

Temporary

Name Green Spring FarmsAddress 8930 Suwer rd
monmouth Oregon 97301Change in POD PODDate Filed 8/31/2023Initial notice date 8/18/2023

DPD issued date

PD issued date

PD notice date

Date of FO 4/15/2024 Vol 129 Page 121-1127

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent GSI water solutions - kim Grigley

CWRE

CC's list Benton County

DESCRIPTION OF WATER RIGHT(s)

Name of Stream luckiamute riverTrib. of Willamette riverUse Irrigation County Benton

Quantity of water (CFS) No. of Acres

Name of ditch

App# S374810 Per # S279010 Cert # 33571 PR Date 3/20/2023App# S210558 Per # S20809 Cert # 710441 PR DateApp# S400939 Per # S35107 Cert # 710442 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
<u>8-3-2023</u>	<u>1,732.00</u>	<u>141331</u>

FEES REFUNDED

Date	Amount	Receipt #
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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

April 15, 2024

Green Spring Farms
Attn: Kevin Lehar
8930 Suuver Rd
Monmouth, OR 97361

REFERENCE: District Temporary Transfer Application T-14295

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

The temporary change shall be effective at the **beginning of the 2023 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2024 irrigation season**.

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

Sincerely,

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

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Kim Grigsby, Agent
Benton County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14295, Benton County)	CHANGES IN PLACES OF USE AND POINTS
)	OF DIVERSION

Authority

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

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

Applicant

GREEN SPRING FARMS
8930 SUVER RD
MONMOUTH, OR 97361

Findings of Fact

1. On August 3, 2023, GREEN SPRING FARMS filed an application to temporarily change the place of use and to change the points of diversion to serve the proposed place of use under Certificates 33571, 76441, and 76442 for a period of 2 years. The Department assigned the application number T-14295.
2. Notice of the application for transfer was published on August 8, 2023, pursuant to OAR 690-380-4000.
3. The first right to be temporarily transferred is as follows:

Certificate:	33571 in the name of GRACEN L. BUSH (perfected under Permit S-27906)
Use:	IRRIGATION of 10.0 ACRES
Priority Date:	MARCH 20, 1962
Rate:	0.13 CUBIC FOOT PER SECOND

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

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

Source: LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	6 W	WM	29	SE NW	POD 1 – 225 FEET NORTH AND 3460 FEET WEST FROM THE NE CORNER OF J. WATSON DLC 40

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	6 W	WM	29	SW NE	42	5.0
10 S	6 W	WM	29	SE NW	42	5.0
					Total	10.0

4. Temporary Transfer Application T-14295 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	21	SE SW		50	1.05
9 S	4 W	WM	21	SE SW		51	1.30
9 S	4 W	WM	21	SE SW		63	0.05
9 S	4 W	WM	21	SE SW	3		0.05
9 S	4 W	WM	21	SW SE		50	0.40
9 S	4 W	WM	21	SW SE		51	0.80
9 S	4 W	WM	28	NW NE		50	2.10
9 S	4 W	WM	28	NE NW		50	4.20
9 S	4 W	WM	28	NE NW	3		0.05
						Total	10.00

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14295 proposes to move the authorized point of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Distance from Authorized POD in miles (mi.)
9 S	4 W	WM	28	SE NW		POWER POLE POD – 2275 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28	14.3 mi.
9 S	4 W	WM	28	SE NW	4	BRYAN POD – 1605 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 28	14.2 mi
9 S	4 W	WM	28	NW SE		JACK POD – 1805 FEET NORTH AND 2155 FEET WEST FROM THE SE CORNER OF SECTION 28	14.7 mi

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

Certificate: 76441 in the name of GRACEN L. BUSH (perfected under Permit S-20809)

Use: IRRIGATION of 22.1 ACRES

Priority Date: OCTOBER 12, 1951

Rate: 0.28 CUBIC FOOT PER SECOND

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

Source: LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	6 W	WM	30	SE SE	40	(POD 2) - 2200 FEET SOUTH AND 620 FEET EAST FROM THE NW CORNER OF WATSON DLC 40
10 S	6 W	WM	29	SE NW	40	(POD 3) - 170 FEET SOUTH AND 2940 FEET EAST FROM THE NW CORNER OF WATSON DLC 40
10 S	6 W	WM	29	SE NW	42	(POD 4) - 200 FEET NORTH AND 2950 FEET EAST FROM THE NW CORNER OF WATSON DLC 40

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	6 W	WM	29	NW NE	42	9.2
10 S	6 W	WM	29	SW NE	42	12.9
Total						22.1

7. Temporary Transfer Application T-14295 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	21	SE SW	51	15.0
9 S	4 W	WM	21	SE SW	63	0.6
9 S	4 W	WM	21	SW SE	51	6.5
Total						22.1

8. A change in points of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14295 proposes to move the authorized points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Distance from Authorized Wells in miles (mi.)
9 S	4 W	WM	28	SE NW		POWER POLE POD – 2275 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28	POD 2 – 14.9 mi.
							POD 3 – 14.3 mi.
							POD 4 – 14.3 mi.
9 S	4 W	WM	28	SE NW	4	BRYAN POD – 1605 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 28	POD 2 – 14.8 mi.
							POD 3 – 14.2 mi.
							POD 4 – 14.2 mi.
9 S	4 W	WM	28	NW SE		JACK POD – 1805 FEET NORTH AND 2155 FEET WEST FROM THE SE CORNER OF SECTION 28	POD 2 – 15.3 mi.
							POD 3 – 14.7 mi.
							POD 4 – 14.7 mi.

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

Certificate: 76442 in the name of GRACEN L. BUSH (perfected under Permit S-35107)

Use: IRRIGATION of 27.9 ACRES

Priority Date: MAY 4, 1970

Rate: 0.35 CUBIC FOOT PER SECOND

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

Source: LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	6 W	WM	29	NW NE	42	(POD 5) – 2180 FEET NORTH AND 4150 FEET EAST FROM THE NW CORNER OF WATSON DLC 40

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
10 S	6 W	WM	20	SW SE		42	2.7
10 S	6 W	WM	20	SE SE		42	13.0
10 S	6 W	WM	29	NE NE		42	2.9
10 S	6 W	WM	29	NW NE	3	42	9.3
						Total	27.9

10. Temporary Transfer Application T-14295 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	21	SW SE	51	1.3
9 S	4 W	WM	28	NE NE	50	7.5
9 S	4 W	WM	28	NW NE	50	12.0
9 S	4 W	WM	28	NE NW	50	7.1
					Total	27.9

11. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14295 proposes to move the authorized point of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Distance from Authorized POD in miles (mi.)
9 S	4 W	WM	28	SE NW		POWER POLE POD – 2275 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28	13.9 mi.
9 S	4 W	WM	28	SE NW	4	BRYAN POD – 1605 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 28	14.0 mi
9 S	4 W	WM	28	NW SE		JACK POD – 1805 FEET NORTH AND 2155 FEET WEST FROM THE SE CORNER OF SECTION 28	14.4 mi

Temporary Transfer Review Criteria

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

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

Conclusions of Law

The temporary changes in place of use and points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14295 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

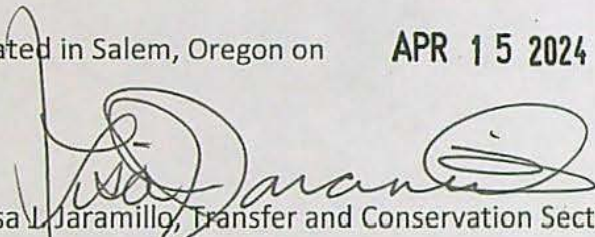
1. The temporary change in place of use and change in points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14295 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2023 and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary points of diversion (Power Pole, Bryan and Jack PODs) shall not exceed the quantity of water lawfully available at the original points of diversion (PODs 1, 2, 3, 4 and 5).
6. A subsequent application for permanent transfer of Certificates 33571, 76441, and 76442 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 33571, 76441, and 76442.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

10. The use of the remaining water rights described by Certificate Certificates 33571, 76441, and 76442 shall continue to be in accordance with the terms and conditions of Certificates 33571, 76441, and 76442.

Dated in Salem, Oregon on **APR 15 2024**



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

Mailing Date: **APR 16 2024**

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14295



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@water.oregon.gov

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14295

Transfer Specialist: Scott

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: GREEN SPRING FARMS ATTN KEVIN LEHAR 8930 SUUVER RD MONMOUTH, OR 97361	Agent: KIM GRIGSBY 1600 SW WESTERN BLVD SUITE 240 CORVALLIS, OR 97333	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Benton County Planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>	S37486	S27906	33571
<input type="checkbox"/>	S26558	S20809	76441
<input type="checkbox"/>	S46939	S35107	76442

Key Dates & Initial Actions (Support Staff)

Rec'd: August 3, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1732.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 8/8/2023	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: BENTON
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>1/22/24</u> Initials: <u>Scott</u>	Date: <u>1/23/24</u> Initials: <u>Joan</u>	Date: <u>3/29/24</u> Initials: <u>PKS</u>	Date: <u>4/4/24</u> Initials: <u>Scott</u>	Date: <u>4/4/24</u> No. of docs for sig: <u>1</u> WM Sheet <input checked="" type="checkbox"/>	Date: <u>4/15/24</u>

Special Issues: _____

Special Order Volume: Vol. 129 Pages 1121-1127

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14295

Review Due Date:

Applicant Name: Joel Plahn

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

Reviewer(s): Joel Plahn

Date of Review: 09/12/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Junior rights to 6/22/1964 are often regulated during August or September
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14295



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@water.oregon.gov

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 8, 2023

GREEN SPRING FARMS
ATTN KEVIN LEHAR
8930 SUUVER RD
MONMOUTH, OR 97361

Reference: Application T-14295

On August 3, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1732.00. Receipt number 141331 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Benton County Planning Department
Kim Grigsby, Agent

Enclosure

Invoice # Date

Description

Account

Balance Due

Amount Paid

Transfer 23-24 07/21/2023

Water Rights, License, Fees

0.00

1,732.00

Date: 07/21/2023

Paid To: Oregon Water Resources Dept.

Check #: 002520

\$1,732.00

Paid By: VF Agriculture LLC

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STATE OF OREGON
WATER RESOURCES DEPARTMENT725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 141331

INVOICE #

RECEIVED FROM: VF Agriculture, LLC
BY:

APPLICATION

PERMIT

TRANSFER

T-14295

CASH: ☐ CHECK: # 2520 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,732.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$

0203 GROUND WATER \$

0205 TRANSFER \$ 1,732.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT \$

OTHER (IDENTIFY)

EXAM FEE

\$

0202

\$

0204

\$ 1,732.00

EXAM FEE

\$

0219

0220

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY)

CARD#

CARD#

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 141331

DATED: 8-3-2023

BY: Lisa D. Miller

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



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: Application fee of \$1,732.00 is enclosed.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 3** List them here: Certificate 33571, Certificate 76441, Certificate 76442 (See Attachment A)
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2024.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____

Phone: _____

Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

[illegible]

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Green Spring Farms		PHONE NO. 503-838-7333	ADDITIONAL CONTACT NO.
ADDRESS 8930 Suver Road		FAX NO.	
CITY Monmouth	STATE OR	ZIP 97361	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

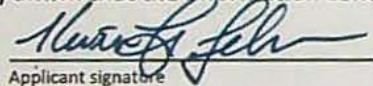
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME GSI Water Solutions, Inc., Attn: Kimberly Grigsby		PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd, Suite 240		FAX NO.	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL kgrigsby@gsiws.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why: The Applicant is proposing to temporarily change the place of use and points of diversion for Certificate 33571, and portions of Certificates 76441 and 7644 (60 acres in total) to allow irrigation of the Applicant's farm for the 2023 and 2024 irrigation seasons. The Applicant is proposing to change the points of diversion to three proposed points of diversion.

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

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


Applicant signature

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

6/16/23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

See Attachment E for a signed affidavit of consent from the landowner, Jerald Bush.

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

DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Benton County Community Development	ADDRESS Kalapuya Building, 4500 SW Research Way	
CITY Corvallis	STATE OR	ZIP 97333

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5(a) of 5 – Water Right Information

Water Right Certificate # 33571

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Description of Water Delivery System

System capacity: 0.13 cubic feet per second (cfs) (under this right) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. A 40 HP electric pump diverts water from the Luckiamute River at a rate of approximately 350 gpm. The water is conveyed to a big gun system to irrigate the place of use.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	6 W	29	SE NW	TL 303	3460 feet West and 225 feet North from the NE corner, J Watson DLC 40
Jack POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	NW SE	TL 200	2155 feet West and 1805 feet North from the SE corner, Section 28
Bryan POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	SE NW	TL 300, GLot 4	1340 feet East and 1605 feet South from the NW corner, Section 28
Power Pole POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	SE NW	TL 200	1920 feet East and 2275 feet South from the NW corner, Section 28

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 33571

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POU/POD	9	S	4	W	21	SW	SE	DLC 51	0.8	Irrigation	Jack POD, Bryan POD, Power Pole POD	3/20/1962
															21	SW	SE	DLC 50	0.4			
															21	SE	SW	DLC 51	1.3			
															21	SE	SW	DLC 63	0.05			
															21	SE	SW	DLC 50	1.05			
															21	SE	SW	GL 3	0.05			
															28	NW	NE	DLC 50	2.1			
															28	NE	NW	DLC 50	4.2			
															28	NE	NW	GL 3	0.05			
															TOTAL ACRES							

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Additional remarks: _____

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation N/A

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

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

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Part 5(b) of 5 – Water Right Information

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

Water Right Certificate # 76441

Description of Water Delivery System

System capacity: 1.24 cubic feet per second (cfs) (under this right) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. A 40 HP electric pump diverts water from Luckiamute River at a rate of approximately 350 gpm. The water is conveyed to a big gun system to irrigate the place of use.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	6 W	30	SE SE	TL 400	2200 feet South and 620 feet East from the NW corner of Watson DLC 40
POD 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	6 W	29	SE NW	TL 400	170 feet South and 2940 feet East from the NW corner of Watson DLC 40
POD 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	6 W	29	SE NW	TL 303	200 feet North and 2950 feet East from the NW corner of Watson DLC 40
Jack POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	NW SE	TL 200	2155 feet West and 1805 feet North from the SE corner, Section 28
Bryan POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	SE NW	TL 300, GLot 4	1340 feet East and 1605 feet South from the NW corner, Section 28
Power Pole POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	SE NW	TL 200	1920 feet East and 2275 feet South from the NW corner, Section 28

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

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

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

☐ Place of Use (POU)

☐ Point of Appropriation/Well (POA)

☐ Character of Use (USE)

☐ Additional Point of Appropriation (APOA)

☐ Point of Diversion (POD)

☐ Additional Point of Diversion (APOD)

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

☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 76441

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
10	S	6	W	29	NW	NE	500	DLC 42	0.2	Irrigation	PODs 2, 3, 4	10/12/1951	POU/POD	9	S	4	W	21	SW	SE	600	DLC 51	6.5	Irrigation	Jack POD, Bryan POD, Power Pole POD	10/12/1951
					NW	NE	303												SE	SW		DLC 51	15.0			
					SW	NE	303												SE	SW		DLC 63	0.6			
TOTAL ACRES									22.1	TOTAL ACRES														22.1		

Additional remarks: _____

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation N/A

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

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

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Part 5(c) of 5 – Water Right Information

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

Water Right Certificate # **76442**

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Description of Water Delivery System

System capacity: **0.74** cubic feet per second (cfs) (under this right) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **A 40 HP electric pump diverts water from Luckiamute River. The water is conveyed to the place of use with about ½ mile of buried 6" mainline, which connects to some above ground piping. A big gun system is used to irrigate the field.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	10 S	6 W	29	NW NE	TL 500, DLC 42	2180 feet North and 4150 feet East of the NW Corner, DLC 40
Jack POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	NW SE	TL 200	2155 feet West and 1805 feet North from the SE corner, Section 28
Bryan POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	SE NW	TL 300, GLot 4	1340 feet East and 1605 feet South from the NW corner, Section 28
Power Pole POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	9 S	4 W	28	SE NW	TL 200	1920 feet East and 2275 feet South from the NW corner, Section 28

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 76442

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date									
EXAMPLE																													
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901			
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901			
10	S	6	W	20	SE	SE	500	DLC 42	13.0	Irrigation	POD 5	5/4/1970	POU/POD	9	S	4	W	21	SW	SE	600	DLC 51	1.3	Irrigation	Jack POD, Bryan POD, Power Pole POD	5/4/1970			
				20	SW	SE			2.7									28	NE	NE		DLC 50	7.5						
				29	NE	NE			2.9									28	NW	NE		DLC 50	12.0						
				29	NW	NE			9.3									28	NE	NW		DLC 50	7.1						
TOTAL ACRES						27.9												TOTAL ACRES						27.9					

Additional remarks: _____

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Water Right Certificate # 76442

For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation N/A

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

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

STATE OF OREGON
COUNTY OF BENTON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That GRACEN L. BUSH

of Route 1, Box 76, Philomath, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Luckiamute River

a tributary of Willamette River for the purpose of
irrigation of 10.0 acres

under Permit No. 27906 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 20, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Allen DIC 42, Section 29, T. 10 S., R. 6 W., W. M. Diversion point located 3460 feet West and 225 feet North from the NE Corner, J. Watson DIC 40.

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

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

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

5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
all as projected within Allen DIC 42
Section 29
T. 10 S., R. 6 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. January 31, 1967

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33571

14295

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

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AUG 03 2023

OWRD

THIS CERTIFICATE ISSUED TO

GRACEN L. BUSH
ROUTE 1, BOX 76
PHILOMATH, OREGON 97370

confirms the right to use the waters of LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION OF 99.1 ACRES.

This right was perfected under Permit 20809. The date of priority is OCTOBER 12, 1951. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.24 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SE 1/4 SE 1/4, AS PROJECTED WITH WATSON DLC 40, SECTION 30,
TOWNSHIP 10 SOUTH, RANGE 6 WEST, W.M.; 2200 FEET SOUTH AND 620 FEET EAST
FROM THE NW CORNER OF WATSON DLC 40; AND

SE 1/4 NW 1/4, AS PROJECTED WITH WATSON DLC 40, SECTION 29,
TOWNSHIP 10 SOUTH, RANGE 6 WEST, W.M.; 170 FEET SOUTH AND 2940 FEET EAST
FROM THE NW CORNER OF WATSON DLC 40; AND

SE 1/4 NW 1/4, AS PROJECTED WITH ALLEN DLC 42, SECTION 29,
TOWNSHIP 10 SOUTH, RANGE 6 WEST, W.M.; 200 FEET NORTH AND 2950 FEET EAST
FROM THE NW CORNER OF WATSON DLC 40.

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

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

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

NW 1/4 NE 1/4	10.5 ACRES
SW 1/4 NE 1/4	12.9 ACRES
BOTH AS PROJECTED WITHIN ALLEN DLC 42	
SW 1/4 NW 1/4	5.2 ACRES
SE 1/4 NW 1/4	1.5 ACRES
NE 1/4 SW 1/4	2.3 ACRES
NW 1/4 SW 1/4	17.8 ACRES
SW 1/4 SW 1/4	20.4 ACRES
ALL AS PROJECTED WITHIN WATSON DLC 40	
LOT 3 (SW 1/4 SW 1/4)	1.3 ACRES
SECTION 29	

SW 1/4 NE 1/4 2.2 ACRES
NW 1/4 SE 1/4 11.1 ACRES
BOTH AS PROJECTED WITHIN VAN PEER DLC 41

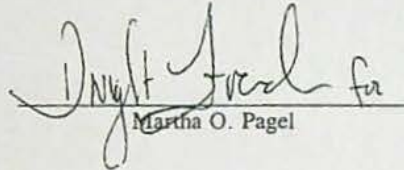
NE 1/4 SE 1/4 12.7 ACRES
SE 1/4 SE 1/4 1.2 ACRES
BOTH AS PROJECTED WITHIN WATSON DLC 40
SECTION 30
TOWNSHIP 10 SOUTH, RANGE 6 WEST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered MAY 18, 1981, and along with Certificate 50120, supersedes Certificate 24316, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

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Recorded in State Record of Water Right Certificates numbered 76441.

T-4569.SB

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STATE OF OREGON
COUNTY OF BENTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GRACEN L. BUSH
ROUTE 1, BOX 76
PHILOMATH, OREGON 97370

confirms the right to use the waters of LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION OF 59.3 ACRES.

This right was perfected under Permit 35107. The date of priority is MAY 4, 1970. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.74 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 NE 1/4, AS PROJECTED WITH ALLEN DLC 42, SECTION 29,
TOWNSHIP 10 SOUTH, RANGE 6 WEST, W.M.; 2180 FEET NORTH AND 4150 FEET EAST
FROM THE NW CORNER OF WATSON DLC 40.

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

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

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

NE 1/4 SE 1/4	1.7 ACRES
SW 1/4 SE 1/4	31.1 ACRES
SE 1/4 SE 1/4	14.3 ACRES
ALL AS PROJECTED WITHIN ALLEN DLC 42	
SECTION 20	
NE 1/4 NE 1/4	2.9 ACRES
NW 1/4 NE 1/4	9.3 ACRES
BOTH AS PROJECTED WITHIN ALLEN DLC 42	
SECTION 29	
TOWNSHIP 10 SOUTH, RANGE 6 WEST, W.M.	

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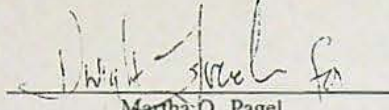
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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered MAY 18, 1981, and supersedes Certificate 42590, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

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AUG 03 2023

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Recorded in State Record of Water Right Certificates numbered 76442.

T-4570.SB

14295

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of BENTON

I, JERALD BUSH, in my capacity as LANDOWNER,

mailing address 24402 MAXFIELD CREEK ROAD, PHILOMATH, OR 97370

telephone number (541)609-7690, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 33571; AND

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
76441, Authorized Place of Use (unchanged by T-13198)	10	S	6	W	W.M.	29	SW	NE	DLC 42	1.3
76442	10	S	6	W	W.M.	20	SE	SE	DLC 42	13.0
						20	SW	SE		2.7
						29	NW	NE		9.3
						29	NE	NE		2.9

OR

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

(continues on reverse side)

14295

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

[Signature]
Signature of Affiant

7-20-23
Date

Signed and sworn to (or affirmed) before me this 20 day of July, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: 09/21/2025

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



LEGEND

- Cert 33571, 10.0 ac.
- Cert 76441, 0.59 ac.
- Cert 76442, 27.9 ac.

**Evidence of Use for Certificate 33571, 76442 and 76441
Green Spring Farms**

June 25, 2022

Township 10 South, Range 6 West (W.M.)

DISCLAIMER

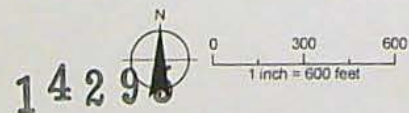
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: May 22, 2023
Data Sources: OWRD, NAIP 2022

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AUG 03 2023

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of BENTON)

I, CHRIS HORTON, in my capacity as LANDOWNER,

mailing address 14850 Airlie Road, Monmouth, OR 97361

telephone number, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
76441, as Changed by Temporary Transfer T-13198	9	S	S	W	W.M.	19	NE	SE	DLC 70	6.0
						20	SW	NW		2.1
						20	NW	SW		12.9

OR

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

(continues on reverse side)

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AUG 03 2023
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3. The water right was used for: (e.g., crops, pasture, etc.): Hemp

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

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 21 day of June, 2023.



Notary Public for Oregon

My Commission Expires: 09/21/2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	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.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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14295 AUG 03 2023

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LEGEND

Place of Use

 Cert 76441, 21.0 ac.

**Evidence of Use for Certificate 76441, as Changed by
Temporary Transfer T-13198
Green Spring Farms**

July 7, 2022

Township 9 South, Range 5 West (W.M.)

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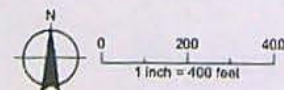
AUG 03 2022

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DISCLAIMER

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

Date: May 3, 2023
Data Sources: OWRD, NAIP 2022



Grantor's Name and Address:

Gracen L. Bush, Trustee of the Gracen L. Bush
Revocable Living Trust dated April 23, 1990 and
Gracen L. Bush, Trustee of the Jessie O. Bush Credit
Shelter Trust dated October 14, 1998

Grantee's Name and Address:

Steven R. Bush
23251 Hoskins Rd.
Philomath, OR 97370

Jerald L. Bush
24402 Maxfield Creek Rd.
Philomath, OR 97370

After recording, return to:

Marek & Lanker, LLP
810 SW Madison Avenue
Corvallis, OR 97333

**Send Tax Statements regarding Tax Lots 300 on Map 10629
and Tax Lot 501 on Map 10620 and Accounts 291631 and 025183 to:**

Steven R. Bush
23251 Hoskins Rd.
Philomath, OR 97370

**Send Tax Statements regarding Tax Lots 303 on Map 10629
and Tax Lot 500 on Map 10620 and Accounts 291462 and 024475 to:**

Jerald L. Bush
24402 Maxfield Creek Rd.
Philomath, OR 97370

Consideration - \$ 0.00

BARGAIN and SALE DEED

GRANTOR, Gracen L. Bush, Trustee of the Gracen L. Bush Revocable Living Trust
dated April 23, 1990 and Gracen L. Bush, Trustee of the Jessie O. Bush Credit Shelter Trust
dated October 14, 1998 does hereby convey unto

GRANTEE: Jerald L. Bush the following described property located in Benton County,
State of Oregon:

Parcels 2 and 3 on the attached Exhibit A

GRANTOR further conveys unto

GRANTEE: Steven R. Bush the following described property located in Benton County,
State of Oregon:

Parcels 1 and 4 on the attached Exhibit A



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Each subject to the easements as specified on Exhibit A and other encumbrances of record.

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

The true and actual consideration paid for this transfer is \$0 and other value which is part of the consideration.

IN WITNESS WHEREOF, the grantor has executed this instrument on the 12th day of May, 2014.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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Gracen L. Bush Trustee
Gracen L. Bush, Trustee of the Gracen L.
Bush Revocable Living Trust dated April
23, 1990 and Trustee of the Jessie O. Bush
Credit Shelter Trust dated October 14, 1998

STATE OF OREGON)
) ss.
County of Benton)

This instrument was acknowledged before me on this 12 day of May, 2014, by Gracen L. Bush, in his capacity as Trustee of the Gracen L. Bush Revocable Living Trust dated April 23, 1990 and Trustee of the Jessie O. Bush Credit Shelter Trust dated October 14, 1998.



Lindsey Free
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-10-18

Parcel 1:

BEGINNING at the Southwest corner of the Charles Allen Donation Land Claim No. 42 in Township 10 South, Range 6 West of the Willamette Meridian in Benton County, Oregon; thence West 4 chains; thence North 38.64 chains; thence East to the Charles Allen Donation Land Claim No. 42; thence in a Southwesterly direction along West line of said claim to the PLACE OF BEGINNING.

TOGETHER WITH the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S2 deg. 21'33" E. 687.81 feet to a 5/8" iron rod and yellow plastic

cap set in an angle point in a fence line; thence S. 16 deg. 23'14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23 deg. 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

SUBJECT TO a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance and construction of a waterline and spring for use by Parcel 2 described below; said spring is located approximately N. 20 deg. W. and 570 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor. The spring is developed, but the waterline is not constructed at this time. It is expected that the future water line (and centerline of said easement) will start at the spring and head in an Easterly direction across the above Parcel 1 to Parcel 2 described below. The future waterline will not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 1. The owner of Parcel 2 shall propose a location to the owner of Parcel 1, the owner of Parcel 1 may reject that location, but shall propose an alternate location, and the owner of Parcel 1 shall not unreasonably reject a location proposed by the owner of Parcel 2.

ALSO SUBJECT TO a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for Parcels 2 and 3 described below on the existing gravel road, the centerline of said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing along the existing centerline N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2.

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ALSO SUBJECT TO an easement for transporting livestock between Parcels 2 and the tract of land directly South of Parcel 1 (across Hoskins County Road), said easement is subject to the rights of the public, said easement shall follow the existing dirt path that is directly west of the Luckiamute River, East of the existing home, garden and septic system, and goes under the bridge that allows said Hoskins County road to cross the Luckiamute River and is more particularly described as follows:

BEGINNING at a point that is approximately N. 89 deg. 43' E. 1450 feet distant from the said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence following the existing path that is adjacent to and directly west of the Luckiamute River in a Northerly direction approximately 250 feet to the South boundary of Parcel 2. It is intended that this easement will become void if the easement is no longer needed.

AND TOGETHER WITH a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance of a water line for the portions of the existing waterline that exists on Parcel 2, the centerline of said waterline starts at a spring that is located (on Parcel 1) approximately N. 31 deg. E. and 1300 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor, said water line flows from said spring approximately Southeasterly for 1200 feet more or less to the residence on parcel 1, said waterline starts on Parcel 1 and crosses to Parcel 2 and then crosses back onto the above Parcel 1. The easement will follow the present waterline and shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 2.

Parcel 2:

BEGINNING at the Southwest corner of the Donation Land Claim of Charles Allen and wife, claim No. 42, Notification 5143 in sections 20, 21, 28 and 29, Township 10 South, Range 6 West of the Willamette Meridian in Benton County, Oregon; thence East 55.98 chains; thence North 19.50 chains; thence West 46.38 chains; thence South 25 deg. 45' West 21.66 chains to the PLACE OF BEGINNING.

EXCEPTING the following described tract:

BEGINNING at the Southwest corner of Parcel 4 of that deed dated April 23, 1990, recorded as M-122238-90, lying on the South line of the Charles Allen DLC No. 42, S 89 deg. 43'35" E 3694.68 feet from a steel hand lever at the Southwest corner thereof; thence along said DLC line N. 89 deg. 43'35" W. 21.41 feet to a point which lies S. 11 deg. 04'01" E. 38.54 feet from a 5/8" iron rod; thence N. 11 deg. 04' 01" W. 1150.16 feet to a 5/8" iron rod; thence continuing N. 11 deg. 04' 01" W. 126.62 feet to the centerline of the Luckiamute River; thence along said centerline, downstream in a Northeasterly direction, 274 feet, more or less to the West line of the tract conveyed to Steven and Glenda Bush per M-96289-87, said Deed Records; thence along said West line South 241 feet, more or less to the Southwest corner thereof, being also the Northwest corner of the above-mentioned Parcel 4; thence South 1108.80 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

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BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S. 2 deg. 21'33" E. 687.81 feet to 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23'14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23' 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

TOGETHER WITH a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance and construction of a waterline and spring for use by this Parcel; said spring is located approximately N. 20 deg. W. and 570 feet distant from said Southwest Corner of the Allen DLC No. 42,

which was found and described in a survey recorded as number 9141 by the Benton County Surveyor. The spring is developed, but the waterline is not constructed at this time. It is expected that the future waterline (and centerline of said easement) will start at the spring and head in an Easterly direction across Parcel 1 above to this Parcel. The future waterline will not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 1. The owner of Parcel 2 shall propose a location to the owner of Parcel 1, the owner of Parcel 1 may reject that location, but shall propose an alternate location, and the owner of Parcel 1 shall not unreasonably reject a location proposed by the owner of Parcel 2.

TOGETHER WITH a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for this Parcel 2 and Parcel 3 described below on the existing gravel road, the centerline of said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing along the existing centerline N. 12 deg. W. 220 feet more or less along the centerline of said existing gravel road to the South boundary of this Parcel 2.

ALSO SUBJECT TO a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress on the existing gravel road for the benefit of Parcel 3; said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2 and the TRUE POINT OF BEGINNING of this easement; thence continuing along the centerline of the existing gravel road that is near the old railroad grade in a northerly direction approximately 1200 feet more or less to the South boundary of Parcel 3.

TOGETHER WITH an easement for transporting livestock between the above Parcel 2 and the tract of land directly South of Parcel 1 above (across Hoskins County road), said easement is subject to the rights of the public, said easement shall follow the existing dirt path that is directly west of the Luckiamute River, East of the existing home, garden and septic system, and goes under the bridge that allows said Hoskins County road to cross the Luckiamute River and is more particularly described as follows:

BEGINNING at a point that is approximately N. 89 deg. 43' E. 1450 feet distant from the said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence following the existing path that is adjacent to an directly west of the Luckiamute River in a Northerly direction approximately 250 feet to the South boundary of Parcel 2. It is intended that this easement will become void if the easement is no longer needed.

SUBJECT TO a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance of a water line for the portions of the existing waterline that exist on Parcel 2, the centerline of said waterline starts at a spring that is located (on Parcel 1) approximately N. 31 deg. E. and 1300 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor, said water line flows from said spring approximately Southeasterly for 1200 feet more or less to the residence on Parcel 1, said waterline starts on Parcel 1 and crosses to Parcel 2 and then crosses back onto Parcel 1. The easement will follow the present waterline and shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 2.

Parcel 3:

BEGINNING at a 3/4 inch pipe on the West line and 13.422 chains South 25 deg. 43' West of the Northwest corner of said Allen Donation Land Claim No. 42, Township 10 South, Range 6 West of Willamette Meridian in

Benton County, Oregon; and running thence South 25 deg. 43' West 28.956 chains along the West line of said claim to a point 21.66 chains North 25 deg. 43' East of the Southwest corner of said claim; thence North 89 deg. 57' East 46.38 chains to a 3/4 inch galvanized pipe; thence North 1.50 chains; thence East 2.00 chains to the center of the Luckiamute River; thence with the meanderings down the center of said stream to a point on the North line of said claim which is 1.00 chain South 86 deg. 48' East of a 3/4 inch pipe; thence North 86 deg. 48' West 2.263 chains to a 3/4 inch pipe; thence South 78 deg. 02' West 47.313 chains to the PLACE OF BEGINNING, all situated in Benton County, Oregon.

EXCEPTING THEREFROM the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S. 2 deg. 21'33" E. 687.81 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23' 14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23 deg. 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

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ALSO TOGETHER WITH a 15 feet wide (7-1/2 feet on each side of the waterline) easement for maintenance of a waterline and pond; said pond is located approximately N. 24 deg. 17' E. and 2900 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; said water line flows from said pond approximately S. 45 deg. E. for 75 feet more or less to the west boundary of said Parcel 3. The easement is intended to follow the present waterline and maintenance shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 4.

ALSO TOGETHER WITH 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for on the existing road which exists on Parcel 1 and Parcel 2; said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2; thence continuing along the centerline of the existing gravel road that is near the old railroad grade in a northerly direction approximately 1200 feet more or less to the South boundary of Parcel 3.

Parcel 4:

BEGINNING at a 3/4 inch iron pipe on the West line 13.422 chains South 25 deg. 43' West of the Northwest corner of Charles Allen Donation Land Claim No. 42, Township 10 South, Range 6 West of the Willamette Meridian, in Benton County, Oregon; and running thence South 77 deg. 50' West which is the Westerly extension in a straight line of the North line of Carl L. Bush's land as described in Book 99, page 237, Deed Records, Benton County, Oregon, 26.573 chains to a 1 inch pipe which is 8.547 chains North 38 deg. 53' East of the Southwest corner of Section 20; thence South 1.381 chains to a 3/4 inch pipe which is 38.64 chains North of the North line of James Watson Donation Land Claim No. 40 at a point 4 chains North 89 deg. 44' West of the Southwest corner of said Charles Allen claim; thence East 22.615 chains to a 1 inch pipe at the West line of said Allen claim; thence North 25 deg. 43' East 7.747 chains to the PLACE OF BEGINNING.

SUBJECT TO a 15 feet wide (7 1/2 feet on each side of the waterline) easement for maintenance of a waterline and pond for use by Parcel 3; said pond is located approximately N 24 deg. 17' E and 2900 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; said water line flows from said pond approximately S 45 deg. E for 75 feet more or less to the west boundary of said Parcel 3. The easement is intended to follow the present waterline and maintenance shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 4.

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Benton)

I Jerald Bush in my/our capacity as landowner,

mailing address 24402 Maxfield Creek Road, Philomath, OR 97370

telephone number 541-609-7690, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Numbers 33571, 22.1 acres under 76441, and 27.9 acres under 76442

described in a Water Right Transfer Application (T-_____),
(transfer number, if known)
submitted by Green Spring Farms

on the property in tax lot number(s) 500 & 303,

Section 20 & 29 Township 10 South Range 6 West, W.M.,

located at N/A

(site address)

Jerald Bush
Signature of Affiant

7-20-23
Date

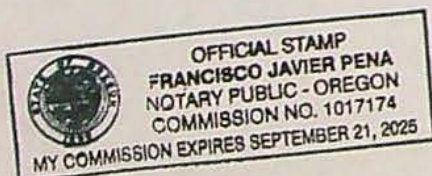
Signature of Affiant

Date

Subscribed and Sworn to before me this 20 day of July, 2023.

[Signature]
Notary Public for Oregon

My commission expires 09/21/2025



Revised 7/1/2021

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Land Use Information Form

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OREGON



WATER RESOURCES
DEPARTMENT

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

Applicant(s): Green Spring Farms

Mailing Address: 8930 Suver Road

City: Monmouth

State: OR

Zip Code: 97361

Daytime Phone: 503-838-7333

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
9 S	4 W	21	SW SE, SE SW	600	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
		28	N ½ of the NE quarter, NE NW	600		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		28	SW NE	200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		28	SE NW	300		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		28	SE NW	200		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		28	NW SE	200		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Polk County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.75 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The Applicant is proposing to temporarily change the place of use and point of diversion on a 60-acre total portion from Certificates 33571, 76441, and 7644, to irrigate the Applicant's farm for the 2023 and 2024 irrigation seasons. The Applicant is changing the currently authorized points of diversion on all the Certificates to three points of diversion as potential options to divert water from the Luckiamute River to the new place of use. See the attached map for where water will be temporarily diverted, conveyed and used.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030 (A)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Hannah Brickner Title: Associate Planner

Signature: [Signature] Phone: 503-623-9337 Date: 7/27/2023

Government Entity: Polk County

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

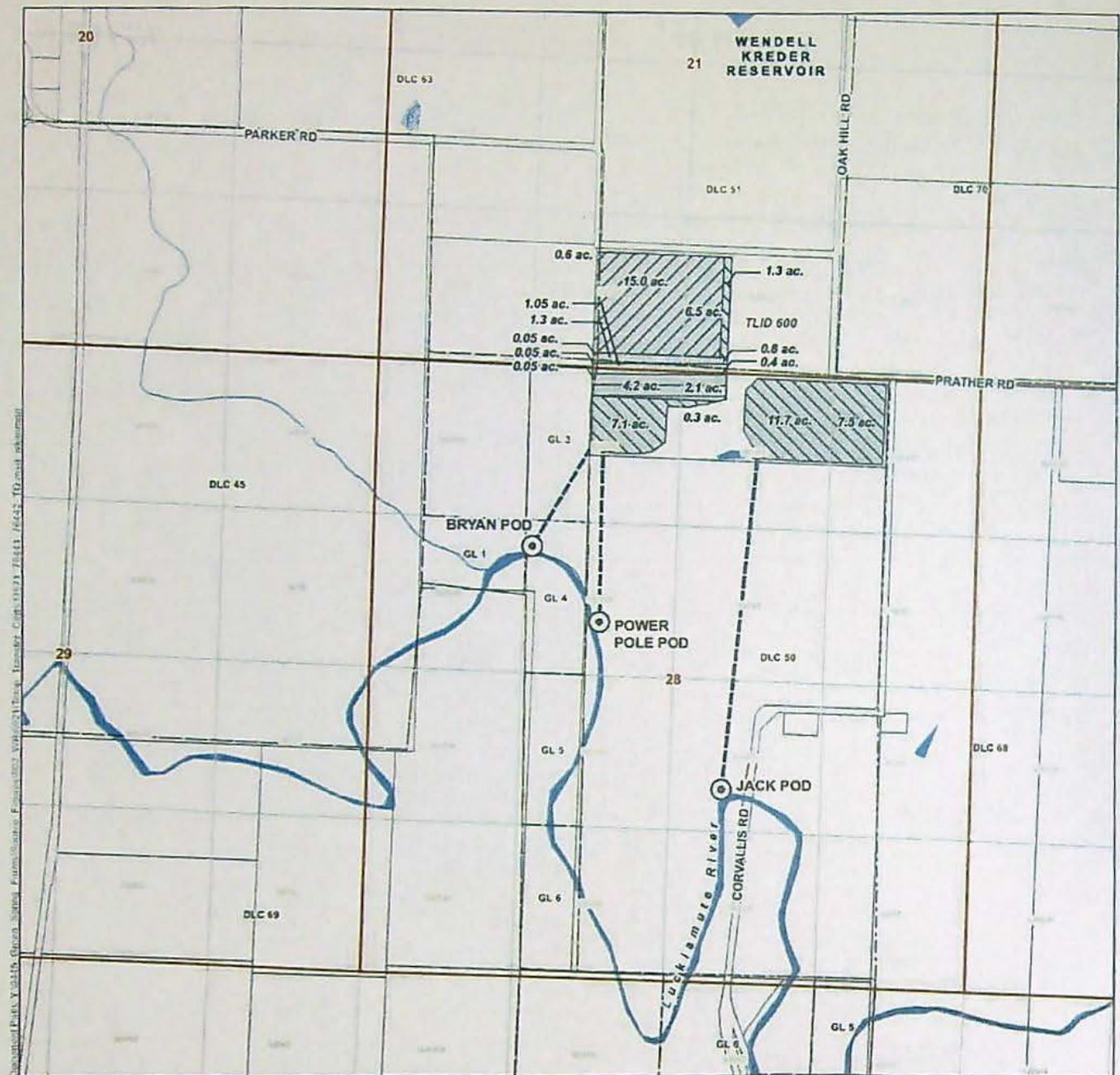


Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



LEGEND

- Proposed Point of Diversion (POD)
- Conveyance Line
- Proposed Place of Use
 - Cert 33571, 10 ac.
 - Cert 76441, 22.1 ac.
 - Cert 76442, 27.9 ac.
- All Other Features
 - Donation Land Claim (DLC)
 - Government Lot (GL)
 - Tax Lot
- Major Road
- Watercourse
- Waterbody

LOCATION DESCRIPTIONS

Proposed PODs

Bryan POD Located 1340 feet East and 1605 feet South from the NW corner Section 28, Township 9 South, Range 4 West (W.M.)

Power Pole POD Located 1920 feet East and 2275 feet South from the NW corner Section 28, Township 9 South, Range 4 West (W.M.)

Jack POD Located 2155 feet West and 1805 feet North from the SE corner Section 28, Township 9 South, Range 4 West (W.M.)

Temporary Transfer Application for Certificates 33571, 76441, and 76442 Green Spring Farms

Proposed Place of Use, Proposed Points of Diversion Map

Township 9 South, Range 4 West (W.M.)
Polk County

DISCLAIMER

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

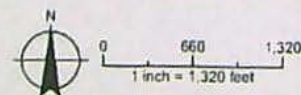
Date: June 8, 2023

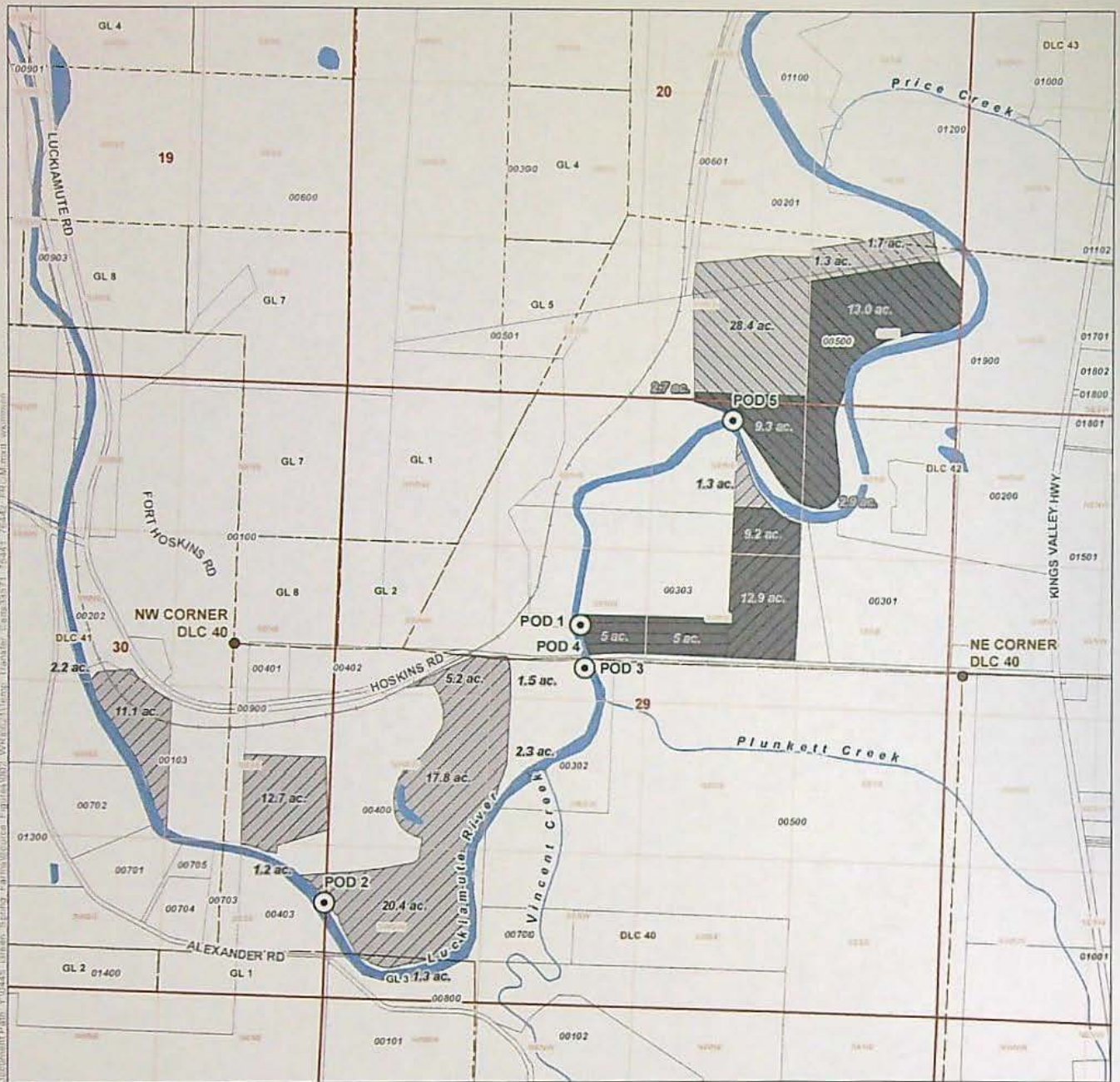
Data Sources: BLM, ESRI, OWRD, USGS

RECEIVED

AUG 03 2023

OWRD





LEGEND
 ● Authorized Point of Diversion (POD)

Place of Use

- Cert. 33571
- Cert. 76441
- Cert. 76442

Transfer

- From Lands, 60 ac.
- Remaining Lands

All Other Features

- Tax Lot
- Donation Land Claim (DLC)
- Government Lot (GL)
- Major Road
- Railroad
- Watercourse
- Waterbody

RECEIVED

AUG 03 2023

OWRD

LOCATION DESCRIPTIONS

Certificate 33571

POD 1 Located 3460 feet West and 225 feet North from the NE corner, J Watson DLC 40, Township 10 South, Range 6 West (W.M.)

Certificate 76441

POD 2 Located 2200 feet South and 620 feet East from the NW corner of Watson DLC 40, Township 10 South, Range 6 West (W.M.)

POD 3 Located 170 feet South and 2940 feet East from the NW corner of Watson DLC 40, Township 10 South, Range 6 West (W.M.)

POD 4 Located 200 feet North and 2950 feet East from the NW corner of Watson DLC 40, Township 10 South, Range 6 West (W.M.)

Certificate 33571

POD 5 Located 2180 feet North and 4150 feet East of the NW Corner, DLC 40, Township 10 South, Range 6 West (W.M.)

**Temporary Transfer Application for
 Certificates 33571, 76441, and 76442
 Green Spring Farms**

Authorized Place of Use, Authorized Points of Diversion Map

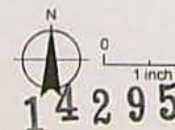
**Township 10 South, Range 6 West (W.M.)
 Benton County**

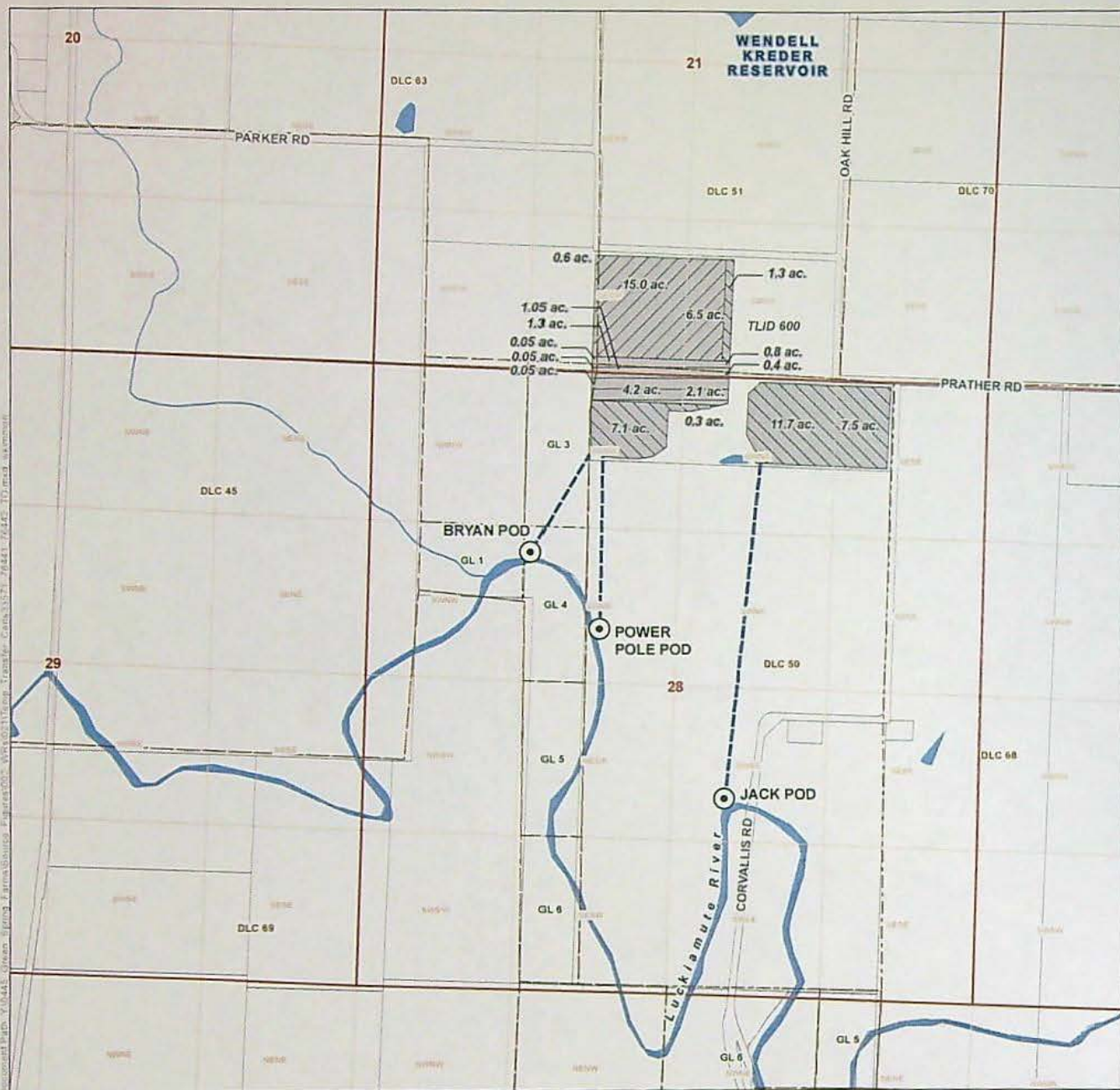
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Date: June 12, 2023

Data Sources: BLM, ESRI, OWRD, USGS





LEGEND

- Proposed Point of Diversion (POD)
- Conveyance Line
- Proposed Place of Use
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 - Cert 76441, 22.1 ac.
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- All Other Features
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LOCATION DESCRIPTIONS

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Temporary Transfer Application for Certificates 33571, 76441, and 76442 Green Spring Farms

Proposed Place of Use, Proposed Points of Diversion Map

Township 9 South, Range 4 West (W.M.)
Polk County

DISCLAIMER

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Date: June 8, 2023
Data Sources: BLM, ESRI, OWRD, USGS

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





July 31, 2023

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Temporary Transfer Application - Green Spring Farms

Dear Kelly:

Green Spring Farms is seeking to temporarily change the place of use and point of diversion for Certificates 33571, 76441, and 76442. The proposed changes will allow irrigation of the Applicant's "Todd Farm" for the 2023 and 2024 irrigation seasons. The Applicant is changing the currently authorized points of diversion on all the Certificates to three points of diversion as potential options to divert water from the Luckiamute River to the new place of use. Certificate 76441 was previously changed by temporary transfer T-13198, which terminated at the end of the 2022 irrigation season.

Please find enclosed a temporary transfer application and related documents. Also enclosed is a check for the required processing fee of \$1,732.00.

Please contact me if you have any questions or concerns. My email address is KGrigsby@gsiws.com.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Water Right Temporary Transfer Application
Check for application fee in the amount of \$1,732.00

RECEIVED

AUG 03 2023

OWRD

14295

Temporary Transfer Application Intake Checklist

Transfer # T-14295

Reviewer Arla Date 8/7/2023	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u> <input type="checkbox"/> POU <input checked="" type="checkbox"/> POU/POD <input type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA
Calculated Fee \$1732.00	Fee Received \$1732.00
Certificate(s): 33571, 76441, 76442	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Notes: unable to locate on SOS for applicant sig	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?	
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?	
3.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?	

Map Requirements: OAR 690-380-3100			
4.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Map included and meets mapping requirements?	
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Map Waiver? The map waiver must be issued by the Department	
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Affidavit of Consent from Landowner(s) described on the deed?	
7.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	Land Use Form included and signed by the County?	
8.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District	
9.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For changes in POA/APOA – are the well logs included?	
10.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For change in POU within Umatilla County, Supplemental Form U included?	

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