

Temporary

T-14574

Name Willamette Valley Land, LLC  
c/o Paul Kuehne  
 Address PO Box 99  
Lafayette, OR 97127  
paul@creeksidevalleyfarms.com

Change in POU, APOD  
 Date Filed 12/11/2024  
 Initial notice date 12/24/2024  
 DPD issued date \_\_\_\_\_  
 PD issued date \_\_\_\_\_  
 PD notice date \_\_\_\_\_  
 Date of FO 2/24/2025 Vol 133 Page 881-884

C-Date \_\_\_\_\_  
 COBU due date \_\_\_\_\_  
 COBU Received date \_\_\_\_\_  
 Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Agent Eric Urstadt  
ericurstadt@hotmail.com

CWRE \_\_\_\_\_  
 CC's list Yamhill County Planning & Development

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Yamhill River

Trib. of Willamette River

Use Irrigation

County Yamhill

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

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

App# S-18614 Per # S-14252 Cert # 15079 PR Date 3-15-1940

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>12-11-24</u>	<u>972.14</u>	<u>144361</u>

FEES REFUNDED		
Date	Amount	Receipt #

☐ - Oversized map - Location \_\_\_\_\_



# TRANSFER COVER SHEET

Transfer: T-14574

GR Application #: GR-

File Assigned- Transfer Specialist: Joan M. Smith

Transfer Type: Temporary Transfer

Reimbursement Authority? ☐

<b>Applicant:</b> Paul Kuehne PO Box 99 Lafayette, OR 97127	<b>Receiving Landowner:</b>	<b>CWRE</b> <b>Agent:</b> Eric Urstadt 39290 NW Murtaugh Rd North Plains, OR 97133
<b>Interested Parties:</b> BOR (date): _____ Tribal Gov't: _____ Gov'ts: Yamhill County County: YAMHILL	<b>Irrigation District:</b>  Check area of interest on map <input type="checkbox"/>	<b>Additional Contact Information:</b> _____

## Key Dates & Initial Actions (Support Staff)

Type of change(s) proposed- attach additional review checklists as necessary			
ADDITIONAL POINT OF DIVERSION; PLACE OF USE			
If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action.			
Fees Pd:	\$972.14	WM Review request date sent - WM District: 22	12/13/2024
Received Date:	December 11, 2024	WM Review - date received:	
Acknowledgement Letter Sent	Date: 12/13/2024	GW Review - date sent:	
County sent cc: of Ack Letter	Date: 12/13/2024	GW Review - date received:	
Initial Public Notice Date:	12/24/2024	ODFW Review - date sent: ODFW District:	
Comments Received:	Yes <input type="checkbox"/> No: <input type="checkbox"/>	ODFW Review - date received:	

## Water Rights Affected

File Marked	No.	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	1	S-18614	S-14252	15079	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	2				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	3				<input type="checkbox"/> Yes <input type="checkbox"/> No	

I have confirmed that the information on this document is correct (or has been corrected): initials

## Caseworker Actions:

Assigned in WRIS:	DPD Workflow updated:	WRIS Notes:
PD and RR sent to Data Entry:	Certified mail date:	
Newspaper notice needed: Yes <input type="checkbox"/> No: <input type="checkbox"/>	Name of Newspaper:	
PD notice email coordinator:	PD notice Request Date:	Amount Due: \$
		Received date:
Last day of publication:	Affidavit received:	

DOCUMENT	Drafted		Peer Review		Policy Review		Changes		ODFW contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>	
	Date	initials	Date	initials	Date	initials	Date	initials	WM contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>	
DPD									Number of Docs for signature:	
NOTICE									Date in Signature bin	
PD									Signature date	
FO	2/7/25	Joan		Scott	2/21/25	Cory	2/21/25	Joan	2-21-25	
RR										
Special Issues: Work with 14573										
Special Order Volume 133 , Pages 881										



Temp

# PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

**Transfer #: T-1457414574**

CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>		Save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019) If this is a Living Certificate – check with Ann Reece      See Supplemental Language document for language

## Transfer Application Review and Deficiencies

CW	PR	Coord			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all applicants/agents listed in WRIS with email addresses, if available?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all permit/certificates been entered in WRIS under Transfer #?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were timely Public Comments received? (if yes, enter commenter names/email on mailing list)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Add finding for any comments received (see Supplemental Language document)					

## Groundwater Modification Application Review and Deficiencies

CW	PR	Coord	<input type="checkbox"/> N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If for a Groundwater Modification, were there any assignments? <b>All GR Mod applicants must be the holder of record.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are there any past GR Modifications and/or letters documenting changes to the GR <b>These must be accounted for in the GR Mod Order.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Review "From" and "To" Lands and/or POD/POA

CW	PR	Coord			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are only the authorized POD(s)/POA(s)/POU listed on the "from" map?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Does the "from" map match the certificate map? If No, what is different?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Compare FROM POU in application (Table 2) with certificate. Mark certificate with acres being xferred, any RR acres and any acres being cancelled.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Compare TO POU in Table 2 with the TO Lands on map (for accuracy)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are any of the "from" lands being cancelled/diminished?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If Yes, were cancellation/diminution affidavits submitted? (see findings and <b>additional authority</b> in Supplemental Language doc)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are any instream water rights affected? If Yes, Cert # (If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected)	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Layered/Supplemental Rights

CW	PR	Coord	<input checked="" type="checkbox"/> N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Are there any layered irrigation rights?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		If Yes, were they included in application? If No, they must move with the primary, to a "like" primary, or they will be cancelled though the transfer process	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Layered right(s) Cert:	



<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any supplemental rights being transferred? (verify that it is <b>actually</b> a supplemental right)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, are they being transferred to a "like" primary (i.e. similar reliability)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:		

Transfer Review Criteria					
CW	PR	Coord			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Evidence of use and supporting documentation <input type="checkbox"/> Confirming (not a remaining right) cert issued within the last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ready, Willing and Able – <input type="checkbox"/> Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If injury, has WM or GW provided a list of injured water right holders? <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If POD/POA/APOD/APOA change, will it be from the same source? If No, deny per OAR 690-380-2110(2) <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:		

Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font			
CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare ModPod workareas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD (save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Public Notice <input type="checkbox"/> and/or <input type="checkbox"/> newspaper notice (if required) (save as T-XXXXX-pd-notice)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare Remaining Right(s) (if applicable). Send with DPD, cover letter and notice for peer review.

Issue Draft Preliminary Determination	
CW	
<input type="checkbox"/>	Copy DPD and cover letter for paper file
<input type="checkbox"/>	Save DPD and cover letter as PDF
<input type="checkbox"/>	Mail/email to applicant/agent/WM
<input type="checkbox"/>	Add workflow item "Draft PD Issued"

Report of Ownership Information (ROI)					
CW	PR	Coord			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does legal description in ROI/Deed match "from" lands?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all owners on the ROI/Deed signed the application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a notarized statement of consent been submitted? (if applicable) <input type="checkbox"/> N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Newspaper Notice (if required)					
CW	PR	Coord			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare/send letter to applicant/agent regarding newspaper notice cost	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TACS Support delivered receipted funds to caseworker	<input type="checkbox"/> Yes	<input type="checkbox"/> No



### Preliminary Determination and Cover Letter Preparation

CW	PR	Coord		
			<i>See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was application amended after DPD was issued? - <b>Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDED. Also make findings in PD.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, what was amended?	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did amendment change outcome from denial to approval? <i>If Yes, make findings in PD.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> If POD/POA changes or changes in "from" lands – re-review required from WM <input type="checkbox"/> If POA changes – re-review required from GW	
<i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i>				
<input type="checkbox"/>	Save DPD as a new document (T-XXXXX-pd-approve/deny.doc) – <b>12 pt. Calibri font</b>			
<input type="checkbox"/>	Remove "Draft" from document			
<input type="checkbox"/>	Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates			
<input type="checkbox"/>	If application was amended, add finding including date of amendment			
<input type="checkbox"/>	Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action			
<input type="checkbox"/>	Unhide appeal (protest) language at the end of the document			
<input type="checkbox"/>	Prepare PD Cover Letter (save as T-XXXXX-pd-cov)			
<input type="checkbox"/>	Check email address(s) for accuracy			
<input type="checkbox"/>	Notes:			
<input type="checkbox"/>	Send to caseworker/coordinator for Peer Review			

### Data Center Review of PD

CW	PR	Coord	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Email PD and RR(s)(with new cert numbers) to Data* for review – <b>indicate if file is RA</b> *email address is in key
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Data Center will send notification that file is complete
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make any necessary changes to PD or prepare Revised DPD (if substantive changes)

### Issue Preliminary Determination

CW	
<input type="checkbox"/>	Print PD and put in Manager's box for signature and issuance (support will print cover letter)
<input type="checkbox"/>	Add workflow notes

### Protest

CW	PR	Coor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have protests been received? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, STOP!</b> Coordinate with Protest section.



## Final Order

<b>CW</b>	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions
<b>Do not issue Final Order before this date:</b> (protest period end date or 30 days after date of last newspaper publication)	
<input type="checkbox"/>	If application had a newspaper notice, verify that Affidavit of Publication was received. Date:
<input type="checkbox"/>	Save PD as a new document (T-XXXXX-ord-approve (or deny))
<input type="checkbox"/>	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)
<input type="checkbox"/>	Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING
<input type="checkbox"/>	Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #)
<input type="checkbox"/>	Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)
<input type="checkbox"/>	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
<input type="checkbox"/>	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"
<input type="checkbox"/>	Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").
<input type="checkbox"/>	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"
<input type="checkbox"/>	Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria

## Remaining Rights

<b>CW</b>	<b>PR</b>	<b>Coord</b>	<input type="checkbox"/> N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Update left side of footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original cert number and .ini stands for your initials. New certificate should be on the right.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Print RR on certificate paper and include with Final Order for signature

## Issue Final Order

<b>CW</b>	
<input type="checkbox"/>	Pull "Working Copy" folder from file
<input type="checkbox"/>	Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance)
<b>Notes:</b>	





# 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)

February 24, 2025

Paul Kuehne  
PO BOX 99  
Lafayette, OR 97127

REFERENCE: District Temporary Transfer Application T-14574

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

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

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, 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,

David V. Jones Jr  
Water Rights Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
Eric Urstadt, Agent  
Yamhill County, Local Government

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A TEMPORARY
T-14574, Yamhill County	)	CHANGE IN PLACE OF USE AND AN
	)	ADDITIONAL 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**

WILLAMETTE VALLEY LAND LLC  
C/O PAUL KUEHNE  
PO BOX 99  
LAFAYETTE, OR 97127

**Findings of Fact**

1. On December 11, 2024, Willamette Valley Land LLC c/o Paul Kuehne filed an application to temporarily change the place of use and to add a point of diversion to serve the proposed place of use under Certificate 15079 for a period of 5 years. The Department assigned the application number T-14574.
2. Notice of the application for transfer was published on December 24, 2024, pursuant to OAR 690-380-4000.
3. The portion of the right to be temporarily transferred is as follows:

**Certificate:** 15079 in the name of MILLER BROTHERS (perfected under Permit S-14252)  
**Use:** IRRIGATION of 8.2 ACRES  
**Priority Date:** MARCH 15, 1940

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:** 0.1 CUBIC FEET 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:** YAMHILL RIVER a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	POD
4 S	4 W	WM	14	SE NW	#2
4 S	4 W	WM	22	NE NW	#1

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	15	SW SE	52	8.2

4. Temporary Transfer Application T-14574 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	22	NE NE	52	0.1
4 S	4 W	WM	22	SE NE	52	5.7
4 S	4 W	WM	23	NW NW	52	0.2
4 S	4 W	WM	23	SW NW	52	2.2
Total						8.2

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14574 proposes an additional point of diversion located with approximate distances from the authorized points to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distances from the authorized PODs
4 S	4 W	WM	23	NW SW	52	PEREZ-2660 FEET SOUTH AND 420 FEET EAST FROM THE NW CORNER OF SECTION 23	POD #1-0.91 mile upstream POD #2-1.12 mile downstream

**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 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 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 an additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14574 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 additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14574 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2024, 2025, 2026, 2027, and 2028 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2028 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional point of diversion (Perez), together with that diverted at the original points of diversion (PODs #1 and #2), shall not exceed the quantity of water lawfully available at the original points of diversion (PODs #1 and #2).
6. A subsequent application for permanent transfer of Certificate 15079 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 15079.

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. The use of the remaining water right described by Certificate 15079 shall continue to be in accordance with the terms and conditions of Certificate 15079.

Dated in Salem, Oregon on **FEB 24 2025**

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

*Mailing Date:* **FEB 25 2025**



# STATE OF OREGON

## COUNTY OF YAMHILL

### CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**      **MILLER BROTHERS**

of McMinnville, 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 Yamhill River, a tributary of      for the purpose of Irrigation under Permit No. 14252 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 15, 1940

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.63 cubic feet 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 #1 NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, Township 4 South, Range 4 West, W.M. #2 SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14, Township 4 South, Range 4 West, W.M.

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

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

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

T-14574 off

	10.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , as projected on D.L.C. 68
	8.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , as projected on D.L.C. 68
	8.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected on D.L.C. 68
	Section 14
	3.9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected on D.L.C. 52
	20.1 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected on D.L.C. 52
	5.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected on D.L.C. 49
7.7	- 21.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected on D.L.C. 68
3.4	- 18.8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected on D.L.C. 68
5.7	- 14.3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected on D.L.C. 52
12.1	- 12.7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected on D.L.C. 52
28.9	Section 15
	1.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , as projected on D.L.C. 52
	6.2 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , as projected on D.L.C. 52
	Section 22
	T. 4 S., R. 4 W., W.M.

T-14574 off

8.6 - 8.2 - RR - 0.4

Land on which water is to be used is a part of the property more explicitly described by appropriator as follows:

All of Lots or Tracts Lettered "E", "F", "G" and "J" as same are designated on the Map or Plat of "Riverside Farm", which said Map or Plat is duly recorded at page 136 of Book "G" of records of County Surveys of Yamhill County, Oregon, and said premises are located and situated in T. 4 S. R. 4 W. of the Willamette Meridian, in the County of Yamhill, State of Oregon, (Saving and excepting therefrom about Five (5) acres thereof situated in the Southeast corner of said Lot "G" and about thirteen acres off of the East end of said Lot "J" heretofore sold and conveyed

to Clark Braly by deed recorded at pages 352-353 Book No. 50, of records of deeds for said Yamhill County, Oregon, and also excepting about Three (3) acres thereof out of the Northwest corner of said Lot "E" as heretofore sold and conveyed to the Union Oil Company by deed recorded at page 401 of Book No. 74 of records of deeds for Yamhill County, Oregon; said premises hereby conveyed being bounded as follows to wit: Beginning at the Southwest corner of the Donation Land Claim of Vincent Snelling and wife, Notification No. 1237, Claim No. 52, in T. 4 S. R. 4 W, of the Willamette Meridian, in said Yamhill County, Oregon; Thence North along fence now there 15.13 chains to iron pipe in center of a 30-foot Road; thence West 19.11 chains; Thence North .03 of a chain; Thence West 17.72 chains; Thence North 16/100 of a chain to stone in center of County Road; thence North 37-degrees and 56 minutes and 37 seconds East along center of said County Road 33.17 chains to Northwest corner of said Lot "F" above named; Thence East 74.92 chains; Thence South one degree and 50 minutes and 20 seconds West along fence 24.59 chains to iron pipe; Thence running West 20.13 chains to iron pipe; Thence South 5.04 chains to center of Yamhill River; Thence following up said River with meanderings thereof as follows: North 78 degrees and 07 minutes and 30 seconds west 4.38 chains; West 6.51 chains; South 76 degrees and 30 minutes west 4.55 chains; South 53 degrees and 30 minutes West 18.18 chains to point in center of said River; Thence leaving said River and running South 85 degrees, 46 minutes and 20 seconds West to the place of beginning and containing 250 acres more or less, (Saving and Excepting however, therefrom, said Three (3) acres more or less heretofore sold and conveyed to the Union Oil Company, as above stated being Three (3) acres more or less, located in the Northwest corner of Lot "E" above referred to) leaving thereof 247 acres more or less. Also it is the intention of the Grantors above named to hereby sell and convey and said Grantors do hereby bargain, sell and convey unto the said William Wade Miller above named, the following described real property to wit: All of Tracts Lettered "A", "B", "C" and "D" as same are designated and shown upon the Map or Plat of said "Riverside Farm" above named, which said Map or Plat is duly recorded at page 136 of Volume "G" of records of Land Surveys of said County of Yamhill, State of Oregon, which said Map or Plat was so recorded, on June 29th, 1912 by H. W. Herring, County Surveyor of said Yamhill County, Oregon. (Saving and Excepting therefrom Ten (10) acres thereof off of the East end of said Lot or Tract Letters "A" as heretofore conveyed to Mary J. Washburn, by deed recorded at page 61 of Book No. 25 of records of deeds for said Yamhill County, Oregon, and also saving and excepting therefrom, Ten acres thereof, heretofore conveyed by H. W. Schafer and others to Perry Schreves and Minnie Schreves, by deed recorded at page 351 of Book No. 68 of records of deeds for Yamhill County, Oregon, being ten acres as described in said Deed and said ten acres so excepted, is located in Southeast corner of said Lot or Tract lettered "C" and along South and East line of said Lot or Tract lettered "D" above named) and said premises last above described and hereby conveyed containing 165.00 acres more or less. And said premises herein above described and hereby conveyed, containing in the aggregate Four Hundred and Twelve (412) acres be the same more or less. Also all of Tracts numbered Six (6) and Nine (9) in Riverside Orchards, as laid out and platted by the Riverside Orchards Company, on the 8th day of October, 1908, and recorded in Book 2, page 22, records of Plats of Yamhill County, Oregon.

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 15th day of May, 1947.

CHAS. E. STRICKLIN

State Engineer



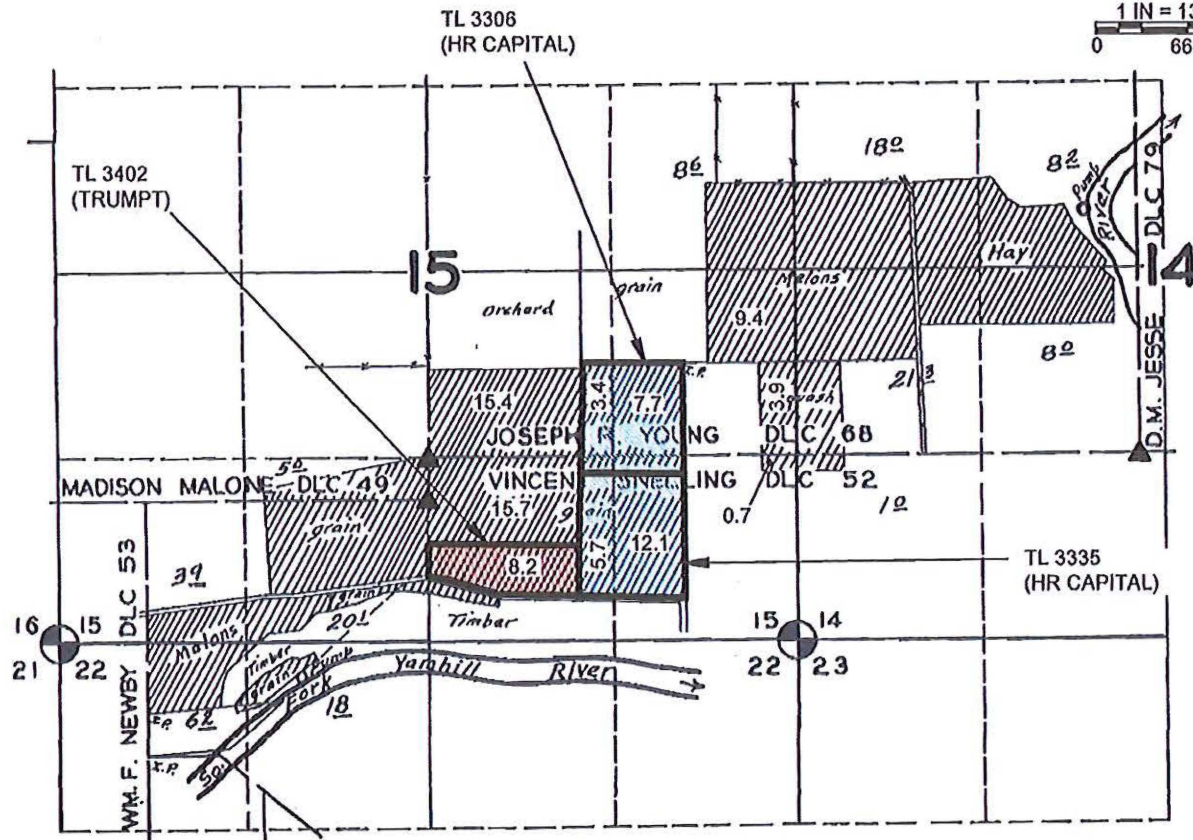
# Transfer FROM Map

S15, T4S, R4W, Yamhill County  
Certificate 15079



1 IN = 1320 FT

0 660 1320

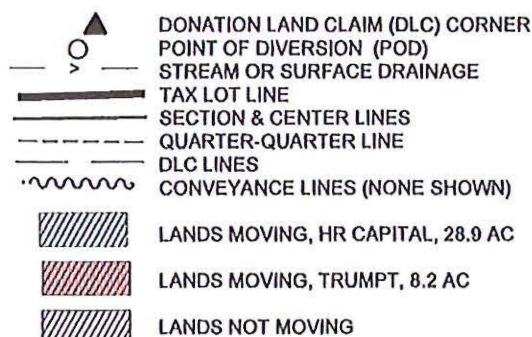


LOCATIONS OF POINTS OF DIVERSIONS (POD);  
POD #1 NE 1/4 - NW 1/4, SECTION 22 (PER CERTIFICATE 15079)  
POD #2 SE 1/4 - NW 1/4, SECTION 14 (PER CERTIFICATE 15079)

NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.  
- THIS MAP IS BASED ON THE FINAL PROOF SURVEY FOR CERTIFICATE 15079.  
- PROPERTY LINES ARE BASED ON BOTH OCCUPATION LINES FROM AN AERIAL PHOTO AND THE TAX ASSESSOR MAP FOR SECTION 15, T4S, R4W.  
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.  
- FOR SIMPLICITY THIS SAME MAP IS USED FOR BOTH THE LANDS OWNED BY "HR CAPITAL OPPORTUNITY FUND I, LLC" AND "TRUMPT, LLC" AS THEY ARE MOVING AT THE SAME TIME AND ARE FROM THE SAME CERTIFICATE.

### LEGEND



EXPIRES 30 JUN 2026

Received  
DEC 11 2024

OWRD

MAP BY:  
**ASPEN RURAL LAND  
CONSULTING**

ERIC URSTADT, PE, PLS  
971-250-1520

NOV 2024

WVL-PerezFROM4B

HRCapital/Trump

14574 -



A-2/2

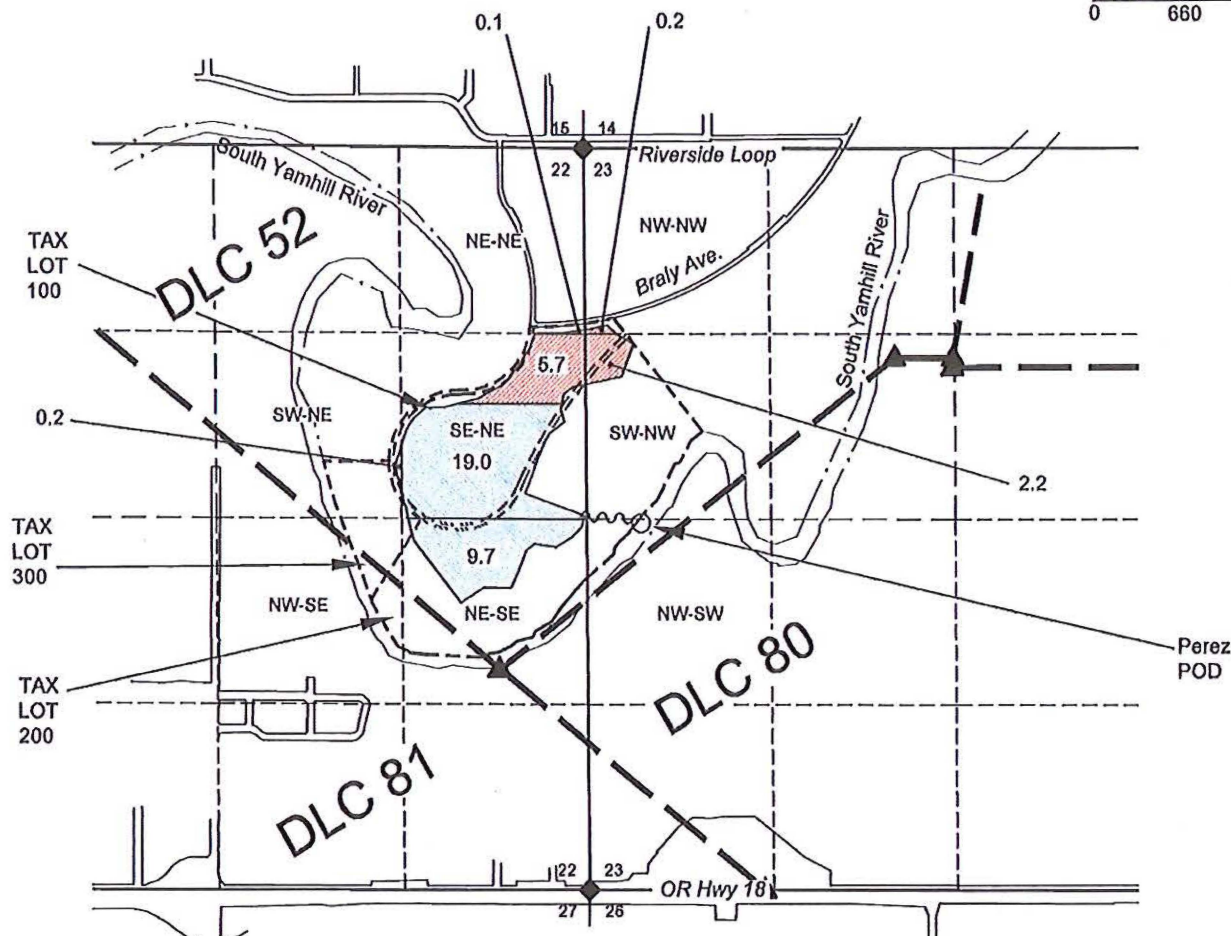
# Temporary Transfer TO Map

S22 & S23, T4S, R4W, YAMHILL COUNTY

Certs. 15396 & 59044



1 IN = 1320 FT  
0 660 1320



LOCATION OF POD: PEREZ POD IS 2660' S & 420' E OF NW OF S23

## NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- PROPERTY LINES AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAPS FOR SECTIONS 22 & 23, T4S, R4W.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.
- FOR SIMPLICITY THIS SAME MAP IS USED FOR BOTH THE LANDS OWNED BY "HR CAPITAL OPPORTUNITY FUND I, LLC" AND "TRUMPT, LLC" AS THEY ARE MOVING AT THE SAME TIME AND ARE FROM THE SAME CERTIFICATE.

## LEGEND

- ▲ DONATION LAND CLAIM (DLC) CORNER
- ◆ SECTION CORNER
- POINT OF DIVERSION (POD)
- STREAM OR SURFACE DRAINAGE
- TAX LOT LINE
- SECTION LINE
- QUARTER-QUARTER LINE
- DLC LINES
- ~~~~~ CONVEYANCE LINES
- IRRIGATION, HR CAPITAL, 28.9 AC
- IRRIGATION, TRUMPT, 8.2 AC



Exp. 30 JUN 2026

Received

DEC 11 2024

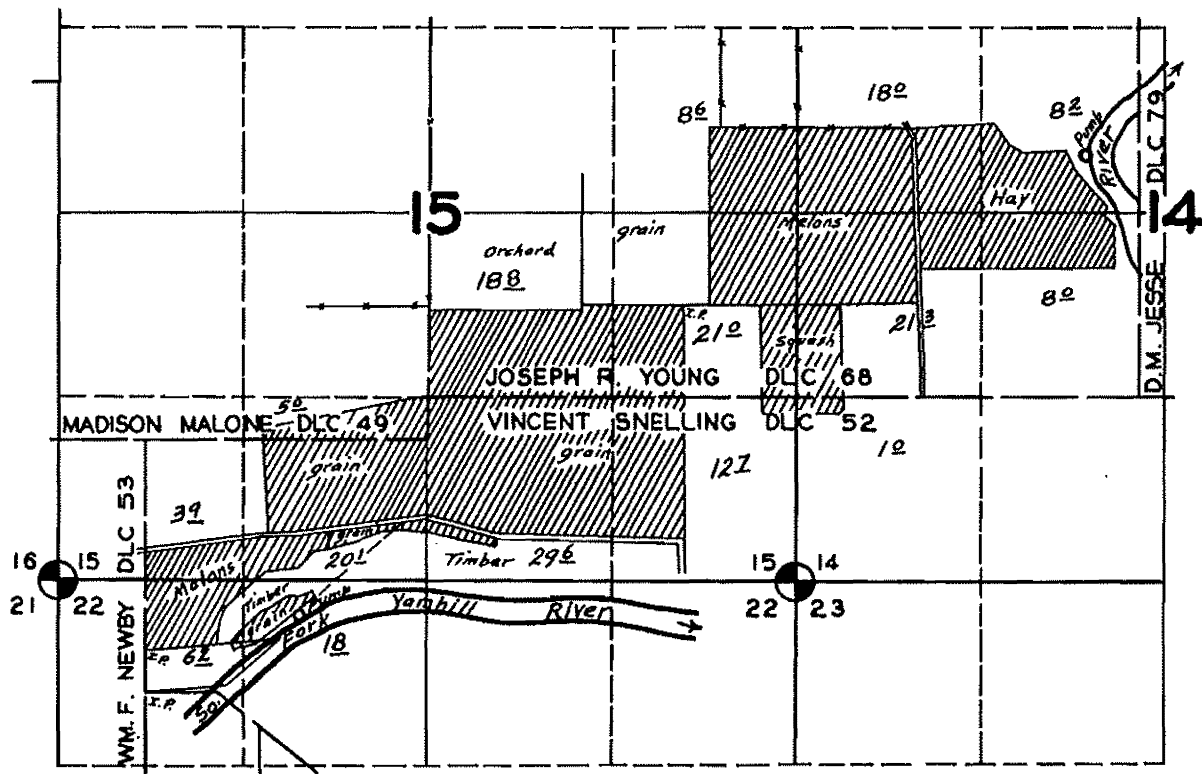
OWRD

14574

MAP BY:  
**ASPEN RURAL LAND CONSULTING**  
ERIC URSTADT, PE, PLS  
971-250-1520  
OCT 2024  
WVL-Perez-Trumpf-HRCap-4B



# T.4S. R.4W.W.M.



## FINAL PROOF SURVEY UNDER

Application No. 18614 Permit No. 14252

IN NAME OF

MILLER BROTHERS

Surveyed SEPT. 8, 1944, by *James D. Russell*

## 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-14574

Review Due Date:

Applicant Name: Willamette Valley Land LLC

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

Reviewer(s): Joel Plahn

Date of Review: 12/18/2024

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



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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

<input type="checkbox"/> Weir	<input type="checkbox"/> Submerged Orifice
<input type="checkbox"/> Parshall Flume	<input type="checkbox"/> Flow Restrictor
<input type="checkbox"/> Other: ____	



**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

December 13, 2024

Willamette Valley Land, LLC

Paul Kuehne

PO Box 99

Lafayette, OR 97127

Reference: Application T-14574

On December 11, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$972.14. Receipt number 144361 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)  
Eric Urstadt, Agent  
Yamhill County Planning and Development, 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 # **144361**

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

RECEIVED FROM: Creekside Valley Farms, LLC  
BY: Paul Kuchor

APPLICATION	
PERMIT	
TRANSFER	T-14574

CASH: ☐ CHECK: # 113917 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 972.14

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>972.14</u>		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

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

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

0211 WELL CONST START FEE	\$ _____	CARD#	_____
0210 MONITORING WELLS	\$ _____	CARD#	_____

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

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

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **144361**

DATED: 12-11-24 BY: mm



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

DEC 11 2024

OWRD

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:  
[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: Certificate 15079**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2028.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

- ☒ 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.) **See Quitclaim deed in Attachment D.**
- ☐ ☒ 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

**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°).

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<b>FEE WORKSHEET</b> for TEMPORARY (not drought) TRANSFERS					
<b>1</b>	Base Fee (includes temporary change to one water right for up to 1 cfs)	<b>1</b>	\$950.00		
	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »				
<b>2</b>	Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	<b>2</b>	0		
	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				
<b>3</b>	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	<b>3</b>	0		
	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>8.2 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »				
<b>4</b>	Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	<b>4</b>	22.17		
<b>5</b>	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	<b>5</b>	972.14		
	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?				
<b>6</b>	If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	<b>6</b>	0		
<b>7</b>	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	<b>7</b>	972.14		

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE		PHONE NO. (503) 864-4422	ADDITIONAL CONTACT NO. N/A
ADDRESS PO BOX 99		FAX NO. N/A	
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL SEE NOTE BELOW
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 ASPEN RURAL LAND CONSULTING, C/O ERIC URSTADT, PE, PLS		PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. N/A
ADDRESS 39290 NW MURTAUGH ROAD		FAX NO. N/A	
CITY NORTH PLAINS	STATE OR	ZIP 97133	E-MAIL SEE NOTE BELOW
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. Note: because email and USPS has been unreliable, please send correspondence by both methods to PAUL@CREEKSIDEVALLEYFARMS.COM, ERICURSTADT@HOTMAIL.COM			

Explain in your own words what you propose to accomplish with this transfer application and why:  
The applicant wishes to temporarily transfer some water rights to a new Place of Use.

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

Paul Kuehne\*  
Print Name (and Title if applicable)

12-7-24  
Date

\*Paul Kuehne is the owner of Willamette Valley Land, LLC, which controls the rights as shown on the quitclaim in Attachment D.

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. A quitclaim transferring control of the rights to Willamette Valley Land, LLC is included in Attachment D.

landowner signature

Print Name (and Title)

Date

landowner signature

Print Name (and Title)

Date

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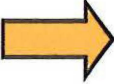
TACS

☐ 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 <b>None Known</b>	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 <b>None Known</b>	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>Yamhill County Planning &amp; Development</b>	ADDRESS <b>400 NE Baker Street</b>	
CITY <b>McMinnville</b>	STATE <b>OR</b>	ZIP <b>97128</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



## 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 # 15079

#### Description of Water Delivery System

System capacity: 1.63 cubic feet per second (cfs) **OR** (per certificate)  
\_\_\_\_\_ 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. **The water is diverted from the river using a diesel-powered pump that conveys water via aluminum pipes to 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)
#1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4	S	4	W	22	NE	NW	68	None Specified
#2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4	S	4	W	14	SE	NW	52	None Specified
Perez	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	4	S	4	W	23	NW	SW	52	2660' S & 420' E Of NW OF S23

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 type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" 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 # 15079**

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			
4	S	4	W	15	SW	SE	3402	52	8.2	Irrig	#1, #2	1940	POU, APOD	4	S	4	W	22	NE	NE	100	52	0.1	Irrig	#1, #2, Perez	1940	
													POU, APOD	4	S	4	W	22	SE	NE	100, 200	52	5.7	Irrig	#1, #2, Perez	1940	
													POU, APOD	4	S	4	W	23	NW	NW	100	52	0.2	Irrig	#1, #2, Perez	1940	
													POU, APOD	4	S	4	W	23	SW	NW	100	52	2.2	Irrig	#1, #2, Perez	1940	
TOTAL ACRES									8.2					TOTAL ACRES									8.2				

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

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**For Place of Use Changes**

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

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

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
N/A										

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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 )  
County of YAMHILL ) ss

I, PAUL KUEHNE, in my capacity as FARMER,

mailing address PO BOX 99, LAFAYETTE, OR 97127

telephone number (503)864-4422, 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)
15079	4	S	4	W	WM	15	NE	SE	68	7.7
15079	4	S	4	W	WM	15	NW	SE	68	3.4
15079	4	S	4	W	WM	15	NW	SE	52	13.9
15079	4	S	4	W	WM	15	NW	SE	52	12.1

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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B-2/3

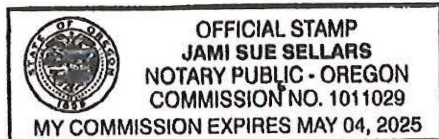
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS, MAINLY GRASS-SEED

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

11-17-2024  
Date

Signed and sworn to (or affirmed) before me this 17<sup>th</sup> day of November, 2024.



Jami Sue Sellars  
Notary Public for Oregon

My Commission Expires: May 4, 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 <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.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

# Aspen

Rural Land Consulting

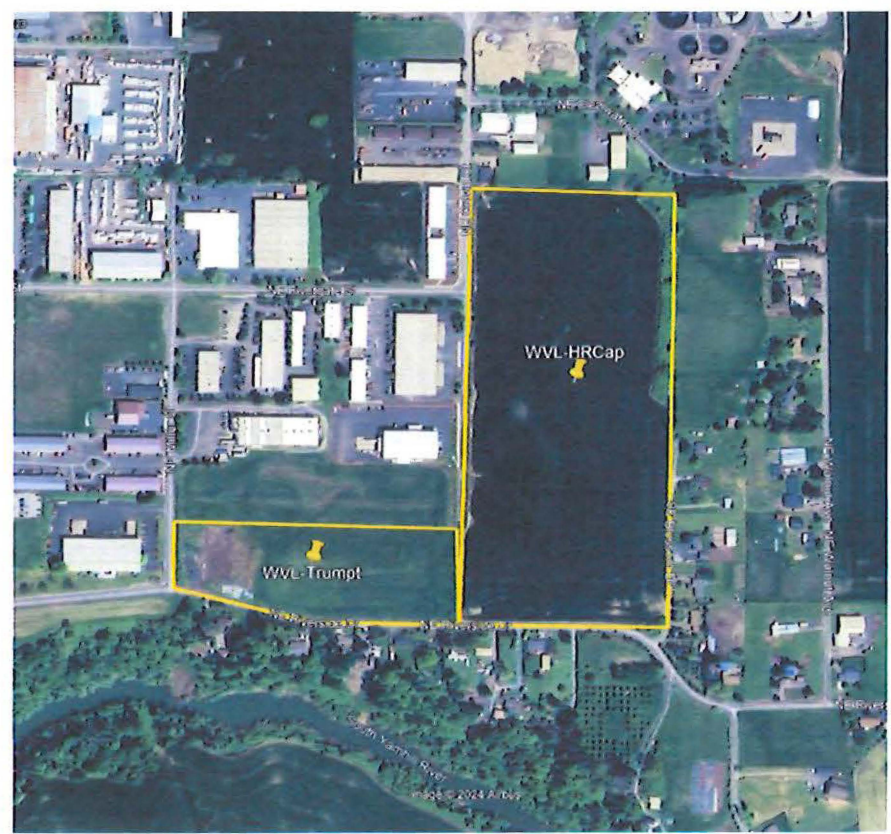
Water Resources, Water Rights, Land Surveying,  
Engineering, Land Use Planning

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

26 OCT 2024

**Subject: Evidence of Use for Water Right Transfer**

This document is intended to go along with an Evidence of Use Affidavit pertaining to a 2024 water right transfer of certificate 15079. The image below is a Google earth aerial photo with May 2023 imagery. The yellow lines are the outline of the Places of Use for the FROM lands.



Prepared by:  
*Aspen Rural Land Consulting*

Eric Urstadt, PE, PLS

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## Yamhill County Parcel Information



TICOR TITLE™

Parcel Information

Parcel #: 520666  
 Account: XXXXXXXXXX  
 Related:  
 Site Address:  
     McMinnville OR 97128  
 Owner: Trumpt LLC  
 Owner2:  
 Owner Address: PO Box 1034  
     McMinnville OR  
 Twn/Range/Section: 04S / 04W / 15  
 Parcel Size: 7.77 Acres (338,461 SqFt)  
 Plat/Subdivision:  
 Lot:  
 Block:  
 Map Page/Grid: 771-B4  
 Census Tract/Block: 030601 / 1011  
 Waterfront:

Assessment Information

Market Value Land: \$815,384.00  
 Market Value Impr: \$0.00  
 Market Value Total: \$815,384.00  
 Assessed Value: \$7,918.00

Tax Information

Levy Code Area: 40.0  
 Levy Rate: 16.4925  
 Tax Year: 2023  
 Annual Tax: \$133.83

Exemption Description:

Legal

Township 4S Range 4W Section 15 TaxLot 03402

Land

Cnty Land Use: 350 - Industrial - Exclusive Farm Use (EFU) - Vacant

Land Use Std: IMSC - Industrial Miscellaneous

Neighborhood: McMinnville Industrial

Watershed: Yamhill River

Primary School: Sue Buel Elementary

High School: McMinnville High School

Cnty Bldg Use: 0

Zoning: M-2 - General Industrial

Recreation:

School District: 40 McMinnville

Middle School: Patton Middle School

Improvement

Year Built:	Attic Fin/Unfin:	Fireplace:
Bedrooms:	Total Baths:	Full/Half Baths:
Total Area:	Bsmt Fin/Unfin:	Garage:
Bldg Fin:	1st Floor:	2nd Floor:

Transfer Information

Rec. Date: 04/28/2017	Sale Price: \$650,000.00	Doc Num: 2017-07010	Doc Type: Deed
Owner: Trumpt LLC		Grantor: R & B KAUER INVESTMENTS LLC	
Orig. Loan Amt:		Title Co: FIRST AMERICAN TITLE	
Finance Type:	Loan Type:	Lender:	

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

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C-2/5



After recording return to:  
Trumpt, LLC  
9155 SW Laughter Ln  
Amity, OR 97101

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Trumpt, LLC  
9155 SW Laughter Ln  
Amity, OR 97101

File No.: 1031-2838902 (MWG)  
Date: March 28, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201707010**  
DMR-DDMR  
Stn=0 MILLSA **04/28/2017 01:00:00 PM**  
4Pgs \$20.00 \$11.00 \$5.00 \$20.00 **\$56.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify  
that the instrument identified herein was recorded in the Clerk  
records.

Brian Van Bergen - County Clerk

### STATUTORY WARRANTY DEED

**R & B Kauer Investments, LLC, an Oregon limited liability company, as to an undivided 50% interest**  
**and**

**The Petshow Family Limited Partnership, as to an undivided 50% interest, Grantor, conveys and warrants to Trumpt, LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

**LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:

**Parcel 3 of Partition Plat 2001-35, recorded September 12, 2001 as Instrument No. 200116111, Deed and Mortgage Records of Yamhill County, State of Oregon.**

**Subject to:**

**See Attached Exhibit "A"**

The true consideration for this conveyance is **\$650,000.00**. (Here comply with requirements of ORS 93.030)

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FIRST AMERICAN TITLE 2838902

C-3/5

APN: 520666

Statutory Warranty Deed  
- continued

File No.: 1031-2838902 (MWG)

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, OREGON LAWS 2010.

Dated this 28 day of April, 2017.

R & B Kauer Investments, LLC, an Oregon  
limited liability company

Petshow Family Limited Partnership

By: Barbara Kauer  
Name: Barbara Kauer  
Title: Manager

By: \_\_\_\_\_  
Name: John Petshow  
Title: General Partner

STATE OF Oregon )  
County of Yamhill )ss.

This instrument was acknowledged before me on this 28 day of April, 2017  
by Barbara Kauer Manager of R+B Kauer Investments LLC.

[Signature]  
Notary Public for Oregon  
My commission expires: 5-13-2019



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APN: 520666

Statutory Warranty Deed  
- continued

File No.: 1031-2838902 (MWG)

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, OREGON LAWS 2010.

Dated this 28 day of April, 2017.

R & B Kauer Investments, LLC, an Oregon  
limited liability company

Petshow Family Limited Partnership

By: \_\_\_\_\_  
Name: Barbara Kauer  
Title: Manager

By: [Signature]  
Name: John Petshow  
Title: General Partner

STATE OF Oregon )  
County of Washington ) ss.

This instrument was acknowledged before me on this 28 day of April, 2017,  
by John Petshow, general partner for Petshow Family Limited Partnership

Notary Public for Oregon  
My commission expires: 11/6/20



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C-5/5

**EXHIBIT "A"**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

GRANTOR HAS NO LIABILITY OR OBLIGATION TO PAY ANY TAX, PENALTY, OR ASSESSMENT.

9. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
10. Agreement Concerning Road Improvement Cost Reimbursement and the terms and conditions thereof:  
Between: Joan Mill  
And: Homette Corporation  
Recording Information: July 15, 1994 In Film Volume 312, Page 448

Amendment to Agreement for Future Road Improvements, by and between R & B Kauer Investments, LLC, an Oregon limited liability company, as to an undivided 50% interest, The Petshow Family Limited Partnership, as to an undivided 50% interest and Summit Food Group, Inc., including the terms and provisions, recorded September 14, 2001 as Instrument No. 200116186.

11. Easement as shown on the recorded partition 2001-35  
For: 20 foot P.U.E

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Trumpt, LLC, Grantor  
PO Box 1034  
McMinnville, OR 97128

Creekside Valley Farms, LLC, Grantee  
PO Box 99  
Lafayette, OR 97127

After recording return to:  
Creekside Valley Farms, LLC  
PO Box 99  
Lafayette, OR 97127

Until a change is requested, all  
tax statements shall be sent to:  
Creekside Valley Farms, LLC  
PO Box 99  
Lafayette, OR 97127

OFFICIAL YAMHILL COUNTY RECORDS  
KERI HINTON, COUNTY CLERK

202410933



\$106.00

00679954202400109330020026

11/27/2024 02:49:20 PM

DMR-DDMR Cnt=1 Stn=3 SUTTONS  
\$10.00 \$5.00 \$20.00 \$11.00 \$60.00

### QUITCLAIM DEED

The Trumpt, LLC, Grantor, releases and quitclaims to Creekside Valley Farms, LLC, Grantee, all of the Grantor's right, title and interest in and to the water right described in Oregon Water Resources Department water right certificate 15079, with a water right priority date of 15 March 1940 in Yamhill County, Oregon, to-wit:

See Exhibit A for legal description.

The true consideration for this conveyance was \$1000 per acre as per a contract between Grantor and Grantee dated 27 November 2023.

Dated July 27 2023.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING 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. 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 215.019 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 RIGHT OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 155.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS TO 11, CHAPTER 424, OREGON LAWS 2007.

Trumpt, LLC, Grantor

By: Karter Roberts

Its: Registered Agent

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County of Yamhill, STATE OF OREGON, ss.

This instrument was acknowledged before me on November 27, 2024 by Trumpt, LLC

by: Karter Roberts, its registered agent

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**Exhibit A**

*A tract of land which can be described as:*

Parcel 3 of Partition Plat 2001-35, recorded September 12, 2001 as Instrument No. 200116111, Deed and Mortgage Records of Yamhill County, State of Oregon (more commonly known as tax lot 3402 on the tax assessor map for Section 15, T4S, R4W), being 8 acres more or less.

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# 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

NAME WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE			PHONE 503.864.4422	
MAILING ADDRESS PO Box 99				
CITY Lafayette	STATE OR	ZIP 97127	EMAIL PAUL@CREEKSIDEVALLEYFARMS.COM	

## 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:
4S	4W	22	N/A	100	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
4S	4W	22	N/A	200	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
4S	4W	22	N/A	300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Yamhill

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.46    ☒ 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 wishes to move water rights from another location to this location for irrigation or farming purposes.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

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## 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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 402.02(A) of the 9/1/20
- ☐ Land uses to be served by the proposed water use(s), 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

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

Name: LANCE WOODS Title: SR. PLANNER

Signature: [Signature] Date: 11/25/2024

Governmental Entity: YAMHILL CO. PLANNING DEPT Phone: (503) 434-7516

### Receipt Acknowledging Request for Land Use Information

**Note to Local Government Representative:**

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_





Rural Land Consulting

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

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

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

3 NOV 20224

**Subject: Application for Temporary Transfer for a portion of certificate 15079**

To Whom It May Concern,

Enclosed is an application for a temporary transfer together with the following attachments:

- A. Transfer Maps
- B. Evidence of Use documents
- C. Deed for FROM lands (Trumpet)
- D. Quitclaim deed
- E. Land Use form
- F. A check made out to "Oregon Water Resources Department" for \$972.14.

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

Respectfully,  
***Aspen Rural Land Consulting***

Eric Urstadt, PE, PLS

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