing that appears on the certificate BEFORE PROPOSED CHANGES  List only that part or portion of the water right that will be changed.							Proposed Changes (see			1	he	listir			uld app		FTER P	n" lands) ROPOSEI	CHANGES						
Tw	p	R	ng	Sec	34	1 1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	Tw	p	Rn	g	Sec	%	и	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
5	S	1	w	33	sw	NE	900		1	IRRIG	POD 1 & 2	1958	POU	5	S	1	W	28	NE	NE	300	-	4.3	IRRIG	POD 1 & 2	1958
5	S	1	W	33	SE	NW	900	3	3.5	IRRIG	POD 1 & 2	1958	POU	5	S	1	W	28	NW	NE	300	-	0.2	IRRIG	POD 1 & 2	1958
						то	TAL AC	RES:	4.5											TO	OTAL AC	RES:	4.5			

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

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For Pl	ace of Use or Character of Use Changes	
	there other water right certificates, water use permits or ground water regis the "from" or the "to" lands? $\boxtimes$ Yes $\square$ No	trations associated
If YE	S, list the certificate, water use permit, or ground water registration number	s: <u>96728.</u>
a pr to a	tuant to ORS 540.510, any "layered" water use such as an irrigation right that imary right proposed for transfer must be included in the transfer or be cance ground water registration must be filed separately in a ground water registration.	elled. Any change
For St	ibstitution (ground water supplemental irrigation will be substituted for surfairrigation)	ace water primary
Gro	und water supplemental Permit or Certificate # N/A;	RECEIVE
	ace water primary Certificate # N/A.	JAN 0 3 2023
For a	change from Supplemental Irrigation Use to Primary Irrigation Use	OWRD
Ider	ntify the primary certificate to be cancelled. Certificate # N/A	
For a	change in point(s) of appropriation (well(s)) or additional point(s) of approp	riation:
	Well log(s) are attached for each authorized and proposed well(s) that are cassociated with the corresponding well(s) in Table 1 above and on the accomap.	
	Tip: You may search for well logs on the Department's web page at:	
ANI	D/OR	
	Describe the construction of the authorized and proposed well(s) in Table 3 do not have a well log. For proposed wells not yet constructed or built, provestimate" for each requested information element in the table. The Depart you consult a licensed well driller, geologist, or certified water right examin assembling the information necessary to complete Table 3.	ide "a best ment recommends
Any we	Construction of Point(s) of Appropriation  II(s) in this listing must be clearly tied to corresponding well(s) described in Ta	

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										

Permanent Transfer Application Form - Page 9 of 12

# Part 5b of 5 - Water Right Information

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

## **CERTIFICATE # 96728**

### RECEIVED **Description of Water Delivery System** System capacity: 0.372\* cubic feet per second (cfs) OR JAN 0 3 2023 gallons per minute (gpm) OWRD \*per certificate

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. There is a submerged pump in the well that pumps water via underground pipes to the various fields.

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	ж ж	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
Well #5	☐ Authorized☐ Proposed	MARI 19214	5 S	1 W	33	SW NE	900	2390' S & 2800' E of the NW S33**		

<sup>\*\*</sup>Per certificate 96278

Check a	Itype(s) of change(s) proposed below (ch	nange	"CODES" are provided in parentheses):
	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)		Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)
Will all	of the proposed changes affect the entire	wate	r right?
Yes	Complete only the Proposed ("to" or "on "CODES" listed above to describe the pro		s) section of Table 2 on the next page. Use the changes.
⊠ No	Complete all of Table 2 to describe the p	ortion	of the water right to be changed.

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

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

# Table 2. Description of Changes to Water Right Certificate # 96728

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

AUTHORIZED (the "from" or "off" lands)  The listing that appears on the certificate BEFORE PROPOSED CHANGES  List only that part or portion of the water right that will be changed.						Proposed Changes (see	PROPOSED (the "to" or "on" lands)  The listing as it would appear AFTER PROPOSED CHANGES are made.																			
Tw	p	R	ng	Sec	74	Ж	Tax Lo	Gvt tLot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous		vp	R	ng	Sec	ж	<b>1/4</b>	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
5	S	1	w	33	SW	NE	900	3	.07	IRRIG	Well 5	1995	POU	5	S	1	w	28	NE	NE	300	-	0.7	IRRIG	Well 5	1995
5	S	1	w	33	sw	NE	900	9 <b>±</b>	1.0	SUPPL	Well 5	1995	POU	5	S	1	W	28	NE	NE	300	-	4.3	SUPPL	Well 5	1995
5	S	1	w	33	SE	NW	900	i i	3.5	SUPPL	Well 5	1995	POU	5	S	1	W	28	NW	NE	300		0.2	SUPPL	Well 5	1995
						TO	TAL AC	RES:	5.2											ТО	TAL AC	RES:	5.2			

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

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JAN 0 3 2023 OWRD

F	or Pla	ce of Use or Character of Use Changes	
		here other water right certificates, water use permits or ground water registrathe "from" or the "to" lands? $\boxtimes$ Yes $\square$ No	ations associated
	If YE	S, list the certificate, water use permit, or ground water registration numbers:	96727.
	a pr	want to ORS 540.510, any "layered" water use such as an irrigation right that is mary right proposed for transfer must be included in the transfer or be cancel ground water registration must be filed separately in a ground water registrati	led. Any change
-	or Su	bstitution (ground water supplemental irrigation will be substituted for surface	e water primary irrigation
		nd water supplemental Permit or Certificate # <u>N/A;</u> nce water primary Certificate # <u>N/A.</u>	RECEIVED
1	For a	hange from Supplemental Irrigation Use to Primary Irrigation Use	JAN <b>0 3</b> 2023
	Iden	tify the primary certificate to be cancelled. Certificate # N/A	OWRD
1	For a	hange in point(s) of appropriation (well(s)) or additional point(s) of appropria	ation:
		Well log(s) are attached for each authorized and proposed well(s) that are cle with the corresponding well(s) in Table 1 above and on the accompanying app Tip: You may search for well logs on the Department's web page at:	
	AND	/OR	
		Describe the construction of the authorized and proposed well(s) in Table 3 for have a well log. For proposed wells not yet constructed or built, provide "a best requested information element in the table. The Department recommends you driller, geologist, or certified water right examiner to assist with assembling the complete Table 3.	st estimate" for each ou consult a licensed well
-011	1 2	non-the of Details of Assessmentation	

### 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										

## Land Use Information Form



OREGON Oregon Water Resources Department 725 Summer Street NE, Suite A

Salem, Oregon 97301-1266 (503) 986-0900

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JAN 0 3 2023

OWRD

Applicant(s): Tom Fessler

City: Woodburn

Mailing Address: 13009 McKee School Road

State: OR

Zip Code: 97101

Daytime Phone: 503.559.1471

#### A. Land and Location

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

Township	Range	Section	××	Tax Lot#	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>5S</u>	<u>1W</u>	<u>28</u>	N/A	300, 500, 700, 1000, 1500, 1800	<u>EFU</u>	☐ Diverted	☑ Conveyed	⊠ Used	farming
<u>5S</u>	<u>1W</u>	33	N/A	600, 700, 900	<u>EFU</u>	☐ Diverted	☑ Conveyed	☐ Used	farming

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed: Marion county. **B. Description of Proposed Use** Type of application to be filed with the Water Resources Department: Permit to Use or Store Water Water Right Transfer Permit Amendment or Ground Water Registration Modification Limited Water Use License Allocation of Conserved Water Exchange of Water Surface Water (name) Zollner Creek Source of water: Reservoir/Pond Ground Water Estimated quantity of water needed: 0.121 Cubic feet per second gallons per minute acre-feet Intended use of water: Irrigation Domestic for household(s) Commercial Industrial Municipal Quasi-Municipal Instream Other Briefly describe: The owner is moving the place of use for the water rights so that different lands can be irrigated.

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

### For Local Government Use Only

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

ATTACH 8- 3/2

Land uses to be served by the proposed water as listed in the table below. (Please attach do Record of Action/land-use decision and accoperiods have not ended, check "Being pursu	ocumentation of applicable land-use approvempanying findings are sufficient.) If approve	als which have	already been obtained
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-Use Approval:
		☐ Obtained ☐ Denled	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
	I land-use concerns or make recommendation a separate sheet.	ons to the Wate	er Resources Departme
egarding this proposed use of water below, or	on a separate sheet.		
egarding this proposed use of water below, or or water below,	on a separate sheet.	Associate Plan	
Name: Nicole Inman Signature: Vicole Anman Sovernment Entity: Marion County Planning	Title: Phone: _503-588-503	Associate Plan	nner
Name: Nicole Inman  Nignature: Nicole Inman  Novernment Entity: Marion County Planning  Note to local government representative: Pleadign the receipt, you will have 30 days from the information Form or WRD may presume the land	phone: _503-588-503  se complete this form or sign the receipt bel Water Resources Department's notice date to	Associate Plan  B Date:  ow and return to return the co	it to the applicant. If y
Name: Nicole Inman  Nignature: Nicole Anman  Sovernment Entity: Marion County Planning  Note to local government representative: Plea  lign the receipt, you will have 30 days from the information Form or WRD may presume the lan comprehensive plans.	Phone: 503-588-503  se complete this form or sign the receipt bel Water Resources Department's notice date to d use associated with the proposed use of w	Associate Plan  B Date:  ow and return to return the column the co	nner 12/27/2022 it to the applicant. If y
Name: Nicole Inman Signature: Nicole Anman Sovernment Entity: Marion County Planning Note to local government representative: Pleasign the receipt, you will have 30 days from the information Form or WRD may presume the land comprehensive plans.	phone: _503-588-503  se complete this form or sign the receipt bel Water Resources Department's notice date to	Associate Plan  B Date:  ow and return to return the column the co	it to the applicant. If y

JAN 0 3 2023 OWRD

Signature: \_\_\_

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

### **Application for Water Right**

### **Transfer**

### **Evidence of Use Affidavit**



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.

Supporting documentation must be attached.

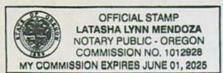
State o	f Oregon		)						
County	of MARION		) 55				ATDUBIC M PARCE		
I, Tom	FESSLER, in my o	capacity as FA	RMER,						
mailing	address 1300	9 MCKEE SCH	OOL ROAD, V	NOODBU	JRN, OR 9	7071			
teleph	one number ( <u>5</u>	03)559-1471,	being first d	luly swoi	rn depose	and say:			
1.		ge of the exer		of the v		nt is based onal expe	I on (check one):		CEIVED 0 8 2023
2.	I attest that:							0	WRD
		nowledge is s  Township		Mer	Sec	he follow	Gov't Lot or DLC	hin the last five y Acres (if applicable)	ears:
OR 🖂	Part or all of t instream leas transfer was The water rig would be reb	the water right e number is: not leased, ac ht is not subjutted under ( en used at th	nt was leased (Note diditional evident to forfeit DRS 540.610) e actual curr	d instreated in the election of the length o	m at som ntire righ use is ned documen ached. t of diver	e time wi t propose eded for t tation that sion or ap	the portion <u>not</u> le	years. The eased instream.); of forfeiture for	
3. The	water right wa								

·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.

un:	26
Signature of Affiant	

/2-20-22 Date

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



My Commission Expires June 1, 2025

Supporting Documents	Examples
Copy of a water right certificates that have been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use     Fertilizer or seed bills related to irrigated crops     Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered     Crop reports submitted under a federal loan agreement     Beneficial use reports from district     IRS Farm Usage Deduction Report     Agricultural Stabilization Plan     CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right.  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.  Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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JAN 03 2023

9W1RP 4 1



Rural Land Consulting

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

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

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

8 DEC 2022

JAN 0 3 2023

**OWRD** 

Subject: New Transfer application for certificates 96727 & 96728

To Whom It May Concern,

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

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

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

Respectfully,

Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

# Business Registry Business Name Search

New Sear	<u>eh</u>	Business Entity Data						
Registry I	Nbr Entity Type	Entity Status	Jurisdiction		Registry Date	Next Renewal Date	Renewal Due?	
664872-8	2 DLLC	ACT	ORE	GON	12-10-1998	12-10-2023		
Entity Na	me FESSLER	RFAMILY	, LLC					
Foreigr Name	1							
New Sear	<u>ch</u>		Ass	sociate	d Names			
Туре	PRINCIP. BUSINES	AL PLACI	E OF		104			
Addr 1	3009 MCKEI	<b>SCHOOL</b>	RDNE					
Addr 2								
CSZ	WOODBURN	OR 9707	1	Cou	ntry UNITED	STATES OF A	MERICA	
Please click	k <u>here</u> for gene	eral inform	ation abo	ut register	ed agents and s	ervice of proces	S.	
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Name S	SANDRA	L	TRAEGE	R				
	3009 MCKEI	E SCHOOL	RDNE					
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	MALMAILIN							
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	3009 MCKE							
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	WOODBURN OR	97071	1		UNITED STATES OF AMERICA
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Name	JODI	L AI	RRITOLA		Resign 2
Addr 1	13009 MCKEE SC				
Addr 2	1500) INCICED SC	HOOLI	CDIVE		
CSZ	WOODBURN OR	97071		Country	y UNITED STATES OF AMERICA
Туре	MEMMEMBER	-			Resign Date
Name	THOMAS	R FE	ESSLER		Resign Date
Addr 1	13009 MCKEE SC	THE PARTY OF THE P	75.43		
Addr 2	13007 WICKEL BC	HOOLK	O NE		
CSZ	WOODBURN OR	97071		Country	UNITED STATES OF AMERICA
Type	MEMMEMBER				Pasien Poto
2000	SANDRA	Ir fee	RAEGER		Resign Date
Name	13009 MCKEE SC				
Addr 1 Addr 2	13009 MCKEE SC	HOOL R	DINE		
CSZ	WOODBURN OR	07071		Country	y UNITED STATES OF AMERICA
CSZ	MOODBORNOR	P7071		Country	VONITED STATES OF AMERICA
Туре	MGRMANAGER				Resign Date
Name	SANDRA	L TR	RAEGER		
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Addr 2					
CSZ	WOODBURN OR	97071		Country	UNITED STATES OF AMERICA
Туре	MGRMANAGER				Resign Date
Name	KAREN	S JA	EGER		
Addr 1	13009 MCKEE SC	HOOL R	DNE		
Addr 2		97071		Country	UNITED STATES OF AMERICA

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

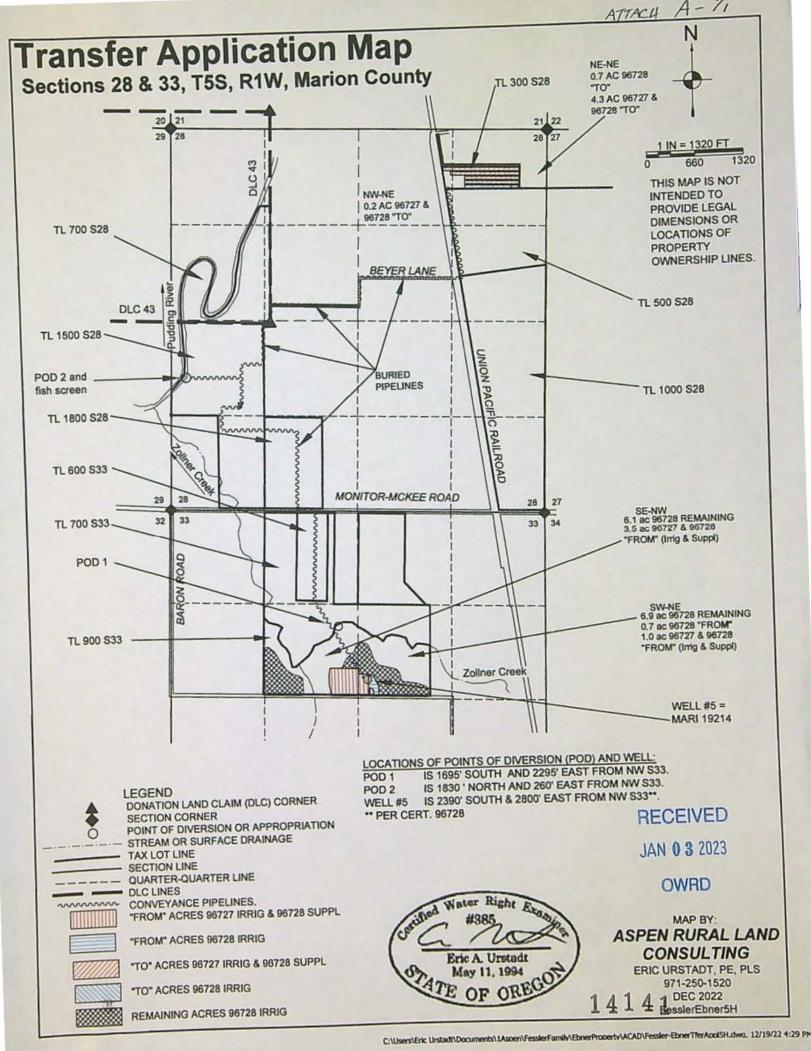
Please read before ordering Copies.

New Search			nary Hi			
Image Available	Action	Transaction Date	Effective Date	<u>Status</u>	Name/Agent Change	Dissolved By

	AMENDED ANNUAL REPORT	12-08-2022	FI		
	AMENDED ANNUAL REPORT	11-17-2021	FI		
	ANNUAL REPORT PAYMENT	11-06-2020	SYS		
0	AMNDMT TO ANNUAL RPT/INFO STATEMENT	08-14-2020	FI	Agent	
	ANNUAL REPORT PAYMENT	11-05-2019	SYS		
0	AMNDMT TO ANNUAL RPT/INFO STATEMENT	10-28-2019	FI		
	ANNUAL REPORT PAYMENT	11-26-2018	SYS		
	ANNUAL REPORT PAYMENT	11-14-2017	SYS		
	ANNUAL REPORT PAYMENT	11-09-2016	SYS		
	ANNUAL REPORT PAYMENT	11-09-2015	SYS		
	ANNUAL REPORT PAYMENT	11-04-2014	SYS		
	ANNUAL REPORT PAYMENT	11-06-2013	SYS		
	ANNUAL REPORT PAYMENT	11-15-2012	SYS		
	ANNUAL REPORT PAYMENT	11-14-2011	SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	11-26-2010	FI		
4	ANNUAL REPORT PAYMENT	11-05-2010	SYS		
	ANNUAL REPORT PAYMENT	11-10-2009	SYS		
	ANNUAL REPORT PAYMENT	11-06-2008	SYS		
	ANNUAL REPORT PAYMENT	10-30-2007	SYS		
	ANNUAL REPORT PAYMENT	11-01-2006	SYS		
	ANNUAL REPORT PAYMENT	11-09-2005	SYS		
	ANNUAL REPORT PAYMENT	11-04-2004	SYS		
		11-07-2003	SYS	1414	1

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

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Received by OWRD

APR 1 0 2024

Salem, OR

Date Received (Date Stamp Here)

## **OWRD Over-the-Counter Submission Receipt**

Applicant Name(s)	& Address:	Ssler Family LLC					
13009 A	rckee "	School Rd, Woodburn OR 970					
Transaction Type: _	RA						
Fees Received: \$_	1777-	00					
☐ Cash	Check:	Check No. 23226					
Thank you for your review your submit		Name(s) on Check Wood burn Nuvsery & egon Water Resources Department (Department) staff will ossible.					
If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.							
	The state of the s	ur submission and the accompanying fees will be returned with must be addressed in order for the submittal to be accepted.					
If you have any que at 503-986-0801 or		eel free to contact the Department's Customer Service staff					
Sincerely, OWRD Customer Se	ervice Staff						
Submission receive	ed by: LOV	(Name of OWRD staff)					

#### Instructions for OWRD staff:

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

# Permanent Transfer Application Checklist

Cher	ne Certificates in WF	RIS	Transfer # T-		
	cked by _Dante	Type of Change(s) Proposed:			
Date	e_1-11-2023	NO other changes allowed other	r than those listed		
Fee Received: \$1970 Calculated Fee:		X POU POD APOD	POA APOA USE		
			How many rights to be Transferred		
\$197	70		2		
Defi	ciencies and Observation	s: None	Certificate #(s)		
			96727		
			96728		
chec	ck box; if not, fill in.				
	at the bottom?	rmation complete? Have all the appling? Whose signature is missing?	icants listed at the top of the page signed		
	2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? N/A.  Name of the District				
	3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  If not, you may need to contact the applicant or agent?				
$\boxtimes$	separate completed		on Application Page 1 have their own OAR 690-380-3220-may need to return)		
		tes are missing a separate rare s, tac	oles 1 & 2?		
$\boxtimes$	5. Has the map been co	ompleted and signed by a CWRE? Do	es the map meet the requirements? Map waiver included?		
	If not, what is missin	ompleted and signed by a CWRE? Do	es the map meet the requirements? Map waiver included?		
	If not, what is missin  6. If a change in point of	ompleted and signed by a CWRE? Do ig? of appropriation, have the well logs b	es the map meet the requirements? Map waiver included?		
	<ul> <li>If not, what is missin</li> <li>6. If a change in point of</li> <li>7. If a change in place of Form U? N/A.</li> <li>8. Has applicant filled of</li> </ul>	ompleted and signed by a CWRE? Do of appropriation, have the well logs b of use within Umatilla County, have t	es the map meet the requirements?		
	<ul> <li>If not, what is missin</li> <li>6. If a change in point of the complete of the complete of the complete? If not, when the complete of the complete o</li></ul>	ompleted and signed by a CWRE? Do ag?  of appropriation, have the well logs be of use within Umatilla County, have to the Minimum Requirements Check is missing (check Evidence of Use	es the map meet the requirements?		
	<ul> <li>If not, what is missin</li> <li>6. If a change in point of the complete of the complete of the complete? If not, when the complete of the complete o</li></ul>	ompleted and signed by a CWRE? Do ag?  of appropriation, have the well logs be of use within Umatilla County, have to but the Minimum Requirements Check is missing (check Evidence of Use necklist are checked (with no remain	es the map meet the requirements? Map waiver included?  Deen included?  N/A. The applicant(s) provided a Supplemental  Cklist (Part 1 of 5)? Is the application and Land Use)?		
□ □	<ul> <li>If not, what is missing</li> <li>6. If a change in point of the point of</li></ul>	ompleted and signed by a CWRE? Do ag?  of appropriation, have the well logs be of use within Umatilla County, have to but the Minimum Requirements Checat is missing (check Evidence of Use necklist are checked (with no remain check sheet in the transfer folder.	ses the map meet the requirements?  Map waiver included?   Deen included?   N/A.  The applicant(s) provided a Supplemental   cklist (Part 1 of 5)? Is the application  and Land Use)?  ing deficiencies identified), accept the		

# Permanent Transfer Application Checklist

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