

Temporary

T-14432

Name D & G Rhodys Nursery, LLCAddress 1065 S Pacific Hwy, Unit 1Woodburn, OR 97071dgrhodysnsy@hotmail.comChange in POU, POADate Filed 4/5/2024Initial notice date 4/16/2024

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 8/14/2024 Vol 131 Page 940-943

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream A wellTrib. of Willamette RiverUse IrrigationCounty Marion, Polk

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G-9048Per # G-8392Cert # 59002PR Date 12/11/1978

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 #

4.5.24955.40142660

FEES REFUNDED

Date

Amount

Receipt #

Assignments: _____

Irrigation District _____

Agent Will McGill Surveying, LLCwillmcgill.surveying@gmail.com

CWRE _____

CC's list Polk County☐ - Oversized map - Location



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

August 14, 2024

D & G Rhodys Nursery, LLC

1065 S Pacific Hwy, Unit 1

Woodburn, OR 97071

REFERENCE: District Temporary Transfer Application T-14432

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 2024 irrigation season**.

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

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

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

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-14432, Polk County	)	CHANGES IN PLACE OF USE AND POINT
	)	OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 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 appropriation 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

D & G RHODYS NURSERY LLC
1065 S PACIFIC HWY, UNIT 1
WOODBURN, OR 97071

Findings of Fact

1. On April 5, 2024, D & G Rhodys Nursery LLC filed an application to temporarily change the place of use and change the point of appropriation to serve the proposed place of use under Certificate 59002 for a period of 1 year. The Department assigned the application number T-14432.
2. Notice of the application for transfer was published on April 16, 2024, pursuant to OAR 690-380-4000.
3. The portion of the right to be transferred is as follows:

Certificate: 59002 in the name of ROBERT HINES (perfected under Permit G-8392)
Use: IRRIGATION of 2.0 ACRES
Priority Date: DECEMBER 11, 1978
Rate: 0.03 CUBIC FOOT PER SECOND

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

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

Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	3 W	WM	29	NW SW	54	WELL 1 - 2770 FEET SOUTH AND 1100 FEET EAST FROM THE NW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	3 W	WM	29	SW NW	54	1.4
6 S	3 W	WM	29	SE NW	54	0.5
6 S	3 W	WM	29	NE SW	54	0.1
					Total	2.0

4. Temporary Transfer Application T-14432 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	3 W	WM	29	SE NW	54	2.0

5. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14432 proposes to move the authorized point of appropriation approximately 800 feet northeast to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	3 W	WM	29	SE NW	54	WELL A - 2030 FEET SOUTH AND 1460 FEET EAST FROM THE NW CORNER OF SECTION 29

Temporary Transfer Review Criteria

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

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

Conclusions of Law

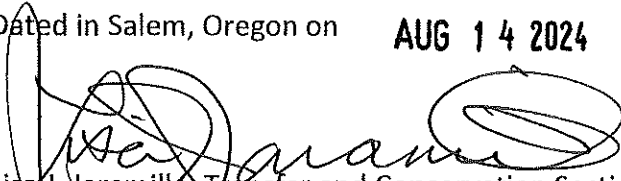
The temporary change in place of use and point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14432 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14432 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2024 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. A subsequent application for permanent transfer of Certificate 59002 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 59002.
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 59002 shall continue to be in accordance with the terms and conditions of Certificate 59002.

Dated in Salem, Oregon on **AUG 14 2024**

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

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

Mailing Date: **AUG 15 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14432

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: D & G Rhodys Nursery, LLC 1065 S Pacific Hwy, Unit 1 Woodburn, OR 97071	Agent: William E. McGill 15333 Pletzer Rd SE Turner, OR 97392	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Polk County	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
☐			
☐			
☐			

Key Dates & Initial Actions (Support Staff)

Rec'd: April 5, 2024	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 955.40	Acknowledgement Letter Sent ☒	Basin: 2 Willamette
Initial Public Notice: 4/16/2024	County sent cc: of Ack Letter ☒	County: MARION, POLK
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <i>8/2/24</i> Initials: <i>Scott</i>	Date: <i>8/6/24</i> Initials: <i>Joan</i>	Date: <i>Gony</i> Initials: <i>8/6/24</i>	Date: <i>Scott</i> Initials: <i>8/12/24</i>	Date: <i>8/12/24</i> No. of docs for sig: <i>1</i> WM Sheet ☐	Date: <i>8/14/24</i>

Special Issues: _____

Special Order Volume: Vol. *131* Pages *940-943*

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14432 (temp)

GW Reviewer Steve Ahlquist/Travis Brown Date Review Completed: 6/17/2024

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☒ Other: Temporary Transfer

Application: T-14432

Applicant Name: D&G Rhodys Nursery, LLC

Proposed Changes: ☒ POA ☐ APOA ☐ SW→GW ☐ RA
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Steve Ahlquist/Travis Brown

Date of Review: June 17, 2024

Date Returned to WRSD: June 18, 2024

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

-
1. Basic description of the changes proposed in this transfer: Applicant proposes to temporarily change the POU and POA ("Well A"/POLK 54845 in place of "Well 1"/POLK 1108) for 2.0 acres under Certificate 59002, which currently authorizes irrigation of 18.2 acres at a maximum rate of 0.23 cfs from one POA ("Well 1"/POLK 1108). The proportional maximum rate for Well A/POLK 54845 under the proposed transfer would be 0.025 cfs. NOTE: Page 6 of the application lists the system capacity as 0.44 cfs; the pumping from Well A/POLK 54845 must be limited to no more than 0.025 cfs under this temporary transfer to prevent enlargement.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized FROM-POA and proposed TO-POA access the Willamette alluvial aquifer system.
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No The authorized and proposed TO-POA produce groundwater from the Willamette alluvial aquifer system.
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: Compared to the authorized FROM-POA (POLK 1108), the proposed TO-POA (POLK 54845) is approximately 300 feet closer to POLK 1109, which is an authorized POA under certificate G-17909, and approximately 700 feet closer to the closest residence (Tax lot 2500) which is likely supplied by an exempt domestic well completed in the alluvial aquifer. The shorter distance between the TO-POA and nearby alluvial wells will likely result in an increase in interference.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

5. ☐ Yes ☒ No If yes, explain: To assess potential injury at nearby wells due to the proposed use, drawdown from pumping at the authorized FROM-POA (POLK 1108) and proposed TO-POA (POLK 54845) were estimated using the Theis (1935) equation. Assuming pumping rates of 0.205 cfs and 0.025 cfs for the FROM-POA and TO-POA, respectively (based on POU acreage), the results of the analysis indicate nearby wells will likely experience less than 13 feet of drawdown from the combined effects of pumping POLK 1108 and POLK 54845 during a 244-day pumping period (see attached Theis Interference Analyses), which is unlikely to result in injury to groundwater rights.

6.

- a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☒ Yes ☐ No Comments: The authorized FROM-POA and proposed TO-POA are approximately 2,900 and 2,500 feet from the Willamette River, respectively. The reduced intervening distance will likely result in increased interference with the Willamette River.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Willamette River

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: The potential increase in interference with the Willamette River due to the proposed transfer was estimated using a streamflow depletion analytical model (Hunt 1999). Results indicate that streamflow depletion would likely increase by less than 7% of the 0.025 cfs of Certificate 59002 that would be authorized to pump at the proposed TO-POA (POLK 54845). Based on the OWRD Water Availability Reporting System, the Willamette River (Watershed ID# 182) has approximately 681 cfs of net water available in August, which is the month with the lowest expected stream flow (see attached Water Availability Table). Therefore, the change in degree of interference with the Willamette River resulting from the proposed change is expected to be minimal.

7. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: NA

8. What conditions or other changes in the application are necessary to address any potential issues identified above: NA

9. Any additional comments: NA

References:

Application File: T-14432

Certificate: 59002

Pumping Test Reports: POLK 100, POLK 1127, POLK 1134, POLK 1079

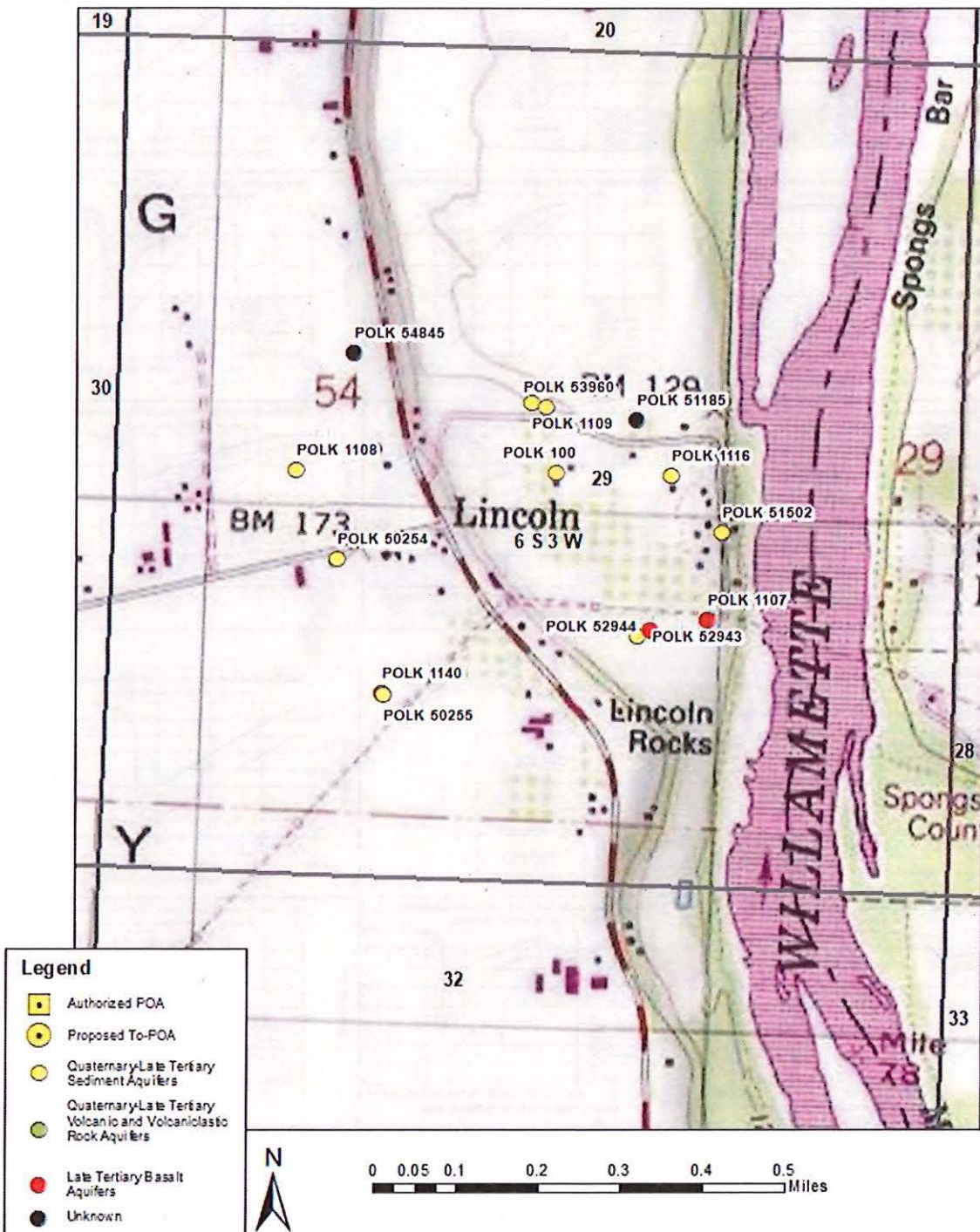
Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, *Ground-water hydrology of the Willamette Basin, Oregon*, Scientific Investigations Report 2005-5168; U. S. Geological Survey, Reston, VA.

Hunt, B., 1999. Unsteady stream depletion from ground water pumping: *Groundwater*, v. 37, no. 1, p. 98-102.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, *American Geophysical Union Transactions*, vol. 16, p. 519-524.

Well Location Map

T-14432 D&G Rhodys Nursery LLC



Service Layer Credits: Copyright© 2013 National Geographic Society, Inc.

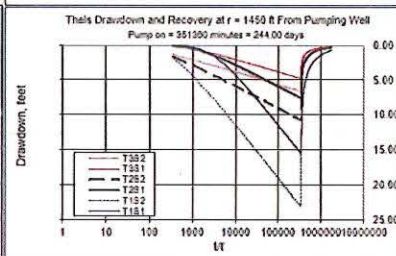
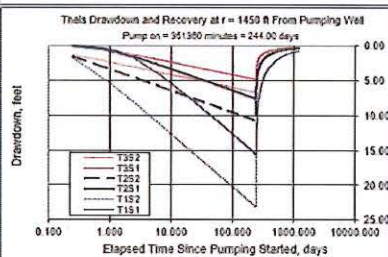
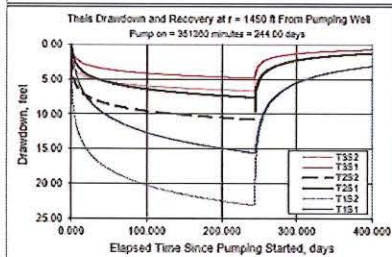
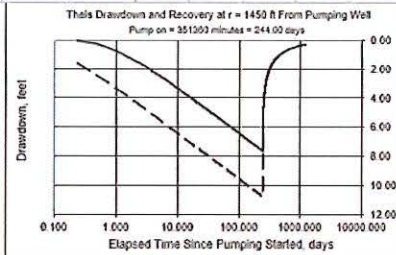
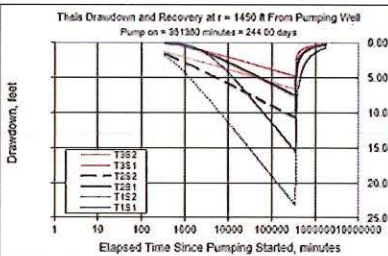
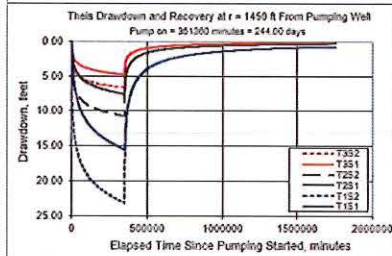
Theis Interference Analyses

Theis Time-Drawdown Worksheet v5.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.
Written by Karl C. Wozniak September 1992. Last modified December 17, 2019

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t	244			d
Radial distance from pumped well:	r	1450			ft
Pumping rate	Q	0.205			cfs
Hydraulic conductivity	K	9.5	23	40	ft/day
Aquifer thickness	b	45			ft
Storability	S_1	0.001			
	S_2	0.0001			
Transmissivity Conversions	T fpcd	427.5	1035	1800	ft ² /day
	T ft ² /pm	0.299375	0.71875	1.25	ft ² /min
	T cpm/ft	3197.7	7741.8	13454	cpd/ft

Use the Recalculate button or Recalculate to set to manual

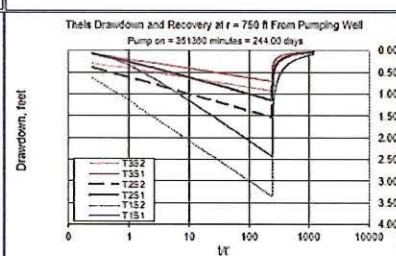
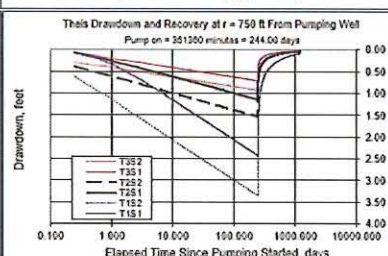
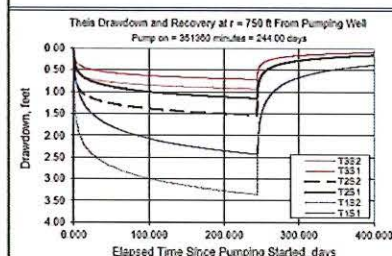
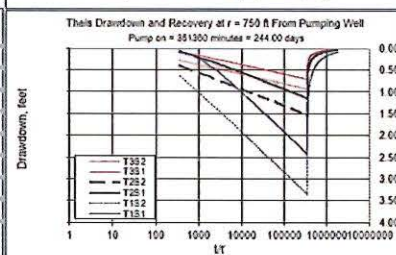
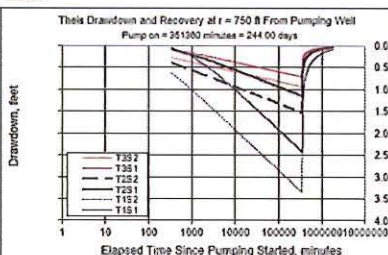
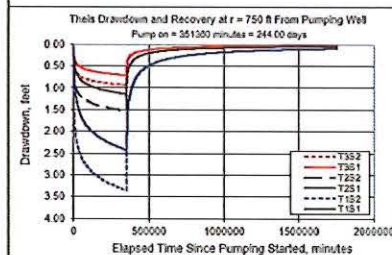
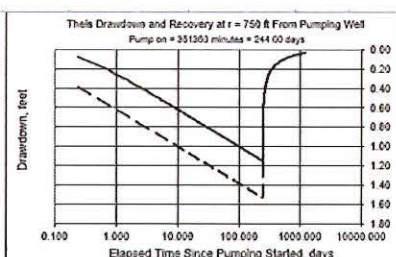
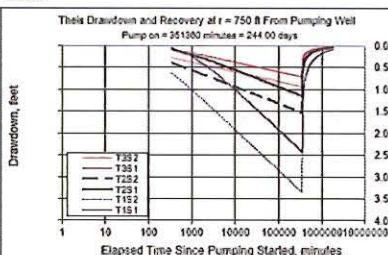
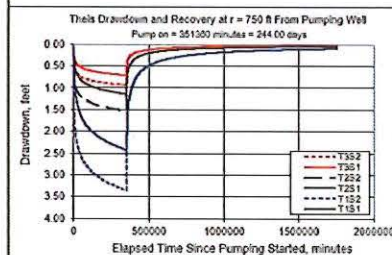


Theis Time-Drawdown Worksheet v5.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.
Written by Karl C. Wozniak September 1992. Last modified December 17, 2019

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t	244			d
Radial distance from pumped well:	r	750			ft
Pumping rate	Q	0.025			cfs
Hydraulic conductivity	K	9.5	23	40	ft/day
Aquifer thickness	b	45			ft
Storability	S_1	0.001			
	S_2	0.0001			
Transmissivity Conversions	T fpcd	427.5	1035	1800	ft ² /day
	T ft ² /pm	0.299375	0.71875	1.25	ft ² /min
	T cpm/ft	3197.7	7741.8	13454	cpd/ft

Use the Recalculate button or Recalculate to set to manual



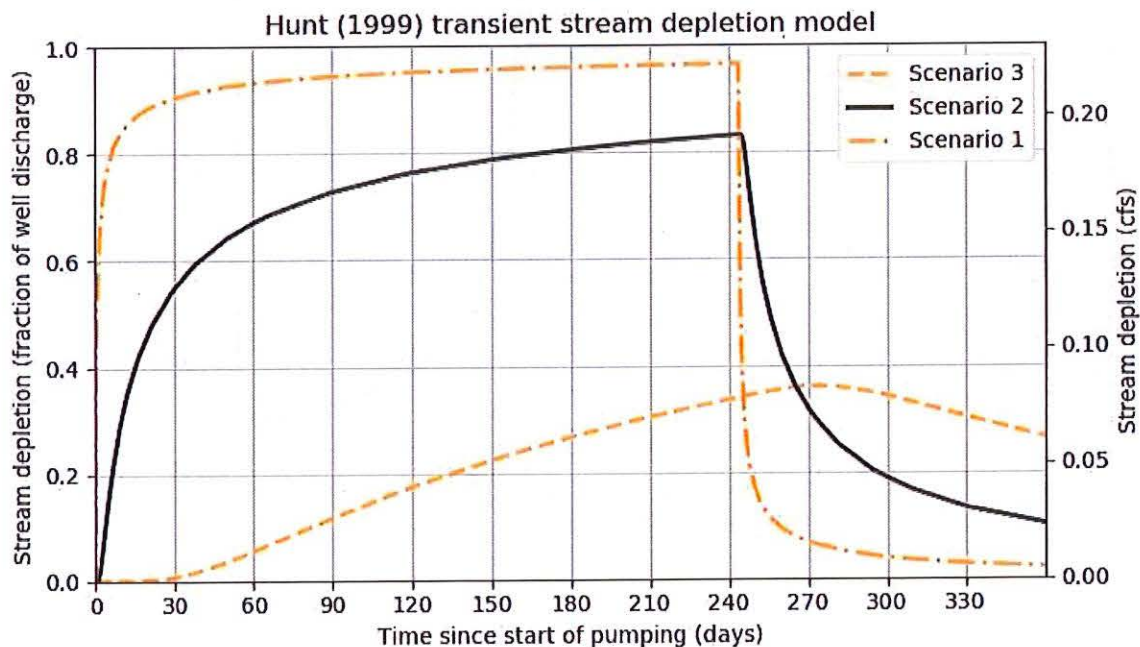
Hunt (1999) Stream Depletion Analysis: FROM-POA/POLK 1108 -Willamette River

Application type:	T
Application number:	14432
Well number:	POLK 1108
Stream Number:	1
Pumping rate (cfs):	0.23
Pumping duration (days):	244
Pumping start month number (3=March)	3.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	2900	2900	2900	ft
Aquifer transmissivity	T	60000	14000	4000	ft ² /day
Aquifer storativity	S	0.003	.03	0.2	-
Aquitard vertical hydraulic conductivity	Kva	0.5	0.5	0.5	ft/day
Not used		10.0	20.0	30.0	
Aquitard thickness below stream	babs	3	3	3	ft
Not used		0	0	0	
Stream width	ws	680	680	680	ft

Stream depletion for Scenario 2:

Days	10	330	360	30	60	90	120	150	180	210	240	270	300
Depletion (%)	30	13	10	55	67	73	76	79	81	82	83	32	19
Depletion (cfs)	0.07	0.03	0.02	0.13	0.15	0.17	0.18	0.18	0.19	0.19	0.19	0.07	0.04



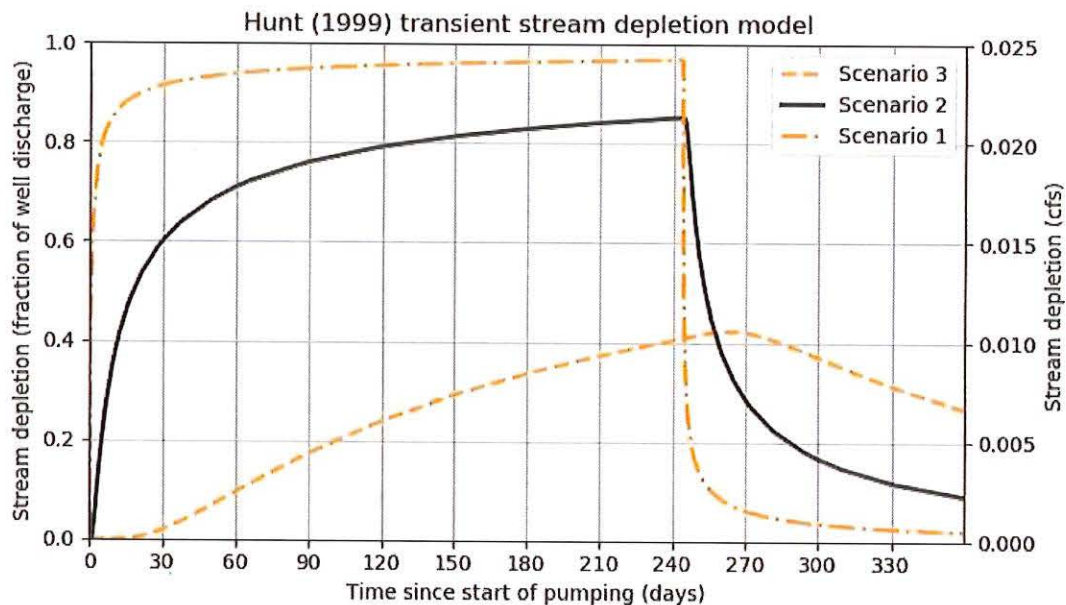
Hunt (1999) Stream Depletion Analysis: TO-POA/POLK 54845 - Willamette River

Application type:	T
Application number:	14432
Well number:	POLK 54845
Stream Number:	1
Pumping rate (cfs):	.025
Pumping duration (days):	244
Pumping start month number (3=March)	3.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	2500	2500	2500	ft
Aquifer transmissivity	T	60000	14000	4000	ft ² /day
Aquifer storativity	S	0.003	.03	0.2	-
Aquitard vertical hydraulic conductivity	Kva	0.5	0.5	0.5	ft/day
Not used		10.0	20.0	30.0	
Aquitard thickness below stream	babs	3	3	3	ft
Not used		0	0	0	
Stream width	ws	680	680	680	ft

Stream depletion for Scenario 2:

Days	10	330	360	30	60	90	120	150	180	210	240	270	300
Depletion (%)	37	12	9	60	71	76	79	81	83	84	85	29	17
Depletion (cfs)	0.01	0.00	0.00	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.01	0.00



Water Availability Table

WILLAMETTE R > COLUMBIA R - AB MOLALLA R
WILLAMETTE BASIN

Water Availability as of 6/11/2024

Watershed ID #: 182 ([Map](#))

Exceedance Level: 80% ▾

Date: 6/11/2024

Time: 11:07 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	21,400.00	2,300.00	19,100.00	0.00	1,500.00	17,600.00
FEB	23,200.00	7,490.00	15,700.00	0.00	1,500.00	14,200.00
MAR	22,400.00	7,260.00	15,100.00	0.00	1,500.00	13,600.00
APR	19,900.00	6,910.00	13,000.00	0.00	1,500.00	11,500.00
MAY	16,600.00	4,250.00	12,300.00	0.00	1,500.00	10,800.00
JUN	8,740.00	1,980.00	6,760.00	0.00	1,500.00	5,260.00
JUL	4,980.00	1,810.00	3,170.00	0.00	1,500.00	1,670.00
AUG	3,830.00	1,650.00	2,180.00	0.00	1,500.00	681.00
SEP	3,890.00	1,390.00	2,500.00	0.00	1,500.00	997.00
OCT	4,850.00	754.00	4,100.00	0.00	1,500.00	2,600.00
NOV	10,200.00	888.00	9,310.00	0.00	1,500.00	7,810.00
DEC	19,300.00	975.00	18,300.00	0.00	1,500.00	16,800.00
ANN	15,200,000.00	2,250,000.00	13,000,000.00	0.00	1,090,000.00	11,900,000.00

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14432

Review Due Date:

Applicant Name: D & G Rhodys Nursery

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

Reviewer(s): Joel Plahn

Date of Review:

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir	☐ Submerged Orifice
☐ Parshall Flume	☐ Flow Restrictor
☐ 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

April 10, 2024

D & G Rhodys Nursery, LLC
1065 S Pacific Hwy, Unit 1
Woodburn, OR 97071

Reference: Application T-14432

On April 5, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$955.40. Receipt number 142660 is enclosed.

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

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

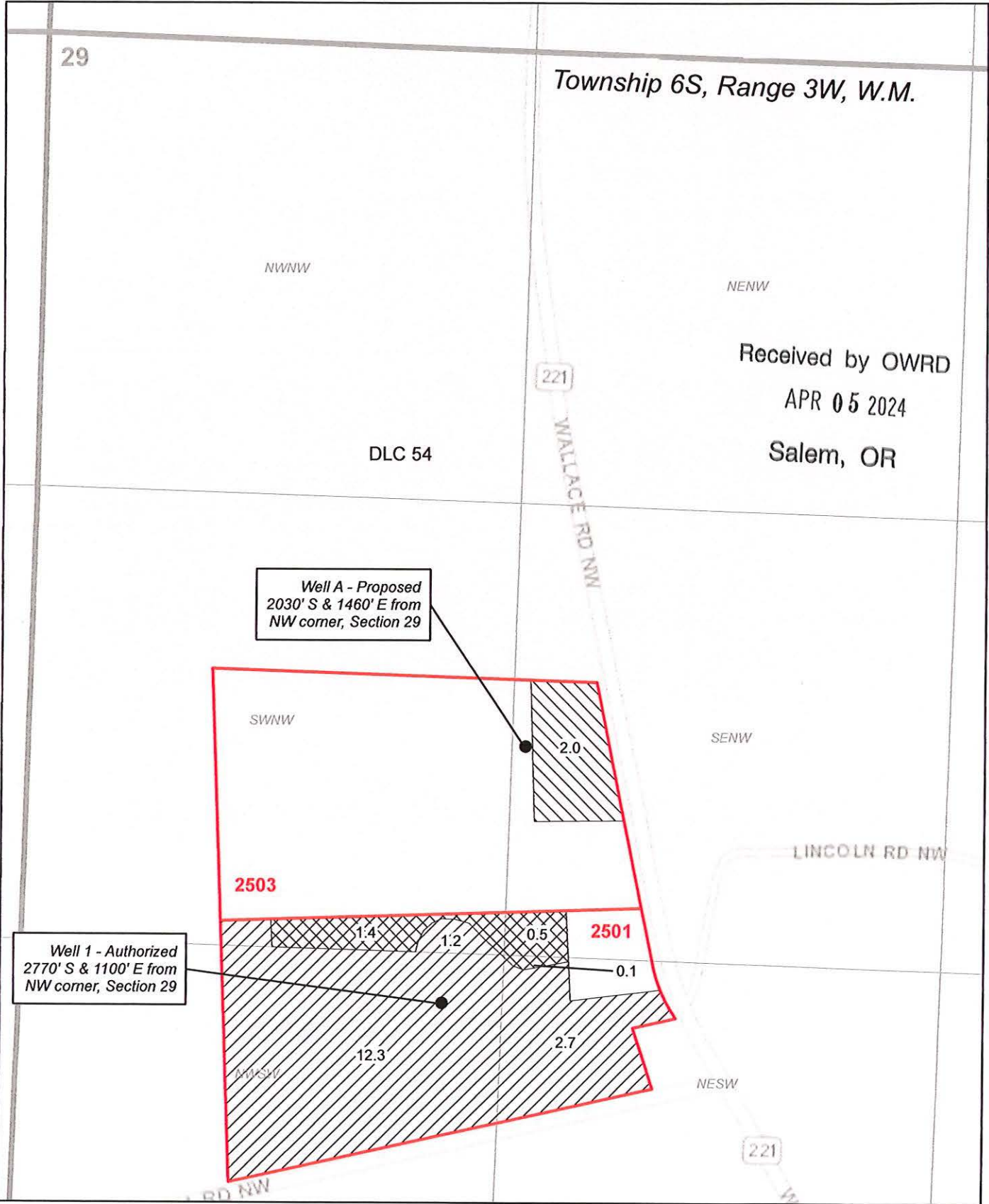
If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

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

Enclosure

Temporary Transfer - Certificate 59002



Legend

- Temporary Transfer Cert. 59002 FROM Cert. 59002 NO CHANGE
- Temporary Transfer Cert. 59002 TO Taxlot

0 200 400 800 Feet

**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 # **142660**

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC
BY: _____

APPLICATION	_____
PERMIT	_____
TRANSFER	<u>T-1432</u>

CASH: ☐ CHECK: # 2241 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 955.40

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 <u>46110</u>	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY) _____	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240 EXTENSION OF TIME	\$ _____

WATER RIGHTS:

0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>955.40</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE RECEIVED
OBJ. CODE _____ OVER THE COUNTER
DESCRIPTION _____ \$ _____

RECEIPT: **142660**

DATED: 4.5.2024 BY: m mals

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



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

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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

Received by OWRD

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

APR 05 2024

Salem, OR

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Cert. 59002**
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: 2024.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

☐ Land Use Form not enclosed or incomplete

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

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

APR 05 2024

Your temporary transfer application will be returned if any of the map requirements 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°).

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>2.0 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	5.40
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	955.40
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0
7	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	955.40

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

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME D & G Rhodys Nursery LLC			PHONE NO. (971) 983-7052	ADDITIONAL CONTACT NO.
ADDRESS 1065 S Pacific Hwy, Unit 1				FAX NO.
CITY Woodburn	STATE OR	ZIP 97071	E-MAIL dgrhodysnsy@hotmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

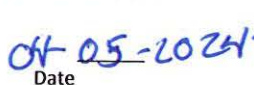
AGENT/BUSINESS NAME Will McGill Surveying, LLC			PHONE NO. (503) 931-0210	ADDITIONAL CONTACT NO. (503) 510-3026
ADDRESS 15333 Pletzer Rd. SE				FAX NO.
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE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

Explain in your own words what you propose to accomplish with this transfer application and why:
It is proposed to move a portion of Cert. 59002 to the neighboring property to cover nursery crops from the existing well until the approved alternate reservoir and irrigation system is constructed.

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


Applicant signature


Print Name (and Title if applicable)


Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Received by OWRD

APR 05 2024

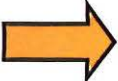
Salem, OR

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Polk County	ADDRESS 820 SW Church St.	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Received by OWRD

APR 05 2024

Salem, OR

14432 -

Part 5 of 5 – Water Right Information

Received by OWRD

Water Right Certificate # 59002

APR 05 2024

Description of Water Delivery System

Salem, OR

System capacity: 0.44 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 10 HP, submersible pump, handlines

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)
Well 1	☒ Authorized ☐ Proposed	POLK 1108	6	S	3	W	29	NW	SW	54	2770' S & 1100' E from NW corner, Section 29
Well A	☐ Authorized ☒ Proposed	POLK 54845	6	S	3	W	29	SE	NW	54	2030' S & 1460' E from NW corner, Section 29
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 59002

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						
6	S	3	W	29	SW	NW	2501	54	1.4	Irrigation	Well 1	1978	POU/POA	6	S	3	W	29	SE	NW	2503	54	2.0	Irrigation	Well A	1978
6	S	3	W	29	SE	NW	2501	54	0.5	Irrigation	Well 1	1978														
6	S	3	W	29	NE	SW	2501	54	0.1	Irrigation	Well 1	1978														
TOTAL ACRES							2.0																			
											TOTAL ACRES													2.0		

Additional remarks: _____

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Salem, OR

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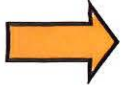
Water Right Certificate # 59002

For Place of Use Changes

Salem, OR

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: Permit R-15566



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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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BLBL

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Rosaura Boroski 6005 Wallace Rd NW
 Conveys to Salem, OR 97304-9706

Grantor's Name and Address
 Glenn W. Boroski 6005 Wallace Rd NW
 Rosaura Boroski Salem, OR 97304-9706
 As Husband and Wife
 Grantee's Name and Address

AFTER RECORDING RETURN TO:
 BOROSKI GLENN W & BOROSKI ROSAURA
 PO Box 631
 Sublimity, OR 97385

SEND TAX STATEMENTS TO:
 BOROSKI GLENN W & BOROSKI ROSAURA
 PO Box 631
 Sublimity, OR 97385

Received by OWRD

APR 05 2024

Salem, OR

SPACE RESERVED

RECORDED IN POLK COUNTY
 Kimberly Williams, County Clerk

2023-007918



\$91.00

00435108202300079180010018

10/20/2023 11:40:30 AM

REC-WD Cnt=1 Stn=1 Q-DUTY
 \$5.00 \$10.00 \$11.00 \$60.00 \$5.00

C. STECKLEY

WARRANTY DEED - STATUTORY FORM

Grantor, Rosaura Boroski, conveys to Rosaura Boroski and Glenn W. Boroski, as
 Husband and Wife, Grantee, the following real property situated in Polk County OR.
 The Land referred to is described as follows:

Beginning on the West line of a tract of land conveyed to James Gersbach recorded in Book of Records
 48, Page 590, Deed Records for in the County of Polk and State of Oregon, at a point which is 56.45
 chains North and 25.00 chains East and 1510.79 feet South 4°31'51" East from the Southwest corner of
 the A.J. Doakes Donation Land Claim No. 54 in Township 6 South, Range 3 West of the Willamette
 Meridian, in the County of Polk and State of Oregon; thence South 4°31'51" East 793.85 feet to the
 Southwest corner of said tract of land; thence North 75°00' East along the center of Zena County Road
 1247.71 feet; thence North 15°00' West 210.00 feet; thence North 75°00' East 177.75 feet to a point in the
 center of Wallace Road; thence North 30°47'06" West, along the center of Wallace Road, 94.89 feet;
 thence North 13°45'58" West along the center of Wallace Road, 263.14 feet; thence South 84°43'50"
 West 1279.46 feet to the place of beginning.

The true consideration for this conveyance No Dollars And No/100 Dollars (\$0.00). (See ORS 93.030).

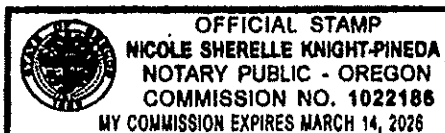
DATED 20 OCT 2023; any signature on behalf of a business or other entity is made with the
 authority of that entity.

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 DETER-
 MINE 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.

STATE OF OREGON, County of Polk ss.

This instrument was acknowledged before me on October 20, 2023
 by Rosaura Boroski + Glenn W. Boroski

This instrument was acknowledged before me on October 20, 2023
 by Nicole Sherelle Knight-Pineda
 as _____
 of _____



Notary Public for Oregon

My commission expires

3/14/2026

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Polk)

I Glenn & Rosaura Boroski in my/our capacity as Owners,

mailing address PO Box 631, Sublimity, OR 97385,

telephone number (503) 767-3939, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 59002 – for one year only - 2024

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

(transfer number, if known)

submitted by D & G Rhodys Nursery, LLC

on the property in tax lot number(s) 2501,

Section 29 Township 6 South Range 3 West, W.M.,

located at 6005 Wallace Rd. NW, Salem, OR 97304

(site address)

Handwritten signature of Glenn Boroski in blue ink.

Signature of Affiant

Handwritten signature of Rosaura Boroski in blue ink.

Signature of Affiant

3 APR 2024

Date

4-5-24

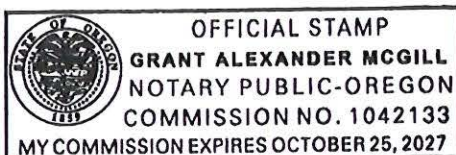
Date

Received by OWRD

APR 05 2024

Salem, OR

Subscribed and Sworn to before me this 5 day of April, 2024.



Handwritten signature of the Notary Public in blue ink.
Notary Public for Oregon

My commission expires 10/25/27.

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 POLK) ss

I, GLENN BOROSKI, in my capacity as OWNER,

mailing address PO Box 631, SUBLIMITY, OR 97385

telephone number (503)767-3939, being first duly sworn depose and say:

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APR 05 2024

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

Salem, OR

☒ 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)
59002	6	S	3	W	WM	29	SW	NW	54	2.4
59002	6	S	3	W	WM	29	SE	NW	54	0.5
59002	6	S	3	W	WM	29	NE	SW	54	2.55
59002	6	S	3	W	WM	29	NW	SW	54	11.95

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

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

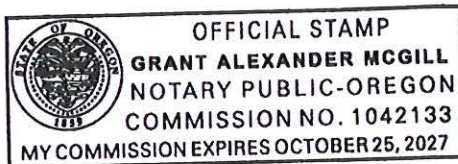
John W. Bunt

Signature of Affiant

5 APR 2024

Date

Signed and sworn to (or affirmed) before me this 5 day of April, 2024.



Grant Alexander McGill

Notary Public for Oregon

My Commission Expires: 10/25/27

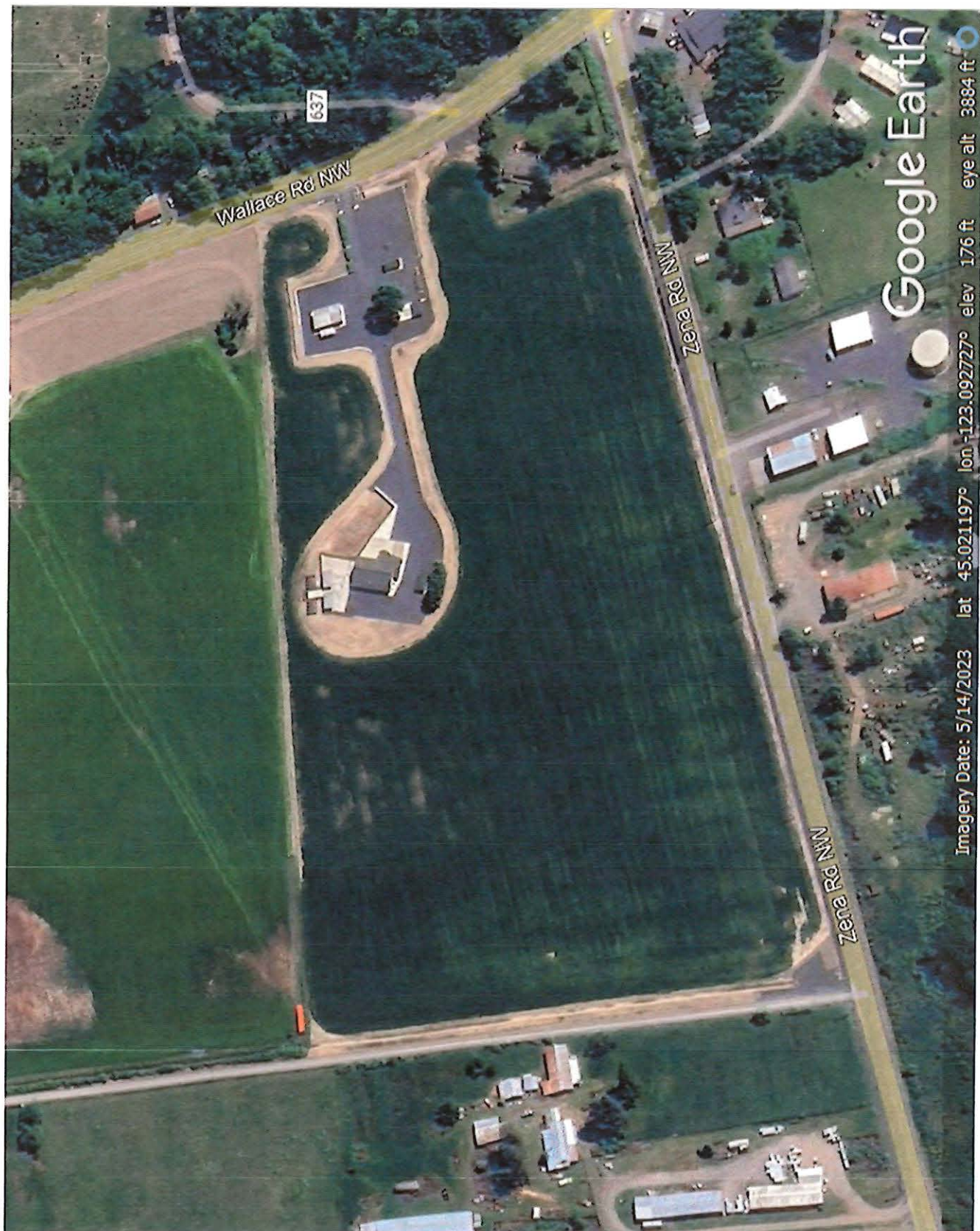
Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph Received by OWRD APR 05 2024 Salem, OR	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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APR 05 2024

Salem, OR



Google Earth

Imagery Date: 5/14/2023 lat 45.021197° lon -123.092727° elev 176 ft eye alt 3884 ft

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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

Received by OWRD
APR 05 2024

Salem, OR

NAME D & G Rhodys Nursery LLC				PHONE	
MAILING ADDRESS 1065 S Pacific Hwy, Unit 1					
CITY Woodburn	STATE OR	ZIP 97071	EMAIL dgrhodysnsy@hotmail.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:
6S	3W	29	SENW	2503	EFU	☒ Diverted ☐ Conveyed ☒ Used	farming/nursery
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Polk

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) _____

Estimated quantity of water needed: 5.0 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

It is proposed to temporarily transfer a portion of Certificate 59002 to TL 2503 to irrigate nursery crops from the existing well.

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 →

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 approvals by OWRD activities such as building or grading permits.

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Salem, OR

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): PCZO 136.030(A)
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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: Eric Knudsen Title: Associate Planner
Signature: [Signature] Date: 4/5/24
Governmental Entity: Polk County Community Development Phone: 503-623-9237

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: _____



Received by OWRD

APR 04 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: DtG Rhaly's Nursery LLC
1065 S. Pacific Hwy Unit 1 Woodburn, OR 97071

Transaction Type: Temp Transfer

Fees Received: \$ 955.40

☐ Cash

☒ Check:

Check No. 2241

Name(s) on Check: Will McGill Surveying LLC

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Reece
(Name of OWRD staff)

Instructions for OWRD staff:

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

Regular Temporary Water Right Transfer Application Checklist

Checked by Joan

Date 4/8/24 T-14432

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

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

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

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

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

OK 1 year