## T-11644

Name Havel Place LLC  Address 5715 Anderson Rd. Aumsville, OR 97325	Name of Stream Det  Trib. of North San				Date 8-2-13	FEES PAID Amount /3000	Receipt # 109475
Change in Pouc  Date Filed 8-2-13  Initial notice date 8-6-13  DPD issued date 12-18-13	Use Impation Quantity of water (CFS		County Linn, Ma No. of Acres				*
PD issued date 12   24   3   13   Date of FO Vol Page C-Date COBU due date COBU Received date Certificate issued 98342 issued 5.23.2025  Assignments:	Name of ditch  App # 5 5 2841  App #	Per # 5.39888 Per # Per # Per # Per #	Cert #54059 Cert # Cert # Cert # Cert #	PR Date PR Date PR Date PR Date PR Date PR Date	Date 1/15/14	FEES REFU Amount	JNDED Receipt# VP637518
Agent James Schuette, CWRE: JMS Eng. 3000 Market St. NE #426 Salem, CCWRE  CWRE  CC's list  Oversized map - Location.	ineering PR 97301						

### **Mailing List for Final Transfer** Certificate(s)

Transfer Application: T-11644

Certificate: (C-54059) 98342

Certificate/Transfer Holder: (include copy of map) HAVEL PLACE LLC 5715 ANDERSON RD

AUMSVILLE, OR 97325

Copies Mailed on: MAY 2 3 2025

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

### Copies of Final Transfer Certificate(s) to be sent to:

- 1. Watermaster District #: 16
- 2. Water Availability
- 3. Vault
- 4. File

### Other persons to receive copies: (include map):

5. WILLIAM MCGILL, CWRE

### Record Marking(s):

- 1. Original Application# S-52841
- 2. Old Certificate# 54059



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A

Salem, OR 97301

Phone: 503-986-0900 Fax: 503-986-0904

www.Oregon.gov/OWRD

Date Mailed: MAY 2 3 2025

### NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms 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 Jonnine Skaug at 503-979-3943.

#### STATE OF OREGON

#### COUNTY OF LINN

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE OR 97325

confirms the right to the use of water perfected under the terms of Permit S-39888. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: NORTH SANTIAM RIVER AND DETROIT RESERVOIR CONSTRUCTED UNDER R-1625, A TRIBUTARY OF

SANTIAM RIVER

PURPOSE OR USE: IRRIGATION OF 10.7 ACRES

MAXIMUM RATE: 0.13 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MARCH 12, 1975

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
9 S	2 E	WM	22	SW SE	2	POD 2 - 120 FEET NORTH AND 610 FEET EAST FROM NW CORNER, DLC 37
10 S	5 E	WM	7	SW NW		POD 1 -DETROIT RESERVOIR

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 from direct flow 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, from direct flow and storage from reservoir constructed under Permit R-1625, and is subject to the terms and conditions of Contract 5-07-10-W0540 or a satisfactory replacement between the Bureau of Reclamation and the water user, a copy of which is on file in the records of the Water Resource Department and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
95	2 E	WM	22	SW SE	37	6.6
9 S	2 E	WM	27	NW NE	37	3.6
95	2 E	WM	27	NENW	37	0.5

### 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.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order, at each existing point of diversion.
- B. The water user shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices is located within a private structure, the watermaster shall request access upon reasonable notice.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to the right.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered February 14, 2014, at Special Order Volume 91, Page 857, approving Transfer Application T-11644, and together with Certificate 89077, supercedes Certificate 54059, State record of Water Right Certificates.

Issued

MAY 2 3 2025

Katherine Ratcliffe

Water Right Services Division Administrator, for

Ivan Gall, Director

Oregon Water Resources Department

Certificate 98342

### TRANSFER

		to Satisfaction										
		p# T-11										
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		□ POA/POD/DAM	☐ PLACE OF USE TABLES,	
		TABLES/DESCRIPTIONS	INCLUDING ACRES FOR GOV'T LOTS/DLC	
		SPELL CHECK DOC		
		MAPS: Identified for Reference		
		CERT NUMBER ISSUED:		
		Original Cert # App	New Cert #	
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		SPELL CHECKED DOC		

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

### Checklist for Claims of Beneficial Use Received at CSG Counter

Application	4.	W/DD Daview		
Transfer #: T-		WRD Review	VET: NICK Reece	
Date Receiv				
The state of the s	e: William E. McGill		*	
Priority Date	(S):3/12/1975			
Fees Required				
□YES NO☑	A fee of \$230 must accompany the 1987, or later.	is form for permit	ts with priority dates of	July 9,
□ YES NO ☑	A fee of \$230 must accompany the with a priority date of July 9, 198  Example – A transfer involves has a priority date of July 9, 19	7, or later. 5 rights and one o	of the rights	Fill in App
Map Review:			*	or Transfer Number
✓ Application & per ✓ Disclaimer (OAR ✓ North arrow (OAF ✓ CWRE stamp and ✓ Appropriate scale of the cour	film (OAR 690-014-0170(1) & 310-0050(1) mit #; or transfer # (OAR 690-014-0100(1) 690-014-0170(5)) (690-014-010050(2)(c)) signature (OAR 690-014 & 310-0050) (1" = 1320', 1" = 400', or the original full-sty assessor map) (014 & 310) section, and tax lot numbers (OAR 690-310-0050)	ize scale	MONEY SLIP  DATE: RECEIPT 6:  ACTIVIDID INCOM. PROPERTY STRANGE CONTROL TRANSPORT TO THE PROPERTY TO THE PROPE	ATOM PART STATE OF THE STATE OF
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Person interviewe			SPECIAL INSTRUCTIONS:	

CWRE stamp and signature (OAR 690-014-0100)

Groundwater File Review:

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

RETURN TO APPLICANT - LETTER ATTACHED

Pump Test required (Priority Date on or after December 20, 1988)

Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

- Pump Test submitted
- □Pump Test not submitted

County (OAR 690-014)

### 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 transfer final orders including a water right with a priority date of July 9, 1987, or later.

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

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

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

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

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

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

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

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

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

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

#### SECTION 1

### GENERAL INFORMATION

#### Type of Authorized Change

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

YES NO

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

File Information

APPLICATION # T-11644

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APR 0 5 2023

WR

Revised 7/1/2021

Change in Place of Use Only - Page 1 of 7

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAM Havel Place LLC	PHONE NO. ADDITIONAL CONTACT (503) 949-9305			
ADDRESS 5715 Anderson Rd.				
CITY Aumsville	STATE OR	ZIP 97325	E-MAIL wallyj333	3@hotmail.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	ORD		
ADDRESS 5715 Anderson Rd.			
CITY Aumsville	STATE OR	ZIP 97325	

4. Date of Site Inspection:

				_
	Comment of the last	A STATE OF THE PARTY OF THE PAR		
7	120	/2022		
-6	//4	/2023		
-				

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

Name	DATE	Association with the Project
Walter Hafner	3/29/2023	Owner

6. County:

Linn		

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						
ADDRESS						
Сіту	STATE	Zip				

Add additional tables for owners of record as needed

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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.



WRE NAME Villiam E. McGill		PHONE NO. ADDITIONAL CONTACT (503) 510-3026 (503) 931-0210		
ADDRESS 15333 Pletzer Rd. SE				
CITY	STATE	ZIP	E-MAIL	
Turner	OR	97392	willmcgi	ill.surveying@gmail.com

### Transfer Holder of Record Signature or Acknowledgement

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

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

Signature	PRINT OR TYPE NAME	TITLE	DATE
Warters	Walter Hafer	Owner	4-5-23

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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	
10.7	10.7	

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 NO NA

### 2. Variations:

Was the use developed differently from what was authorized by the transfer final order? YES If yes, describe below.

NO

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

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### SECTION 4

### CONDITIONS

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

#### 1. Time Limits:

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

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGE WAS COMPLETED  *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE  "COMPLETENESS DATE"
ISSUANCE DATE	2/14/2014	
COMPLETENESS DATE FROM ORDER (C)	10/1/2015	July 2014

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

-	AL 1								Ö
2.	IS	there	an	extension	tinal	ord	er(	S	į.

YES



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

YES

NO

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

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed?



NO

c. Meter Information

POD/POA Name or #	MANUFACTURER	SERIAL#	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 2	Netafim	12-15533	Working	033608	May 2014

4. Other conditions required by the transfer final order:

a. Other conditions?

YES



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

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APR 05 2023

### SECTION 5

### **ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
4- Pictures	Taken at 3/29/2023 onsite inspection.

### SECTION 6

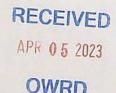
### CLAIM OF BENEFICIAL USE MAP

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.

Survey method used was aerial photo provided by Maxar Technologies. Source Date: 7/11/2022



### 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.)

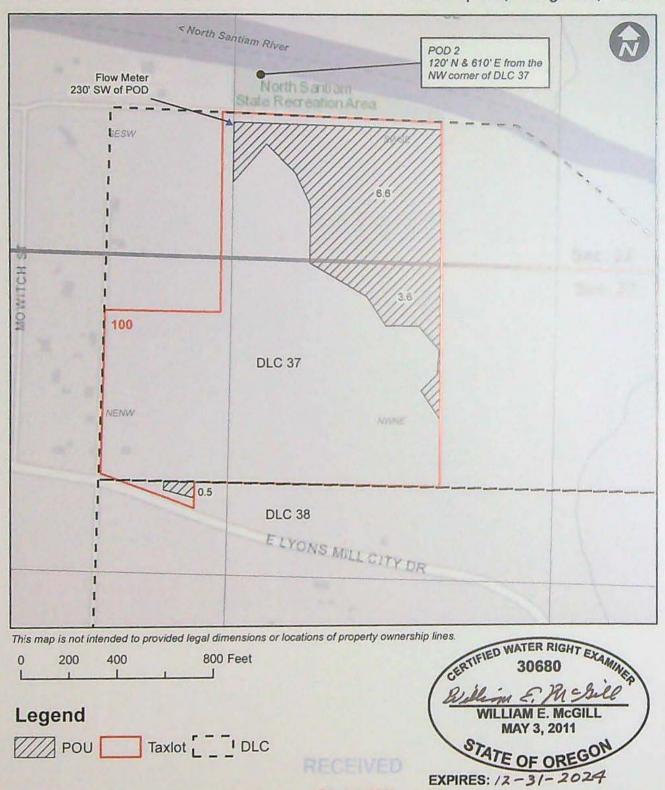
$\boxtimes$	Map on polyester film.
	Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
$\boxtimes$	Township, Range, Section, Donation Land Claims, and Government Lots
	N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
	Locations of meters and/or measuring devices in relationship to point of diversion
	N/A 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")
	Transfer application number
	North arrow
	Legend
	CWRE stamp and signature

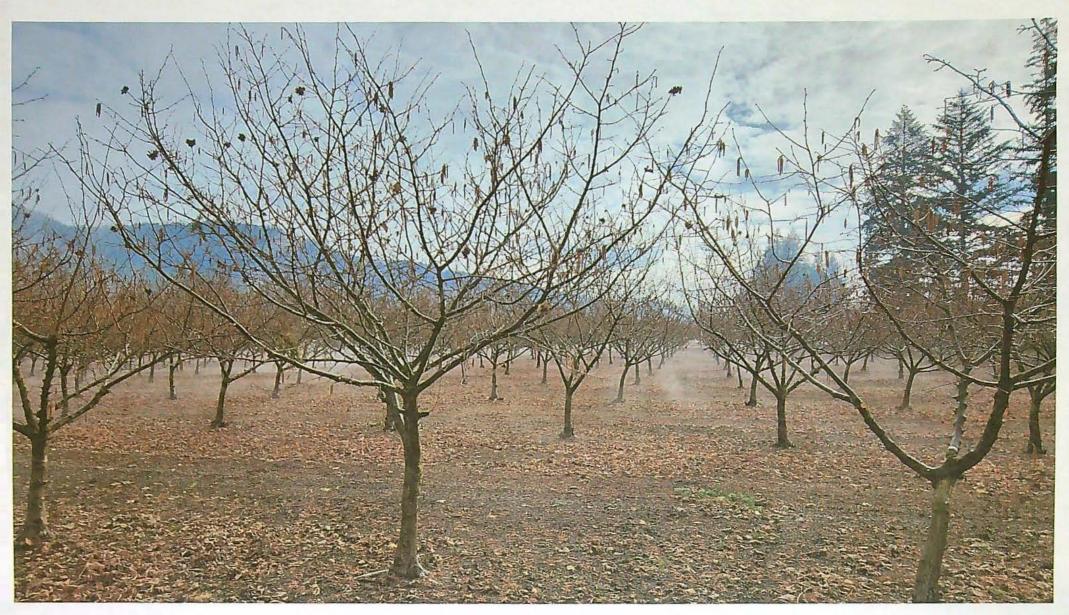
RECEIVED

APR 0 5 2023

### Havel Place LLC Claim of Beneficial Use Transfer T-11644

Township 9S, Range 2E, W.M.



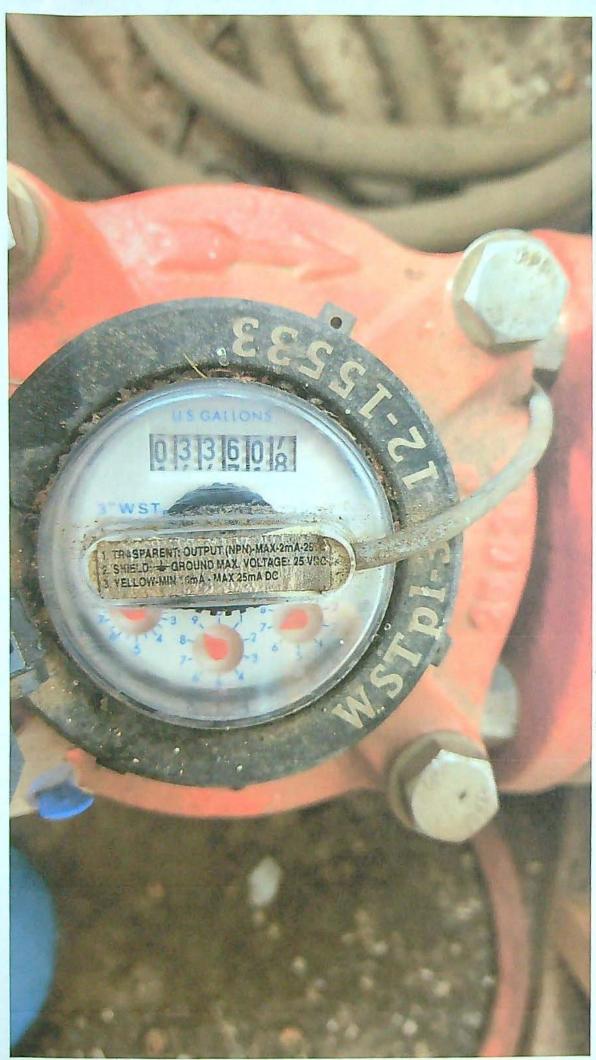


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OWRD

Havel Place LLC - COBU onsite 3/29/23 hazelant crop in fou

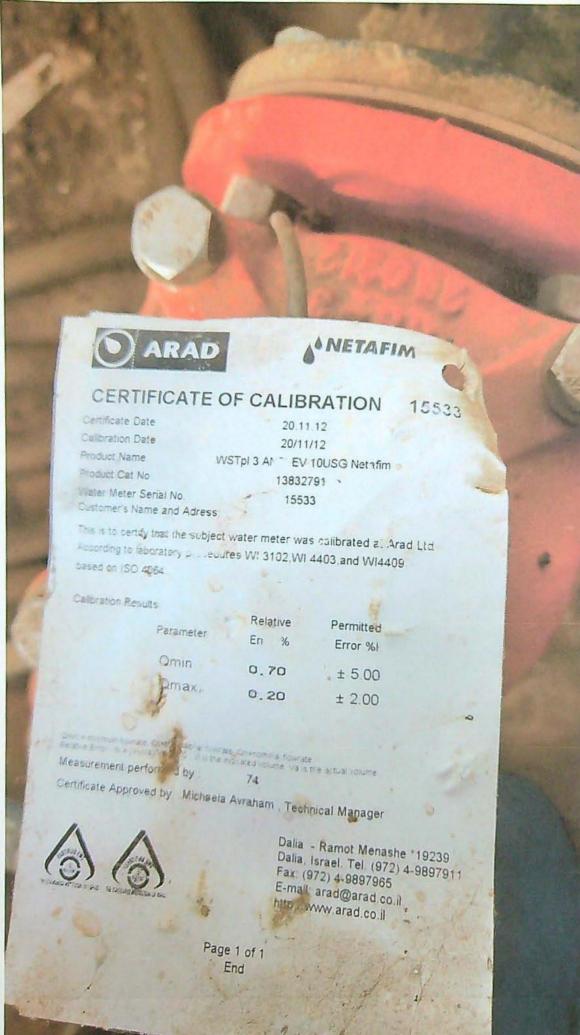


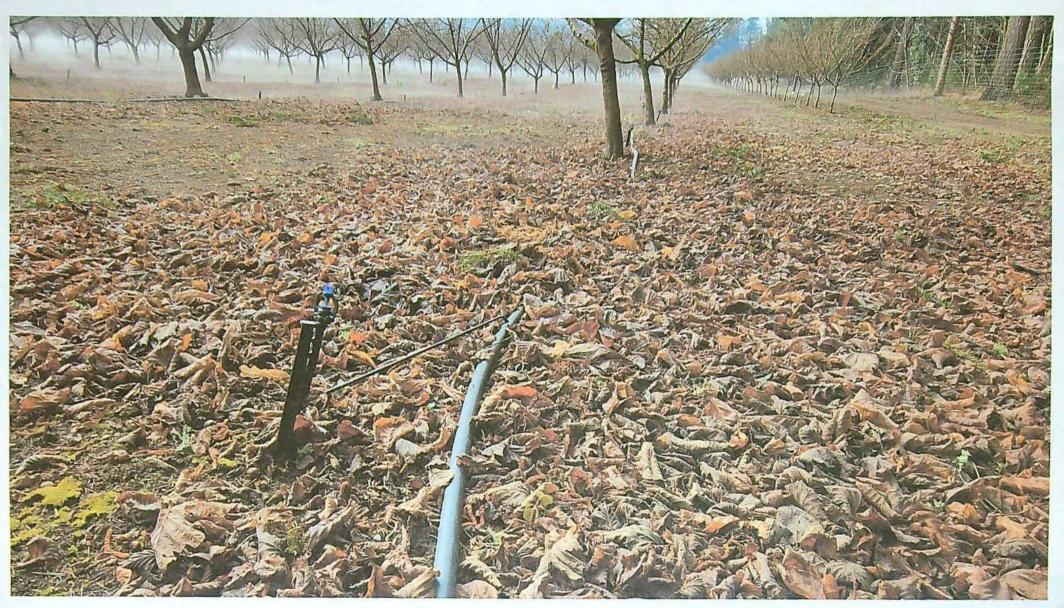
Havel Place CoBU ousite 3/29/23 Netation Meter

APH 0 \$ 2023
OWRD









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APR 0 5 2023

Havel Place LLC - Cold-onsite 3/29/23 Micro-sprinkler irrigation

### **REECE Nick A \* WRD**

From: CLARK Gerald E \* WRD

Sent: Wednesday, March 22, 2023 12:30 PM

To: Grant McGi

Cc: Will McGill (willmcgill.surveying@gmail.com); LOVRIEN Corie L \* WRD; REECE Nick A \*

WRD

Subject: RE: T-11644 COBU

Grant,

I am currently out of the office following being sick with COVID. I am asking that either Corie or Nick pull the file to check for a Claim and also for any cancellation notices that may be in the file. Transfer Section has been sending notices to transfer holders that are late with Claims. I am unable to tell if a notice has been mailed for this transfer based on the WRIS record.

Corie or Nick – Please pull the file to see if a Claim has been previous submitted for this Transfer and send a response to the group of folks on this message. Also, please place a copy of this message in the Transfer folder to inform Transfer Section that Will is working on a Claim for this Transfer.

Thank you all.

Gerry

### Gerry Clark

He/Him/His

### **Oregon Water Resources Department**

Program Analyst, Certificate Section, Water Right Services Division 725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Grant McGill <grantmcgill.wr@gmail.com> Sent: Wednesday, March 22, 2023 11:11 AM

To: CLARK Gerald E \* WRD < Gerald.E.CLARK@water.oregon.gov>

Subject: T-11644 COBU

#### Hi Gerry,

Will left you a message, but we have been hired to complete the claim on this transfer. According to WRIS, it was due in 2015. Can you let us know before any cancellation proceedings? Can you also confirm that a COBU has not been submitted for this transfer?

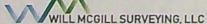
It seems very likely they are late since Jim Schuette, the agent on the application, has since passed away.

Thanks!

Grant McGill 503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

www.mcgillwaterrights.com





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.wrd.state.or.us

February 26, 2014

HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE, OR 97325

REFERENCE: Transfer Application T-11644

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, Sarah Henderson, by telephone at (503) 986-0890 or by e-mail at Sarah.A.Henderson@wrd.state.or.us.

Sincerely,

Codi Holmes

C. Holmes

Water Right Services Support

Transfers and Conservation Section

cc: Mike L. McCord, Watermaster Dist. #16 (via email)

James M. Schuette, Agent

Enclosure

# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER
T-11644, Linn County	)	APPROVING A CHANGE IN PLACE
	)	OF USE

### Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

### Applicant

HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE, OR 97325

### **Findings of Fact**

- On August 2, 2013, HAVEL PLACE LLC filed an application to change the place of use under Certificate 54059. The Department assigned the application number T-11644.
- 2. Notice of the application for transfer was published on August 6, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On December 18, 2013, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11644 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 18, 2014, 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. On December 26, 2013, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11644 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on December 31, 2013, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

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

Certificate: 54059 in the name of DOUGLAS A. AND JUDY P. NIELSEN (perfected

under Permit S-39888)

Use: IRRIGATION of 10.7 ACRES

Priority Date: MARCH 12, 1975

Rate: 0.13 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-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow 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, from direct flow and storage from reservoir constructed under Permit R-1625, and is subject to the terms and conditions of Contract 5-07-10-W0540 or a satisfactory

replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

Sources: NORTH SANTIAM RIVER and DETROIT RESERVOIR constructed

under Permit R-1625, tributaries to the SANTIAM RIVER

### Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
10 S	5 E	WM	7	SW NW		POD NO. 1 – DETROIT RESERVOIR
9 S	2 E	WM	22	SE SW	2	POD NO. 2 - 120 FEET NORTH AND 610 FEET EAST FROM THE NW CORNER, JOHN B. POTTER DLC 37

### Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	2 E	WM	27	NW NE	37	4.0
98	2 E	WM	27	NE NW	37	6.7
THE					Total	10.7

6. Transfer Application T-11644 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	2 E	WM	22	SW SE	37	6.6
9 S	2 E	WM	27	NW NE	37	3.6
9 S	2 E	WM	27	NE NW	37	0.5
					Total	10.7

### Transfer Review Criteria [OAR 690-380-4010(2)]

 Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11644.
- 9. The proposed change would not result in enlargement of the right.
- 10. The proposed change would not result in injury to other water rights.

### Conclusions of Law

The change in place of use proposed in Transfer Application T-11644 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

- 1. The change in place of use proposed in Transfer Application T-11644 is 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 Certificate 54059 and any related decree.
- Water right certificate 54059 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
- 4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each existing point of diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 5. The former place of use of the transferred right shall no longer receive water under the right.
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. 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.

7.	After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.
Dat	ted at Salem, Oregon this 14th day of February, 2014.

Dwight French, Water Right Services Administrator, for PHILLIP C WARD, DIRECTOR

FEB 2 7 2014 Mailing Date

### STATE OF OREGON

### COUNTY OF LINN

### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DOUGLAS A. AND JUDY P. NIELSEN 259 SW 137TH SEATTLE, WA 98166

confirms the right to use the waters of NORTH SANTIAM RIVER AND DETROIT RESERVOIR CONSTRUCTED UNDER PERMIT R-1625, tributaries to SANTIAM RIVER for IRRIGATION OF 15.0 ACRES.

This right was perfected under Permit S-39888. The date of priority is MARCH 12, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.19 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	GLot	Measured Distances
10 S	5 E	WM	7	SWNW		POD NO. 1 - DETROIT RESERVOIR
9 S	2 E	WM	22	SE SW	2	POD NO. 2 - 120 FEET NORTH AND 610 FEET EAST FROM THE NW CORNER, JOHN B. POTTER DLC 37

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 from direct flow 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, from direct flow and storage from reservoir constructed under Permit R-1625, and is subject to the terms and conditions of Contract 5-07-10-W0540 or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department and 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:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	2 E	WM	22	SE SW	37	0.2
9 S	2 E	WM	22	SW SE	37	1.6
9 S	2 E	WM	27	NW NE	37	12.4
9 S	2 E	WM	27	NENW	37	0.8
					Total	15.0

T-11644.rr.54059.sah

This certificate describes that portion of the water right confirmed by Certificate 54059, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Feb 14 2014, approving Transfer Application T-11644.

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 and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed Feb. 14, 2014

Dwight French, Water Right Services Administrator, for

PHILLIP C. WARD, DIRECTOR

### Water Right Transfer Cover Sheet

Transfer T-11644		Т	ransfer Specia	list:	
Transfer Type: Regular					
Applicant Name/Address: HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE, OR 97325	JMS EN JAMES 3000 M	lame/Address: NGINEERING M. SCHUETT ARKET ST NE I, OR 97301		Rec Landowner Name	e/Address:
CWRE Name/Number:	Irr. Dist	rict Name/Addr	ess:	Affected Gov'ts Name Linn County Planning 300 SW 4 <sup>TH</sup> AVENU ALBANY, OR 97128	Department E
Commentors: Name/Address:	+BC	)R Con	04-	Current Landowner N	ame/Address:
Water Rights Affected					
Records Records App File No. o Marked Copied Name	r Decree	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
S 52841		S 39888	54059	Yes No	89077
				Yes No	
				Yes No	
Key Dates & Initial Actions					
'd: August 6, 2013	Proposed	Action(s): place	ce of use		
Pd: 1300.00	WM Dist	trict; 16		ODFW District:	
al Notice: August 6, 2013	WM Rev	view sent:		ODFW Review sen	t:
nowledgement Letter Sent 🛛				GW Review sent:	
Processing Dates & Actions Deficiency Contacts:  DPD Mailed: \( \frac{12}{18} - \frac{13}{3} \) \( \text{ODFW contact sheet sent with DFFW measurement contact sheet sent Signed: \( \frac{12}{26} - \frac{13}{3} \) PD Weekly Notice: \( \frac{12}{3} - \frac{1}{4} \)	PD, or ☑ tent, or ☐	[   I   N/A	News \$ receive Request to publ	vs \$ sent:	
DPD Review (Optional)  Reviewer:  Date:  Coordinator:  Date:	Reviewe Date: Coordin Date:	PD Review (Sa er: Susan nator: Kell		Final Order Revi	14
Comments/Special Issues: 🛆 P 0 0	Pages 85				

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X		-	inals w	ith cov	ver shee	et			×	Che	ck Are	a of In	nterest – print if needed
			ny publi y. Prin						×	Any	irriga	ion dis	stricts that need notice based on Area of Interest No Note: 1014
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9	×	Revis	it applic	ation	checkli	st & S	upport	ing Docs	3	4	图	Over	payment of Fees, Refund Request with FO \$300
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0			the auth erred ar			s/POA	s and	POUs to	be	1	P		lication & certificate tabulations match. (Mark on and cert. copies and note corrections needed)
	Ø.		ed on ce					transfer	red,	d	四		ked on certificate the quantity of water being sferred, cancelled, and remaining
	M	Compare Water Right map to App Map for Accuracy									凶		ck and notate on Plat Card for Conflicts (To and n Lands) N/A if no change in POU or Use
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	N	The deed/ROI matches the "from" lands.			Notarized, signed statement of consent (if applicable)								
	Ø	All owners on the deed/ROI have signed the application.		K	Compare with current tax lot map.								
PR	CW	PD PUBLIC NOTICE/NE	EWS	PAP	ER NOTICE/COVER LETTER								
		UPDATE WRIS APPS FOLDER (FIELD ST											
	X	Check tenses exFind & Replace point(s), Ri	ght(s)	Meter(	s), Device(s) Is/Are, Was/Were								
	X	Format matches current template											
	X	Content matches PD info?											
	X	Spell checked?											
	X	Correct address?											
	MA	Cost Estimate for Newspaper if applicable send email to support staff \( \square 2 \) weeks \( \square \) three weeks											
	NA	Send Letter to Applicant/Agent regarding newspaper notice cost N/A											
	MA	Have funds been received from Applicant/Ag	ent for	newsp	aper costs? N/A								
PR	cw	REMAININ	NG I	RIGH	IT CERTIFICATE								
		UPDATE WRIS APPS FOLDER (FIELD ST	CAFF	ONLY)									
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	X	Table Format matches current template											
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## WATER RESOURCES DEPARTMENT REQUEST FOR DISTRIBUTION OF FUNDS

TO:	Fiscal Services Section	DATE: 12/31/13
FROM:	Sarah Henderson, Transfer Specialist Phone: 503-986-0890	
SUBJECT:	TRANSFER FILE - Request for Pay	ment or Refund
TRANSFER	FILE #: T-11644	RECEIPT #: 109475
Please prepar	e payment in the amount of \$300.00, ma	ade payable to:
Name: Organization Address: City:	HAVEL PLACE LLC 5715 ANDERSON ROAD AUMSVILLE, OR 97325	
These funds a	Request for file to be Rejected/Withdr Excess fees were collected for applicate Payment of PON Protest filing fee Other:	awn/Misfiled
I have review purpose indic distribution. Authorized S	ated above. Fiscal Services is hereby at	ermined the request to be justified as to the athorized to process the requested  Date: 1-7-14
	44110/0205	\$ 300°°
	VP037518	

### STATE OF OREGON REMITTANCE ADVICE

INVOICE DESCRIPTION

REVENUE REFUND RCPT #109475 T- 690 VP037518

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG IN TO HTTP://www.oregon.gov/das/egs/fbs/sfms/pages/ach.aspx on the INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO. 123423878

WATER RESOURCES DEPARTMENT

INVOICE DATE

(503) 986-0924 EXT.

DOCUMENT AMOUNT AGY

300.00

ISSUE DATE: 01/14/14 WARRANT AMOUNT 300.00

VENDOR NAME:

INVOICE NO.

HAVEL PLACE LLC

FOLD ON PERFORATION LINE BELOW [] BEFORE DETACHING.

STATE OF OREGON To the State Treasurer, Salem, Oregon Dept of Administrative Services PAYABLE THROUGH US BANK

WATER RESOURCES DEPARTMENT (503) 986-0924 EXT.

GO NOT ACCUSE TO SO CHESTA UNIT OF YOU CAR OLD A THE VERTICAL OF CHARACTERS OF CHARACTERS WHEN HELD TO THE ARREST

96-10 CHECK DATE 01/14/14

BANK WARRANT NO. 3423878 12

PAY THIS AMOUNT \$300.00

VP037518

PAY TO THE ORDER OF:

HAVEL PLACE LLC 5715 ANDERSON ROAD AUMSVILLE

OR 97325

VOID 2 YEARS AFTER DATE ISSUED

AUTHORIZED SIGNATURE THE FACE OF THE CHICAL AS ACQUIRED MOSCO OF THE RELIGIOUS OF ADDITIONAL SCOUNT OF ADMINISTRATION OF REVIEW AND



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

December 24, 2013

VIA E-MAIL

Applicant HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE, OR 97325

SUBJECT: Water Right Transfer Application T-11644

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11644. 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 do not hesitate to contact me at 503-986-0890, or <u>Sarah.A.Henderson@wrd.state.or.us</u>, if I may be of assistance.

Sincerely,

Sarah Henderson

Transfer Specialist

Transfer and Conservation Section

Sarah Henderson

cc:

T-11644

Mike L. McCord, District 16 Watermaster (via e-mail)

James M. Schuette, Agent for the applicant (via e-mail)

Bureau of Reclamation (1150 N Curtis Rd., Ste. 100, Boise, ID, 83706)

# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11644, Linn County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN PLACE OF USE

### Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

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### **Findings of Fact**

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- 3. On December 18, 2013, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11644 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 18, 2014, 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.
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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 from direct flow and shall be further limited to a

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 notice of this preliminary determination.

diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, from direct flow and storage from reservoir constructed under Permit R-1625, and is subject to the terms and conditions of Contract 5-07-10-W0540 or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

Sources:

NORTH SANTIAM RIVER (and DETROIT RESERVOIR constructed

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### Authorized Place of Use:

9 S 2 E WM 27 NW NE 37		DLC	Q-Q	Sec	Mer	Rng	Twp
	4.0	37	NW NE	27	WM	2 E	9 S
9 S 2 E WM 27 NE NW 37	6.7	37	NE NW	27	WM	2 E	9 S

5. Transfer Application T-11644 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
98	2 E	WM	22	SW SE	37	6.6
9 S	2 E	WM	27	NW NE	37	3.6
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					Total	10.7

### Transfer Review Criteria [OAR 690-380-4010(2)]

- 6. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11644.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

### **Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-11644 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

Page 2 of 3

If Transfer Application T-11644 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11644 is approved.
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 54059 and any related decree.
- 3. Water right certificate 54059 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
- 4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each existing point of diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 5. The former place of use of the transferred right shall no longer receive water under the right.
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2015. 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.
- 7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 26 day of December 2013.

Dwight French, Water Right Services Administrator, for

PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or Sarah.A.Henderson@wrd.state.or.us.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

# Notice of Preliminary Determination for Water Right Transfer T-11644

T-11644 filed by Havel Place LLC, 5715 Anderson Rd., Aumsville, OR 97325, proposes a place of use change under Certificate 54059. The right allows the use of 0.13 cubic foot per second (priority date March 12, 1975) from the North Santiam River and Detroit Reservoir in Sec. 22, T 9 S, R 2 E, and in Sec. 7, T 10 S, R 5 E, for irrigation in Sec. 27. The applicant proposes to change the place of use to Sec. 22 and 27, T 9 S, R 2 E, W.M. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant, or \$300 protest fee for applicant. A Water Right Transfer Protest Form is available at <a href="http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09\_09.pdf">http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09\_09.pdf</a>, or by calling 503-986-0807. Protests must be received by the Department on or before [30 days after WRD notice]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Water Resources Department

North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

December 18, 2013

VIA E-MAIL

HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE, OR 97325

SUBJECT: Water Right Transfer Application T-11644

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-11644. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

# Items needed before the next phase of processing...

- Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to
  become familiar with all proposed conditions. You will need to respond in writing by the deadline
  provided below, whether you agree with the proposed action and conditions. Also we will appreciate
  having you let us know if there are typographical errors that need to be corrected.
- A report of landownership for the lands to which the water right is appurtenant (the FROM lands) is required. The report must be prepared by a title company and meet the criteria below. (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
  - a) The title company's report must either be:
    - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
    - ii) prepared within 3 months of recording of a water right conveyance agreement, or
    - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
  - b) The ownership report shall include:
    - i) Date reflected by the ownership information
    - ii) List of owners at that time
    - iii) Legal description of the property where the water right to be transferred is currently located.
  - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

# Conditions to your water right...

The Watermaster has required water measurement devices at the existing diversion points prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

Please note the proposed date by which all conditions must be met: October 1, 2015. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to

you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

# 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
- report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application;

If we do not receive the items listed above by January 18, 2014, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at if I may be of assistance.

Sincerely,

Transfer Specialist

Transfer and Conservation Section

Sanah Henderson

cc:

T-11644

Mike L. McCord, District 16 Watermaster (via e-mail)

James M. Schuette, Agent for the applicant (via e-mail)

Bureau of Reclamation (1150 N Curtis Rd, Ste. 100, Boise, ID, 83706)

encs

# Sarah Henderson

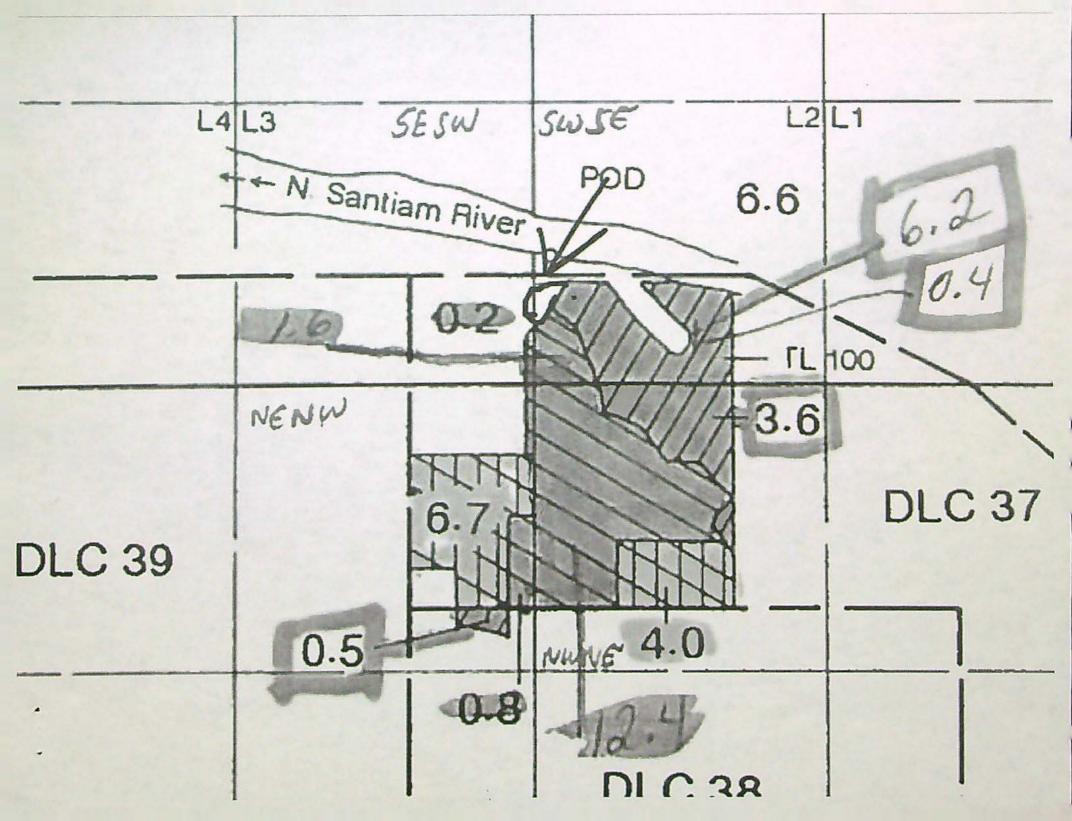
From: TJ Hafner <tjhafner@agricare.com>
Sent: Sunday, December 22, 2013 6:20 PM

To: Sarah Henderson
Subject: Drawing Slide show
Attachments: Picture.png; ATT00001.txt

Hi Sarah,

This all looks good except for the NW corner of the property. It looks, like there should be a little more colored in orange (see below drawing). Is this an easy change? Everything else in the application looks fine.

Thank you, TJ



# LINN COUNTY ASSESSOR'S NAME LEDGER

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STATE OF OREGON

#### COUNTIES OF LANE, LINN, AND MARION

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUREAU OF RECLAMATION, U.S.A. PACIFIC NORTHWEST REGION 1150 NORTH CURTIS ROAD BOISE, IDAHO 83706-1234

confirms the right to store the waters of COAST FORK WILLAMETTE RIVER, in COTTAGE GROVE RESERVOIR; ROW RIVER in DORENA RESERVOIR; LONG TOM RIVER in FERN RIDGE RESERVOIR; MIDDLE FORK WILLAMETTE RIVER in LOOKOUT POINT RESERVOIR; NORTH SANTIAM RIVER in DETROIT RESERVOIR; tributaries of WILLAMETTE RIVER, appropriated for IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-1625. The date of priority is AUGUST 16, 1954. The amount of water entitled to be stored each year under this right is NOT MORE THAN 835,000 acre-feet; BEING 30,000 AF from COAST FORK WILLAMETTE RIVER in COTTAGE GROVE RESERVOIR; 70,000 AF from ROW RIVER in DORENA RESERVOIR; 95,000 AF from LONG TOM RIVER in FERN RIDGE RESERVOIR; 340,000 AF from MIDDLE FORK WILLAMETTE RIVER in LOOKOUT POINT RESERVOIR; 300,000 AF from NORTH SANTIAM RIVER in DETROIT RESERVOIR TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS HEREINAFTER TO BE FILED FOR IRRIGATION, PROVIDED THAT ALL SECONDARY APPLICATIONS SHALL BE ACCOMPANIED BY A COPY OF THE CONTRACT BETWEEN THE APPLICANT AND THE BUREAU OF RECLAMATION FOR THE PURCHASE OF THE STORED WATERS.

The reservoirs are located as follows:

#### COTTAGE GROVE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 27, 28, 29, 32, AND 33 TOWNSHIP 21 SOUTH, RANGE 3 WEST, W.M.

SECTIONS 4, 5, AND 8 TOWNSHIP 22 SOUTH, RANGE 3 WEST, W.M.

#### DORENA RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 32, 33, AND 34 TOWNSHIP 20 SOUTH, RANGE 2 WEST, W.M.

SECTIONS 2, 3, 4, 5, 10, 11, 13, AND 14 TOWNSHIP 21 SOUTH, RANGE 2 WEST, W.M.

SEE NEXT PAGE

R-29397.GJT

#### FERN RIDGE RESERVOIR

#### WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32, 33, AND 34

TOWNSHIP 17 SOUTH, RANGE 5 WEST, W.M.

#### LOOKOUT POINT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 13 AND 24 TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.

SECTIONS 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, AND 35 TOWNSHIP 19 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 1, 2, 3, 4, 10, 11, AND 12 TOWNSHIP 20 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 7, 17, 18, 19, 20, 21, 27, AND 28 TOWNSHIP 20 SOUTH, RANGE 2 EAST, W.M.

# DETROIT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 35 AND 36 TOWNSHIP 9 SOUTH, RANGE 5 EAST, W.M.

SECTION 24 TOWNSHIP 10 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 1, 2, 3, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, AND 28

TOWNSHIP 10 SOUTH, RANGE 5 EAST, W.M.

SECTIONS 7, 17, AND 18 TOWNSHIP 10 SOUTH, RANGE 6 EAST, W.M.

THIS CERTIFICATE IS ISSUED SUBJECT TO THE TERMS AND CONDITIONS AS SET OUT IN "EXHIBIT B" OF THE APPLICATION.

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

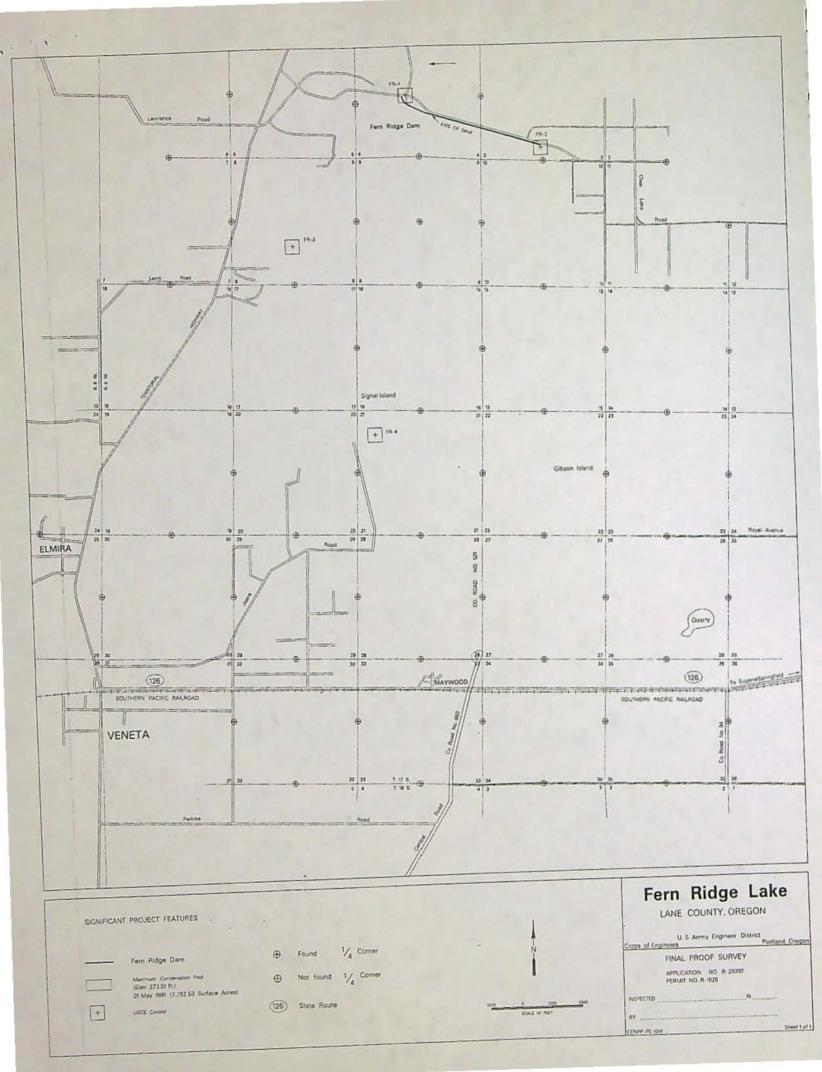
WITNESS the signature of the Water Resources Director, affixed AUGUST 28, 1996.

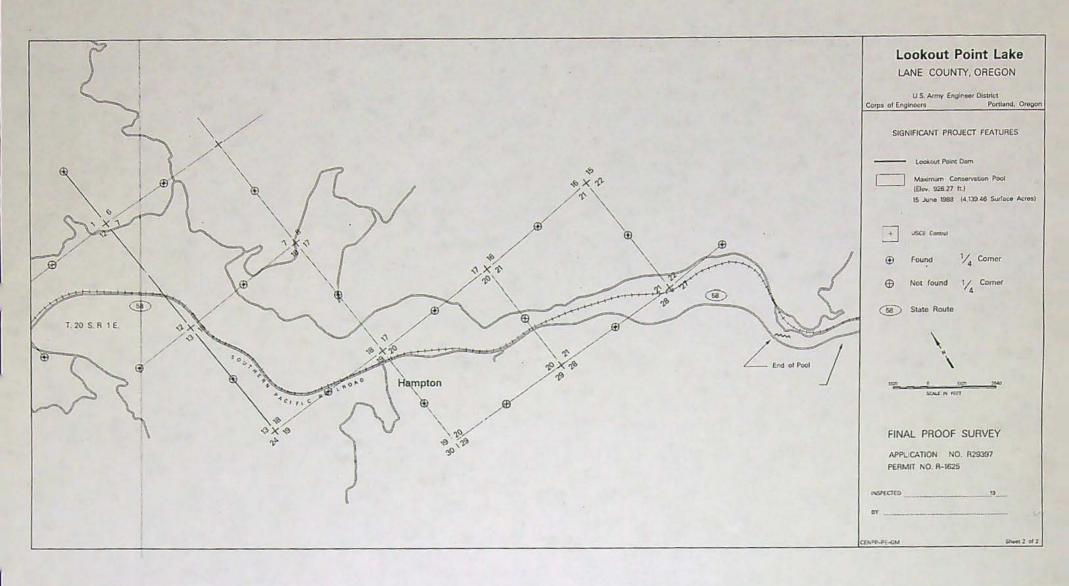
Steven P. Applegate

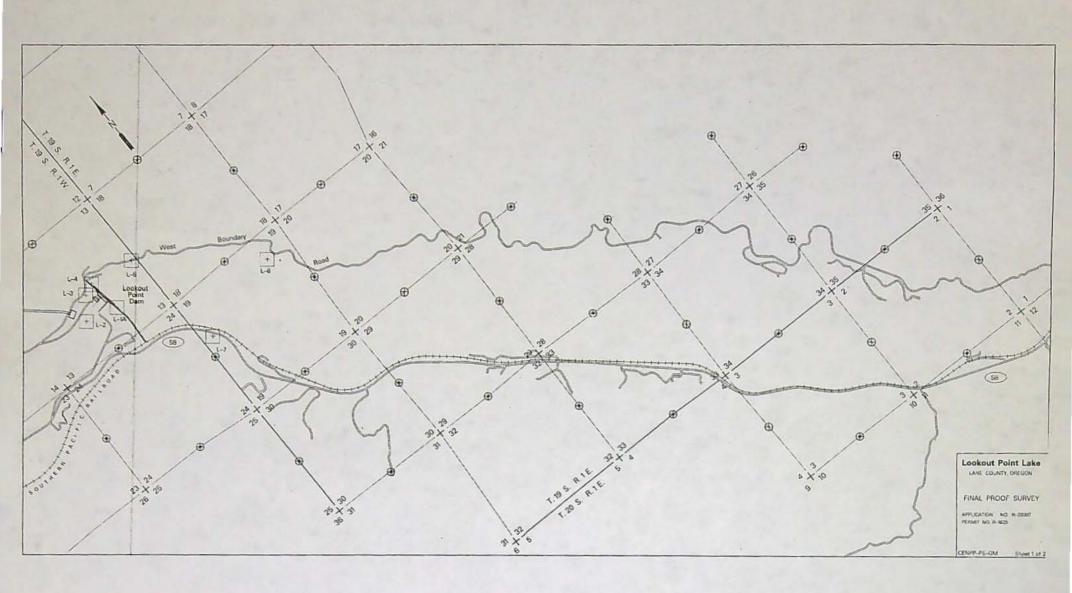
Martha O. Pagel

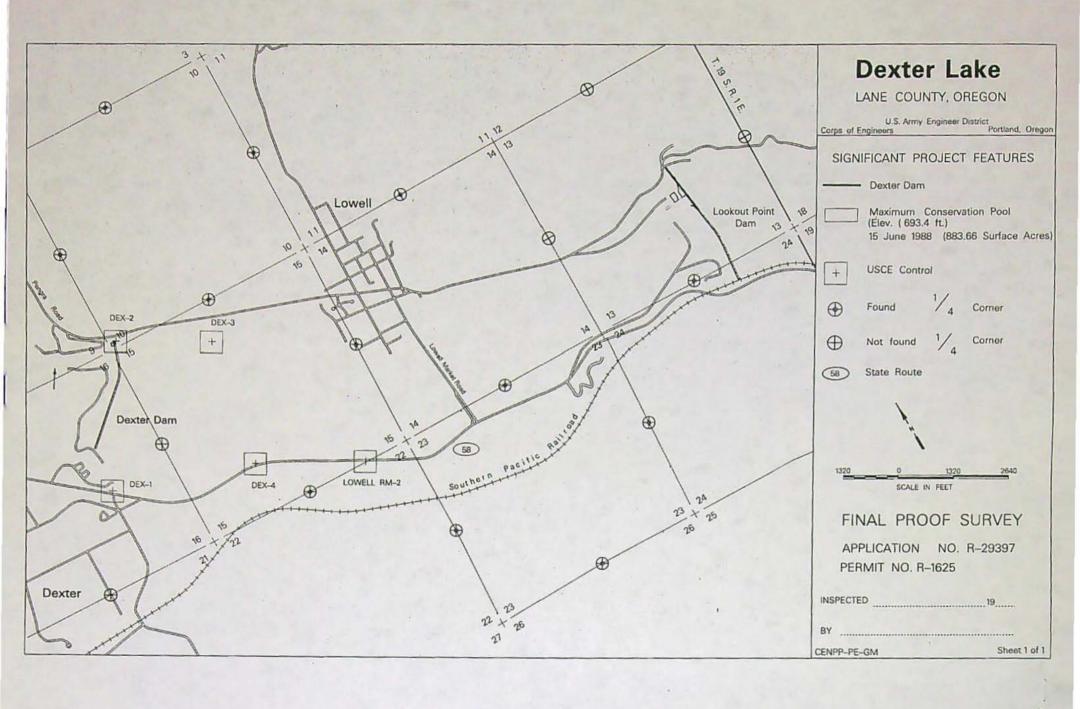
Recorded in State Record of Water Right Certificates numbered 72755.

R-29397.GJT









# Application for a Permit to Company of the Store for Beneficial Use the Unappropriated Waters of the State of Oregon

Bureau of Reclamation, under a delegation from the Secretary of the Interior, pursuant to the Federal Reclamation Laws, these being the act of June 30, 1902 (32 Stat. 328) and all acts amendatory thereof or supplemental thereto, including among others, section 8 of the act of December 22, 1944 (38 Stat. 887), whose post office address is Box 937, Boise, Idaho does hereby make application for a permit to construct the following described reservoisment to store the unappropriated waters of the State of Oregon, subject to existing rights.

1. The names of the proposed reservois in. are: Cottage Grove, Porena, Fern Ridge, Lookout Point, and Detroit.

If the applicant is a corporation, give date and place of incorporation

2. The nameSof the streams from which the reversions to be filled and the appropriation made are, respectively, the Coast Fork Willamette, Row River, Long Tom River, Middle Fork Willamette, and North Santiam River

tributared the Villamette Fiver, Oregon.

1.3

5.\* The locations of the purposed reservoir schibbs (HOSS), are shown on the attracted "Link. -1 A".

Tp. .... , R. , W. M., in the county of

(a) State whether situated in channel of running stream and give character of national at works.
All situated in channels of running streams.

(b) If not in channel of running stream, state how it is to be filled. If through a feed on of the name and dimensions

6.\* The dars with the located as as shoun on attached "Exhibit A".

Tp. , R. , W. M. The maximum length will be fort who we steem he becaused surface on center line of dam. The length on top will be fort, length, and bottom feet; with set top feet; when he can water side for water side for water side feet. Slope on back for water side feet.

"A different form of well attentional the used for the storage of sent factors' video to the storage to without charge together with instructions, by addressing the State Factorer Salem Oregon

8.* The location of wasteway with dimension	ns are as follows: .Saa. nata
	eservoir, with character of construction and dimension
e as follows: See note: (All dame across natural stream channels m	nust be provided with an outlet conduit, of such capacity and location to pass t
rmal flow of the streem at any time )	· · · · · · · · · · · · · · · · · · ·
10.* The area submerged by the proposed re	eservoir, when full, will be See note acro
ith a maximum depth of water of	feet; and approximate mean depth of wat
feet.	
11.* The estimated cost of the proposed wor	rk is \$Sea nota
11.* The estimated cost of the proposed wor	rk is \$ See note
12. Construction work will begin on or before	ore Non underway or completed.
11.* The estimated cost of the proposed wor  12. Construction work will begin on or before	ore Non underway or completed.  n or before December 31, 1954.  The United States of America
11.* The estimated cost of the proposed wor  12. Construction work will begin on or befor  13. Construction work will be completed or	ore Non underway or completed.
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11.* The estimated cost of the proposed wor 12. Construction work will begin on or before 13. Construction work will be completed on TATE OF OREGON,   Ss. County of Marion,   Ss.	ore Now underway or completed.  In or before December 31, 1954.  The United States of America  By W = 14 T left  (Signature of applicant)  (Signature of applicant)  Reclamation, pursuant to Departmental  Crder 2018 and Commissioner's Order of
11.* The estimated cost of the proposed won  12. Construction work will begin on or befor  13. Construction work will be completed on  TATE OF OREGON,  County of Marion,  This is to certify that I have examined the	ore Non underway or completed.  The United States of America By W - 14 Tulle  (Signature of applicant)  Acting Pegional Director, Region 1, Sureau of Reclamation, pursuant to Departmental Order 2018 and Commissioner's Order of September 13, 1942, 13 F.P. 5444.
11.* The estimated cost of the proposed won  12. Construction work will begin on or before  13. Construction work will be completed on  TATE OF OREGON,   ss.  County of Marion,   ss.  This is to certify that I have examined the maps and data, and return the same for	ore Now underway or completed.  In or before December 31, 1954.  The United States of America By W - 14 T leader  (Signature of applicant)  (cting egional Director, Region 1, Sureau of Reclamation, pursuant to Departmental Order 2018 and Commissioner's Order of September 13, 1942, 13 F.P. 5444.  foregoing application, together with the accompanyo
11.* The estimated cost of the proposed won  12. Construction work will begin on or before  13. Construction work will be completed on  TATE OF OREGON,   ss.  County of Marion,   ss.  This is to certify that I have examined the maps and data, and return the same for	The United States of America By Was Instituted special sections and the Company of Sections and Commissioner's Order of Sections 13, 1942, 13 F.P. 544.  foregoing application, together with the accompany of the commission of the Commission of the Company of the Commission of the Co

The information required by items 5 through 11 has heretofore been furnished and is evailable in your office and the office of the Willamette Lasin Commission, the state of eveney through thich the State of Oregon has participated in the planning, authorization and construction of the Willamette Basin Project reservoirs. A print of all the many and reservoirs, as constructed, showing the topography and general plan for each last to reservoir, is being provided.

Reservoir Permit No.

"Exhibit B"

1625

Letter agreement between Bureau of Reclamation, Department of the Interior, and Corps of Engineers, Department of the Army, as to irrigation water available from Federal reservoirs constructed in the Willamette Basin. NPTGP (8 Jan 53) lst Ind NPT 801.5 (Willamette Piv. Basin ) 1.15C SUPJECT: Irrigation Policy for the Willamette Basin, Oregon.

Office, Division Engineer, North Pacific Division, Coros of Engineers 500 Pittock Block, Portland 5, Oregon 14 January 1953

TO: Chief of Engineers, Corps of Engineers, Department of the Army Fashington 25, D. C.

- l. Inclosed exchange of correspondence tetween the District Fingineer and the Pegional Director, Bureau of Reclamation, constitutes an agreement on basic policy for irrigation in the Willamette Basin from water stored in projects of the Corps of Engineers. The policy set forth therein conforms with those contained in your letter of 1 May 1952, same subject, and approval is recommended.
- 2. This office concurs in the position taken by the District Engineer that the allocations of costs for the Corps of Engineers projects concerned is the responsibility of the Corps of Engineers. In view of the number of factors involved with respect to irrigation however, which will be the responsibility of the Bureau of Esclamation, an opportunity will be given that evency to present their views prior to final decision on the allocation of costs.
- 3. Approximately 60,000 arre feet of storel rater fill be made available for irrigation from Tetroit, Forena, Orthage Grove and Fern Pidge reservoirs combined during the 1953 season. It is not entiringted that contracts will be arranged for full use of this amount; however, provision will be made for the use of some mater as soon as necessary arrangements can be made. It is necessary therefore that final bolicy decisions be made as soon as possible. As yet uniet rmined is the sharme to be made for use of stored oter. This ril' be essentially a decision by the Bureau of Teclem tion, insed to a large sogree on project cooks allocated to irrigation by the lords of Engineers. Accordingly the District Engineer is tains measured to expedite asst allocation. couldes to the extent necessary to prolive at a recommended subtre its character. In order that the initial terms now to a related title torey express or ight attendence of the from future to sayable. same paretter - 171 a given to the part of other a first. In the way and "intereste Paris Flas, in addition to the allowed pure of the sustanta to be used inftinily.

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TEC 15 1952

Colonel T. H. Liuscomb District Engineer Corps of Engineers Portland 5, Oregon

Dear Colonel Lipscomb:

I have received your letter of November 7 relating to the irrigation use of mater stored in the Fillamette Basin Project reservoirs and regret that other commitments have prevented a more promot reply.

The general statements of policies in your 'etter follow quite closely those contained in the proposed joint agreement -hich was submitted to you by our letter of March 7, and later forwarded to Mr. Oakes by our lotter of September 22. I note, however, that you propose to have the responsibility for determining cost allocations relating to irrigation, rest with the Corps of Engineers rather than have this matter the subject of joint action. On the unie standing that there will be opportunity for presentation of our views prior to final determination of these matters, consistent with allocation proreduces followed - ith the Porps in minjects of the Bureau, this arran-cment is acceptable to me. I would prefer that the agreement on principles and policies take the form of a joint statement as hereto ore proposed. If, however, your procedures require that there be a preliminary formalization of views through the issuance of an exchange of letters, you was use this letter as effecting concurrence.

Sincerely yours,

/r/ H. T. Melson

Fegional Tirector

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Y

April 24, 1953

Mr. F. M. Clinton Acting Regional Director U. S. Bureau of Peclamation Box 937 Boise, Idaho

Pear Sir:

In reply to your letter of April 7, 1953, I am very glad to supply a copy of the document by which the Chief of Engineers approved the letter agreement between our respective offices on willamette Basin irrigation policy which you requested for reference and files of your office. The approval by the Chief of Engineers is a teletyne message to the Division Engineer, North Pacific Division, in reply to the indorsement and recommendation of that office for approval of the letter agreement. I am inclosing, therefore, copies of this lst Indorsement, dated Japuary 17, 1953, and the teletype, dated February 20, 1953.

It is believed that these documents are self-explanatory, however, should you have any questions on them, I will be very glad to furnish additional information upon your request.

Very truly yours,

/s/ T. H. Lipscomb

T. H. LIPSCOME Octonel, Corps of Engineers District Engineer

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POLICY FOR TILLAMETTE BASIN OPE CMY AND YOUR 1ST IND DID 14 JAN 13
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COPY

November 7, 1952

Mr. Harold T. Nelson

Pegional Pirector

U. S. Bureau of Peclamation

Box 927

Poise, Idaho

"ear "ir:

Peference is made to your letter of June 17, 1952, in which you present the determination by the Commissioner of the Eureau of Reclamation of the authority of the Eureau to contract for the sale of rater for irrigation purposes to be released on the request of the Eureau from reservoirs of the Tillamette Valley Project.

In view of the above determination of authority and the results of discussions and correspondence between our respective offices at field level and at the "ashin-ton level, and in conformance with the intent of the Columbia Basin agreement of April 11, 1979, between the Bureau of Beclamation and the Corps of Engineers, the following basic policies on administration of irrigation matters in Tillamette Piver Basin are submitted for your consideration and approval:

Merotiations with local interests for the sale of that water reserved for irrication nurposes from all lorns of Engineers' reservoirs in "illamette liver Pasin, whether built before or after the message of the Flood Control lat of 10 % and the administration of contracts for such sales an collection of revenues shall a the responsibility of the Bureau of Feclamation.

A copy of all contracts for the sale of mater for imprised on the Instrict Engineer.

And Ciling for mater required pursuant to Teclash the large to the two Tureau of Teclash than with the Crote Taxineer shall be subject to the stimulations of this agreement and the limitations of the stored mater made available by the District Traineer for irrigation use at the time of the filing. It shall be the responsibility of the District Engineer to furnish the Bureau initially a statement of stored water to be made available now from present reservoirs to meet invalidate needs and armally thereafter to make available such additional amounts of stored fater as he considers available for irrigation from the several reservoirs to meet increase needs.

Annually, prior to the beginning of the irrigation season, the Pureau will submit to the District Engineer an estimate of the requirements of stored water to fulfill commitments to irrigators, giving the location, amount, and probable monthly distribution of the demand. There the water requirements as determined by the Bureau can be supplied from more than one reservoir, the District Engineer reserves the right to decide, as the season progresses, from which reservoirs water is to be supplied. The District Engineer will be solely responsible for the operation of the reservoirs, both in the interest of irrigation and also for the other functions as stipulated by the project authorization.

The Corps of Engineers shall provide to the Eur-au of Feclamation its determination of the allocations of appropriate capital and operation and maintenance costs to irrigation for the Willamette Basin Project as a whole and where practicable for each reservoir within the project. Tuch determination of allocation of costs is to be the basis for determination of reimbursement under Teclamation Law of irrigation costs attribute to storage.

The Boros of Forine resempnored the basic promise that reimbursable irrigation costs as contemplated under existing Posisiution are to be all seek to the United States. The Corns will coope ate to the Fullest extent in the construction, maintenance, and operation of storage dams in Willamente Fiver Tasin to the end that repayment by local inverests to the United States of the cost of storage areas that the Turkan should proceed by means of its own commissions that the Turkan should proceed by means of its own commissions that the Turkan should proceed by means of its own commissions that the Turkan should repay to the United States for invinction costs of the commissions in the basic on, the Ports of Enriceers will make a state of the commissions and the state of the commissions in the basic on, the Ports of Enriceers will make a state of the commissions and the content are content to the United States for invince this lightly.

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Remarks: These reservoirs have been constructed and are being operated and maintained by the Corps of Engineers, Department of the Army, pursuant to Federal statutes and regulations. These reservoirs are among several such reservoirs authorised, constructed, recommended, or being planned on the Willamette River and its tributaries that are to be coordinately operated as a single project to accomplish the purposes for which they were authorized and constructed-these purposes being, among others, flood control, river regulation, sediment control, navigation, power production, fish and wildlife conservation, recreation, domestic water, pollution abatement, and irrigation. This application relates only to irrigation storage but the reservoirs will be used for the foregoing joint purposes. Accordingly, the amount of rater stored for irrigation will be variable as determined from time to time nursuant to a plan of operation made by the Corps of Engineers under an agreement between the Corps of Engineers and the Bureau of Reclamation in accordance with the Federal statutes under -hich the reservoirs are authorized, constructed, operated and maintained, and such stored raters for irrigation as designated by the Coros of Engineers will be made available for use through contracts made by the Bureau of Reclamation. The agreement and the operating plans made nursuant to it have been made available to the State Engineer and any supplements or modifications as they are fetermined from time to time will be provided. The initial agreement is attached as "Tyhibit B". Supplemental filings vill be made as additional reservoirs are

STATE OF OREGON, County of Marion,

This is to certify that I have examined the foregoing application and do hereby grant the same,

Continued on reverse?

subject to the following limitations and conditions: The right herein granted is limited to the construction of and storage therein of 30,000 acre feet of water from the Coast Fork Willamette River in Some Cottage Grove Reservoir; 70,000 acre feet of water from the Long Tom River in Fern Ridge Reservoir; 310,000 acre feet of water from the Middle Fork Willamette River in Lookout Point Reservoir and 300,000 acre feet of water from the North Santiam River in Detroit Reservoir to be appropriated under secondary applications hereafter to be filed for irrigation, provided that all secondary applications shall be accompanied by a copy of the contract between the applicant and the Bureau of Reclamation for the purchase of the stored waters. This permit is issued subject to the terms and conditions as set out in Exhibit B\* of the application.

The right hereunder shall be limited to the storage of

835,000

acre feet.

The priority date of this permit is

August 16, 1954

Actual construction work shall begin on or before

20th

August 20, 1955

and

shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1952.

WITNESS my hand this

day of

August

19 54

The There is no state ENGINE

# Continuation from "Remarks"]

authorised and constructed, it being understood that the United States in contracting for the use of water under this and such other permits will treat all users equally irrespective of the particular reservoir or permit under which the water is stored. As contracts with individuals or group organizations for the diversion and use of storage waters from these reservoirs and others of the Willamette Valley Project for irrigation are proposed, and as plans for such use through projects authorized under the Federal Reclamation Laws are developed, secondary permits will be filed pursuant to section 537-300, Oregon Revised Statutes.

The tabulation referred to in item 3 is as follows:

Reservoir	Acre-Feet
Lookout Point	340,000
Cottage Grove	30,000
Dorena	70,000
Fern Ridge	95,000
Detroit	300,000
Total	835,000

Application No. A-29397.

This instrument was first received in the

construct a reservoir and store for beneficial use the unappropriated waters of the

Stute of Oregon.

PERMIT

office of the State Engineer at Salem, Oregon,

day of August

on the 16

M

19.54 at 1.00. o'clock

Returned to applicant:

Approved:

August 20, 1954 Recorded in Book No. 6

Reservoirs, on Page .

of

CHAS. E. STRICKLIN STATE ENGINEER Drainage Basin No. 2. page 11.1., 78.1.

ere \$ 934.00

### Sarah Henderson

From: TJ Hafner <tjhafner@agricare.com>
Sent: Friday, December 20, 2013 3:17 PM

To: Sarah Henderson

Subject: RE: T-11644 scanned map

Attachments: ALTA Std Owner Policy 1402.06 (2006).pdf

Hi Sarah,

See attached owner policy from the title company. Will this work for what you need?

Have a good weekend, T.j.

# T.J. Hafner

Certified Crop Advisor



35711 Helms Drive P.O. Box 717

Cell: 503-508-4684 Office: 541-327-7853 Fax: 541-327-7964 tjhafner@agricare.com

Jefferson, OR 97352

From: Sarah Henderson [mailto:sarah.a.henderson@state.or.us]

Sent: Thursday, December 19, 2013 9:01 AM

To: TJ Hafner

Subject: T-11644 scanned map

Hi TJ,

Attached is the scanned map and app page that I used for the transfer application draft. The colored map page was a copy that I marked up to use during my processing.

Please let me know if there is anything incorrect, or if there are any other questions or concerns.

Thank you.

Sarah

Sarah Henderson OWRD 503-986-0890

Policy Page 5 Policy Number: 1899385

# **SCHEDULE A**

# First American Title Insurance Company

Name and Address of Title Insurance Company: First American Title Insurance Company 1 First American Way Santa Ana, CA 92707

File No.: 7083-1899385 Policy No.: 1899385

Address Reference: 46759 E Lyons Mill City Drive, Lyons, OR 97358

Amount of Insurance: \$200,000.00 Premium: \$700.00

Date of Policy: October 11, 2012 at 3:46 p.m.

1. Name of Insured:

Havel Place, LLC

The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Havel Place, LLC

The Land referred to in this policy is described as follows:

See Exhibit "A" attached hereto and made a part hereof

### SCHEDULE B

File No. 7083-1899385

Policy No. 1899385

# **EXCEPTIONS FROM COVERAGE**

This Policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
- Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

This exception (#5) is hereby waived without additional cost in accordance with the provisions of the Oregon Title Insurance Rating Manual provision 5.001 A 5 PROVIDED a Lender has been issued a simultaneous title insurance policy on the subject property and to the extent this exception has been eliminated or modified on said Lender's policy.

- Regulations, including levies, liens, assessments, rights of way and easements of the Linn Soil and Water Conservation District. (Assessments, when levied, will be included in the Ad Valorem taxes.)
- The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- Easement, including terms and provisions contained therein:

Recording Information:

February 25, 1947 in Book 189 Page 827, Deed Records

In Favor of:

Pacific Telephone and Telegraph Company

For:

telephone line

(Affects Parcel 2)

#### Policy Page 8 Policy Number: 1899385

#### **EXHIBIT "A"**

File No.: **7083-1899385** Policy No.: **1899385** 

Real property in the City of Lyons, County of Linn, State of Oregon, described as follows:

#### PARCEL I:

BEGINNING AT A POINT ON THE SOUTH LINE OF AND 25 LINKS EAST OF THE WESTERLY SOUTHWEST CORNER OF THE JOHN B. POTTER AND JANE POTTER DONATION LAND CLAIM NO. 37, NOTIFICATION NO. 7651, BEING PART OF SECTION 22 AND 27 IN TOWNSHIP 9 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON; RUNNING THENCE NORTH 10.58 CHAINS, PARALLEL WITH THE WEST LINE OF DONATION LAND CLAIM NO. 37, TO A POINT 25 LINKS EAST OF THE WEST LINE OF SAID CLAIM NO. 37; THENCE EAST 7.29 CHAINS FOLLOWING THE SOUTH LINE OF THAT PROPERTY CONVEYED TO RICHARD A. WALKER BY DEED RECORDED IN VOLUME 347, PAGE 591, DEED RECORDS FOR LINN COUNTY, OREGON; THENCE NORTH 12.95 CHAINS FOLLOWING THE EAST LINE OF SAID WALTER TRACT TO THE NORTH LINE OF SAID DONATION LAND CLAIM; THENCE EAST 917.16 FEET, ALONG THE NORTH LINE OF DONATION LAND CLAIM NO. 37 TO THE NORTHWEST CORNER OF THE TRACT CONVEYED TO ERCILL WILSON, RECORDED IN VOLUME 301, PAGE 270, DEED RECORDS FOR LINN COUNTY, OREGON; THENCE SOUTH 0° 45' EAST, 1521.80 FEET TO THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 37; THENCE WEST 1409.10 FEET ALONG THE SOUTH LINE OF SAID DONATION LAND CLAIM NO. 37 TO THE PLACE OF BEGINNING.

#### PARCEL II:

BEGINNING AT A POINT 400 FEET EAST OF THE NORTHWEST CORNER OF THE DONATION LAND CLAIM OF WILLIAM R. MANIS BEING NOTIFICATION NO. 7646 AND CLAIM NO. 38 IN TOWNSHIP 9 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, OREGON; THENCE SOUTH APPROXIMATELY 100 FEET TO THE NORTH BOUNDARY OF LINN COUNTY MARKET ROAD NO. 6 (LYONS-MILL CITY DRIVE); THENCE WESTERLY ALONG THE ROAD BOUNDARY TO THE INTERSECTION WITH THE NORTH BOUNDARY OF DONATION LAND CLAIM NO. 38; THENCE EAST TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

APN: 6474 and 926360

Policy Page 7 Policy Number: 1899385

9. Easement, including terms and provisions contained therein:

Recording Information: February 26, 1947 in Book 190 Page 5, Deed Records

In Favor of: Mountain States Power Company

For: electric pole line

(Affects Parcel 2)

10. Easement, including terms and provisions contained therein:

Recording Information: April 06, 1964 in Book 301 Page 270, Deed Records
In Favor of: Ercill Wilson and Dorotheen Wilson (property to the East)

For: roadway

Affects: South 25 feet of Tax Lot 100

Deed of Trust and the terms and conditions thereof.

Loan No.: 076357-441-999-99

Grantor/Trustor: Havel Place LLC, a Limited Liability Company
Grantee/Beneficiary: Northwest Farm Credit Services, FLCA

Trustee: First American Title Company of Oregon, a corporation

Amount: \$90,000.00

Dated: October 03, 2012

Recorded: October 11, 2012

Recording Information: Instrument No. 2012-15767

Deed of Trust and the terms and conditions thereof.

Loan No.: undisclosed
Grantor/Trustor: Havel Place LLC

Grantee/Beneficiary: The Estate of Judy P. Nielsen

Trustee: First American Title Company of Oregon

Amount: \$63,000.00

Dated: October 05, 2012

Recorded: October 11, 2012

Recording Information: Instrument No. 2012-15768

Form No. 1402.06 ALTA Owner's Policy (6-17-06) 1100302P050600



Policy Page 1 Policy Number: 1899385

# **OWNER'S POLICY OF TITLE INSURANCE**

ISSUED BY

# First American Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

#### **COVERED RISKS**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.

Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from

(a) A defect in the Title caused by

- forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
- (ii) failure of any person or Entity to have authorized a transfer or conveyance;
- (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
- (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
- (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
- (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or

(vii) a defective judicial or administrative proceeding.

- (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
- (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.

Unmarketable Title.

- 4. No right of access to and from the Land.
- The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to

(a) the occupancy, use, or enjoyment of the Land;

- (b) the character, dimensions, or location of any improvement erected on the Land;
- (c) the subdivision of land; or

(d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

. An enforcement action based on the exercise of a governmental

police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

- The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
- Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
- Title being vested other than as stated in Schedule A or being defective
  - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
  - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records

(i) to be timely, or

- (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
- 10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that yests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this policy, but only to the extent provided in the Conditions.

First American Title Insurance Company

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SEPTEMBER 24.

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#### **EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that

- 1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land:
  - the subdivision of land; or
  - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters

  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
- 5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

#### CONDITIONS

#### DEFINITION OF TERMS

- The following terms when used in this policy mean:

  (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
  - "Date of Policy": The date designated as "Date of Policy" in Schedule A.
  - "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
  - "Insured": The Insured named in Schedule A.
    - (i) The term "Insured" also includes
      - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
      - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
      - (C) successors to an Insured by its conversion to another kind of Entity;
      - a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
        - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
        - if the grantee wholly owns the named Insured,
        - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person
        - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

Policy Page 2

Policy Number: 1899385

- (e) "Insured Claimant": An Insured claiming loss or damage.
- "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by
- "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- "Title": The estate or interest described in Schedule A.
- "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

#### 2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (I) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

#### NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

# 4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

#### 5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured In litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in

Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment

### 6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

#### 7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
- To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay. Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

  (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With
- the Insured Claimant.
  - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
  - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs,

attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Policy Page 3

Policy Number: 1899385

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

#### DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
  - (i) the Amount of Insurance; or
  - the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
  - (i) the Amount of Insurance shall be increased by 10%, and
  - the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

#### LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

#### 10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

### 11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

### 12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

#### 13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.
  - If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

that address subrogation rights.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds,

notwithstanding any terms or conditions contained in those instruments

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

#### 15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

Policy Page 4

Policy Number: 1899385

#### 16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

#### 17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefore in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

#### 18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at 1 First American Way, Santa Ana, CA 92707, Attn: Claims Department.

# POLICY OF TITLE INSURANCE



# **Land Use**

# **Information Form**

RECEIVE AUG 0 2 2013

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

	-1	-		SALE	M, OREGON				
pplicant:	HAVE	= +	LACE	LLC	2				1
			1 1131				Last		
lailing Ad	Idress:	715	And	erson	s Rd				
ALM	SULL	LE		OR State	97325 Zip	Daytime Ph	one: <u>503</u>	. 408 .	4684
. Land	and Loca	ation							
ransported	d), and/or u	sed or dev	veloped. Ap	plicants for	where water will be d municipal use, or irrig s for the tax-lot inform	gation uses wi	ithin irrigatio		
Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
99	2E	27	SESW	100	FIF	☐ Diverted	Conveyed	Used	
			SESW			☐ Diverted	Conveyed	☐ Used	
		922	5W 5E			-			
		27	NENW	. 100		Diverted	Conveyed	Ansea	
ist all cou	unties and c	27	WENW WWNE	roposed to b	ne diverted, conveyed,	Diverted	Conveyed	Used	
	Linn	4		OK-1ms	oe diverted, conveyed,	Diverted	Conveyed	Used	
B. Desci Type of ap Permit to	ription of oplication to Use or Sto	f Propos be filed vere Water License	sed Use with the Wa Water Alloca	oroposed to be ter Resource Right Transfe tion of Conse	es Department: er Permit rved Water Exchan	Amendment or	Conveyed or developed:	Used Used	
3. Descr Type of ap Permit to Limited	ription of oplication to Use or Sto Water Use I	f Propos be filed vere Water License	sed Use with the Wa Water Alloca	oroposed to be	es Department: er	Amendment or use of Water ter (name)	r Ground Wate	er Registrati	er
3. Description of appearance o	ription of oplication to Use or Sto Water Use I water:	Propose be filed water Water License Reservoir/P	with the Wa Water Alloca	oroposed to be ter Resource Right Transfe tion of Conse	es Department: er Permit rved Water Exchan	Amendment or oge of Water ter (name) N	r Ground Wate	er Registrati	€1Z ] acre-feet
B. Description  Type of ap  Permit to  Limited  Source of the	ription of oplication to Use or Sto Water Use I	F Propos be filed vere Water License Reservoir/F water nee	with the Wa Water Alloca	oroposed to be	es Department: er Permit rved Water Exchan er Surface Wat cubic feet p	Amendment or used of Water ter (name) No per second	r Ground Wate	er Registrati	<b>€1</b> Z ] acre-feet

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

AUG 0 2 2013

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. The feat purity 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

regulated by your comprehensive plan. Cite a	pplicable ordinance section(s):	928. S	310 (B) (1)
☐ Land uses to be served by the proposed water approvals as listed in the table below. (Please already been obtained. Record of Action/land have been obtained but all appeal periods leading.)	attach documentation of applicable la d-use decision and accompanying find	nd-use appro	ovals which have
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 ☐ Denied	☐ 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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Form use only. LCC 928. 310(B)(	1)		
Name: Olivia Glautz	Title: ASS OCIUTE	Pla	nner
Signature: OLACITY			Date: 7-22-13
Government Entity: LINN Cal	Wy		
Note to local government representative: Plea you sign the receipt, you will have 30 days from Use Information Form or WRD may presume the	the Water Resources Department's no	tice date to r	
comprehensive plans.			er is compatible with local
	e land use associated with the proposed		er is compatible with local
	equest for Land Use Inform	nation	er is compatible with local
Receipt for R	lequest for Land Use Inform	nation	er is compatible with local

## Application for Water RightRECEIVED

## **Transfer**

AUG 0 2 2013



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

### **Evidence of Use Affidavit**

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

Supporting documentation must be attached.

State of	Oregon			)	SS						
County	of Linn)		1 21	11	55				11	Mountain Fan	1.2
1,	and described	P	03	Ly	53	, 1	n my ca	pacity as	unit	roundant ac	102 fol
	g address	ro2	0 020	9 X C	<u> フン</u>						-
telepho	one number (	507	) 400	1- 26	17		, being f	irst duly sw	orn depose a	nd say:	
1. My	knowledge o	of the	exercise	e or sta	atus o	of the w	ater righ	nt is based o	n (check one	):	
	⊠ Perso	onal ol	bservati	ion			Profess	sional exper	tise		
2. I at	test that:										
	Water was u Certificate #		1	e prev	ious f	five yea	rs on th	e entire pla	ce of use for		
	My knowled	ge is	specific	to the	use	of water	r at the	following lo	cations withi	in the last five year	rs:
	Certificate #		nship	Ran		Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)	
				ni i							
OP											
OR	Confirming	Cartif	icate #	1	nac he	en iccu	ed with	in the nast f	ive years; OI	2	
										five years. The	
	instream leas	se nun	nber is:		(Note	e: If the	entire r	ight propos	ed for	not leased instream	ı.); OR
	The water ri								nat a presump	otion of forfeiture f	or
	Water has be	een us Certif	ed at thicate #	e actua	al cur For F	rent po listoric	int of di POD/P	version or a OA Transfe	ppropriation rs)	for more than	

3. The water right was used for: (e.g., crops, pa	isture, etc.): <u>Perenvial</u> ryegrass seed	
4. I understand that if I do not attach one or mor above statements, my application will be constant.	re of the documents shown in the table below to supp sidered incomplete.	ort the
ignature of Affiant	Date Date	
Signed and sworn to (or a  OFFICIAL SEAL  JAYME FELICE PIERCE NOTARY PUBLIC - OREGON COMMISSION NO. 480001	R RESOURCES DEPT ALEM, OREGON affirmed) before me this 24 <sup>th</sup> day of 5/y , 2	0 <u>13</u> .
MY COMMISSION EXPIRES JULY 12, 2016	My Commission Expires: 7/12/1	0
Supporting Documents	Examples	

Supporting Documents	Examples		
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		
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul> <li>Power usage records for pumps associated with irrigation use</li> <li>Fertilizer or seed bills related to irrigated crops</li> <li>Farmers Co-op sales receipt</li> </ul>		
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul> <li>District assessment records for water delivered</li> <li>Crop reports submitted under a federal loan agreement</li> <li>Beneficial use reports from district</li> <li>IRS Farm Usage Deduction Report</li> <li>Agricultural Stabilization Plan</li> <li>CREP Report</li> </ul>		
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		

## BARENBRUG

RECEIVED

BARENBRUG USA Plantbreeding, Seed Production, Seed Trade

AUG 0 2 2013

#### PRODUCTION CONTRACT

BETWEEN

WATER RESOURCES DEPT SALEM OREGON 40P DATE 10/22/2009

BARENBRUG USA, INC

33477 Hwy 99E, PO Box 239 Tangent OR 97389 AND

SILVER MOUNTAIN FARMS LLC

ID#: 14567 P.O. BOX 53 LYONS OR 97358 hereafter called "GROWER"

hereafter called "BARENBRUG"

1. GROWER agrees to plant and grow for seed production and deliver to BARENBRUG.

VARIETY ID#: 1030 VARIETY NAME: Peak SPECIE: Perennial Ryegrass FIELD#:
ACREAGE: 55 EST. YIELD/ACRE: 1400 TOTAL Est. ANNUAL YIELD: 77000 FOR THE FOLLOWING CROP YEARS: 2010 2011 2012

- BARENBRUG will provide GROWER with sufficient stock seed of said species and variety for planting on above mentioned acreage.
   The cost of said stock seed will be paid by GROWER at BARENBRUG'S list price.
- 3 GROWER agrees to harvest and deliver all seed grown from the seed stock, with the quality of that seed described as follows, to be determined by BARENBRUG or by an officially recognized Seed Testing Laboratory.

 CERTIFICATION:
 Uncertified

 % PURE SEED:
 97.00 min

 % OTHER CROP:
 .50 max.

 % INERT:
 3.00 max.

 % WEED:
 .50 max.

 % GERM:
 90.00 min

 % OTHER RYEGRASS:
 3.00

SPECIAL RESTRICTIONS: Free of poa, noxious & UGS

Bags to be paid for by GROWER.

Delivery time: upon BARENBRUG's request

Storage & Insurance: Grower account until date of purchase.

4. BARENBRUG agrees to pay GROWER for growing, harvesting and delivering all above mentioned seed, compensation in the amount and on conditions agreed upon as follows:

PRICE: Market price

PAYMENT TERMS: Payment in full 30 days after delivery of seed, but not later than July 1st the year following production and havesting.

All seed regardless of quality, to be marketed exclusively by BARENBRUG.

- 5. GROWER agrees to take the acreage out of production at the termination of this agreement by plowing or destroying the stand.
- 6. If, on the date of the signing of this contract, GROWER claims membership in a Bargaining Association, Covenant 4 shall not apply to this contract.
- 7. GROWER agrees that all seed produced for this contract will be processed by GROWER.
- 8. The above stated variety may be protected or protection is applied for under the U.S. PLANT VARIETY PROTECTION ACT.
  Propagation without written consent of BARENBRUG USA, INC is prohibited.

  THIS CONTRACT IS SUBJECT TO THE CONDITIONS LISTED ON THE REVERSE.

	Fy	5) 1111	
By BARENBRUG USA, INC		By GROWER of he help	
Date	1/25/2010	Date 1-25-10	

## BARENBRUG USA, INC

33477 Hwy 99E, PO Box 239 Tangent OR 97389

VENDOR NO.: 14567

Voice: 541/926-5801 FAX: 541/926-9435

ORDER FROM SILVER MOUNTAIN FARMS LLC

LYONS, OR 97358

P.O. BOX 53

## **PURCHASE INVOICE**

VOUCHER NO 25938

RECEIVING TICKET NO 48315 DATE: 12/23/2010

RECEIVED

AUG 0 2 2013

WATER RESOURCES DEPT SALEM, OREGON

SHIP TO BARENBRUG USA

33477 HWY 99E PO BOX 239

TANGENT, OR 97389

TELEPHONE: (503)932-3617

TELEPHONE (541)926-5801

	Anna Anna Anna Anna Anna					
PAGE 1		Grobe		enbrug		VACT NO.
,	7.41 €	CIODC	Dan	chordg	01	020
U/N	I ECEIVED	PACKED	DESCRIPTION	LOT NUMBER	UNIT COST	LINE COST
48,100.00 L	48,100.000	50Lb Peak Pe	erennial Ryegrass	M56-10-RG46	0.5000	24050.00
48,100.00	48,100.000	Peak Pe	erennial Ryegrass		-0.0012	-57.72
-						
VENDOR	SILVEF	R MOUNTAIN FAR	MS LLC & AMHIBURIEN	LLIS C	CHECK	NO. 104785
OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	D	ISCOUNT TAKEN
25038	18315	12/23/10 Peak	Perennial Pyegrass	23.00	22.28	0.00

OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
25938	48315	The second secon	Perennial Ryegrass	23,992.28	0.00
				Totals: 23,992.28	0.00

## BARÉNBRUG USA, INC

33477 Hwy 99E, PO Box 239 Tangent OR 97389

Voice: 541/926-5801 FAX: 541/926-9435

AUG 0 2 2013

RECEIVED VOUCHER NO 27062
RECEIVING TICKET NO 49683 DATE 09/16/2011

TOTAL

31,035.32

**PURCHASE INVOICE** 

WATER RESOURCES DEPT SALEM, OREGON

VENDOR NO. 14567

ORDER FROM SILVER MOUNTAIN FARMS LLC

P.O. BOX 53 LYONS, OR 97358 SHIP TO BARENBRUG USA

33477 HWY 99E PO BOX 239

TANGENT, OR 97389

TELEPHONE. (503)932-3617

TELEPHONE: (541)926-5801

1 ORDERED BY Art Grobe			SHIP VIA Barenbrug		8103G	
ORDERED U/M	RECEIVED	PACKED	DESCRIPTION	LOT NUMBER	UNIT COST	LINECOST

VENDOR	SILVER MO	OUNTAIN FARMS LLC	107780 CHECK NO.		
OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
27082	49683	09/16/11 Peak Pere	ennial Ryegrass	31,035.32	0.00
				Totals 31,035.32	0.00

## BARENBRUG USA, INC

33477 Hwy 99E, PO Box 239 Tangent OR 97389

Voice: 541/926-5801 FAX: 541/926-9435

## RECEIVED

AUG 0 2 2013

VOUCHER NO: 29088 RECEIVING TICKET NO: 52644

DATE: 04/26/2013

**PURCHASE INVOICE** 

WATER RESOURCES DEPT SALEM, OREGON

VENDOR NO. 14567

ORDER FROM. SILVER MOUNTAIN FARMS LLC

P.O. BOX 53

LYONS, OR 97358

SHIP TO BARENBRUG USA

33477 HWY 99E PO BOX 239

TANGENT, OR 97389

TELEPHONE (503)932-3617

TELEPHONE (541)926-5801

PAGE	ORI	DERED BY	SHIPVI	201 Lin 17 ( )	CONTRAC	T NO.	
1	Jimmy Gross			Barenbrug		8104G,8931G	
ORDERED U/M	RECEIVED	PACKED	DESCRIPTION	LOT NUMBER	UNIT COST	LINE COS	
7.000.0000 L	17,000.0000	PACKED 50Lb	DESCRIPTION Peak Perennial Ryegrass	LOT NUMBER M56-12-RG60	UNIT COST 0.7300	12410.0	

ORDERED UM	RECEIVED	PACKED	DESCRIPTION	LOI NUMBER	UNII COST	LINE COST
17,000.0000 L	17,000.0000	50Lb	Peak Perennial Ryegrass	M56-12-RG60	0.7300	12410.00
17,000.0000	17,000.0000		Peak Perennial Ryegrass Commission		-0.0012	-20.40
7,000.0000 L	7,000.0000	50Lb	Bridgeport II Chewings Fescue	M56-12-CF119	0.8500	5950.00
5,950.0000	5,950.0000		Bridgeport II Chewings Fescue		-0.0100	-59.50
			Commission			

VENDOR	Silver Mountain Farms LLC & Keybank & Wilbur-Ellis Co
12113011	Silver Modification anno ELO di Nejodini di Vinedi Elile de

CHECK NO. 114315

VENDOR	TAN WEST AND THE		a Reybank a Wildur-Lins Co		DIOCOLULT TAKEN
OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
29015 29088 29111	52510 52644 71618	04/26/13 Pea	geport II Chewings Fescue k Perennial Ryegrass geport II Chewings Fescue	15,357.37 18,280.10 39,802.95	0.00 0.00 0.00
				Totals: 73,440.42	0.0

18,280.10

TOTAL

	Regular Permanent Water Rig				list
	Checked by Lero	Da	ate <u>8/2/15</u>	Certs &	acres involved:
V	check box to left; if not, fill in the blank)		1. 1.		
1.	Page 1 of application: Are all attachments that h If not, what is missing?	nave been check	ed actually inclu		se.
	Are fees included and correct? Fee paid:	00.00			volved:
	If not, the correct fee would be:,		nissing is:	1077-0070	
	► If a Substitution (see Page 5 of application)				
	Base fee for 1 well (POA)			\$725.00	
	Number of additional wells =		x \$350.00 =		
			Total =		
	► If a Government Action POD change (see: P	age 5): NO C	HARGE		
	► If any other type of "regular permanent" tran	nsfer:			×
	Base fee for one water right, one change at	nd first cfs =		\$1,000.00	
	# of additional water rights beyond the first (see Part 4 of application) =		x \$450.00 =		
	Additional fee for groundwater staff review number of changes to well location(s), add or change from SW diversion point to a well-	ditional well(s)	\$350.00		
	1 or 2 additional TYPEs of change* (see Page 5 of application) =		x \$800.00 =		
	If <i>Place of Use</i> or <i>Character of Use</i> change <u>and</u> transfer involves more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs =		x \$300.00 =	300.10	
	HINT: Total cfs on WR (÷) total # acres on WR (x) # ac	eres involved in transj	fer = # cfs involved in	transfer	
			Sub-total =	1300.00	
	If a letter from ODFW endorsing the include		endly" transfer is b-total by 0.50 =		
	Total = sub-total minus 50% "fish-frie				
	*NOTE: [POD/APOD, POA/APOA, SW to POU is counted as one type [USE or (Supplemental to Primare)			ted as one type	
3.	Page 3 of application: Have all the applicants li If no, whose signature is missing?				
□ / 4.	Are all listed certificates or permits shown by V If no, which are cancelled?				W X X W X
	For each cancelled certificate, if there has bee left side of Table 2, list its number	en a remaining r	ight certificate is and check the #4	sued that covers box at left on th	the lands in the
<b>5</b>	If any certificate is in the name of a "district", i	is a Supplement	al Form D from t	hat district encl strict)	osed?
6.	If all #1-#5 boxes on this checklist are checked application and assign it a numbered transfer fo #4 or #5 on this checklist is deficient, the applic deficiencies listed in the "staff" section at the agent can resolve the deficiencies within 2-3 days	lder. Put this cheation cannot be bottom of App	eck sheet in the t accepted. It show	ransfer folder. I ald be returned	f #1, #2, #3, and the

#### Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before September 05, 2013. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

County: UNION Transfer: Transfer: 11642 Water Right: CERT 88411

Priority Date: JANUARY 17, 1996

Name: STUART H. AND LAURA SHOLUND 64760 AIRPORT LANE

64760 AIRPORT LANE LA GRANDE, OR 97850

Change: point of appropriation Source: A WELL

County: HOOD RIVER
Transfer: 11643
Water Right: CERT 80928; 81340; 84803

Priority Date: AUGUST 13, 1965; NOVEMBER 25, 1985; AUGUST 8, 1977 & AUGUST 3

1978

EAST FORK IRRIGATION DISTRICT Name:

PO BOX 162

ODELL, OR 97031

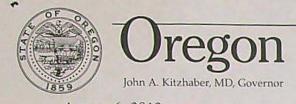
Change: place of use; use
Source: EAST FORK HOOD RIVER

County: LINN, MARION Transfer: 11644 Water Right: CERT 54059

Priority Date: MARCH 12, 1975 Name: HAVEL PLACE LLC 5715 ANDERSON RD

AUMSVILLE, OR 97325

Change: place of use Source: NORTH SANTIAM RIVER



August 6, 2013

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.wrd.state.or.us

HAVEL PLACE LLC 5715 ANDERSON RD AUMSVILLE, OR 97325

Reference: Application T- 11644

On August 6, 2013, we received your water right Transfer application. The application was accompanied by \$1300.00. Our receipt number 109475 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)986-0807.

Cc: Watermaster Dist. #16 (via email)
James M. Schuette, Agent
Linn County Planning Department

Enclosure



#### Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301-1271 503-986-0900 FAX 503-986-0904

#### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment

August 6, 2013

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: LINN. MARION

Transfer: 11644

Water Right: CERT 54059

Priority Date: MARCH 12, 1975

Name: HAVEL PLACE LLC

5715 ANDERSON RD AUMSVILLE, OR 97325

Change: place of use

Source: NORTH SANTIAM RIVER

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

#### JMS ENGINEERING

3000 Market Street N.E., Suite #510 Salem, Oregon 97301

MEMO

(503) 585-5578 • Fax (503) 585-1856 jmsengineering@qwestoffice.net

TI Hofner.

10-15-2013 FILE T- 11644

Enclosed find a lapy of the revised map; page for the subject transfer that you requested be made.

Attach those to the original application.

let me Know if you need any thing else.

## RECEIVED

DCT 2 2 2013

PLEASE REPLWATER RESOURCES DEPT SALEM, CRESUN NECESSARY

SIGNED Sim Schwette LURE

#### STATE OF OREGON

#### WATER RESOURCES DEPARTMENT

RECEIPT # 109475

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

INVOICE #

EIVED FRO	om: Have	1 Place	LLC	APPLICATION	
				PERMIT	
211	NIEOK I			TRANSFER	T- 11/4
]	HECK:#		Υ)	TOTAL REC'D	\$ 1300
1083	TREASURY	4170 WR	D MISC CASH A	ACCT	
	COPIES				S
	OTHER:	(IDENTIFY)			S
0243 I/S L	ease 024	4 Muni Water Mgm	t. Plan 02	45 Cons. Water	
		4270 WR	O OPERATING	ACCT	
	MISCELLANEOU	s O	0 11	113	
0407	COPY & TAPE FE	ES V	A 461	110	\$
0410	RESEARCH FEES	3			\$
0408	MISC REVENUE:	(IDENTIFY)			\$
TC162	DEPOSIT LIAB. (	***************************************			S
0240	EXTENSION OF T	IME			\$
	WATER RIGHTS:		EXAM FEE		RECORD FE
0201	SURFACE WATER	3	S	0202	\$
0203	GROUND WATER		S	0204	\$
0205	TRANSFER		\$ 1300		
	WELL CONSTRU	CTION	EXAM FEE		LICENSE FE
0218	WELL DRILL CON	STRUCTOR	S	0219	S
	LANDOWNER'S F			0220	\$
	OTHER	(IDENTIFY)	-	WED TEL	3
-	OTHER	(IDENTIA I)	RECE	COUNTE	
0536	TREASURY	0437 WEI	L CONST. STA	RTFEE	
0211	WELL CONST ST	ART FEE	OFE	CARD #	
0210	MONITORING WE	LLS	\$	CARD#	
	OTHER	(IDENTIFY)			W=
0607	TREASURY	0467 HYD	RO ACTIVITY	LIC NUMBER	
Maria Santonia	POWER LICENSE				\$
0231	HYDRO LICENSE				\$
	HYDRO APPLICA				\$
	TREASURY	ОТН	ER / RDX		
		Townson - Town			
OBJ. COD	E	VENDOR#			
DESCRIPT	ION				\$

RECEIPT: 109475 DATED: 8-2-13 BY: RESTAUN



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

# Application for Water Right Transfer

Part 1 of 4 - Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

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

G1		FOR ALL TRANSFER APPLICATIONS RECEIVED
Che	ck all iter	ns included with this application. (N/A = Not Applicable)  Part 1 – Completed Minimum Requirements Checklist.  AUG 0 2 2013
$\boxtimes$		Part 2 – Completed Transfer Application Map Checklist.  WATER RESOURCES DEPT SALEM, OREGON
$\boxtimes$		Part 3 - Completed Transfer Application - Applicant Information and Signature.
		Part 4 – Completed Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: <u>54059</u> .
		Attachments:
$\boxtimes$		Completed Transfer Application Map.
		Completed Evidence of Use Affidavit and supporting documentation.
$\boxtimes$		Fees – Amount enclosed: \$ 1300.00. See <a href="http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees">http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees</a> or call (503) 986-0883.
	⊠ N/A	Affidavit(s) of Consent.
	⊠ N/A	Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
	□ N/A	Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
	⊠ N/A	For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
		(For Staff Use Only)  WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):  Application fee not enclosed/insufficient Map not included or incomplete  Land Use Form not enclosed or incomplete  Additional signature(s) required Part is incomplete  Other/Explanation  Staff: 503-986-0 Date: / /

### Part 2 of 4 - Transfer Application Map Checklist

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

		map. Check all boxes that apply.
	□ N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see <a href="http://apps.wrd.state.or.us/apps/wr/cwre_license_view/">http://apps.wrd.state.or.us/apps/wr/cwre_license_view/</a> . 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.
$\boxtimes$		Permanent quality printed with dark ink on good quality paper.
		The size of the map can be $8\frac{1}{2} \times 11$ inches, $8\frac{1}{2} \times 14$ inches, $11 \times 17$ inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
$\boxtimes$		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.
$\boxtimes$		Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
		Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
	□ N/A	Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
		Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
	⊠ N/A	If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

AUG 0 2 2013

### Part 3 of 4 - Applicant Information and Signature

Applicant Information			* 1	
APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Havel Place	ce LLC		503-508-4684	
ADDRESS 5715 Anderson Rd				FAX NO.
OITY S/15 Anderson Rd	STATE	ZIP	E-MAIL**	
Aumsville	OR	97325	TO SECURE AND ADDRESS OF THE PARTY AND ADDRESS	er@agricare.com
gent Information - The ap	gent is auth	norized to repres	ent the applicant in all n	natters relating to this applicat
AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
	AS Enginee	ering	503-559-1146	
ADDRESS	~~~~			FAX NO.
3000 Market St NE, St	Manager Control of the Control of th	Laus	[ A 00000 **	A
Salem	OR STATE	77301 ZIP	E-MAIL**	2
				@qwestoffice.net CORRESPONDENCE FROM T
				ENTS WILL ALSO BE MAILED
	all landown			different than the applicant's) or ers or individuals/entities to whic
authorized to pursue the training I affirm the applicant is a miname of the municipality or	I understand transfer, I v nsfer as ider unicipality a a predecess	d that, upon receip will be required to ntified in OAR 69 as defined in ORS sor; OR	provide landownership inf 0-380-4010(5); OR 540.510(3)(b) and that the	right is in the  AUG 0 2 2013
I affirm that the applicant is condemnation the property supporting documentation.	an entity w to which the	ith the authority to water right propo	o condemn property and is osed for transfer is appurted	acquiring by nant and haven RESOURCES D SALEM, OREGON
I understand that prior to Dep Department for publication of located, once per week for tw	f a notice in o consecut	n a newspaper wive weeks. If m	ith general circulation in	the area where the water righ
I (we) affirm that the inform		tained in this a	pplication is true and a Harvey d Title if applicable)	7/33/13 2013

In your own words tell us what change(s) you want made and the reason for the change(s): This change will move existing water rights to areas that are currently being farmed and irrigated.

Check the following boxes	that app	oly:		
The applicant is resp continue to be sent to			on of change(s).	Notices and correspondence should
The receiving landov final order is issued.	wner will Copies	be responsi of notices an	ble for completind correspondence	ng the proposed change(s) after the se should be sent to this landowner.
The receiving landov of notices and corres	wner and	applicant we should be	ill be responsible sent to this land	e for completion of change(s). Copie owner and the applicant.
At this time, are the lands in	this tran	sfer applica	tion in the proce	ss of being sold? Yes No
If YES, and you know v information table below assignment will have to	. If you	do not know	who the new las	e complete the receiving landowner adowner will be, then a request for
unless a sale agreement	or other	document sta	ates otherwise.	e land belong to the new owner, To learn about sale agreements Transfer-PropertyTransactions.pdf)
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	RECEIVED
Describe any special owners	ship circu	ımstances he	ere:	AUG 0 2 2013
				or will be located with the 6rd Served to Supplemental Form 1590N
IRRIGATION DISTRICT NAME		A	DDRESS	
CITY		S	ГАТЕ	ZIP
Check here if water for a for stored water with a f				er service agreement or other contrac
ENTITY NAME		A	DDRESS	
CITY		S	гате	ZIP
				all local governments (each county, urisdiction water will be diverted,
ENTITY NAME Linn County Planning		A	DDRESS 300 SW	4TH AVE
CITY Albany		S	OR OR	ZIP 97128
ENTITY NAME		A	DDRESS	
CITY		S	ГАТЕ	ZIP

Please use a separate Part 4 for each water right being changed. See instructions at http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints Forms MS Word.doc

**CERTIFICATE # 54059** 

RECEIVED

#### **Description of Water Delivery System**

System capacity: 0.32 cubic feet per second (cfs) OR

AUG 0 2 2013

144.0 gallons per minute (gpm)

WATER RESOURCES DEPT

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. POD is equipped with a 20HP centrifugal pump

that pumps into a 4" mainline. From there, into a drip Irrigation system.

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)	Т	'wp	F	lng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD			9	S	2	E	27	SE	sw	Lot 2	120' N & 610' E from NW corner of DLC 37.
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

Charles	Il tono(s) of shange(s) proposed below (	ahana	"CODES" are provided in parentheses)
Check a	in type(s) of change(s) proposed below (	chang	e "CODES" are provided in parentheses):
$\boxtimes$	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 entir	e wate	er right?
Yes	Complete only the Proposed ("to" lands) "CODES" listed above to describe the pro-		
⊠ No	Complete all of Table 2 to describe the po	ortion	of the water right to be changed.

Please use additional pages of Table 2 as needed

#### Table 2. Description of Changes to Water Right Certificate # 54059

List only the part of the right that will be changed. For the acreage in each 1/4 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.

	1	Autl	nori	zed (	"froi	n" lar	ids) as	they	appear	BEFORE T	HE CHANG	ES	Description					Pro	posed	1 ("to	" land	s) AF	TER T	HE CHAN	GES	
Tv			ng	Sec		1/4	Tax Lot	Gvt Lot or DLC		Type of USE listed on Certificate	POD(s) or	Priority Date	Proposed Changes (see "CODES" from previous page)	Ti	vp	Rr	ıg	Sec		1/4	Tax Lot	Gvt Lot or DLC		New Type of USE	POD(s)/	Priorit Date
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	РОП/РОВ	2	s	9	E	1	NW	NW	500	1	10.0		POD #5	1901
*	44	16.	ii.	44	64	44	144	33.		EXAMPLE	.44	,++	(4	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
9	S	2	E	27	NE	NW	100	37	6.7	Irrigation	POD	1975	POU	9	S	2	E	22	sw	SE	100	37	6.2	same	POD	1975
																		27	NE	NW	100	37	0.5	same	POD	1975
9	S	2	E	27	NW	NE	100	37	4.0	Irrigation	POD	1975	POU	9	s	2	E	22	sw	SE	100	37	0.4	same	POD	1975
																		27	NW	NE	100	37	3.6	same	POD	1975
						TOTA	AL AC	DEC	10.7											TOTA	L ACI	DEC	10.7			

Additional remarks: ---- This sheet was revised 10-12-2013 and re-submitted with revised map.

Havel Place LLC WR Transfer Form Revised 2/1/2012 Page 6 of 7



Please use additional pages of Table 2 as needed

#### Table 2. Description of Changes to Water Right Certificate # 54059

List only the part of the right that will be changed. For the acreage in each 1/4 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.

	A	Autl	nori	zed (	"froi	n" lai	nds) a	s they	appear	BEFORE TI	HE CHANG	ES	Proposed					Pro	posed	1 ("to	" land	s) AF	TER T	HE CHAN		
Tw			ng	Sec		1/4	Tax Lot	Gvt Lot or DLC		Type of USE listed on Certificate	POD(s) or		Changes (see "CODES" from previous page)	Tv	vp	Ri	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priorit Date
2	5	9	1	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POLPOD	2	S	9	E	1	NVV	NW	500	1	10.0		POD#5	1901
0.	55	06	141		14	64.	44	166		EXAMPLE	ii.	44	- 14	2	S	9	E	2	SW	NW	500		5.0		POD#6	1901
9	S	2	E	27	NE	NW	100	37	6.7	Irrigation	POD	1975	POU	9	S	2	E	22	sw	SE	100	37	6.2	same	POD	1975
																		27	NE	NW	100	37	0.5	same	POD	1975
9	S	2	E	27	NW	NE	100	37	4.0	Irrigation	POD	1975	POU	9	S	2	E	22	sw	SE	100	37	0.4	same	POD	1975
																		27	NW	NE	100	37	3.6	same	POD	1975
											RE	CE	VED													
											00	722	2013													
						TOT	AL AC	CRES	10.7		WATER RI SALE	ESOURC M, OREC	CES DEPT						***	TOTA	L AC	RES	10.7			

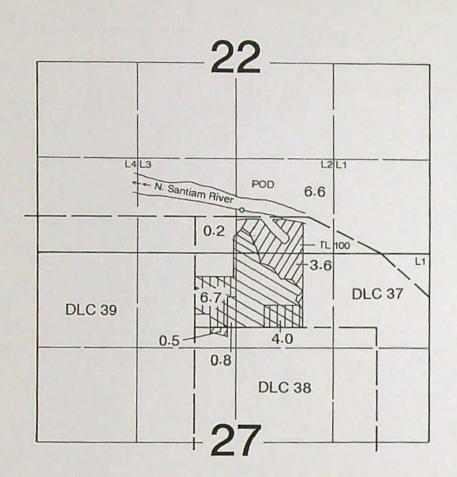
Additional remarks: ---- This sheet was revised 10-12-2013 and re-submitted with revised map.

Havel Place LLC WR Transfer Form Revised 2/1/2012 Page 6 of 7 RECEIVED

DCT 1 4 2013

WATER RESOURCES DEPT SALEM, OREGON

## T.9S., R.2E., W.M.













POD is located 120' N & 610' E from the NW corner of DLC 37.

# RECEIVED

OCT 2 2 2013

WATER RESOURCES DEPT SALEM, OREGON

### **Application Map**

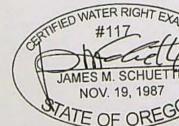
## Havel Place, LLC.

Transfer #: T-11644

## RECEIVED

OCT 1 4 2013

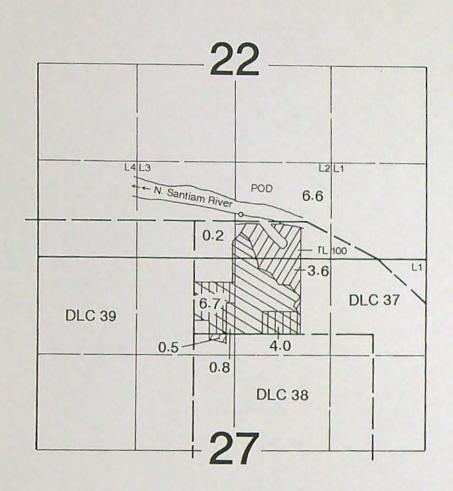
WATER RESOURCES DEPT SALEM, OREGON

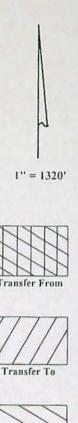


EXPIRES: 6/30/2014

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

## T.9S., R.2E., W.M.





POD is located 120' N & 610' E from the NW corner of DLC 37.

## RECEIVED

To Remain

OCT 1 4 2013

WATER RESOURCES DEPT SALEM, OREGON

### **Application Map**

## Havel Place, LLC.

Transfer #: T-11644

#117
#117

JAMES M. SCHUETTE
NOV. 19, 1987

EXPIRES: 6/30/2014

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Please use additional pages of Table 2 as needed

#### Table 2. Description of Changes to Water Right Certificate # 54059

List only the part of the right that will be changed. For the acreage in each 1/4 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.

	1	Autl	nori	zed (	"froi	n" laı	nds) as	they	appear	BEFORE T	HE CHANG	ES	D1				_	Pro	pose	d ("to	" land	s) AF	TER T	HE CHAN	GES	
Tv			ng	Sec		1/4	Tax Lot	Gvt Lot or DLC		Type of USE listed on Certificate	POD(s) or	Priority Date	Proposed Changes (see "CODES" from previous page)	T	wp	R	ng	Sec		1/4	Tax Lot	Gvt Lot or DLC		New Type of USE	POD(s)/	Priorit Date
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
94	4+	44	14	44	44	44	66	64	144	EXAMPLE			14	2	S	()	E	2	SW	NW	500		5.0		POD #6	1901
9	S	2	E	27	NE	NW	100	37	6.7	Irrigation	POD	1975	POU	9	S	2	E	22	sw	SE	100	37	6.2	same	POD	1975
																		27	NE	NW	100	37	0.5	same	POD	1975
9	s	2	E	27	NW	NE	100	37	6.0	Irrigation	POD	1975	POU	9	s	2	E	22	sw	SE	100	37	2.4	same	POD	1975
																		27	NW	NE	100	37	3.6	same	POD	1975
i i																										
	_	_				TOTA	AL AC	RES	12.7										Y	TOTA	L ACI	RES	12.7			

Additional remarks:

RECEIVED

Havel Place LLC WR Transfer Form Revised 2/1/2012 Page 6 of 7 AUG 0 2 2013

WATER RESOURCES DEPT SALEM, OREGON

### For Place of Use or Character of Use Changes Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No If YES, list the certificate, water use permit, or ground water registration numbers: Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application. For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation) Ground water supplemental Permit or Certificate # ; AUG 0 2 2013 Surface water primary Certificate # . For a change from Supplemental Irrigation Use to Primary Irrigation Use WATER RESOURCES DEPT Identify the primary certificate to be cancelled. Certificate # For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well\_log/Default.aspx OR

Table 3. Construction of Point(s) of Appropriation

do not have a well log.

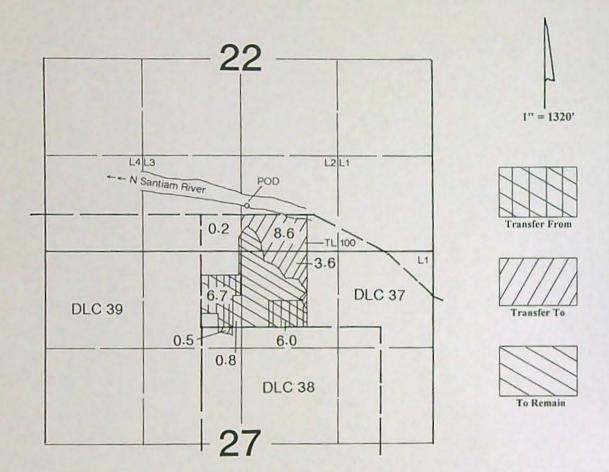
Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that

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

Superseded 10/14/13

## T.9S., R.2E., W.M.



POD is located 120' N & 610' E from the NW corner of DLC 37.

### **Application Map**

## Havel Place, LLC.

Transfer #:

## RECEIVED

AUG 0 2 2013

WATER RESOURCES DEPT SALEM, OREGON

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

JAMES M. SCHUETTE
NOV. 19, 1987

EXPIRES: 6/30/2014

T011644

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09S02E27

REALIANIE 2ND ADD.

FOR ASSESSMENT AND TAXATION ONLY

P. PLAT

WATER RESOURCES DEPT SALEM, OREGON AUG 0 2 2013



APR 0 5 2023

OWRD

Date Received (Date Stamp Here)

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

Applicant Name(s) & Address: Have Place LLC
5715 Anderson Rd., Aumsville or 97325
Transaction Type: Claum
Fees Received: \$ 1000 required
☐ Cash ☐ Check; Check No.
Name(s) on Check:
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: (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.