

T-10357

T-10357

TEMPORARY

Name King Family Farms, Inc
 By David King
 Address 4386 Desart Rd NE
Silverton OR 97381

Change in POU
 Date filed _____
 Date of hearing _____
 Place of hearing _____
 Date of order 5-24-07 Vol. 72, page 132
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Pudding River
 Trib. of Molalla River County of Marion
 Use Irr
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 9/18/1978
 In name of Melvin King
 _____ Adjudication, Vol. _____, page _____
 App. No. 57926 Per. No. 43766 Cert. No. 51933
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-4-07</u>	<u>192.00</u>	<u>86950</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

503-362-4040

Agent: Steve Applegate Consulting 3395 Huckleberry Court S Salem OR 97302
Marion County
 CLO: Robert & Kathy Peters 9995 Sunnyview Rd NE Salem OR 97317
 RLO: George Mautz 2205 105th Ave NE Salem, OR 97301



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

May 29, 2007


KING FAMILY FARMS INC
ATTN: DAVID KING
4386 DESART RD NE
SILVERTON OR 97381

Reference: Temporary Transfer 10357

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.

Sincerely,

 Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #16

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10357, Marion County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

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

Applicant

King Family Farms Inc.
Attn: David King
4386 DESART RD NE
SILVERTON OR 97381

Findings of Fact

Background

1. On April 4, 2007, David King, Secretary, on behalf of King Family Farms, Inc., filed an application to temporarily change the place of use under Certificate 51933 for a period of one year. The Department assigned the application number T-10357.

2. The portion of the first right to be transferred is as follows:

Certificate: 51933 in the name of Melvin King (perfected under Permit S-43766)

Use: IRRIGATION of 17.0 ACRES

Priority Date: SEPTEMBER 18, 1978

Rate: 0.13 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per irrigation season

Source: PUDDING RIVER, tributary to WILLAMETTE RIVER

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. 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 either 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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	1 W	WM	18	NW SE	710 FEET SOUTH AND 140 FEET EAST FROM THE SW CORNER OF LOT 2 (SWNE)

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
7 S	1 W	WM	18	SW NW	1	3.5
7 S	1 W	WM	18	SE NW	1	13.5

3. Application T-10357 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	18	SE SE	17.0

4. Notice of the application for temporary transfer was published on April 10, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10357.
7. The proposed change would not result in enlargement of the right.
8. The proposed change 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

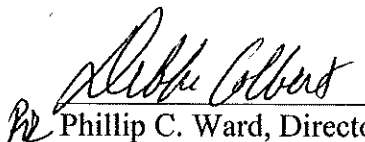
The temporary change in place of use proposed in application T-10357 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- The change in place of use proposed in application T-10357 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2007 irrigation season.
- The use shall revert to the authorized place of use at the end of the 2007 irrigation season.

4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 51933 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.
6. 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 51933.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
9. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
10. The use of the remaining water right described by Certificate 51933 shall continue to be in accordance with the terms and conditions of Certificate 51933.

Dated at Salem, Oregon this 24th day of May 2007.


Phillip C. Ward, Director

Mailing Date: MAY 29 2007

Water Right Transfer Checklist

Transfer T-10357

Transfer Specialist: Susan

Transfer Type: TEMP

Applicant Name/Address: King Family Farms Inc. Attn David Kin; 4386 Desart Rd NE, Silverton, OR 97381

Agent Name/Address: NA

CWRE Name/Number: NA

~~Rec Landowner Name/Address: _____~~

~~Irr. District Name/Address: _____~~

~~Affected Gov'ts Name/Address: _____~~

~~Commentors: Name/Address: _____~~

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S 57926	S 43766	51933	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NA

Key Dates & Initial Actions

Rec'd: 4/4/07	Proposed Action(s): POU	
Fees Pd: 192.00	WM District: 16	ODFW District: <input checked="" type="checkbox"/>
Initial Notice: 4/10/07	WM Review sent: yes	ODFW Review sent: yes
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: NA

Processing Dates & Actions

Deficiency Contacts: None

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <i>SSP</i>
Date: _____	Date: _____	Date: <i>5/21/07</i>
Coordinator: _____	Coordinator: _____	Coordinator: <i>SSP</i>
Date: _____	Date: _____	Date: <i>5/21/07</i>
Comments/Special Issues: <i>temp 1 pou - 17 acres. 1 year</i>		

Special Order Volume: Vol *22* Pages *132*

Final Order Signature Date: *5-24-07*

Notice of FO email'd to processors *Susan*

Ad done

Transfer Processing Log (Div 380)

Reviewer's Name: Sup Date: 4/12/07

Transfer #:	<u>10357</u>	Type of Change:	<u>Δ pou only</u>		
Originating Certificate:	<u>519 33</u>	(Appl #:	<u>57926</u>	Permit #:	<u>43766</u>
Date filed:	<u>4-4-06</u>	County:	<u>Marion</u>	WM District:	
Applicant's Name & Mailing Address: <u>King Family Farms Inc.</u> <u>43816 Desert Rd NE</u> <u>Silverton OR 97381</u>					
CWRE: _____					

1 year
2007

IPN =
4/10/07

attn-David King,
Secretary
Agent- Steven P. Applegate Consulting
3395 Huckleberry Ct. S.
Salem, 97302

Transfer Workflow Maintenance: Has file been assigned to me? Y ☒ N ☐ (If No, Update Transfer Workflow.)

Check Application

- 175
17
192
17 acres
- ☒ Type of change indicated clearly?
 - ☒ Signed by applicants?
 - ☒ Are fees due or to be refunded? ☐ If to be refunded, generate Request for Refund to be sent to WRD with Final Order.
 - ☒ Does the land use form match affected tax lots and is it signed by proper official?
 - ☒ If a ditch company or district is involved, send them a copy of the application and map.
 - ☒ If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner.

Check Ownership

- ☒ Check that deed/lot book report matches the "from" lands.
- ☒ Get current tax lot map. (If transfer application is several years old, contact assessor's office for current landowner)
- ☒ Is the applicant the owner of the "from" lands? (Update mailing address of applicant/owner if needed)
- ☒ Have all owners on the deed/lot book report signed the application?
- ☒ Is there a notarized, signed statement of consent from any landowners other than applicant?
- ☒ Is there a copy of written notification of transfer to each lien holder identified on deed/lot book report?
- ☒ Verify agent authority if applicant has not specifically signed a statement giving authorization for agent to work on his behalf.

Check Application Map

- ☒ Does it have an original CWRE signature?
- ☒ Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(b)(c)&(d)?
- ☒ Are all authorized and proposed POD's/POA's and POU's shown and clearly labeled?
- ☒ Do the metes and bounds for the POD's/POA's properly describe the location on the map?
- ☒ Do map acres match the tabulation on the certificate?
- ☒ Pull final proof maps for the rights. Does application map match certificate FPS maps?
- ☒ Pull aerial photos, if needed (and available).
- ☒ Do the POD/POA dimensions match the location on map?
- ☒ Do the POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions?

Is Application complete?

- | | | | |
|--|---|---|--|
| <input checked="" type="checkbox"/> application form | <input checked="" type="checkbox"/> map | <input checked="" type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs |

Reviews/comments received? ☒ Watermaster ☐ ODFW ☐ GW

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☐ Are *only* the authorized POD's/POA's and POU's to be transferred listed?
- ☐ Do application & certificate tabulations match? (check off on application and certificate copies and note corrections needed)
- ☐ Mark on certificate copy which acreage is being transferred and what will remain in each 1/4 1/4.

Is right valid and subject to transfer by applicant?

- ☐ Certificate _____ -or- Proof accepted "to the satisfaction...." _____
- ☐ Has the right been exercised according to terms & conditions of certificate?
- ☐ Compare delivery system capacity against with the rate/duty of the right.
- ☐ Print plat card report. Are there conflicting water rights? _____
- ☐ Is newspaper notice required? If so, generate a draft of the notice.
- ☐ Are there any rights that need to be canceled or diminished to supplemental? If so prepare an affidavit.

Deficiencies to be resolved:

- ☐
- ☐

Injury Determination

- | | | |
|--------------------------------------|---|---|
| <input type="checkbox"/> Watermaster | Injury: Y <input type="checkbox"/> N <input type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |
| <input type="checkbox"/> ODFW | Injury: Y <input type="checkbox"/> N <input type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |
| <input type="checkbox"/> GW | Injury: Y <input type="checkbox"/> N <input type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |

- ☐ Will the "from" lands be able to be dried up? Yes ☐ No ☐
- ☐ Use Interactive Mapping to check for intervening PODs: No ☐ Yes ☐
- ☐ Check relation to instream water rights: ☐ Moves into or within ISWR ☐ No problem
- ☐ Check movement related to reduction of flows to junior rights

- Determination: Enlargement? ☐ Yes ☐ No
Injury? ☐ Yes ☐ No
- ☐ Approve -or- ☐ Reject

Conditions requested:

- Measurement devices: ☐ Required prior to use -or- ☐ "When in the judgment..."
- ☐ Fish screen (see ODFW comments)
- ☐ Other:

Remarks:



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10357

Review Due Date: 5/11/07

Applicant Name: King Family Farms

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

Reviewer(s): M. McCord

Date of Review: May. 7, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: The Pudding River has been regulated frequently in the past because of the 1964 ISWR not being met. This right involved in this transfer is junior to the ISWR
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____

10. What alternatives may be available for addressing any issues identified above: _____
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/10/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: MARION
Transfer: 10357
Water Right: CERT 51933
Priority Date: 1978
Name: KING FAMILY FARMS INC / DAVID KING
Address: 4386 DESART RD NE; SILVERTON OR 97381
Change: POU
Source: PUDDING RIVER
Authorized POU: T7S R1W 18
Proposed POU: T7S R1W 18

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

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

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 11, 2007

KING FAMILY FARMS INC
DAVID KING
4386 DESART RD NE
SILVERTON OR 97381

Reference: Temporary Transfer 10357

On April 4, 2007 we received your water right transfer application requesting a change in place of use for use of water from PUDDING RIVER, tributary to MOLALLA RIVER. The application was accompanied by \$192.00. Our receipt 86950 is enclosed.

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

Pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be transferred and the land to which the right is to be 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.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #16
Danette Ehlers, ODFW
Steve Applegate Consulting
Robert & Kathy Peters
George Mautz

enclosure

STREAM, LAKE, ETC.
TAX LOT BOUNDARY

STREAM, LAKE, ETC.
NON-BOUNDARY

SUBDIVISION BOUNDARY

TAX CODE BOUNDARY

PARTITION PLAT Bdy.

EASEMENT

SYMBOL TYPES

DLC

CONTROL POINTS

SURVEY MONUMENTS

C.L.O. CORNERS

SECTION 1/4 SEC 1/16 SEC

1/4 COR 1/16 COR

NUMBERS

TAX CODE NO.

000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE
ANY PORTION THAT MAY LIE
WITHIN THE INDICATED PUBLIC
RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS
LOCATED ON THE EXTENSION OF
A LINE, THEN THE DIMENSION GOES
TO THE TICK MARK. GENERALLY THIS
IS USED WHEN DIMENSIONS GO INTO
PUBLIC RIGHT OF WAYS.

200.00
100.00

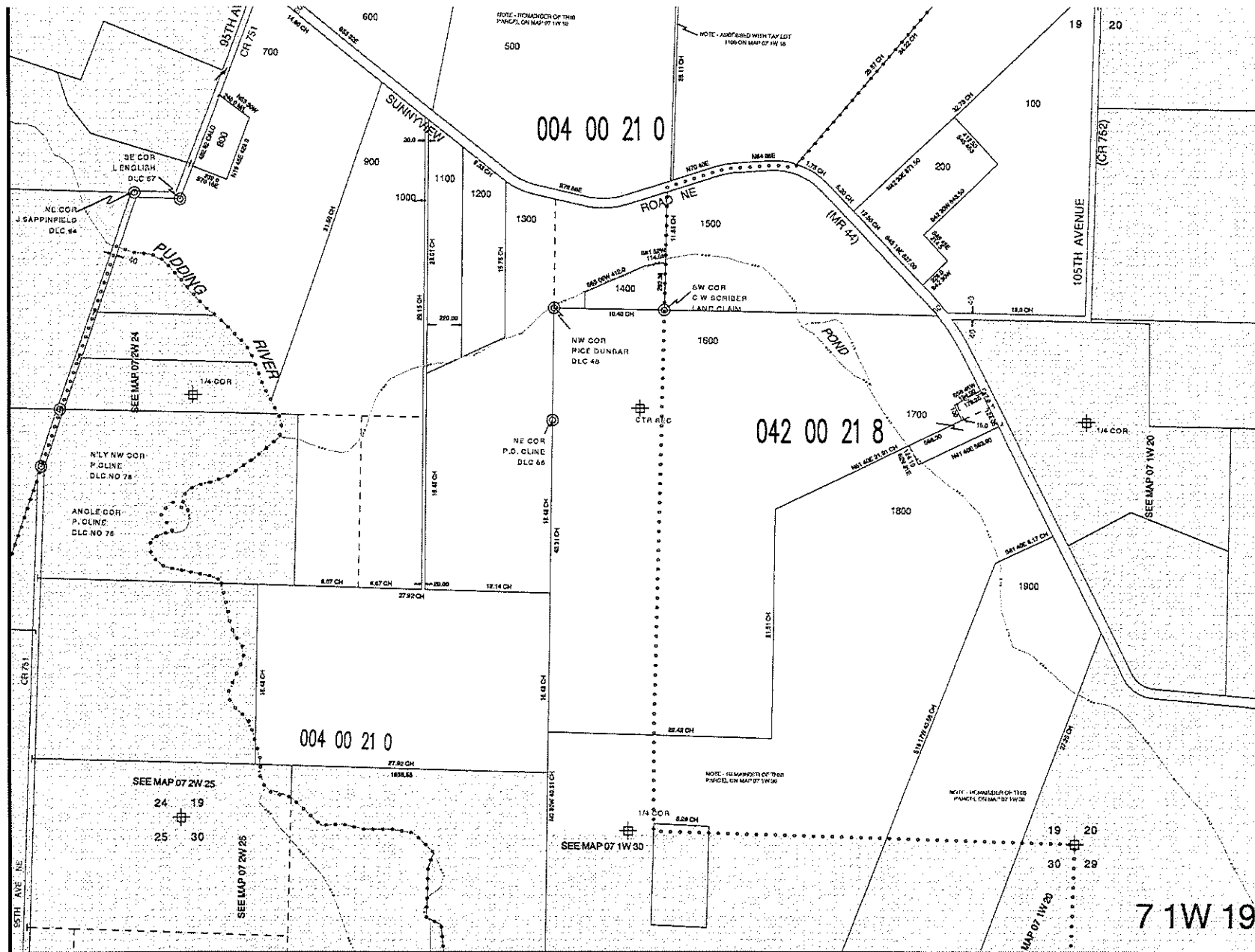
ARROWS ARE USED WITH DIMENSIONS
IN AREAS OF GREATER COMPLEXITY.

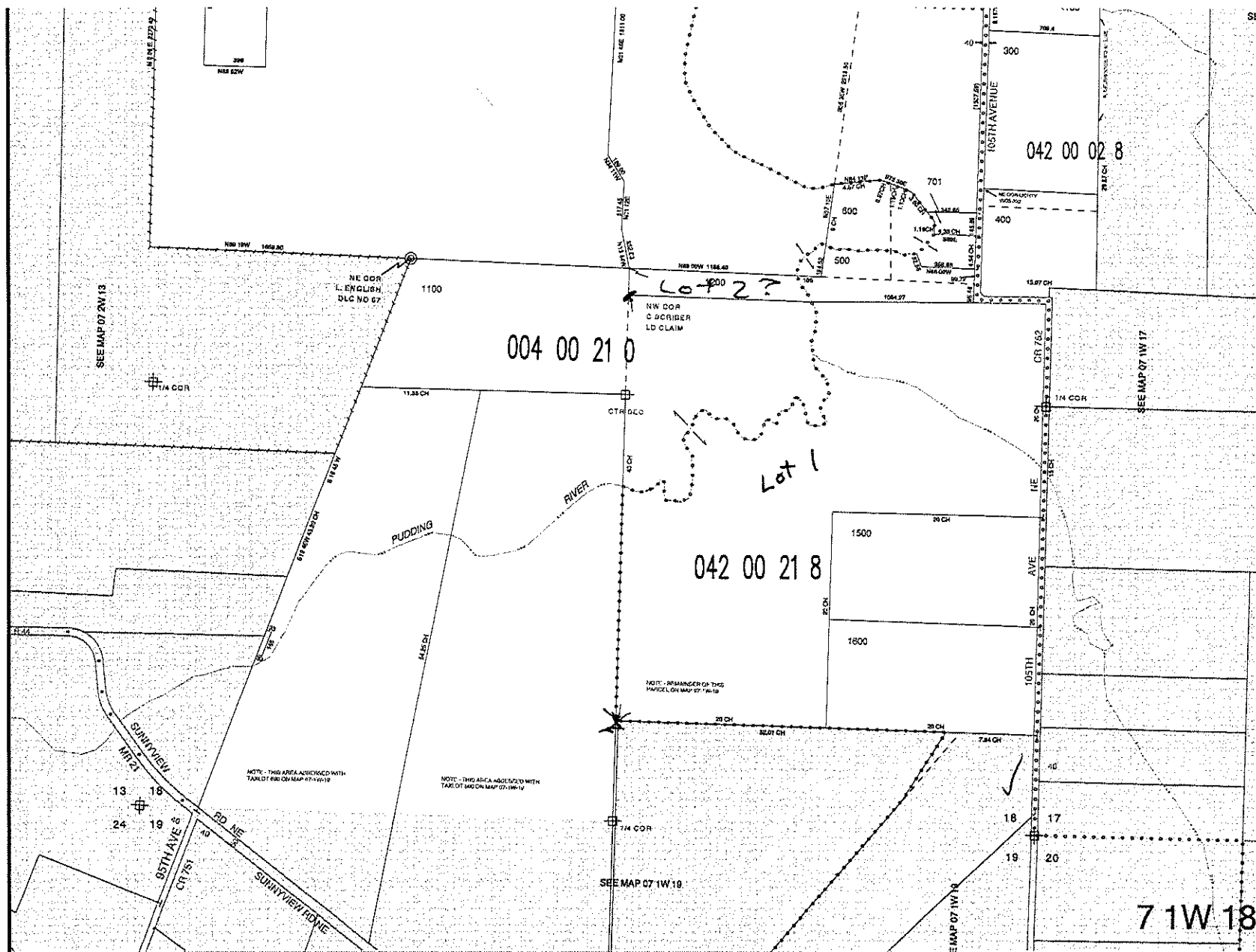
NOTICE: This map was
created for Assessor's
Office use ONLY.



SCALE 1" = 400'
OF 104800

Plot file created: December 08, 2005
lastimage: 071w19.s of 3.kshp





Water Rights Platcard Report

Township: 7 South

Range: 1 West

Section: 18

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select App:G 15150 RJ Additional Info: JON HUTCHINSON App: G15150		5/16/2000	IRRIGATION	RJ				2																
Select Permit:G 11665 CN Additional Info: ROBERT KUENZLI App: G12908 Permit: G11665		5/5/1992	IRRIGATION	CN	49			1.2	19	5		0.7												
Select Permit:G 12006 * Additional Info: DONALD W MANTIE App: G12845 Permit: G12006		3/31/1992	IRRIGATION															22.3	1.2					
Select Permit:G 13351 * Additional Info: KING FARMS App: G14478 Permit: G13351		4/10/1997	IRRIGATION																	7.5				
Select Permit:G 13440 * Additional Info: STAN A HERR App: G14638 Permit: G13440		11/19/1997	IRRIGATION													18.5			35.5					
Select Permit:G 13778 * Additional Info: LEE H SCHURTER App: G14933 Permit: G13778		2/23/1999	IRRIGATION					0.1	22.96	0.1														
Select Cert:20108 OR CN Additional Info: WENGER BROTHERS App: S23906 Permit: S19437 Cert: 20108		7/11/1949	IRRIGATION	CN	49			9.4																
Select Cert:22471 OR CN Additional Info: CORNELIUS BATESON		9/7/1949	IRRIGATION	CN	57													1.8						

4/12/2007

Permit: G6307 Cert: 51890																				
Select Cert:51933 OR *	T10357	9/18/1978	IRRIGATION													14.5	35.2	20.4		
<u>Additional Info:</u> MELVIN KING App: S57926 Permit: S43766 Cert: 51933																				
Select Cert:51933 OR *	T10357	9/18/1978	IRRIGATION	1						3.5	24.2									
<u>Additional Info:</u> MELVIN KING App: S57926 Permit: S43766 Cert: 51933																				
Select Cert:51933 OR *	T10357	9/18/1978	IRRIGATION	2			17													
<u>Additional Info:</u> MELVIN KING App: S57926 Permit: S43766 Cert: 51933																				
Select Cert:51933 OR *	T10357	9/18/1978	IRRIGATION	3			15.6													
<u>Additional Info:</u> MELVIN KING App: S57926 Permit: S43766 Cert: 51933																				
Select Cert:56152 OR *		5/8/1974	IRRIGATION	57									17.3							
<u>Additional Info:</u> ROBERT FORDYCE App: G6526 Permit: G6137 Cert: 56152																				
Select Cert:64977 CF *		7/11/1949	IRRIGATION	49	1.2															
<u>Additional Info:</u> WENGER BROTHERS App: S23906 Permit: S19437 Cert: 64977																				
Select Cert:76256 OR SP	T9508, T9026	4/6/1990	IRRIGATION	SP 49	34.5	0.3	1.8													
<u>Additional Info:</u> LEE SCHURTER App: G12064 Permit: G11120 Cert: 76256																				
Select App:G 16025 *		6/4/2003	IRRIGATION				5	0.7												
<u>Additional Info:</u> ROBERT KUENZI App: G16025																				

http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

4/12/2007

**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 # **86950**

INVOICE # _____

RECEIVED FROM: King Family Farms Inc

BY: _____

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

☐
☒

1071

☐

APPLICATION	
PERMIT	
TRANSFER	<u>7-10357</u>

TOTAL REC'D	\$ <u>192.00</u>
-------------	------------------

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 \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 192.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

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:

86950

DATED: 4/4/07

BY: L. Pauline



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input checked="" type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: 1	<input type="checkbox"/> Time-Limited
(begin year: 2007)	<input type="checkbox"/> Drought Transfer
(end year: 2007)	<input type="checkbox"/> Other

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SALEM, OREGON

2. APPLICANT INFORMATION

Name: King Family Farms, Inc., by David King, Secretary
First Last

Address: 4386 Desart Road, NE

Silverton OR 97381
City State Zip

Phone: (503)874-9175 (503)580-3135
Home Work Other

Fax: E-Mail address:

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Steven P. Applegate Consulting
First Last

Address: 3395 Huckleberry Court South

Salem OR 97302
City State Zip

Phone: (503)362-4040
Home Work Other

Fax: (503)362-4434 E-Mail address: applegsp@open.org

- If an agent is listed above, please check one of the following:
 - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10357

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.		43766	51933
2.			
3.			
4.			
5.			
6.			

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- Check **all** proposed change(s) included in this transfer application:

☒ Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): Crop rotation_____

Please see previous temporary transfers 7738 & 8280- this request is identical to them.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time within the last 5 years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

40 Hp centrifugal pump; 5" portable mainline; 3 " laterals; 30- 5/32" heads.

- System capacity: 1.75 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

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WATER RESOURCES DEPT
SALEM, OREGON

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Marion County

8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☒ No

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners:*

Names of Current Landowner(s): Robert & Kathy Peters

Address: 9995 Sunnyview Road NE_____

Salem OR 97317
City State Zip

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- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes ☒ No ☐ N/A - *NOT APPLICABLE TO INSTREAM TRANSFERS*

If "No", provide the following information:

Names of Receiving Landowner(s):

George First	Mautz Last
------------------------	----------------------

Address: 2205 – 105th Avenue NE

Salem	OR	97301
City	State	Zip

- Check *one* of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

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WATER RESOURCES DEPT
TRANSFERS
SALEM, OREGON

9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

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WATER RESOURCES DEPT
SALEM, OREGON

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- ☐ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☒ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☒ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- ☐ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 193.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☒ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☒ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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10. SIGNATURES

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- Check one of the following, as appropriate, and sign the application in the signature box below:

WATER RESOURCES DEPT
SALEM, OREGON

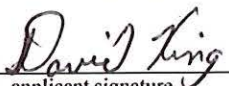
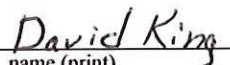
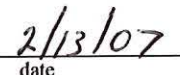
- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	 name (print)	 date
 applicant signature	 name (print)	 date

T 10357

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only **one** water right per page. **A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.**

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

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WATER RESOURCES DEPT
SALEM, OREGON

- Certificate Number or other identifying number: 51933 _____

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	51933	43766
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

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WATER RESOURCES DEPT
SALEM, OREGON

- Name on Permit, Certificate, or Decree: Melvin King _____
- County: Marion _____
- Authorized Use(s) to be Affected by Transfer: Place of Use change only _____
- Priority Date(s): September 18, 1978 _____

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Pudding River _____

Tributary to: Willamette River _____

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

T 10357

▪ Certificate Number or other identifying number: 51933 _____

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)
Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

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SALEM, OREGON

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed: N/A

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

T 10357

▪ Certificate Number or other identifying number: 51933 _____

*The following information **must be provided** only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

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Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

WATER RESOURCES DEPT
SALEM, OREGON

[illegible]

T 10357

■ Certificate Number or other identifying number: 51933

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

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WATER RESOURCES DEPT
SALEM, OREGON

Location of Proposed Point(s) of Diversion or Appropriation: N/A

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

T 10357

Certificate Number or other identifying number: 51933

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Pudding River	7S	1W	W M	18	SE SE		17.0

Remarks: _____

This temporary transfer is identical to previously approved temporary transfers 7738 & 8280.

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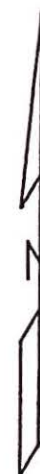
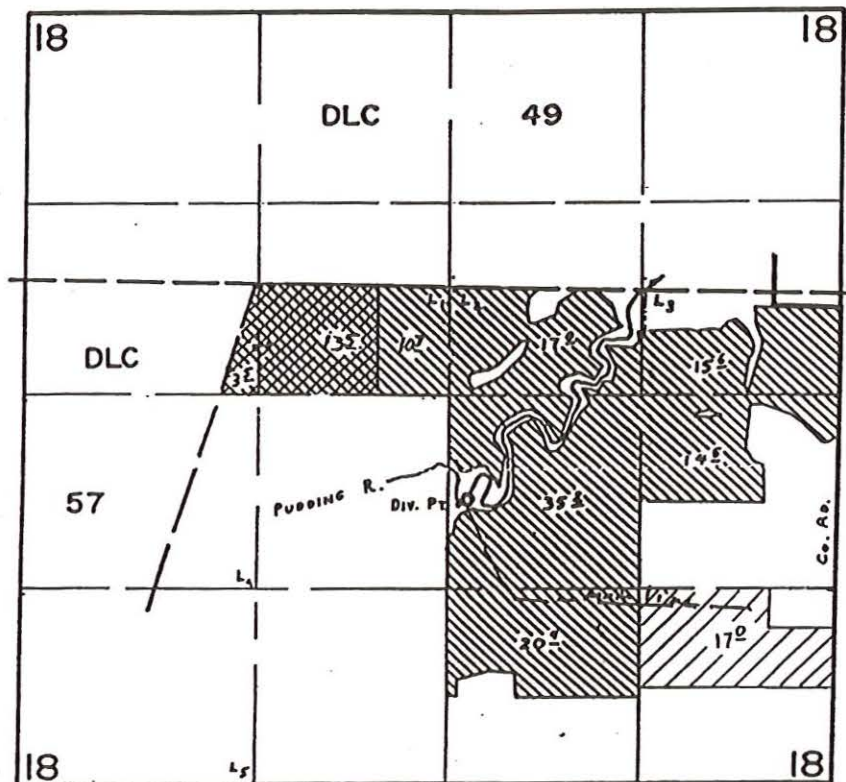
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SALEM, OREGON

T7S RIW WM



Scale 1" = 1320'

⊘ C-51933 To remain in place

⊘ C-51933 From (17°)

⊘ To (17°)

Temporary Transfer Application
for

KING FAMILY FARMS, INC.

T 10357

This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

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WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon)
) ss
 County of Marion)

I, David King, in my capacity as Lessee/operator ,
 mailing address 4386 Desart Road NE, Silverton, OR 97381
 telephone number (503) 874-9175, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **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.

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

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
7	S	1	W	WM	18	SW NW	Lot 1	3.5
						SE NW	Lot 1	13.5

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Irrigation of row crops _____

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WATER RESOURCES DEPT
SALEM, OREGON

5. The water delivery system used to apply water as authorized by the right is described below:

40 Hp centrifugal pump on the Pudding River; 5" mainlines; 3" laterals; approximately 30 impact heads with 5/32" nozzles _____

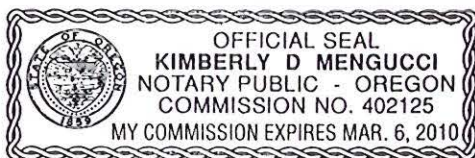
6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☒ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☐ Other: _____

David King
Signature of Affiant

2/27/07
Date

Signed and sworn to (or affirmed) before me this 27th day of February, 2007.



Kimberly D. Mengucci
Notary Public for Oregon

My Commission Expires: March 6, 2010

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

AFFIDAVIT FOR PERMISSION FOR TEMPORARY TRANSFER OF
A PORTION OF WATER RIGHT CERTIFICATE 51933

State of Oregon)
County of ^{ty} ~~Marion~~ Multnomah) ss

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WATER RESOURCES DEPT
SALEM, OREGON

We, Robert and Kathy Peters, residing at 9995 Sunnyview Road NE, Salem, OR 97317, being first duly sworn depose and say that, we hereby give permission for the temporary transfer of 17.5 acres under Certificate of Water Right # 51933 to land on an adjoining farm for the 2007 growing season, as proposed by King Family Farms, Inc., in their application.

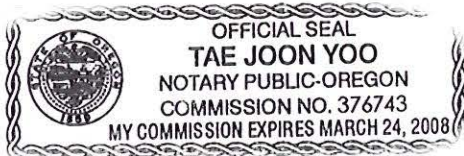
Robert Peters
Signature Robert Peters

Mar 20, 2007
Date

Kathy Peters
Signature Kathy Peters

Mar 20, 2007
Date

Subscribed and Sworn to Before Me this 20th day of March, 2007.



Taejoon Yoo
Notary Public for Oregon
My Commission Expires 03.24.2008

Reel
2528Page
34

WHEN RECORDED MAIL THIS DEED TO:
HAMERS & OKAWA
Attorneys at Law
180 Ramsgate Sq. SE, Suite 100
Salem, OR 97302

SEND TAX STATEMENTS TO:
Robert Walter Peters & Catherine A. Peters
9995 Sunnyview Rd NE
Salem, OR 97301

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WATER RESOURCES DEPT
SALEM, OREGON

WARRANTY DEED

Robert Walter Peters, Trustee of the Doris Ethel Peters Family Trust, dated June 2, 1998, Grantor, does hereby convey and warrant to Robert Walter Peters and Catherine A. Peters, husband and wife, Grantee, all of the Grantor's right, title and interest in the following described real property free of encumbrances except as specifically set forth herein, situated in Marion County, Oregon to wit:

LEGAL DESCRIPTION AS PER ATTACHED EXHIBIT "A"

The true and actual consideration paid for this transfer, stated in terms of dollars, is NONE (trust distribution).

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED: August 19, 2005.

Robert Walter Peters
Robert Walter Peters, Trustee

STATE OF OREGON, County of Marion) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED before me on August 19, 2005, by Robert Walter Peters, Trustee of the Doris Ethel Peters Family Trust dated June 2, 1998.



Glenn T. Okawa
Notary Public for Oregon
My commission expires: 8-8-2006

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SALEM, OREGON

EXHIBIT "A"

All of Lot 1, and that portion of Lots 2 and 3, and the Southeast quarter of Section 18, Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, described as follows: Beginning at a point 10 chains North and 20 chains West of the Southeast corner of said Section 18; thence West 20 chains; thence North 40 chains; thence East 40 chains; thence South 20 chains; thence West 20 chains; thence South 20 chains to the place of beginning.

Beginning at the Northwest corner of Lot 2 in Section 18, Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; and from thence running South 89° East, along the North line of said Lot, 16.68 chains to the left bank of the Pudding River; thence Southerly following the meanderings of said bank up stream, 2.25 chains to the North line of the land described in that certain Deed from Warren Cranston and wife, to J.B. Peyree, recorded in Volume 20, Page 228, Deed Records for Marion County, Oregon; thence West 17.00 chains to the West line of said Lot 2; thence North 2.58 chains to the place of beginning.

Beginning at a point in the center of the County Road which is 11.85 chains North of the Southwest corner of the Charles Scriber and wife's Donation Land Claim in Section 19, Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North, along the West line of said Claim, a distance of 28.11 chains to the Southwest corner of a tract of land conveyed to Bert Peyree, by Deed recorded April 6th, 1931, in Volume 210, Page 132, Deed Records for Marion County, Oregon; thence West 15 links; thence South, parallel with the West line of said Claim, 28.11 chains, more or less, to the center of the County Road; thence Easterly, along the center of the County Road, 15 links, more or less to the place of beginning.

Beginning at a point in the center of the County Road, which is 11.85 chains North of the Southwest corner of the Charles Scriber and wife's Donation Land Claim in Section 19, Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North, along the West line of said Claim, 28.11 chains to the Southwest corner of a tract of land conveyed to Bert Peyree, by Deed recorded April 6th, 1931, in Volume 210, page 132, Deed Records for Marion County, Oregon; thence East, along the South line of said Bert Peyree tract, 15 links; thence South, parallel with the West line of said Donation Land Claim, 28.11 chains to the center line of the County Road; thence South 74° 6' West, along the center of the County Road, 15 links, more or less, to the place of beginning.

Together with the tenements, hereditaments, and appurtenances whatsoever thereunto belonging or in anywise appertaining.

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SALEM, OREGON

REEL:2528

PAGE: 34

August 26, 2005, 02:32 pm.

CONTROL #: 148753

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 31.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

T 10357



(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Portland General Electric

Service Address:
KING FARMS
9995 SUNNYVIEW RD NE
SALEM, OR 97301

Account # [REDACTED]

Previous Amount Due	30.90
Payments/Adjustments	30.90 ^{CR}
Balance Forward	0.00
Current Charges	295.90

Cycle: 1202
Feeder Line Code: BS3

AMOUNT DUE \$ 295.90
Due date for current bill 09/01/06

This month's charges (turn over for details)

Meter # GE28431120, Schedule 49

Energy Charges (5506 kWh)

Adjustments

504.94
219.42^{CR}

Taxes and Fees

285.52
10.38

Current Charges

295.90

Your energy use

Meter # GE28431120 *

Schedule 49

Service Period	Meter Reading
08/15/06	5506
07/14/06	17102
32 days of service	5506 kWh

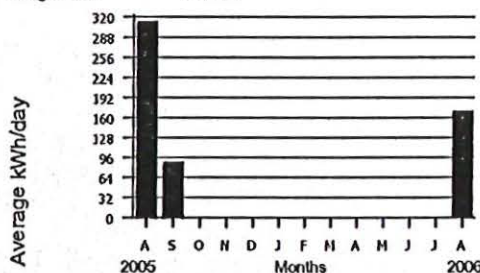
* Meter replaced

Thank you for your payment. It's a privilege to provide your electric service.

Thank you for your excellent bill payment record.
We appreciate having you as a customer and we look forward to serving your energy needs in the years ahead.

Point of Delivery Identification (PODID) number for meter number GE28431120 is 518154319.

Period Ending	Average kWh Per Day	Average Cost Per Day
Aug 2006	172.0	8.92
Aug 2005	314.5	



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WATER RESOURCES DEPT
SALEM, OREGON

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Portland General Electric

(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Service Address:
KING FARMS
9995 SUNNYVIEW RD NE
SALEM, OR 97301

Account # [REDACTED]

Previous Amount Due	41.20
Payments/Adjustments	41.20 ^{CR}
Balance Forward	0.00
Current Charges	277.25
Other Charges/Credits	0.34

AMOUNT DUE \$ 277.59

Due date for current bill 08/03/05

Cycle: 1202

Feeder Line Code: BS3

This month's charges (turn over for details)

Meter # GE23712063, Schedule 47

Energy Charges (4228 kWh)

Adjustments

355.85
88.03^{CR}

Taxes and Fees

267.82
9.43

Current Charges

277.25

Other Charges/Credits

0.34

Thank you for your payment. It's a privilege to provide your electric service.

Point of Delivery Identification (PODID) number for
meter number GE23712063 is 518154319.

Your energy use

Meter # GE23712063
Schedule 47

Service Period

Meter Reading

07/14/05

4228

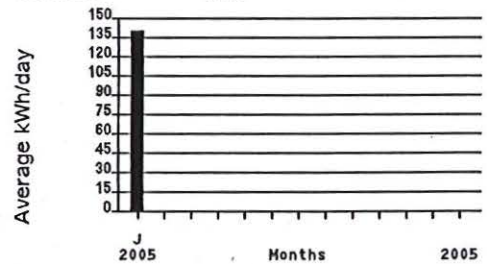
06/14/05

0

30 days of service

4228 kWh

Period Ending	Average kWh Per Day	Average Cost Per Day
Jul 2005	140.9	8.92
Jul 2004	N/A	



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SALEM, OREGON

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Portland General Electric

(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account #

[REDACTED]

Previous Amount Due	277.59
Payments/Adjustments	277.59 ^{CR}
Balance Forward	0.00
Current Charges	584.65

Service Address:
KING FARMS
9995 SUNNYVIEW RD NE
SALEM, OR 97301

Cycle: 1202
Feeder Line Code: BS3

AMOUNT DUE \$ 584.65
Due date for current bill 09/01/05

This month's charges (turn over for details)

Meter # GE23712063, Schedule 47
Energy Charges (10065 kWh)
Adjustments

773.94
209.55^{CR}

Taxes and Fees

564.39
20.26

Current Charges

584.65

Your energy use

Meter # GE23712063
Schedule 47

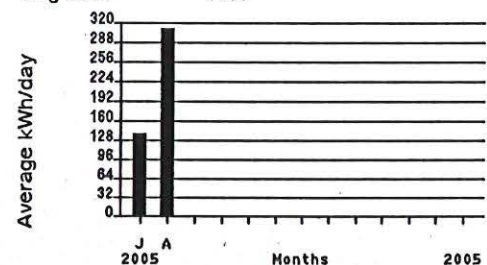
Service Period	Meter Reading
08/15/05	14293
07/14/05	4228
32 days of service	10065 kWh

Thank you for your payment. It's a privilege to provide your electric service.

Thank you for your excellent bill payment record.
We appreciate having you as a customer and we look forward to serving your energy needs in the years ahead.

Point of Delivery Identification (PODID) number for meter number GE23712063 is 518154319.

Period Ending	Average kWh Per Day	Average Cost Per Day
Aug 2005	314.5	17.63
Aug 2004	N/A	



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SALEM, OREGON

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PortlandGeneral.com

Portland General Electric

Service Address:
KING FARMS
9995 SUNNYVIEW RD NE
SALEM, OR 97301

Account # [REDACTED]

Previous Amount Due	584.65
Payments/Adjustments	584.65 ^{CR}
Balance Forward	0.00
Current Charges	198.46

AMOUNT DUE \$ 198.46
Due date for current bill 10/04/05

Cycle: 1202
Feeder Line Code: BS3

This month's charges (turn over for details)

Meter # GE23712063, Schedule 49
Energy Charges (2809 kWh)
Adjustments

248.96
<u>57.19^{CR}</u>
191.77
<u>6.69</u>

Taxes and Fees

Current Charges

198.46

Thank you for your payment. It's a privilege to provide your electric service.

Point of Delivery Identification (PODID) number for
meter number GE23712063 is 518154319.

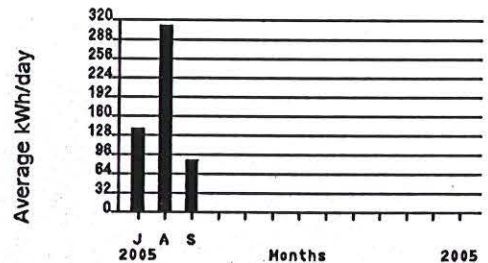
Your energy use

Meter # GE23712063
Schedule 49

Service Period	Meter Reading
09/15/05	17102
08/15/05	14293
31 days of service	2809 kWh

~~Total~~
~~\$ 1093.43~~

Period Ending	Average kWh Per Day	Average Cost Per Day
Sep 2005	90.6	6.18
Sep 2004	N/A	



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WATER RESOURCES DEPT
SALEM, OREGON

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TRANSFER CHECK OFF LIST

TRANSFER FILE # 10357
DATE RECEIVED 4-4-07
DATE MONEY SLIPPED 4-4-07
DATE RECEIPTED 4-4-07
VALID WATER RIGHT? X Yes _____ No _____
TEMP ALT AC _____ IRR DIST _____ PERM AMEND _____ DIV 15 _____
TEMP Div 15 X ISWR _____
LETTER FROM ATTORNEY _____ YES (PUT INFO ON FRONT COVER) X NO
FOLDER FILLED OUT* Yes
ENTERED IN DB Yes
CONTENTS MARKED Yes
COLOR CODED X Yes _____
4 COPIES MADE & STAMPED Yes
CERTIFICATE MARKED Yes
CERTIFICATE COPIED Yes
PULL APPLICATIONS Yes
APP FOLDER MARKED Yes
FINAL PROOF MAP COPIED Yes
PERMIT MARKED NO
PERMIT COPIED _____
PERMIT MAP COPIED _____
DECREE MARKED _____
DECREE COPIED _____
ADJUDICATION MAP COPIED _____
ENTRIES CHECKED _____ CHECKED BY _____ INIT FOLDER _____
PUBLIC NOTICE DATE 4-10-07 (PREPARED & COPIED) YES
LETTER SENT Yes Irrigation District NO (copy of app & map)
COPY TO WM Yes
BLUE FORM TO WM Yes Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
COPY TO GW NO POA, APOA, or [SW TO GW ONLY(as POD)]
BLUE FORM TO GW NO Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
COPY TO CWRE NO
LETTER TO ODFW Yes ALL Surface water POU/USE (POD and APOD FISH SCREENS)
TRANSFER SENT TO: Susan SW --- NCR --- SCR --- ER

PRINT DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER