

Temporary

T-14382

Name Mou Abba's Acres LLCAddress 14407 Whiskey Hill Rd
Hubbard, OR 97032Change in POU, PODDate Filed 1/12/2024Initial notice date 1/23/2024

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 6/7/2024 Vol 131 Page 251-254

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Marion County☐ - Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Pudding RiverTrib. of Molalla RiverUse IrrigationCounty Clackamas/Marion

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# S29075 Per # S22913 Cert # 27061 PR Date 3-24-1954

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

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

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

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

FEES PAID

Date	Amount	Receipt #
<u>1-12-24</u>	<u>1,045.04</u>	<u>142238</u>

FEES REFUNDED

Date	Amount	Receipt #
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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

June 7, 2024

Mou Abba's Acres, LLC
14407 Whiskey Hill Rd
Hubbard, OR 97302

REFERENCE: District Temporary Transfer Application T-14382

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

The temporary change shall be effective at the **beginning of the 2024 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2028 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at Arla.l.davis@water.oregon.gov.

Sincerely,

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

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
Marion County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14382, Marion County)	CHANGES IN PLACE OF USE AND POINT
)	OF DIVERSION

Authority

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

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

Applicant

MOU ABBA'S ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

Findings of Fact

1. On January 12, 2024, MOU ABBA'S ACRES LLC, filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 27061 for a period of 5 years. The Department assigned the application number T-14382

2. Notice of the application for transfer was published on January 23, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

Certificate:	27061 in the name of MANTON A. CARL (perfected under Permit S-22913)
Use:	IRRIGATION of 35.2 ACRES
Priority Date:	MARCH 22, 1954
Rate:	0.44 CUBIC FOOT PER SECOND

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

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

Source: PUDDING RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	2	SW SW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	1 W	WM	3	NE SE	2	6.9
5 S	1 W	WM	3	SW SE	4	19.7
5 S	1 W	WM	10	NW NE		8.6
Total						35.2

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 27061 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	2	SW SW	CARL POD - 1072 FEET SOUTH AND 1567 FEET EAST FROM THE SE CORNER OF J PURVINE DLC 60

5. Temporary Transfer Application T-14382 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	25	NW NW	60	6.8
4 S	1 W	WM	26	NE NE	60	28.4
Total						35.2

6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14382 proposes to move the authorized point of diversion approximately 8.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	24	SE SW	60	FRANKIE POD - 175 FEET SOUTH AND 2244 FEET EAST FROM THE SW CORNER OF W. HARRIS DLC

Temporary Transfer Review Criteria

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

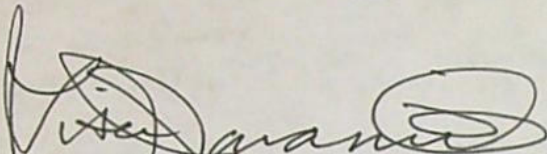
The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14382 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14382 are approved.
2. The former place of use shall not be irrigated as part of this water right during the 2024, 2025, 2026, 2027, and 2028 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2028 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 27061 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 27061.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

8. The use of the remaining water right described by Certificate 27061 shall continue to be in accordance with the terms and conditions of Certificate 27061.

Dated in Salem, Oregon on **JUN 07 2024**

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over the typed name.

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

Mailing date: **JUN 10 2024**

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-14382

Review Due Date: 02/18/2024

Applicant Name: Mou Abba's Acres LLC

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

Reviewer(s): G. Wacker

Date of Review: 01/24/2024

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14382



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301

Phone: 971-719-6262

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

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

January 19, 2024

Mou Abba's Acres LLC
14407 Whiskey Hill Rd
Hubbard, OR 97302

Reference: Application T-14382

On January 12, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1045.04. Receipt number 142238 is enclosed.

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #16, Gregory J. Wacker (via email)
Marion County, Local Government

Enclosure

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14382

Transfer Specialist:

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: Mou Abba's Acres LLC 14407 Whiskey Hill Rd Hubbard, OR 97302	Agent:	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Marion Countyplanning Dept	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: January 12, 2024	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1045.04	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 1/23/2024	County sent cc: of Ack Letter <input type="checkbox"/>	County: CLACKAMAS, MARION
WM District: 16 Gregory J. Wacker	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____ WM Sheet <input type="checkbox"/>	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **142238**

INVOICE # _____

RECEIVED FROM: Country Sunday Farm LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>F-14382</u>

CASH: ☐ CHECK: # 5174 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1045.04

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) _____	\$	
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	\$	0202 \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$ <u>1045.04</u>	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	\$	0219 \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **142238**

DATED: 1-12-24 BY: m mill

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

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



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

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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

RECEIVED

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

JAN 12 2024

OWRD

- JAN 12 2024

OWRD

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Temporary Transfer Application Map Checklist.

☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** Cert. # 27061 (partial)

Please include a separate Part 5 for each water right. (See instructions on page 6)

☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year** 2024 **End Year** 2028

☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- | | | |
|-------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | | Completed Temporary Transfer Application Map. |
| <input checked="" type="checkbox"/> | | Completed Evidence of Use Affidavit and supporting documentation. |
| <input checked="" type="checkbox"/> | | Current recorded deed for the land from which the authorized place of use is temporarily being moved. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> N/A | Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> N/A | Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> N/A | Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if <u>all</u> 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> N/A | Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use). |

(For Staff Use Only)

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

Application fee not enclosed/insufficient

____ Map not included or incomplete

Land Use Form not enclosed or incomplete

Part _____ is incomplete

Other/Explanation

Staff:

Phone:

Date: _____

• _____

/

Part 2 of 5 – Temporary Transfer Application Map Checklist

RECEIVED

JAN 12 2024

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

OWRD

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

- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged. Attachment 01 and 02
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. Attachment 00
- ☒ 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. Attachment 01 and 02
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>35.2</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	95.04
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1045.04
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	1045.04

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <u>Mou Abba's Acres LLC</u>		PHONE NO. <u>503-710-7579</u>	ADDITIONAL CONTACT NO.
ADDRESS <u>14407 Whiskey Hill Rd</u>		FAX NO.	
CITY <u>Hubbard</u>	STATE <u>OR</u>	ZIP <u>97032</u>	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
We want to "renew" a Temporary Transfer of a portion of Cert. # 27601 from Carl Rd NE to Robert Rd NE, Hubbard OR, continuing to use it for agriculture Irrigation.
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Delbert Strubhar
 Applicant (District) signature

Delbert Strubhar (owner) Jan. 8, 2024
 Print Name (and Title if applicable) Date

 Applicant (District) signature

 Print Name (and Title if applicable)

 Date

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

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

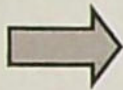
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Marion County	ADDRESS 5515 Silverton Rd NE	
CITY Salem	STATE OR	ZIP 97305

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 27061

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Description of Water Delivery System

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

JAN 12 2024

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 50hp high head pump 8" buried Mainline with risers for at least part. see Attachment 02.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
CARL POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5 S	1 W	2	SW SW	DLC J. Sanders	Estimated, See Attach. 02 1567' East and 1072' South of the SE Cor. J. Purvine DLC
FRANKIE POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4 S	1 W	24	SE SW	DLC Miner #60	2244' East and 175' South of the SW corner of W. Harris DLC
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 27061

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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	Twp		Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
EXAMPLE																					
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901	
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
5	S	1	W 3 NE SE	500 1200	500 1200	6.9	Irrigation	CARL	1954	POU	4	S	1	W 25 NW NW	1300	1300	6.8	Irrigation	FRANKIE POD	1954	
5	S	1	W 3 SW SE	1700 1200	1700 1200	19.7	Irrigation	CARL	1954	POU	4	S	1	W 26 NE NE	1300	1300	28.4	Irrigation	FRANKIE POD	1954	
5	S	1	W 10 NW NE	1700 1200	1700 1200	8.6	Irrigation	CARL	1954	POD	4	S	1	W 24 SW SW	1300	1300		Irrigation	FRANKIE POD	1954	
TOTAL ACRES						35.2						TOTAL ACRES						35.2			

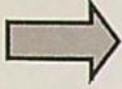
Additional remarks:

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For Place of Use Changes

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

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



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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KIAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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Attachment 00

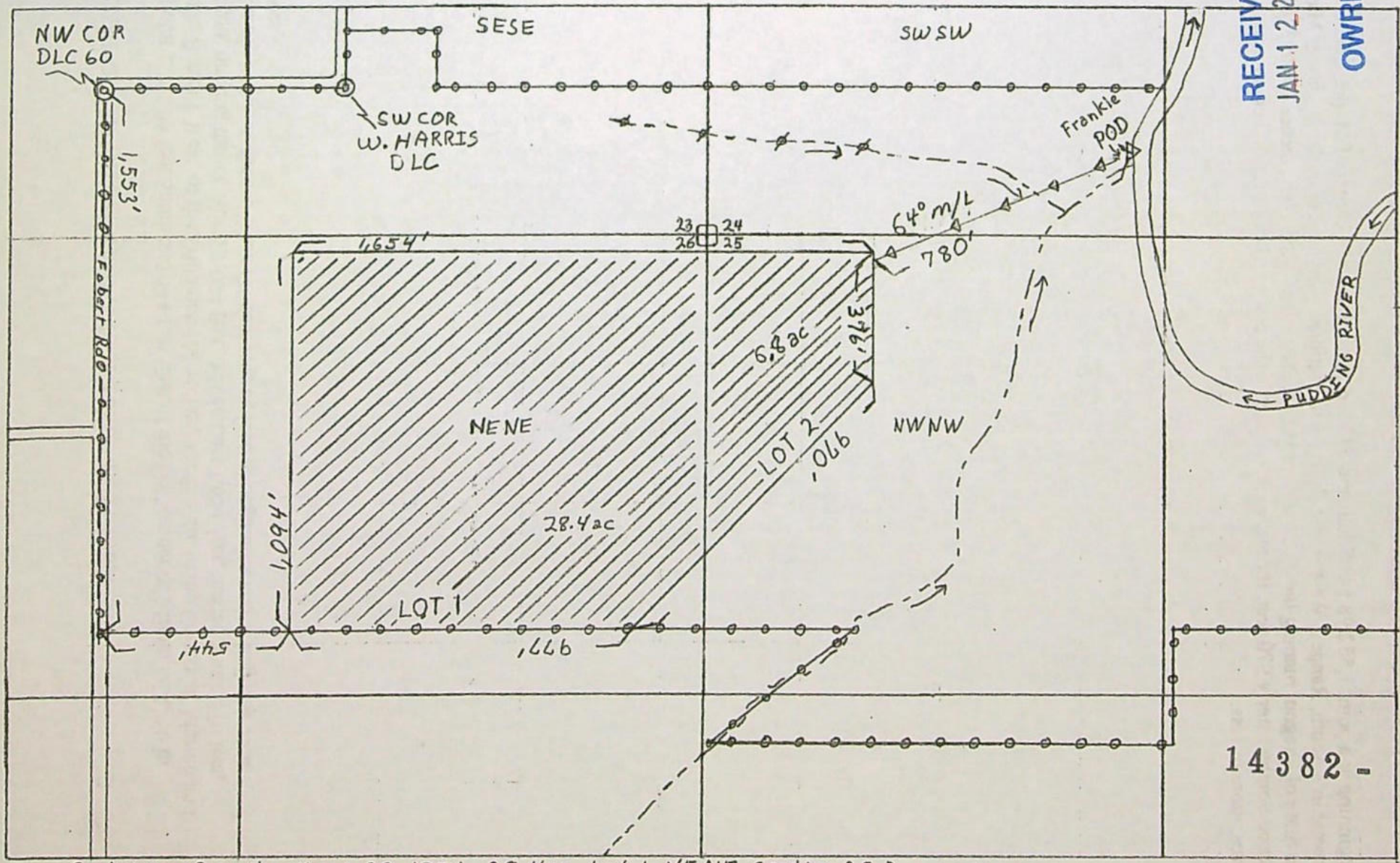
T4S RIW W.M.
Scale 1" = 400'

Tax Map end Lot
041W23 01300

Legend

- Property Tax Lot Boundry
- Water Delivery Pipe
- Seasonal Stream
- Stream
- DLC Corner
- Section Corner
- Measured Distance

NORTH



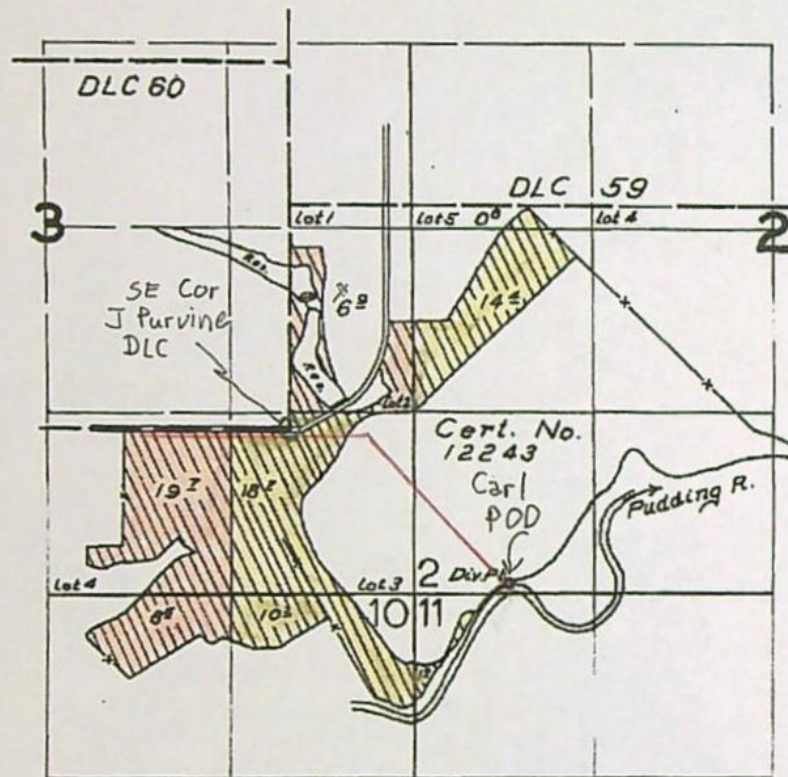
Cert. 27061 Priority March 22, 1954 28.4 ac Lot 1 NENE section 26 } Irrigation
Cert. 27061 Priority March 22, 1954 6.8 ac Lot 2 NWNW section 25 }

Proposed POU Discription (over)

PROPOSED PLACE OF USE DISCRIPTION FOR 35.2 acres of Cert. 27061

Beginning at a point 1,552.98 feet South and 544 feet East of the NW corner of Minier DLC 60 in Township 4 South, Range 1 West, of the Willamette Meridian, section 26, in the County of Marion and the State of Oregon, running thence North 1,094 feet, thence East 1,654 feet, thence South 376 feet, thence Southwesterly 970 feet, thence West 977 feet to the place of beginning and containing 35.2 acres, more or less.

T. 5S. R. 1W. W.M.



Remain Portion

Proposed Temporary
Transfer Portion

FINAL PROOF SURVEY
UNDER

Application No. 29075. Permit No. 22913...
IN NAME OF

Manton A. Carl

Surveyed May 22, 1959, by R.H. Jackson.

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1059-NF-OPN-10-22-24

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)

County of Marion) ss

I, Delbert Strubhar, in my capacity as Affiant

mailing address 14407 Whiskey Hill Rd, Hubbard, OR 97032

telephone number (503) 710-7579, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

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2. I attest that:

☐ Water was used during the previous five years on the entire place of use for
Certificate # _____; OR

☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
27061	4 S	1 W	WM	25	NW NW	2 60	2
	4 S	1 W	WM	26	NE NE	1 60	5
	4 S	1 W	WM	24	SW SW	1 60	3

Temporary
Transfer
Application
T-13160

OR

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

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

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

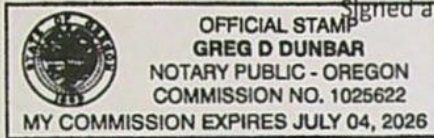
☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): crops, hay
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

Jan 9, 2024
Date



Signed and sworn to (or affirmed) before me this 9 day of Jan, 2024.

[Signature]
Notary Public for Oregon

My Commission Expires: July 4, 2026

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

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PNW Veg Go. LLC dba Brooks
Field Summary

	Start Date	End Date	Acres	Payable Weight	Dockage	%	Dollar Amount	Return/ Acre	Ton/ Acre	Lbs/Acre	HARVEST		OR Vegetable Commission	Grand Total	9/30/23 Payment	12/20/2023 Payment
											Balance Due	Seed Cost				
TOTAL - ALL VENDORS			38.0	231,679	44,541	16.13%	\$75,948.33	\$1,998.64	3.05	6,096.83	\$75,948.33	(\$12,844.00)	(\$127.42)	\$62,976.91	\$31,488.45	\$31,488.45
Country Sundry Farm, LLC																
200262 Org Green Beans			38.0	231,679	44,541	16.13%	\$75,948.33	\$1,998.64	3.05	6,096.83						
1 ORG JOUET, GR BEAN (QPB12794)	09/07/23	09/07/23	38.0	231,679	44,541	16.13%	\$75,948.33	\$1,998.64	3.05	6,096.83						
QBK29119	09/07/23			34,819	5,781	14.24%	\$11,807.36									
QBK29121	09/07/23			26,897	4,643	14.72%	\$8,974.63									
QBK29122	09/07/23			33,037	5,703	14.72%	\$11,023.37									
QBK29126	09/07/23			35,479	8,301	18.96%	\$11,516.61									
QBK29128	09/07/23			36,581	8,559	18.96%	\$11,874.37									
QBK29131	09/07/23			29,402	5,238	15.12%	\$9,406.55									
QBK29138	09/07/23			35,463	6,317	15.12%	\$11,345.44									

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JAN 12 2024

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ADMINISTRATIVE OFFICE
7746 St Paul Hwy, NE • St Paul, OR 97137
(503) 633-4561 • Fax (503) 678-2482

RETAIL STORE - Downtown St. Paul
20160 Main Street • St Paul, OR 97137
(503) 633-4281 • Fax (503) 633-4280

Country Sundry Farms
Delbert Strubhar
14407 Whiskey Hill Rd
Hubbard, OR 97032

Invoice

18929

Invoice Date	05/31/2023
Due Date	06/15/2023
Customer ID	StruDe
Shipping Loc.	Main
Ticket(s)	65899

Comments: Picked up 5/22

Quantity	Description	Unit Price	Total \$
10.000 Tons	Perfect Blend Organic 4-4-4 totes (PP) <i>Green Bean Fertilizer</i>	601.00 /Tons	6,010.00

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Terms: Finance Charge on past due invoices at 1.5% per month (18% annual percentage rate) - In the event of collection action, customer agrees to pay all collection costs and attorney fees, even if no court action is filed.

Sub Total 6,010.00

Amount Due 6,010.00
** PAID IN FULL **

MM jp

Country Sundry Farms

Invoice 14382 - 18929



Oregon

Kate Brown, Governor

June 25, 2019

COPY

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

MOU ABBAS ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

REFERENCE: Temporary Transfer Application T-13160

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

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

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Ashley N. Mosley
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)
Marion County Planning Department

Enclosure

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Copy of prior
authorization for
temporary use.

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13160, Marion County)	TEMPORARY CHANGE IN PLACE OF
)	USE AND POINT OF DIVERSION

Authority

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

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

Applicant

MOU ABBAS ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

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Findings of Fact

1. On April 3, 2019, MOU ABBAS ACRES LLC filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 27061 for a period of 5 years. The Department assigned the application number T-13160.
2. Notice of the application for transfer was published on April 9, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:

Certificate:	27061 in the name of MANTON A. CARL (perfected under Permit S-22913)
Use:	IRRIGATION of 35.2 ACRES
Priority Date:	MARCH 22, 1954
Rate:	0.44 CUBIC FOOT PER SECOND
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-

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

EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: PUDDING RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	2	SW SW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	1 W	WM	3	NE SE	2	6.9
5 S	1 W	WM	3	SW SE	4	19.7
5 S	1 W	WM	10	NW NE		8.6
Total						35.2

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 27061 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	2	SW SW	1072 FEET SOUTH AND 1567 FEET EAST FROM THE SE CORNER OF J PURVINE DLC 60

5. Temporary Transfer Application T-13160 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	25	NW NW	60	6.8
4 S	1 W	WM	26	NE NE	60	28.4
Total						35.2

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6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13160 proposes to move the authorized point of diversion approximately 8.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	24	SE SW	60	175 FEET SOUTH AND 2244 FEET EAST FROM THE SW CORNER OF W. HARRIS DLC

Temporary Transfer Review Criteria

7. Water has been used within the last five years according to the terms and conditions of the right. The water authorized for use under Certificate 27061 has been leased instream under IL-947 for the last 5 years. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13160 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

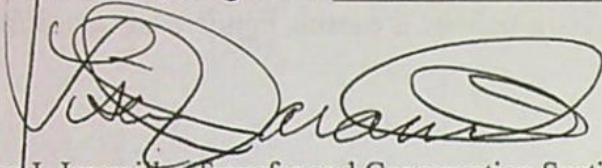
Now, therefore, it is ORDERED:

1. The temporary changes in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13160 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2019, 2020, 2021, 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 27061 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 27061.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

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8. The use of the remaining water right described by Certificate 27061 shall continue to be in accordance with the terms and conditions of Certificate 27061.

Dated at Salem, Oregon this JUN 25 2019,



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: JUN 26 2019

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STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That MAINTON A. CARL

of Route 1, Hubbard, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pudding Riv. a tributary of Willamette River for the purpose of irrigation of 80.3 acres,

under Permit No. 22913 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 22, 1954,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.00 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 5 South, Range 1 West, W.M.

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

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

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

0.8 acre Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
14.4 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2
6.9 acres Lot 2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
19.7 acres Lot 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
18.7 acres Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 3
10.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
8.6 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 10
1.0 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 11
Township 5 South, Range 1 West, W.M.

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

WITNESS the signature of the State Engineer, affixed

this date. MAY 27 1960

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 19, page 27061
27061

14382

Application for Water Right Transfer



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

Consent by Deeded Landowner

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State of Oregon)
County of Marion)ss

I Theodora Schrier in my/our capacity as Manton A. Carl, LLC, Member

mailing address PO Box 149 Hubbard, OR 97032

telephone number (503) 407-2727, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 27061

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

submitted by Mou Abbas Acres LLC

on the property in tax lot number(s) 500, 1200, 1700

Section 3410 Township 5 North South Range 1 East West W.M.

located at 13324 Carl Rd NE, Hubbard, OR 97032
(site address)

Manton A. Carl, LLC
By: Theodora Schrier, Member
Signature of Affiant

January 11, 2024
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 11th day of January, 2024.



Teri Massey
Notary Public for Oregon

My commission expires 03/15/2025

Land Use Information Form



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

Applicant: Mou Abbas Acres LLC
First Last

Mailing Address: 14407 Whiskey Hill Rd
Hubbard OR 97032 Daytime Phone: 503-710-7579
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
45	1W	26 25	NE NE NW NW	1300	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

MARION COUNTY

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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) Pudding River

Estimated quantity of water needed: .44 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

Irrigation of 35.2 acres to grow Certified Organic Crops at
19580 Fobert Rd NE Hubbard OR

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

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Name: LISA MILLIMAN Title: ASSOCIATE PLANNER

Signature: *Lisa Milliman* Phone: 503-588-5238 Date: 3/28/19

Government Entity: MARION COUNTY

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Regular Temporary Water Right Transfer Application Checklist

Checked by Joan

Date 1/12/24

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

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

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

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

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

OK



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1/12/2023
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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mon Abbas Acres LLC

14407 Whiskey Hill Rd, Hubbard OR 97032

Transaction Type: Transfer T-14382

Fees Received: \$ 1045.04

☐ Cash

☒ Check

Check No. 5174

Name(s) on Check: Country Sundry Farm LLC

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick

(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.

KNOW ALL MEN BY THESE PRESENTS, That

Manton A. Carl and Frances Irene Carl, as Trustees of the Manton A. Carl Trust, Manton A. Carl, Trustor, dated February 9th, 1993; and
Manton A. Carl and Frances Irene Carl, as Trustees of the Frances Irene Carl Trust, Frances Irene Carl, Trustor, dated February 9th, 1993;

Convey to

Manton A. Carl Limited Liability Company (LLC) the real property situated in Marion County, Oregon consisting of 10 tracts as described in attached Exhibit "A".

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(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00.

① However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 28th day of December, 1994; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

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

Manton A. Carl
Frances Irene Carl

STATE OF OREGON, County of MARION

This instrument was acknowledged before me on December 28, 1994, by Manton A. Carl & Irene Carl

This instrument was acknowledged before me on _____, 19____,

by _____

as _____



Paula L. Frost
Notary Public for Oregon
My commission expires 6-20-97

STATE OF OREGON,

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

14382

EXHIBIT "A"

Tax Lot 500

TRACT NO. 1: Beginning at the Southeast corner of the Donation Land Claim of John Purvine and wife in Township 5 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, and running thence North 20 chains; thence East 10 chains; thence South 14 chains to an iron pipe from which a cedar tree 15 inches in diameter bears South 58 45' East 36 links distant and an ash tree 12 inches in diameter bears South 11 55' East 61 1/4 links distant; thence South 45 East 35.50 chains to an iron pipe on the left bank of Pudding River; thence following up stream along the meanders of said river to the Southeast corner of land owned by Effie W. Moon; thence North 38 15' West 7.50 chains; thence North 45 30' East 8.68 chains; thence East 2.75 chains; thence North 13.75 chains to the south line of the John Purvine Claim; thence East 11.50 chains to the place of beginning.

Tax Lot 1200

TRACT NO. 2: Beginning at an iron pipe 15.60 chains North 0 45' East and 10.00 chains East of the Southwest corner of the Donation Land Claim of A. R. Dimick and wife in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, State of Oregon; thence South 0 45' West 34.00 chains to an iron pipe; from which a cedar tree 15 inches in diameter bears South 58 45' East 36 links distant and an ash 12 inches in diameter bears South 11 55' East and 61 1/4 links distant; thence South 45 East 35.50 chains to an iron pipe on the left bank of Pudding River; thence following down stream along the meanders of said river to the Southwest corner of L. A. Braden's land, on the left bank of said Pudding River; thence South 37 30' West 85 links, more or less, to an iron pipe, from which an oak tree 9 inches in diameter bears North 37 30' East 28 1/2 links distant and a fir tree 10 inches in diameter bears South 65 East 47 links distant; thence North 45 West 38.0555 chains to an iron pipe; thence North 13.185 chains to an iron pipe; thence West 13.56 chains to the place of beginning; save and except therefrom a strip of land 20 feet in width off of the entire length of the North boundary, reserved for road purposes. Also save and except therefrom a strip of land 20 feet in width beginning at the Northwest corner of the above described Tract No. 2, thence South 0 45' West 34.00 chains, reserved for road purposes.

SAVE AND EXCEPT that parcel of property described as:

Beginning at an iron pipe in the center of County Road No. 531 which is North 20.00 chains and East 10.00 chains from the Southeast corner of the John Purvine Donation Land Claim No. 60 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 0 45' West along the center of said county road 440.00 feet to an iron pipe; thence East 440.00 feet; thence North 0 45' East parallel to the center line of said county road 440.00 feet; thence West 440.00 feet to the point of beginning.

SAVE AND EXCEPT a strip of land 20 feet in width off the West boundary line for roadway purposes.

TRACT NO. 3: Beginning at the southeast corner of the Donation Land Claim of John M. Purvine and wife, it being Claim No. 60, lying in Sections 3 and 4, Township 5 South, Range 1 West of the Willamette Meridian; running thence west 15 chains; thence North 20 chains; thence East 15 chains; thence South 20 chains to the place of beginning, and being the Eastern portion of land purchased by Fred Zurlinden from William Fleetwood by deed recorded in Vol. 108, Page 243 Deed Records, situated in the County of Marion, State of Oregon.

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Page 1

EXHIBIT "A"

14382 -

EXHIBIT A

Page 2

TRACT NO. 4: Beginning at a point 20 chains North and 10 chains West of the Southeast corner of the Donation Land Claim of John Purvine and wife in Township 5 south Range 1 West of the Willamette Meridian in Marion County, Oregon, said beginning point being the Southeast corner of W. Wolfer's land, and running thence North 0° 45' East 20 chains to the Southeast corner of land owned by Robt. France; thence East 20 chains to an iron pipe; thence South 0° 45' West 20 chains; thence West 20 chains to the place of beginning; save and except therefrom 20 feet along the entire East and North sides reserved for road.

H.D. Brader

TRACT NO. 5: Beginning at a point 11.50 chains west of the South east corner of the Donation Land Claim of John Purvine and wife, which is known in the surveys of the United States as Not. No. 1075, Claim No. 60, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, from which a dogwood tree 5 inches in diameter bears south 59.1/2 degree east 10 links; thence Magnetic variation 21° east, West 7.625 chains to a stake; thence South 13.75 chains to a stake; thence West 3.62 chains to a stake; thence South 4° West 9.80 chains to a stake from which a cedar 36 inches in diameter bears north 53° East 52 links; thence South 45° East 9.30 chains to the west bank of ... River; thence North 12, 1/2° East down Pudding River 5 chains; thence North 38 1/4° West 7.50 chains; thence North 45 1/2° East 8.68 chains; thence East 2.75 chains; thence North 13.75 chains to the place of beginning, being situated in Sections 3 and 10 in Township 5 south, Range 1 West of the Willamette Meridian.

18 Cooper

Tract #6 Beginning at an iron pipe in the center of County Road No. 531 which is North 20.00 chains and East 10.00 chains from the Southeast corner of the John Purvine Donation Land Claim No. 60 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 0°45' West along the center of said county road 440.00 feet to an iron pipe; thence East 440.00 feet; thence North 0°45' East parallel to the center line of said county road 440.00 feet; thence West 440.00 feet to the point of beginning. SAVE AND EXCEPT a strip of land 20 feet in width off the West boundary line for roadway purposes.

H.H.P.

Tract #7 Beginning at a point in the South line of the Donation Land Claim of John M. Purvine and wife, being claim no. 60 in Section 3, in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; 15.00 chains West from the Southeast corner of said claim; thence West along the South line of said Claim 7.51 chains; thence North 18° West 19.96 chains to the North line of the tract of land conveyed to Robert Zurlinden by deed dated June 18, 1931 and recorded October 20, 1936 in Volume 226, Page 341, Deed Records; thence North 89°56' East along the North line of said tract 7.51 chains to an iron rod at the Northwest corner of the tract of land conveyed to John Zurlinden by deed dated June 18, 1931 and recorded November 24, 1936 in Volume 227, Page 323, Deed Records; thence South 18° East along the West line of said tract 19.97 chains to the point of beginning.

15

EXCEPT: Rights of the public in streets, roads and highways; and Easement to Portland General Electric Company, recorded January 19, 1956 in Volume 484, Page 98, Deed Records for Marion County, Oregon.

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EXHIBIT "A"

Tract No. 8:

The East one-half of the Northeast quarter of the Donation Land Claim of John Purvine Claim No. 60 and Notification No. 1075 in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

SAVE AND EXCEPT 20 acres conveyed to L. C. Dayton by deed dated April 8, 1870, and recorded in Book 12 of Deeds, Page 72, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT 10 acres, more or less, conveyed to Minnie Spagle by deed dated February 19, 1902 in Volume 79 Page 38, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT 12 acres, more or less, conveyed to Emma Barrett by deed dated May 19, 1903, in Volume 82 Page 484 Deed Records of Marion County, Oregon.

SAVE AND EXCEPT land conveyed by Wm. Wolfer et ux to Edna Hershberger by deed recorded September 28, 1916, in Volume 140 Page 604, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT land conveyed by William Wolfer et ux to Fred Wolfer by deed recorded September 28, 1916, in Volume 140 Page 605, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT land conveyed by William Wolfer et ux to Malinda Barrett by deed recorded September 28, 1916, in Volume 140 Page 606, Deed Records of Marion County, Oregon.

Together with a right-of-way in common with the owners of the West one-half of the above-described real property 30 feet in width along the North boundary line connecting the herein conveyed real property with a county road along the West one-half of the above-described real property.

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EXHIBIT "A"

TRACT 9: Beginning at a point 30 rods East of the Southeast corner of the Ewing Purvine D. L. C. designated on the United States plat as Not. No. 1076, running thence East 86.56 rods to the West line of County Road; thence North 4' West 82.68 rods; thence West along South line of County Road 86.32 rods; thence South 5' West 83.28 rods to the place of beginning situate in the County of Marion and State of Oregon, and being part of the D. L. C. of John J. Conley and wife, designated as Claim No. 54, in Township 4 South, Range 1 West and Claim No. 39 in Township 5 South, Range 1 West, Marion County, Oregon.

SAVE AND EXCEPT that parcel conveyed to Norman Allphin and Marie L. Allphin, husband and wife, by instrument dated June 26, 1959 and recorded March 10, 1969 in Volume 661, Page 161 of Marion County, Oregon deed records. (Fee No. 856588.)

TRACT 10: Beginning at an iron bar in the North line of the John Purvine D. L. C. at a point 10 chains West from the Northeast corner of said claim; and running thence South 36' West 20 chains to an iron pipe; thence South 89°50' West along the South line of the Northeast quarter of said Donation Land Claim 18 chains; thence North 0°36' East 20 chains to the North line of said John Purvine Donation land Claim; thence North 89°45' East along the North line of said John Purvine Donation Land Claim 18 chains to the place of beginning and being a part of the John Purvine D. L. C. No. 60 in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

SUBJECT TO:

1. As disclosed by the tax roll the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
2. Rights of the public in streets, roads, and highways.
3. An easement, including the terms and provisions thereof, to Portland General Electric Company, a corporation of Oregon, dated January 6, 1956, recorded January 19, 1956, in Volume 484, Page 98, Deed Records for Marion County, Oregon.

RECEIVED

JAN 12-2024

OWRD

REEL:1213

PAGE: 186

December 29, 1994 , 01:35P

CONTROL #: 1213186

State of Oregon
County of Marion

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

FEE: \$55.00

ALAN H DAVIDSON
COUNTY CLERK

RECEIVED
JAN 12 2024

OWRD