

Temporary

T-14513

Name Blue Heaven Properties, LLCAddress PO Box 607  
Independence, OR 97351  
breymanfarms@aol.comChange in POU, POD  
Date Filed 8/2/2024  
Initial notice date 8/13/2024  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 11/13/2024 Vol 133 Page 340-343C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Agent Will McGill Surveying, LLC  
willmcgill.surveying@gmail.comCWRE \_\_\_\_\_  
CC's list Polk County

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Luckiamute RiverTrib. of Willamette RiverUse IrrigationCounty Polk

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

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

App# S-34765 Per # S-27290 Cert # 33868 PR Date 4-3-1961

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

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

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

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

## FEES PAID

Date	Amount	Receipt #
<u>8-2-24</u>	<u>\$1,030.46</u>	<u>143454</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](http://www.oregon.gov/owrd)

November 13, 2024

Blue Heaven Properties, LLC  
PO Box 607  
Independence, OR 97351

REFERENCE: District Temporary Transfer Application T-14513

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

The temporary change shall be effective at the **beginning of the 2024 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2025 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at [Joan.m.smith@water.oregon.gov](mailto:Joan.m.smith@water.oregon.gov).

Sincerely,

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

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
William E. McGill, Agent  
Polk 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-14513, Polk County	)	CHANGES IN PLACE OF USE AND POINT
	)	OF DIVERSION

**Authority**

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

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

**Applicant**

BLUE HEAVEN PROPERTIES LLC  
PO BOX 607  
INDEPENDENCE, OR 97351

**Findings of Fact**

1. On August 2, 2024, BLUE HEAVEN PROPERTIES LLC filed an application to temporarily change the place of use and to change the point of diversion to serve the proposed place of use under Certificate 33868 for a period of 2 years. The Department assigned the application number T-14513.
2. Notice of the application for transfer was published on August 13, 2024, pursuant to OAR 690-380-4000.
3. The right to be temporarily transferred is as follows:

**Certificate:** 33868 in the name of DONALD E. BROSTROM (perfected under Permit S-27290)

**Use:** IRRIGATION of 29.8 ACRES

**Priority Date:** APRIL 3, 1961

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

**Rate:** 0.37 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, 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
9 S	6 W	WM	24	SE SW	BROSTROM POD - 1850 FEET SOUTH AND 740 FEET WEST FROM THE NE CORNER OF DLC 49

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	6 W	WM	24	NE SW	49	14.4
9 S	6 W	WM	24	NW SW	49	2.6
9 S	6 W	WM	24	SW SW	49	3.8
9 S	6 W	WM	24	SE SW	49	8.3
9 S	6 W	WM	24	NW SE	49	0.7
Total						29.8

4. Temporary Transfer Application T-14513 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	19	SE NE	70	17.9
9 S	5 W	WM	19	NE SE	70	2.3
9 S	5 W	WM	20	NW NW	70	0.6
9 S	5 W	WM	20	SW NW	70	9.0
Total						29.8

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14513 proposes to move the authorized point of diversion approximately 1.57 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	5 W	WM	19	SE NE	POD A- 1530 FEET SOUTH AND 740 FEET WEST FROM THE NE CORNER OR SECTION 19

### Temporary Transfer Review Criteria

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

### Conclusions of Law

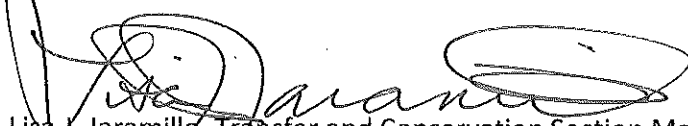
The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14513 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14513 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2024 and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 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 point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. A subsequent application for permanent transfer of Certificate 33868 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 Certificate 33868.
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.

Dated in Salem, Oregon on **NOV 13 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing Date: **NOV 14 2024**

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14513

Transfer Specialist: *Joan*

Transfer Type: Temporary Transfer

DROUGHT? ☐

<b>Applicant:</b> Blue Heaven Properties, LLC PO Box 607 Independence, OR 97351	<b>Agent:</b> William E. McGill 15333 Pletzer Rd SE Turner, OR 97392	<b>Receiving Landowner:</b>
<b>Current Landowner if other than Applicant:</b>	<b>CWRE:</b>	<b>Irrigation District:</b>
<b>Affected Local Gov'ts:</b> Polk County Planning Department	<b>Affected Tribal Gov't:</b>	<b>BOR Notified (date):</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input checked="" type="checkbox"/>	<i>S-34765</i>	<i>S-27290</i>	<i>33868</i>
<input type="checkbox"/>			
<input type="checkbox"/>			

## Key Dates & Initial Actions (Support Staff)

Rec'd: August 2, 2024	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1030.46	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 8/13/2024	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: POLK
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <i>10/9/24</i> Initials: <i>Joan</i>	Date: <i>10/9/24</i> Initials: <i>KMM</i>	Date: <i>Sarah</i> Initials: _____	Date: <i>10/30/24</i> Initials: <i>Joan</i>	Date: <i>10/30/24</i> No. of docs for sig: _____ WM Sheet <input type="checkbox"/>	Date: <i>11/13/24</i>

Special Issues: *2 year* *2024/2025*

Special Order Volume: Vol. *133* Pages *340-343*

# 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](http://www.oregon.gov/OWRD)

Transfer Application: T-14513

Review Due Date: 08/12/2024

Applicant Name: Blue Heaven Properties LLC

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

Reviewer(s): Joel Plahn

Date of Review:

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



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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



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

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will  
be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**  
☐ at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

**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 9, 2024

Blue Heaven Properties, LLC  
PO Box 607  
Independence, OR 97351

Reference: Application T-14513

On August 2, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1030.46. Receipt number 143454 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)  
William E. McGill, Agent  
Polk County Planning Department, Local Government

Enclosure

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **143454**

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

RECEIVED FROM: Will McGill Surveying, LLC

BY: \_\_\_\_\_

APPLICATION

PERMIT

TRANSFER 7-14513

CASH: ☐

CHECK: #

OTHER: (IDENTIFY) ☐

☒ 2280

TOTAL REC'D \$ 1,030.46

**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:**

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1,030.46

EXAM FEE

LICENSE FEE

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

**RECEIVED**

**TREASURY**

**OTHER / RDX OVER THE COUNTER**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **143454**

DATED 8-2-24 BY: [Signature]

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



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



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

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

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

**FOR ALL TEMPORARY TRANSFER APPLICATIONS** Received by OWRD

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

AUG 02 2024

Salem, OR

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Cert. 33868**

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

- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2025.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

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

AUG 02 2024

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

Salem, OR

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

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

### Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>29.8 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	80.46
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1,030.46
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	\$1,030.46

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

\*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

14513 -

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

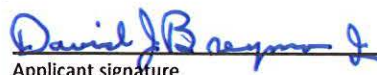
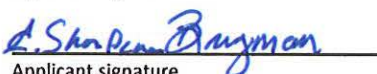
APPLICANT/BUSINESS NAME <b>Blue Heaven Properties, LLC</b>			PHONE NO. <b>(503) 932-1180</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 607</b>			FAX NO.	
CITY <b>Independence</b>	STATE <b>OR</b>	ZIP <b>97351</b>	E-MAIL <b>breymanfarms@aol.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Will McGill Surveying, LLC</b>			PHONE NO. <b>(503) 931-0210</b>	ADDITIONAL CONTACT NO. <b>(503) 510-3026</b>
ADDRESS <b>15333 Pletzer Rd. SE</b>			FAX NO.	
CITY <b>Turner</b>	STATE <b>OR</b>	ZIP <b>97392</b>	E-MAIL <b>willmcgill.surveying@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:  
*It is proposed to move Cert. 33868 to cover crops on TL 200 with a better priority date and protect them from regulation. Cert. 41566 will be layered on the "To" lands, but will just remain unused in its current place of use until Cert. 33868 reverts back to the original POU.*

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

 Applicant signature	<b>DAVID J. BREYMAN JR</b> Print Name (and Title if applicable)	<b>4/28/23</b> Date
 Applicant signature	<b>E. Shadenc Breyman</b> Print Name (and Title if applicable)	<b>4/28/23</b> Date

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

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

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Salem, OR

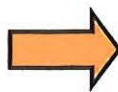
14513 -

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>Polk County</b>	ADDRESS <b>820 Church St.</b>	
CITY <b>Dallas</b>	STATE <b>OR</b>	ZIP <b>97338</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Salem, OR

## Part 5 of 5 – Water Right Information

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

Water Right Certificate # **33868**

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### Description of Water Delivery System

AUG 02 2024

System capacity: **1.3** cubic feet per second (cfs) OR

Salem, 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. **25 HP centrifugal pump delivered water through 5" aluminum mainline to 3" handlines with 25 rainbird impact sprinklers.**

### 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)
Brostrom POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	6	W	24	SE	SW	49	1850' S and 740' W from the NE corner, DLC 49
POD A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		9	S	5	W	19	SE	NE	70	1530' S and 740' W from the NE corner, Section 19

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):

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

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

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

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 33868**

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			
										POU/POD	9	S	5	W	19	SE	NE	200	70	17.9	Irrigation	POD A	1961
										POU/POD	9	S	5	W	19	NE	SE	200	70	2.3	Irrigation	POD A	1961
										POU/POD	9	S	5	W	20	NW	NW	200	70	0.6	Irrigation	POD A	1961
										POU/POD	9	S	5	W	20	SW	NW	200	70	9.0	Irrigation	POD A	1961
TOTAL ACRES										TOTAL ACRES						29.8							

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

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
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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: Cert. 41566

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

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

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

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

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Salem, OR



## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

09-19-2023  
09:14

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
696865-83	DLLC	ACT	OREGON	06-21-1999	06-21-2024	
<b>Entity Name</b>	BLUE HEAVEN PROPERTIES, LLC					
<b>Foreign Name</b>						

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[New Search](#)

## Associated Names

Salem, OR

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS		
<b>Addr 1</b>	6985 RIVERSIDE DR S			
<b>Addr 2</b>				
<b>CSZ</b>	SALEM	OR	97306	<b>Country</b> UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			Start Date	07-05-2019	Resign Date	
Of Record	<a href="#">1224169-93</a>	SG CORPORATE SERVICES, LLC						
Addr 1	250 CHURCH ST SE STE 200							
Addr 2								
CSZ	SALEM	OR	97301		Country	UNITED STATES OF AMERICA		

<b>Type</b>	MAL	MAILING ADDRESS		
<b>Addr 1</b>	PO BOX 607			
<b>Addr 2</b>				
<b>CSZ</b>	INDEPENDENCE	OR	97351	<b>Country</b> UNITED STATES OF AMERICA

<b>Type</b>	MGR	MANAGER		<b>Resign Date</b>	
<b>Name</b>	DAVID	J	BREYMAN	JR	
<b>Addr 1</b>	PO BOX 607				
<b>Addr 2</b>					
<b>CSZ</b>	INDEPENDENCE	OR	97351	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	MGR	MANAGER		<b>Resign Date</b>	
<b>Name</b>	E	SHARLENE	BREYMAN		
<b>Addr 1</b>	PO BOX 607				
<b>Addr 2</b>					
<b>CSZ</b>	INDEPENDENCE	OR	97351	<b>Country</b>	UNITED STATES OF AMERICA

14513 -

AFTER RECORDING RETURN TO:

Lane P. Shetterly  
PO Box 105  
Dallas, OR 97338

SEND TAX STATEMENTS TO:

Donald E. Brostrom and Frances E.  
Brostrom, Trustees of The Donald E.  
Brostrom and Frances E. Brostrom Trust  
16804 Maple Grove Rd.  
Monmouth, OR 97361

*Space for Recording Label*

RECORDED IN POLK COUNTY

Valerie Unger, County Clerk

**2021-004643****\$101.00**

00396129202100046430030030

**03/16/2021 10:10:03 AM**

REC-WD Cnt=1 Stn=1 K. WILLIAMS

\$15.00 \$10.00 \$11.00 \$60.00 \$5.00

CONSIDERATION: \$0.00

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SPECIAL WARRANTY DEED

Salem, OR

Donald E. Brostrom and Frances E. Brostrom, Grantors, convey and warrant to The Donald E. Brostrom and Frances E. Brostrom Trust, Donald E. Brostrom and Frances E. Brostrom, Trustees, Grantees, the following described real property, located in Polk County, Oregon, free of encumbrances except as specifically set forth herein, to wit:

See Exhibit A

Grantors covenant that Grantors are seized of an indefeasible estate in the real property described above in fee simple, that Grantors have good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of the Grantors to preserve any existing title insurance coverage.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8,

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AUG 02 2024

Salem, OR

OREGON LAWS 2010.

There is no consideration for this conveyance.

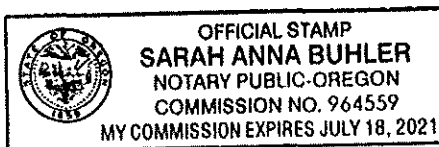
DATED: March 15, 2021.

Donald E. Brostrom  
Donald E. Brostrom

Frances E. Brostrom  
Frances E. Brostrom

STATE OF OREGON,     )  
                                  ) ss.  
County of Polk.         )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2021, by Donald E. Brostrom.



Sarah Anna Buhler  
NOTARY PUBLIC FOR OREGON

STATE OF OREGON,     )  
                                  ) ss.  
County of Polk.         )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2021, by Frances E. Brostrom.



Sarah Anna Buhler  
NOTARY PUBLIC FOR OREGON

H:\Wills&TrustsA-M\L\BrostromDonaldFrances\SpecialWarrantyDeed.wpd



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**EXHIBIT A**

**LEGAL DESCRIPTION:**

BEGINNING AT AN IRON PIPE ONE-HALF INCH IN DIAMETER 18 INCHES LONG IN THE MIDDLE OF THE OLD COUNTY ROAD AT 16.22 CHAINS SOUTH AND 13.25 CHAINS WEST OF THE NORTH EAST CORNER OF THE JOHN M. ZUMWALT AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 5076, CLAIM NO. 49, IN SECTION 24 OF TOWNSHIP 9 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE WEST A DISTANCE OF 11.27 CHAINS TO AN IRON PIPE ONE-HALF INCH IN DIAMETER, 18 INCHES IN THE GROUND; THENCE SOUTH A DISTANCE OF 11.00 CHAINS TO A ONE-HALF INCH IRON PIPE, THENCE NORTH 89° 18' EAST A DISTANCE OF 2.05 CHAINS TO A ONE-HALF INCH IRON PIPE; THENCE NORTH 1° 23' EAST A DISTANCE OF 4.78 CHAINS TO AN IRON PIPE ONE-HALF INCH IN DIAMETER; THENCE NORTH 89° 57' EAST A DISTANCE OF 9.10 CHAINS TO A ONE-HALF INCH IRON PIPE; THENCE NORTH A DISTANCE OF 6.24 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION OF SAID LAND DESCRIBED IN DEED TO POLK COUNTY, RECORDED MARCH 18, 1963 IN BOOK 185 AND PAGE 168, DEED RECORDS.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

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Salem, OR

174 182

FORWARDED AS A COURTNEY BY  
UNION TITLE INSURANCE CO.  
111 COURT STREET, S.W., SEASIDE

ACROSS THE STREET FROM THE COURTHOUSE

This Indenture Witnesseth, That SARA MADDOX now by marriage SARA TILL and GROVER G. TILL her husband

for the sum of ten and no/100 DOLLARS to them paid, have bargained and sold and by these presents do bargain, sell and convey to DONALD BROSTROM and FRANCES BROSTROM

husband and wife as tenants by the entirety the following described premises situate in Marion County, Oregon, to-wit:

Beginning at a stone 15.22 chains South of the Northeast corner of the John M. Zumwalt and wife Donation Land Claim, Notification No. 5076, Claim No. 49, in Section 24 of Township 9 South, Range 6 West of the Willamette Meridian in Polk County Oregon; thence West along the center of the old County Road 24.52 chains to an iron pipe one-half inch in diameter, 18 inches in the ground; thence South 22.61 chains to an iron pipe 1/2 inch in diameter, 18 inches in the ground; thence East 4.82 chains; thence North 52°20' East 24.85 chains; thence North 7.42 chains to the place of beginning.

SAVE AND EXCEPT therefrom, Beginning at an iron pipe 1/2 inch in diameter, 18 inches long in the middle of the old County Road at 15.22 chains South and 13.25 chains West of the Northeast corner of the said John M. Zumwalt and wife Donation Land Claim; thence West 11.27 chains to an iron pipe 1/2 inch in diameter, 18 inches in the ground; thence South 11.00 chains to a 1/2 inch iron pipe; thence North 89°18' East 2.05 chains to a 1/2 inch iron pipe; thence North 1°23' East 4.78 chains to an iron pipe 1/2 inch in diameter; thence North 83°57' East 3.10 chains to a 1/2 inch iron pipe; thence North 6.24 chains to the place of beginning.

SAVE AND EXCEPT from the last above described tract a strip of land 20 feet wide for a roadway, beginning at the Northeast corner of said tract and running thence West 8.00 chains to the State Highway.

Do Give and to Hold unto the said grantees, as tenants by entirety, their Heirs and Assigns forever.

AND the said SARA TILL do hereby covenant to and with the said grantees, their Heirs and Assigns, that she is the owner, in fee simple of said premises; that said premises are free from all encumbrances, except easement to Mountain States Power Company recorded in Volume 137, page 371, Deed Records for Polk County, Oregon.

and that she will WARRANT and DEFEND the same from all lawful claims whatsoever save and except as above stated.

WITNESS their hand and seal this 17 day of May, 1960.

Sara Till (SEAL)  
Grover G. Till (SEAL)

STATE OF OREGON  
County of Marion  
On this 17 day of May, 1960,  
personally appeared the above named  
SARA TILL and GROVER G. TILL, her husband

and acknowledged the foregoing instrument to be their voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission Expires Oct 5, 1961

STATE OF OREGON  
County of Polk 125156  
I certify that the within instrument was received for record on the 21 day of May, 1960, at 7:30 A.M. and recorded in Book 124 Page 172 of the Deeds of said county.

[Signature]  
Deputy

Return to Donald Brostrom  
Box 175  
Hallam

Salem, OR

14513 -

# Land Use Information Form



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

Received by OWRD

Applicant(s): Luckiamute Valley Farms, LLC/Blue Heaven Properties, LLC

AUG 02 2024

Mailing Address: PO Box 607

Salem, OR

City: Independence

State: OR

Zip Code: 97351

Daytime Phone: (503) 932-1180

## 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:
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>SENE</u>	<u>200</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>NESE</u>	<u>200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>20</u>	<u>NWNW</u> <u>SWNW</u>	<u>200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>8</u>	<u>SWNE</u> <u>NESW</u>	<u>103</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>9S</u>	<u>5W</u>	<u>8</u>	<u>NWSE</u>	<u>103</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>

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

Polk

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 114.25 ☐ 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:

It is proposed to do two temporary transfers to improve priority dates and continue irrigating through a stream regulation in this basin. Certificates 33103 and 33868 are the involved rights.

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

See bottom of Page 3. →



## For Local Government Use Only

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

### Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC20 136.030(A) "Farm Use"
- ☐ 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.

\* See Attached

Name: Michael Burns Title: Associate Planner  
Signature: Michael C. Burns Phone: (503) 623-9237 Date: 9/12/2023  
Government Entity: Polk County Community Development

**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: \_\_\_\_\_ Received by OWRD

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Polk County Planning Comments:

The subject property contains wetland identified on the National Wetlands Inventory (NWI) Map. According to the Polk County Significant Resource Areas (SRA) Map, some of these wetlands are associated with inventoried fish bearing streams. Therefore, the standards listed in Polk County Zoning Ordinance (PCZO) Chapter 182 are applicable. This serves as notice to the property owner of the presence of wetland son the property. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW).

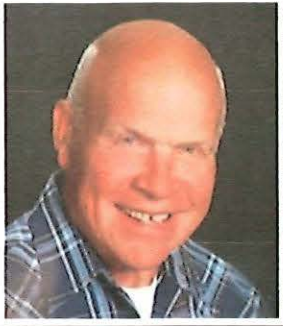
A portion of the subject property is located within the regulated floodplain. Any structural or non-structural development within the floodplain such as mining, dredging, excavation, filling, etc. would require a land use permit pursuant to Polk County Zoning Ordinance (PCZO) 178.060.

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14513 -



## Donald "Don" Brostrom

March 03, 1933 - September 22, 2023

Monmouth, Oregon

It is with extreme sadness that we announce the death of our beloved, Don Brostrom on September 22, 2023.

Don was born, Donald Ellis Brostrom, on March 3, 1933, in Ceresco, NE. to Carl Julius, Brostrom and Edna Lorene (Peason) Brostrom.

Farming was not going well in Nebraska in 1940, so Oregon relatives invited them to come west where there were many jobs. The family came west in March, shortly after Don's birthday. There were three sons by then and they all settled in the Airlie community. When Camp Adair was established in the area the family moved to Falls City, then bought a farm in the Airlie area when WWII ended.

Don was in the first graduation class at Central high schools in 1951. He enrolled as a freshman at Oregon College of Education (OCE now Western Oregon University) in the fall, and by December 1953 married classmate, Frances Williams. Thus started their careers as teachers. Don also got into coaching (especially basketball). He taught in several communities including Pedee, Lone, Central Linn, Albany, Bend, Willamina, and finally retired from teaching in the Dallas School district system.

Teaching was his career, but other than family, his greatest love was the outdoors where he was involved in farming, cattle, and logging.

Don is survived by his wife (of almost 70 years) Frances, sons Tracy (Nancy), Tod (Kathie), and daughter Lori. Also mourning his loss are grandchildren Kelsey (Jordan), Morgyn (Henry), Tyler, Brittany (Raymond), Riley (Jared) and Zachary. Three great-granddaughters also survive. Don was predeceased by his parents and brother Glenn. Surviving are brother Roger (Irene) and sister-in-law Phyllis.

A Celebration of Don's Life will be held on Thursday, October 12th at 1:00PM at Trinity Lutheran Church in Dallas. Memorial Contributions may be made to Trinity Lutheran Church. There will be a private family burial. Bollman's Tribute Center is caring for the family. To leave an online condolence or share a story with the family go to [www.bollmantributecenter.com](http://www.bollmantributecenter.com)

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# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Polk )

I Frances Brostrom in my/our capacity as Owner,

mailing address 16804 Maple Grove Rd., Monmouth, OR 97361,

telephone number (503) 623-2111, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 33868

described in a Water Right Transfer Application (T-\_\_\_\_),

*(transfer number, if known)*

submitted by Blue Heaven Properties, LLC

on the property in tax lot number(s) 300, 400,

Section 24 Township 9 South Range 6 West, W.M.,

located at 16804 Maple Grove Rd., Monmouth, OR 97361

*(site address)*

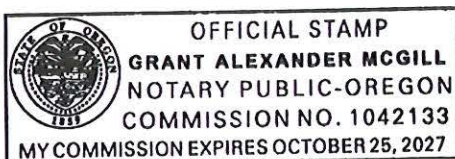
Frances Brostrom  
Signature of Affiant

8-2-24  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this 2 day of Aug., 2024.



Grant McGill  
Notary Public for Oregon

My commission expires 10/25/2027.

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of POLK

I, FRANCES BROSTROM, in my capacity as OWNER,  
mailing address 16804 MAPLE GROVE RD., MONMOUTH, OR 97361  
telephone number (503)623-2111, being first duly sworn depose and say:

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Salem, OR

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 # 33868; OR

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

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

OR

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

(continues on reverse side)

14513 -

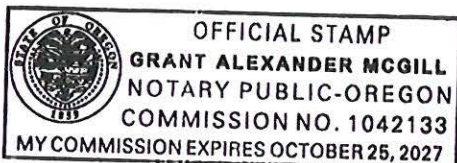
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

Frances Prostrom  
Signature of Affiant

8-2-24  
Date

Signed and sworn to (or affirmed) before me this 2 day of Aug., 2024.



Grant McGill

Notary Public for Oregon

My Commission Expires: 10/25/2027

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

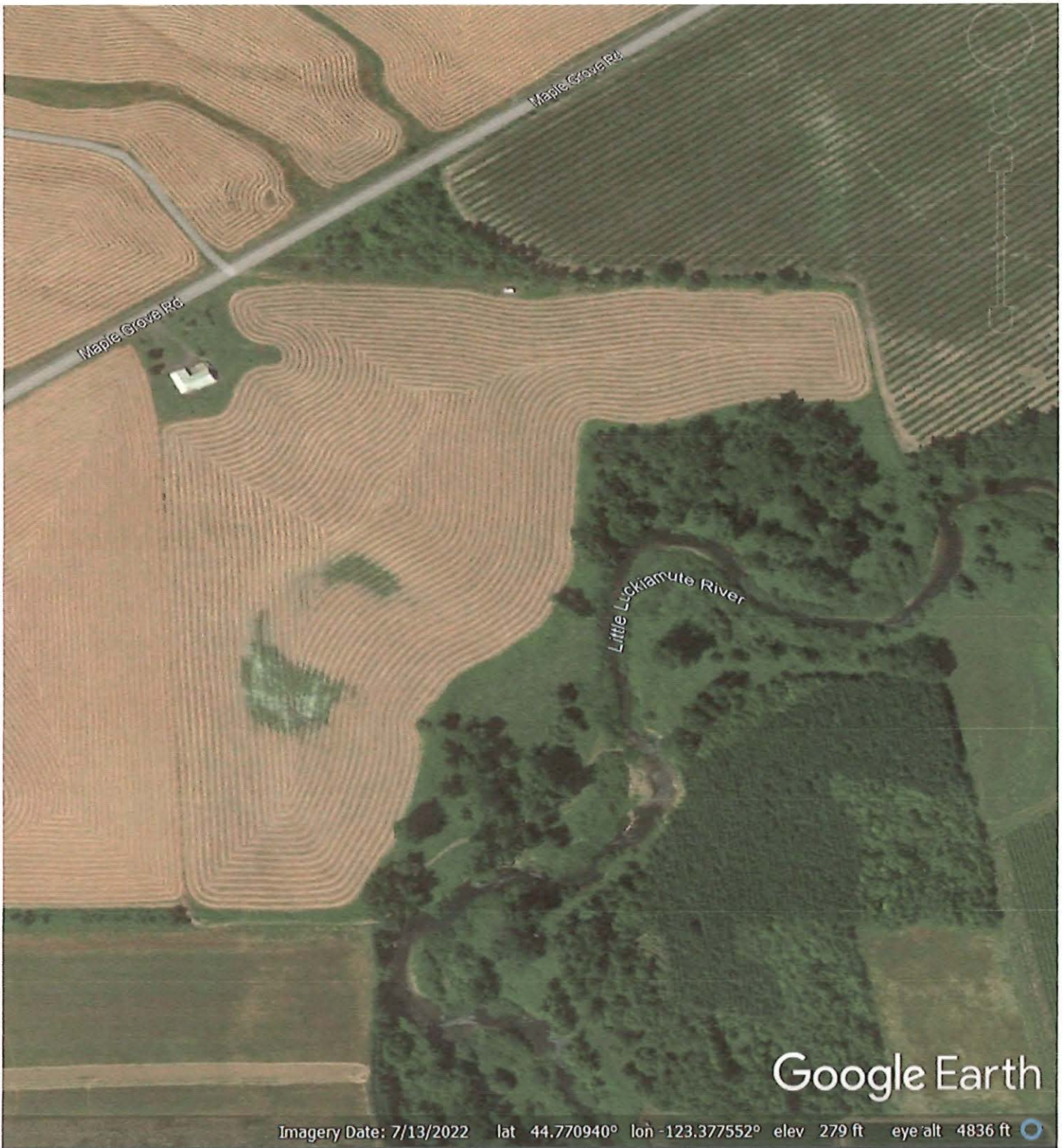
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Salem, OR





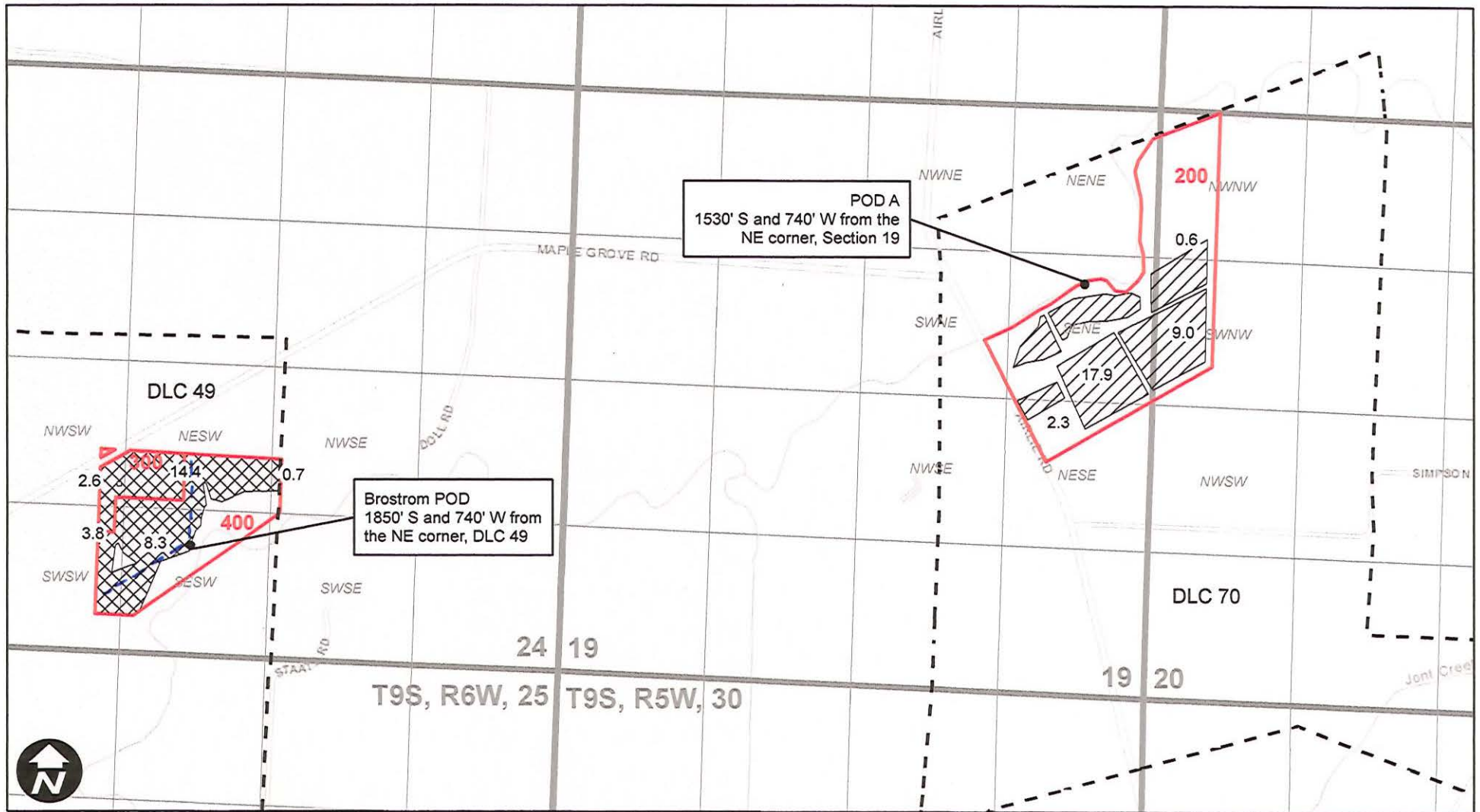
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14513 - Salem, OR

# Temporary Transfer Application - Cert. 33868

## Blue Heaven Properties LLC



### Legend

Cert. 33868 From 
 Cert. 33868 To 
 Taxlot 
 DLC

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Salem, OR

14513 -

WILL MCGILL SURVEYING LLC





Received by OWRD

AUG 02 2024

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Blue Heaven Properties

PO Box 607, Independence OR 97351

Transaction Type: Temp Transfer

Fees Received: \$ 4030.46

☐ Cash



Check:

Check No. 2280

Name(s) on Check: Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Lowman

(Name of OWRD staff)

### Instructions for OWRD staff:

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

# Temporary Transfer Application Intake Checklist

Transfer # T-

Reviewer <u>SWH</u>	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u>	
Date <u>8-2-24</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 \$ <u>1030.46</u>	Fee Received \$ <u>1030.46</u>	
Certificate(s): <u>33868</u>	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled	
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes: <u>29.8 dehei</u>		

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 type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A

<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.