

T-10329

RA

T-10329

ASSIGNED

Name Rock Ridge Farms
 By _____
 Address 19480 SW 97th Avenue
Tualatin, OR 97062
503 692-9666 503 692-9610 Fax

Change in POA + USEDate filed 3-5-07

Date of hearing _____

Place of hearing _____

Date of order 12-19-08 Vol. 76, page 954

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

84203

assigned 4.9.2018 Mayfield Farms, LLC
 18555 SW Teton Ave Tualatin, OR 97062

Partial Reversion V.107p.1178 4-25-18 (93743)
 REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream WellTrib. of Willamette R. County of MarionUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 8-14-1963In name of Kenneth Chaffey & Sons

_____ Adjudication, Vol. _____, page _____

App. No. 6-2683 Per. No. 6-2481 Cert. No. 33546

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3-5-07	350.00	86488
3-5-07	125.00	86489
12/12/07	350.00	90910
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
5/29/18	\$670.00	VP047256
	- PAID -	
Date	Amount	Receipt No.
4-9-18	100.00	126346
4-9-18	670.00	126345

503 632-5983 Fax
 503 632-5016

Agent/CWRE: Pacific Hydro-Geology - Greg Kupillas 18487 S. Valley Vista Rd Mulino, OR 97042

NOID

Marion County Planning Division PO Box 14500 Salem OR 97309

Public Notice: 3/13/2007

Contractor: Borden



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 18, 2018

Mayfield Farms, c/o Charlie Eggert
18555 SW Teton Ave
Tualatin, OR 97062

SUBJECT: Transfer File T-10329 – Refund for Withdrawn Extension

Dear Mr. Eggert:

In response to your request to withdraw the extension request received on March 29, 2018, the Oregon Water Resources Department is refunding the extension filing fee. Therefore, we are enclosing a refund check in the amount of \$670.

If you have any questions, please contact Customer Service at 503-986-0801.

Sincerely,

Ann Reece
District Program

Cc: OWRD Fiscal

File T-10329

Doanne Hamilton, R.G. CWRE; Pacific Hydro-Geology, Inc. 18487 S Valley Vista Rd, Mulino, OR 97042

INTEROFFICE MEMO

DATE: 3/28/2018
TO: Abby Hungate, FISCAL
FROM: District Transfers - Dwight French / Ann Reece
RE: REQUEST FOR REFUND
FILE: Transfer: T-10329

46110
0205

Please prepare a refund in the amount of \$670, receipt 126345, made payable to:

Name: Mayfield Farms, c/o Charlie Eggert
Address: 18555 SW Teton Ave
City: Tualatin, OR 97062

These funds are being paid as a result of:

- ☐ Transfer Application rejected/ withdrawn
- ☐ Excess fees collected for application
- ☐ Protest Filing Fees
- ☒ Other: Transfer Extension withdrawn

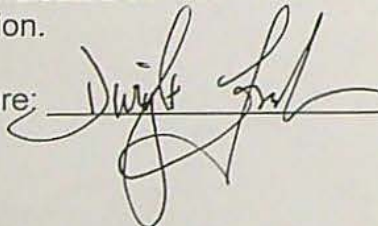
NOTES: Final Order issued for reversion of POD

☒ The applicant has been notified and is expecting a refund check.

Please route the file back to Ann Reece for further processing.

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: _____

5-22-18

Pacific Hydro-Geology Inc.

18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

April 17, 2018

Kelly Starnes
725 Summer Street NE, Suite A
Salem, Oregon 97301

Handwritten signature/initials

RE: T-10329 Reversion.

Dear Mr. Starnes:

My client, Mayfield Farm LLC, which merged with Rock Ridge Farms on January 1, 2018, needs to proceed with their water right transfer T-10329. To proceed, they tried to apply for an extension, but were later notified by Ann Reece, OWRD, on April 17, 2018, too much time had expired from the original completion date of October 1, 2010 to accept the extension application.

We now wish to request for a reversion of this transfer T-10329 (transferring portion of the original Certificate 33546) so a new certificate can be issued allowing them to apply for a new water right transfer.

We would also want to request the extension for T-10329 filed March 29, 2018 to be withdrawn and the filing fee of \$670 be refunded.

Thank you,

Handwritten signature of Doann Hamilton

Doann Hamilton, R.G., C.W.R.E.
(503) 349-6946

Handwritten signature of Charlie Eggert

Charlie Eggert for Mayfield Farms LLC.
(503) 303-0360

RECEIVED

MAY 14 2018

OWRD



With drawn
3-14-18

Transfer T- 10329

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Mayfield Farms c/o Charlie Eggert

(Name of Applicant)

of 18555 SW Teton Ave,

(Mailing Address)

Tualatin

(City)

state of Oregon

97062

(Zip Code)

(503) 303-0360

(Phone Number)

Chris

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation ☐ NA place of use ☒ character of use
of water under the terms of an order of the Water Resources Director entered on December 19, 2008,
approving Transfer T-10329, in the name of Rock Ridge Farms, LLC now known as Mayfield
Farm, LLC, for TL 03 1W 32D 1700: 23512 Schultz Rd NE, Aurora, OR 97002

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time
allowed, which expired on October 1, 2010:

We have been utilizing the 1.0 acres for industrial use (while continuing to irrigate the 15.8 acres
using the authorized well).

(If for irrigation, how many acres total are now irrigated)

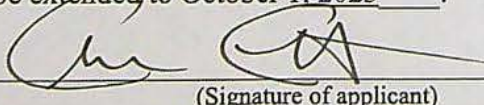
TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

We need to drill the new well(s) to replace the authorized well, irrigate the 15.8 acres, and apply
water to the full use.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,
because The plans for operations on this property have been evolving over the last several years. We
have recently finalized those plans and need to complete this transfer now to fulfill the plans.

The Department is authorized to grant extensions for one year, from October 1 to October 1 of each year. An extension for up to five years
may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can
justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (2) and OAR 690-380-7200 (5).

And request that the time for completion be extended to October 1, 2023.



(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the
Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED

RECEIVED

MAR 29 2018

APR 09 2018

OWRD

OWRD

Extension of time to develop a water use permit or transfer	\$670.00
Filing a protest:	
by a non-applicant	\$810.00
by an applicant	\$410.00
To request standing in a contested case hearing	\$230.00
To participate in a contested case hearing (requires standing)	\$580.00
To receive a copy of a proposed and final order on a pending water right application or permit extension	\$30.00
Assignment or partial assignment of a water right application, permit or license under 537.220 or 537.635	\$100.00
To reinstate a permit that has been cancelled	\$520.00
To submit a Claim of Beneficial Use for permits or transfers with a priority date of July 9, 1987 or later	\$200.00
To request a Basin Program Exception under 536.295	\$670.00
Blueprint or computer generated map	actual cost of the work
Certification of copies (fee for each certificate)	\$12.00
Copying of documents by WRD:	
For the 1 st page	\$2.30
For each additional page	\$0.60
Copying of documents by customer:	
Charge per page	\$0.10
	Minimum charge.....\$2.00
Water right research and scanning:	
Charge per hour	actual cost
	Minimum charge (½ hour)
Adjudication Claim Fees	see ORS 539.081

RECEIVED

APR 09 2018

OWRD

RECEIVED

MAR 29 2018

OWRD



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 25, 2018

MAYFIELD FARMS, LLC
18555 SW TETON AVENUE
TUALATIN, OR 97062

Reference: Transfer Application T-10329

Enclosed is a copy of the Special Order Volume 107, Page 1178 (copy enclosed) signed on April 25, 2018. The points of appropriation authorized under Transfer Application T-10329 for the right described by Certificate 33546 are reverted to the point of appropriation that was authorized under the water right prior to the transfer.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at 503-986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Sarah Henderson

Sarah Henderson
Transfer and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)
Doann Hamilton, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10329, Marion County, Oregon	)	REVERSION OF POINTS OF
	)	APPROPRIATION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicant

MAYFIELD FARMS, LLC
18555 SW TETON AVENUE
TUALATIN, OR 97062

Findings of Fact

1. On March 5, 2007, Rock Ridge Farms, LLC filed an application to change the point of appropriation under Certificate 33546. The Department assigned the application number T-10329.
2. On December 12, 2007, Rock Ridge Farms LLC amended Transfer Application T-10329 to include a change in character of use.
3. On December 19, 2008, the Water Resources Department issued an order approving the proposed change in point of appropriation and character of use. The order was recorded in Special Order Volume 76, Page 934.
4. On April 9, 2018, Transfer Application T-10329 was assigned to Mayfield Farms, LLC, 18555 Teton Avenue, Tualatin, OR 97062
5. On April 17, 2018, the agent for Mayfield Farms, LLC, Doann Hamilton of Pacific Hydro-Geology, Inc., submitted by e-mail a request for a reversion of Transfer Application T-10329.
6. Pursuant to OAR 690-380-6010(6), the point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation for that portion of the transfer not completed.

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.

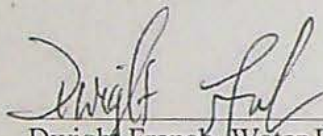
Conclusion of Law

The request to revert the points of appropriation approved by Transfer Application T-10329 described by Certificate 33546, back to the last authorized point of appropriation is consistent with the requirements of OAR 690-380-6010(6).

Now, therefore, it is ORDERED:

1. The points of appropriation authorized under Transfer Application T-10329 for the right described by Certificate 33546 are reverted to the point of appropriation that was authorized under the water right prior to the transfer.
2. A superseding certificate for that portion of Certificate 33546 approved for a change in point of appropriation by Transfer Application T-10329 that is not involved in the change in character of use shall be issued to confirm that portion of the right.
3. The reverted point of appropriation shall serve the proposed change in character of use of the right described by Certificate 33546, approved by Transfer Application T-10329.
4. The approved change in character of use and all other terms and conditions of Special Order Vol. 76, pages 934-937 remain unchanged.

Dated at Salem, Oregon this APR 25 2018,



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: APR 26 2018

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MAYFIELD FARMS, LLC
18555 SW TETON AVENUE
TUALATIN, OR 97062

confirms the right to use the waters of a well, a tributary of the WILLAMETTE RIVER, for the IRRIGATION OF 15.8 ACRES.

This right was perfected under Permit G-2481. The date of priority is AUGUST 14, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.20 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The point of appropriation is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	1 W	WM	32	SE SE	9	400 FEET NORTH AND 330 FEET EAST FROM THE NW CORNER OF LOT 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SECTION 5, T4S, R1W, WM.

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	1 W	WM	32	SW SE	9	0.1
3 S	1 W	WM	32	SE SE	9	15.7
Total						15.8

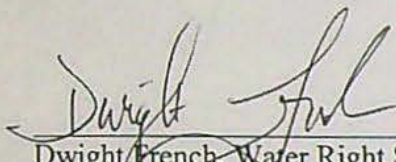
This certificate is issued in accordance with OAR 690-380-6010 to describe the water right for a non-completed change in point of appropriation approved by an order of the Water Resources Director entered December 19, 2008, at Special Order Volume 76, Pages 934-937, and together with Certificate 84203, supersedes Certificate 33546, State Record of Water Right Certificates.

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.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed APR 25 2018.

A handwritten signature in cursive script, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Water Right Transfer Checklist

Transfer T-10329

Transfer Specialist: RA-dip

Transfer Type: Regular

Applicant Name/Address: Rock Ridge Farms, 19480 SW 97th Avenue, Tualatin, OR 97062

Agent Name/Address: Pacific Hydro-Geology

CWRE Name/Number: Greg Kupillas, 18487 S. Valley Vista Rd., Mulino, OR 97042

Rec Landowner Name/Address: NA

Irr. District Name/Address: None

Affected Gov'ts Name/Address: Marion County Planning Division, P.O. Box 14500, Salem, OR 97309

Commentors: Name/Address: None

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"/>	G-2683	G-2481	33546	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	84203
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Reversion

93743

Key Dates & Initial Actions

Rec'd: 3/5/07	Proposed Action: POA USE	
Fees Pd: 700	WM District: 16	ODFW District: NA
Initial Notice: 3/13/07	WM Review sent: 3/8/07	ODFW Review sent: NA
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: 3/8/07

Processing Dates & Actions

Deficiency Contacts: _____

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: <u>Vicki Darnall</u>	Reviewer: _____
Date: _____	Date: <u>5-30-08</u>	Date: _____
Coordinator: _____	Coordinator: <u>ALP</u>	Coordinator: <u>ALP</u>
Date: _____	Date: <u>9/30/08</u>	Date: <u>12/19/08</u>
Comments/Special Issues: <u>Reimbursement Authority</u>		

Special Order Volume: Vol 76 Pages 934

Final Order Signature Date: 12-19-08

Notice of FO email'd to processors dorothy / Lisa

Reversion

Special Order Vol: Vol. 107 page _____

F.O. Signature _____

Application

- ☐ The type of change is clearly indicated.
☐ The application is appropriately signed.
☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
☐ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
☐ The right been exercised according to terms & conditions of certificate.
☐ Delivery system has the capacity to fully divert the rate/duty of the right.
☐ No information in record that suggests forfeiture.
☐ No conflicts identified on the plat cards and plat card reports printed.
☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
☐ Metes and bounds for the POD's/POA's are properly described on the map.
☐ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
☐ Map acres match the tabulation on the certificate.
☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
☐ Have necessary aerial photos.

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

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
☐ Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
☐ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
☐ Have current tax lot map. (If transfer application is several years old, contact assessor's office)
☐ The applicant is the owner of the "from" lands.
☐ All owners on the deed/ROLI have signed the application.
☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW
 Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
 Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
 Fish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

REECE Ann L * WRD

From: REECE Ann L * WRD
Sent: Tuesday, April 17, 2018 9:43 AM
To: 'chris.eggert@keystone-pacific.com'
Cc: STARNES Patrick K * WRD
Subject: Transfer T-10329

Chris,

Please send any request to revert back to use of the original POD for irrigation and industrial use to Kelly Starnes. Patrick.K.Starnes@oregon.gov

You may also request to withdraw the extension request at the same time to receive a refund of the extension filing fees.

Best regards,

Ann Reece

District Transfer Advisor | Transfer and Conservation Section | (503) 986-0858
Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, OR 97301
email: Ann.L.Reece@oregon.gov Web: <http://www.wrd.state.or.us>

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

STARNES Patrick K * WRD

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Tuesday, April 17, 2018 11:24 AM
To: STARNES Patrick K * WRD; Laurie Mooney; Charlie Eggert; Greg Kupillas
Subject: Request for Reversion T-10329
Attachments: PFRockRidgeT-10329Revert 2018_04_17 DMH.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kelly

My client, Mayfield Farm LLC, which merged with Rock Ridge Farms on January 1, 2018, needs to proceed with their water right transfer T-10329. To proceed, they tried to apply for an extension, but were later notified by Ann Reece, OWRD, on April 17, 2018, too much time had expired from the original completion date of October 1, 2010 to accept the extension application.

We now wish to request for a reversion of this transfer T-10329 (transferring portion of the original Certificate 33546) so a new certificate can be issued allowing them to apply for a new water right transfer.

We would also want to request the extension for T-10329 filed March 29, 2018 to be withdrawn and the filing fee of \$670 be refunded.

The original letter signed by me and my client will be coming in the mail soon
But for now I have attached the PDF of this letter for this request.

If we could be notified everyone by email once the new certificate has been issue - it would be greatly appreciated

My client is wishing to drill soon and the need to file for a new transfer and complete the reimbursement authority program will still push their project into fall.

Thank you
Doann Hamilton

--

Pacific Hydro-Geology, Inc.
18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 349-6946
Fax: (503) 632-5983
email: phgdmh@gmail.com



Oregon

Kate Brown, 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.wrd.state.or.us

April 2, 2018

Mayfield Farms
Charlie Eggert
18555 SW Teton Ave
Tualatin, OR 97062

REFERENCE: Transfer application T-10329

Dear Charlie Eggert,

On March 29, 2018, the Department received your Application for Extension of Time for Transfer of Water Right.

The Department cannot accept the application for extension until an Assignment of new ownership is filled out and returned with \$100 fee. (Assignment form enclosed).

We are returning your application and fees. You may mail them to the Department, along with the completed Assignment, appropriate proof of ownership and Assignment fees.

If you have any questions, please contact me at 503-986-0898. Or, via email: tamera.l.smith@oregon.gov.

Sincerely,

Tamera Smith
Natural Resource Specialist

COPY

RECEIVED

APR 09 2018

OWRD



Reversion

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That KENNETH CHAFFEY & SONS

of Route 2, Box 188, Aurora, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Willamette River for the purpose of irrigation of 27.3 acres

under Permit No. G-2481 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 14, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.34 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 32, T. 3 S., R. 1 W., W. M. Well located 400 feet North and 330 feet East from the NW Corner, Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, T. 4 S., R. 1 W., W. M.

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

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

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

0.1 acre Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
16.7 acres Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 32
T. 3 S., R. 1 W., W. M.
10.5 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 5
T. 4 S., R. 1 W., W. M.

T-10329	DUSE	RR	Rever
0.1	-	-	0.1
15.7	1.0	-	15.7
-	-	10.5	-

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

WITNESS the signature of the State Engineer, affixed

this date. December 30, 1966

CHRIS L. WHEELER
State Engineer

RR DUSE Revert
13.4 0.014 0.204
10.5ac 1.0ac 15.8ac

27.3

@

0.34 cfs



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

December 31, 2008

ROCK RIDGE FARMS
19480 SW 97TH AVENUE
TUALATIN OR 97062

Reference: Transfer 10329

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

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #16
Greg Kupillas, Agent
Kenneth Chaffey & Sons

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES
T-10329, Marion County	)	IN POINT OF APPROPRIATION AND
	)	CHARACTER OF USE
)	

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use 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

ROCK RIDGE FARMS, LLC
19480 SW 97TH AVENUE
TUALATIN, OR 97062

Findings of Fact

Background

1. On March 5, 2007, Rock Ridge Farms, LLC filed an application to change the point of appropriation under Certificate 33546. The Department assigned the application number T-10329.
2. The applicant amended the application to include a change in character of use. The amended application and a revised map were submitted on December 12, 2007.
3. The portion of the right to be transferred is as follows:
Certificate: 33546 in the name of KENNETH CHAFFEY & SONS (perfected under Permit G-2481)
Use: IRRIGATION of 16.8 ACRES
Priority Date: AUGUST 14, 1963
Rate: 0.21 CUBIC FOOT PER SECOND (CFS)

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.

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: A WELL within the Willamette River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	400 FEET NORTH AND 330 FEET EAST FROM THE NW CORNER OF LOT 1 (NE ¼ NE ¼) OF SECTION 5, T. 4 S, R. 1 W, W.M.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
3 S	1 W	WM	32	SW SE	9	0.1	POA
3 S	1 W	WM	32	SE SE	9	15.7	POA
3 S	1 W	WM	32	SE SE	9	1.0	POA & USE

4. Transfer Application T-10329 proposes to move the authorized point of appropriation to three new points of appropriation located approximately 300-500 feet from the existing point of appropriation, described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	WELL 1 - 20 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF SECTION 32
3 S	1 W	WM	32	SE SE	9	WELL 2 - 30 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 32
3 S	1 W	WM	32	SE SE	9	WELL 3 - 30 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 32

5. Transfer Application T-10329 also proposes to change the character of use for the 1.0 acre portion of the right indicated in Finding #3 above to INDUSTRIAL USE.
6. A portion of Groundwater Registration application GR-3351 (Certificate of Groundwater Registration GR-3103) is appurtenant to the same lands under Certificate 33546 proposed for the change in character of use in T-10329. Groundwater Registration modification T-10497, which proposes a similar change in the character of use under GR-3351, is being processed concurrently with T-10329.
7. Notice of the application for transfer was published on March 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On April 8, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10329 to the applicant. The draft Preliminary Determination set forth a deadline of May 8, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

9. On October 2, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10329 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 14, 2008, and in the Canby Herald newspaper on November 5, 12 and 19, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

10. 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.
11. 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 Application T-10329.
12. Because of the change in character of use from irrigation to industrial purposes for the 1.0 acre portion of land described in Finding #3 above, the proposed transfer could result in enlargement if not limited to the maximum rate and annual volume of water claimed for that 1.0 acre of irrigation. However, the Department has determined the proposed changes, as conditioned below, would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.

Conclusions of Law


The changes in point of appropriation and character of use proposed in Transfer Application T-10329 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation and character of use proposed in Transfer Application T-10329 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33546 and any related decree.
3. Water right certificate 33546 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

6. Water appropriated for industrial purposes on the 1.0 acre portion of land described in Finding #3 may be exercised at a maximum flow rate of 5.6 gpm (0.01 cfs), provided the total annual volume of water for industrial use does not exceed 2.5 acre-feet (814,625 gallons).
7. Prior to diverting water, the water user shall install an in-line flow meter 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.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 19th day of December 2008.


Phillip C. Ward, Director

h

DEC 01 2009

Mailing date: _____

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH CHAFFEY & SONS
ROUTE 2, BOX 188
AURORA, OR 97002

confirms the right to use the waters of a WELL in the WILLAMETTE RIVER BASIN for IRRIGATION of 10.5 ACRES.

This right was perfected under Permit G-2481. The date of priority is AUGUST 14, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.13 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	400 FEET NORTH AND 330 FEET EAST FROM THE NW CORNER OF LOT 1 (NE ¼ NE ¼), SECTION 5, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.


The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Twp	Rng	Mer	Sec	Q-Q	Lot	Acres
4 S	1 W	WM	5	NE NE	1	10.5

This certificate describes that portion of the water right confirmed by Certificate 33546, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered December 19, 2008, approving Transfer Application T-10329.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed December 19, 2008.
Phillip C. Ward, Director



Oregon

Kate Brown, 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.wrd.state.or.us

April 13, 2018

Mayfield Farms, LLC
Attn: Charles Eggert
18555 SW Teton Ave
Tualatin, OR 97062

Reference: Transfer Application T-10329

The assignment from Rockridge Farms, LLC to Mayfield Farms, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Mayfield Farms, LLC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request

cc: Watermaster #16 (email)
Data Center, OWRD (cover letter & request)
File





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

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Charles Eggert for Mayfield Farms LLC
(Name of Party Requesting Assignment)
18555 SW Teton Ave Tualatin OR 97062 503-303-0360
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
☐ assignment of a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned.*)

Application # _____; Permit # _____; Transfer # T-10329;

Limited License # _____; Groundwater Statement # _____;

Rockridge Farms LLC
(Name of Current Holder of Record)
18555 SW Teton Ave Tualatin OR 97062 503-303-0360
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- CE I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- CE I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- CE I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- CE I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 6 day of April, 2018.
(Day) (Month) (Year)

Signature of Party Requesting Assignment Charles Eggert

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 126346
For Director by Jerry Sauter, Program Analyst in Water Rights Division

Last updated, September 10, 2011

request for Assignment if Permit Holder not available

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

RECEIVED
WR

APR 09 2018

OWRD

AS/64
JS 4/9/18

Mayfield Farms, LLC
1855 4855 SW Teton Avenue
Tualatin, Oregon 97062

March 13, 2018

Scot Ragsdale
Rural Appraiser
Marion County Assessor
P.O. Box 14500
Salem, Oregon 97309

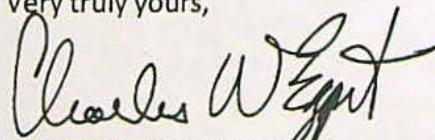
Subject: Personal Property Returns for: Account No. P354675 Rock Ridge Farms, LLC
Account No. P2252917 Mayfield Farms, LLC

Dear Mr. Ragsdale,

Effective January 1, 2018, Rock Ridge Farms, LLC merged with Mayfield Farms, LLC. Merger information from the Oregon Secretary of State's corporation database is enclosed. Because it no longer exists as a legal entity, the Assessor's office should delete Rock Ridge from its tax rolls. Any existing personal property previously reportable under the account for Rock Ridge will now be reported under Mayfield's account number.

If you have any questions or need additional information, please contact Kaye Barnes by email at kaye.barnes@keystone-pacific.com, or by phone at (503) 303-0360, ext. 403. Thank you.

Very truly yours,


Charles W. Eggert, Manager

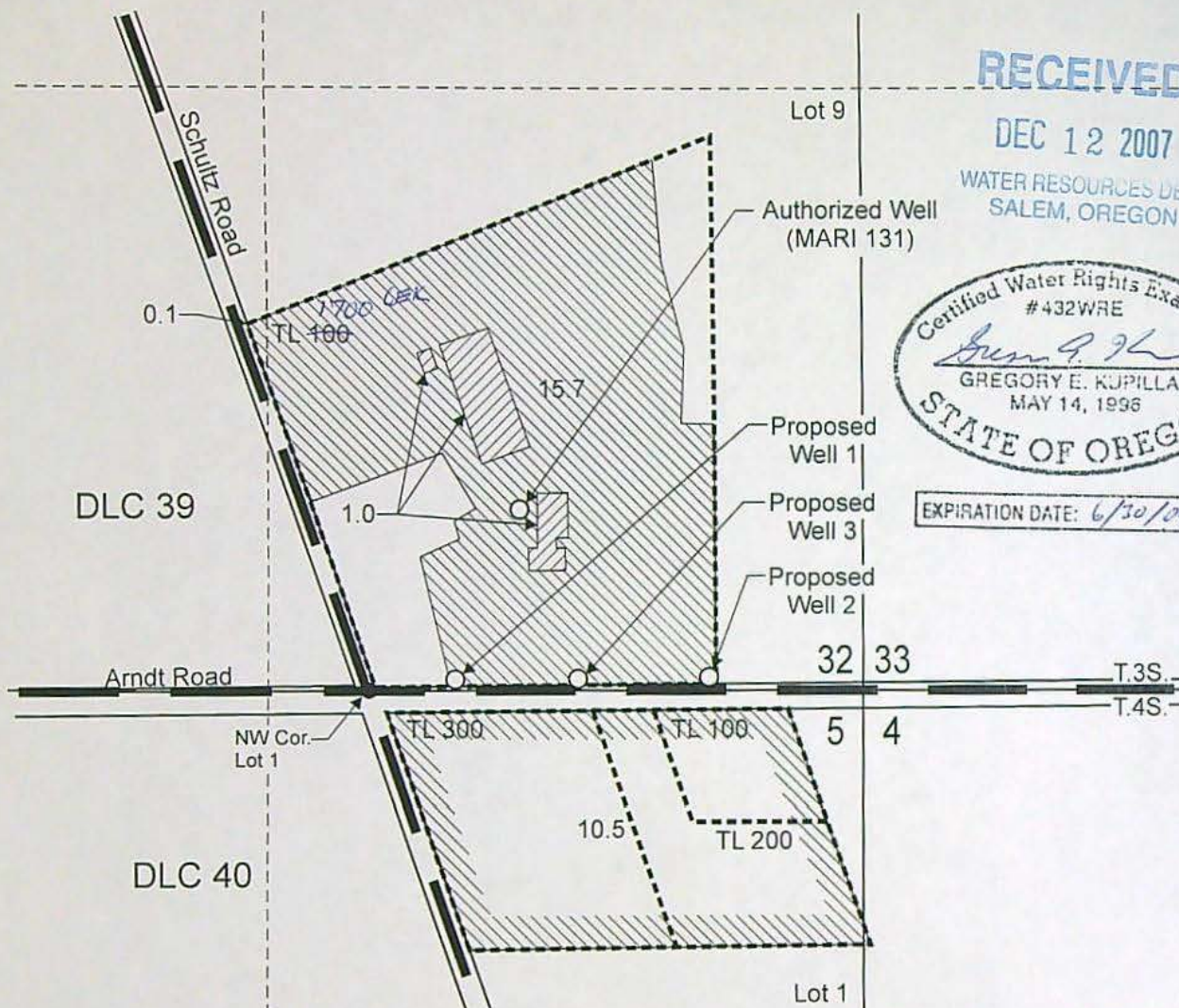
Enclosure

RECEIVED

APR 09 2018

OWRD

T.3S. R.1W. Section 32, W.M.



RECEIVED

DEC 12 2007

WATER RESOURCES DEPT
SALEM, OREGON



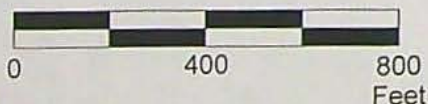
EXPIRATION DATE: 6/30/09

Authorized well (MARI 131) is located 400 feet north and 330 feet east from the NW corner of Lot 1, Section 5.
Proposed Well 1 is located 20 feet north and 900 feet west from the SE corner, Section 32.
Proposed Well 2 is located 30 feet north and 340 feet west from the SE corner, Section 32.
Proposed Well 3 is located 30 feet north and 630 feet west from the SE corner, Section 32.

- Area (15.8 Acres) under Permit G-2481, Certificate 33546 affected by change in POA.
- Area (1.0 Acres) under Permit G-2481, Certificate 33546 affected by change in character of use.
- Area (10.5 acres) remaining under Permit G-2481, Certificate 33546.

----- Tax lot boundary

Scale: 1" = 400'



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

Water Right Transfer Application Map

Rock Ridge Farms, LLC
Tax Lot 3 1W 32D 400 1700 G.E.K.

Pacific Hydro-Geology Inc.

Rvsd 11/2007

**Notice of Preliminary
Determination for Water
Rights Transfer T-10329**

T-10329 filed by Rock Ridge Farms, LLC, 19480 SW 97th Ave., Tualatin, OR 97062, proposes a change in point of appropriation and character of use under Certificate 33546. The right allows the use of 0.21 cfs (priority date August 14, 1963) from a well in Sec. 32, T3S, R1W, W.M. (Willamette Basin) for irrigation in Sec. 32. The applicant proposes to change the point of appropriation to three wells approximately 300-500 feet south (Sec. 32, T3S, R1W, W.M.) and to change the character of use for a portion of the right to industrial use. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Depart-

AFFIDAVIT OF PUBLICATION

OREGON)
) SS
F CLACKAMAS)

William D. Cassel, being first duly sworn, depose and say that I am the publisher of HERALD newspaper of general circulation as defined by ORS 193.010 and printed and published at Canby in the aforesaid county and state;
NOTICE OF PRELIMINARY DETERMINATION OF WATER RIGHTS TRANSFER of which is hereto annexed, was published in the entire issue of said newspaper for and consecutive week(s) in the following issue(s): November 5, 12, & 19, 2008.

RECEIVED

NOV 20 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

and sworn to me this 19th day of November, 2008.



[Signature]

[Signature]

Notary Public of Oregon
My commission expires April 7, 2012



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

October 6, 2008

Rock Ridge Farms, LLC
Attn: Charles Eggert
19480 SW 97th Avenue
Tualatin, Oregon 97062

SUBJECT: Transfer Application T-10329

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10329. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please ask the newspaper to prepare and mail an original *affidavit of publication* to the Department, to me at the address above by **November 21, 2008**.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Mike McCord, District 16 Watermaster
Pacific Hydro-Geology Inc.; Attn: Greg Kupillas; 18487 S. Valley Vista Rd; Mulino, OR 97042

encs



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10329, Marion County	)	PROPOSING APPROVAL OF CHANGES
	)	IN POINT OF APPROPRIATION AND
	)	CHARACTER OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use 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

ROCK RIDGE FARMS, LLC
19480 SW 97TH AVENUE
TUALATIN, OR 97062

Findings of Fact

Background

1. On March 5, 2007, Rock Ridge Farms, LLC filed an application to change the point of appropriation under Certificate 33546. The Department assigned the application number T-10329.
2. The applicant amended the application to include a change in character of use. The amended application and a revised map were submitted on December 12, 2007.
3. The portion of the right to be transferred is as follows:

Certificate:	33546 in the name of KENNETH CHAFFEY & SONS (perfected under Permit G-2481)
Use:	IRRIGATION of 16.8 ACRES
Priority Date:	AUGUST 14, 1963
Rate:	0.21 CUBIC FOOT PER SECOND (CFS)
Limit/Duty:	ONE-EIGHTIETH of one cfs per acre, not to exceed 2.5 acre-feet per acre per year
Source:	A WELL within the Willamette River Basin

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	400 FEET NORTH AND 330 FEET EAST FROM THE NW CORNER OF LOT 1 (NE ¼ NE ¼) OF SECTION 5, T. 4 S, R. 1 W, W.M.

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
3 S	1 W	WM	32	SW SE	9	0.1	POA
3 S	1 W	WM	32	SE SE	9	15.7	POA
3 S	1 W	WM	32	SE SE	9	1.0	POA & USE

4. Transfer Application T-10329 proposes to move the authorized point of appropriation to three new points of appropriation located approximately 300-500 feet from the existing point of appropriation, described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	WELL 1 - 20 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF SECTION 32
3 S	1 W	WM	32	SE SE	9	WELL 2 - 30 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 32
3 S	1 W	WM	32	SE SE	9	WELL 3 - 30 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 32

5. Transfer Application T-10329 also proposes to change the character of use for the 1.0 acre portion of the right indicated in Finding #3 above to INDUSTRIAL USE.
6. A portion of Groundwater Registration application GR-3351 (Certificate of Groundwater Registration GR-3103) is appurtenant to the same lands under Certificate 33546 proposed for the change in character of use in T-10329. Groundwater Registration modification T-10497, which proposes a similar change in the character of use under GR-3351, is being processed concurrently with T-10329.
7. Notice of the application for transfer was published on March 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On April 8, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10329 to the applicant. The draft Preliminary Determination set forth a deadline of May 8, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria (OAR 690-380-4010)

9. 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.
10. 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 Application T-10329.
11. Because of the change in character of use from irrigation to industrial purposes for the 1.0 acre portion of land described in Finding #3 above, the proposed transfer could result in enlargement if not limited to the maximum rate and annual volume of water claimed for that 1.0 acre of irrigation. However, the Department has determined the proposed changes, as conditioned below, would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

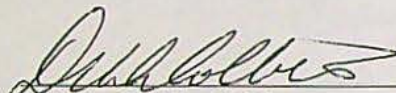
The changes in point of appropriation and character of use proposed in Transfer Application T-10329 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10329 is approved, the final order will include the following:

1. *The changes in point of appropriation and character of use proposed in Transfer Application T-10329 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33546 and any related decree.*
3. *Water right certificate 33546 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *Water appropriated for industrial purposes on the 1.0 acre portion of land described in Finding #3 may be exercised at a maximum flow rate of 5.6 gpm (0.01 cfs), provided the total annual volume of water for industrial use does not exceed 2.5 acre-feet (814,625 gallons).*

7. *Prior to diverting water, the water user shall install an in-line flow meter 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.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 2nd day of October 2008.


12 Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10329**

T-10329 filed by Rock Ridge Farms, LLC, 19480 SW 97th Ave., Tualatin, OR 97062, proposes a change in point of appropriation and character of use under Certificate 33546. The right allows the use of 0.21 cfs (priority date August 14, 1963) from a well in Sec. 32, T3S, R1W, W.M. (Willamette Basin) for irrigation in Sec. 32. The applicant proposes to change the point of appropriation to three wells approximately 300-500 feet south (Sec. 32, T3S, R1W, W.M.) and to change the character of use for a portion of the right to industrial use. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Lisa Jaramillo

From: Lisa Jaramillo
Sent: Wednesday, June 11, 2008 1:01 PM
To: Kaye Barnes; Greg Kupillas
Cc: 'Dorothy.I.PEDERSEN@wrd.state.or.us'
Subject: Request for additional information pertaining to Applications T-10329 & T-10497
Attachments: image003.jpg; image001.jpg

Hello Ms. Barnes,

I haven't received a response to my earlier message on May 30, 2008, (attached below) in which I requested a copy of two Deeds of Trust identified in the Report of Ownership and Lien Information you submitted. So, I wanted to check in and see how you are progressing with the request. If you have any questions or need any assistance, please feel free to contact me at 503-986-0880. Otherwise, just let me know when we might expect to see a copy of those Deeds of Trust.

Thank you,
Lisa Jaramillo

From: Lisa Jaramillo
Sent: Friday, May 30, 2008 4:33 PM
To: Kaye Barnes; Dorothy Pedersen
Cc: Greg Kupillas
Subject: RE: Applications T-10329 & T-10497

Hello Ms. Barnes,

Thank you for providing the Report of Ownership and Lien Information for Rock Ridge Farms, LLC's Transfer Application T-10329 and Ground Water Registration Modification Application T-10497. I am also in receipt of copies of the written notification to ShoreBank Pacific and Chaffey & Sons, Inc. (lien holders).

My review of the Report of Ownership and Lien Information indicates there are two Deeds of Trust associated with the subject property (See Items #6 and #7 of the lien report). When Deeds of Trust exist, the Department's current policy is that we must receive a copy of the Deeds of Trust in order to determine whether any of the Trustees listed in the report have an interest in the water right or ground water registration claim that needs to be considered.

Therefore, before the Department can continue processing Transfer T-10329 and GR Modification T-10497, we need to receive a copy of each of the two Deeds of Trust indicated in the Report of Ownership and Lien Information. Please submit this information by Friday, June 13, 2008, to: Water Resources Department, Attn: Lisa Jaramillo, 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

If you have any questions or would like to discuss this request, please free to contact me at (503) 986-0880.

Thank you,
Lisa Jaramillo

From: Kaye Barnes [mailto:kbarnes@pacificfoods.com]
Sent: Thursday, May 15, 2008 4:50 PM
To: Dorothy Pedersen; Lisa Jaramillo
Cc: Greg Kupillas
Subject: Applications T-10329 & T-10497

6/11/2008

Good Afternoon,

Please find attached two letters that Rock Ridge Farms has sent to the two lienholders of the property under review for changing the ownership of the water rights. Also included is a copy of the "Sort Report" prepared by Ticor Title showing current ownership of the property.

If you need additional information or have questions please feel free to contact me. Thank you for your patience in allowing us to provide these documents after your requested date of May 8, 2008.



Kaye N. Barnes
Executive Assistant | Pacific Natural Foods
19480 SW 97th Ave. | Tualatin, OR 97062
Phone (503)692-9666 | fax (503) 692-9610



Please consider the environment before printing this email.

Lisa Jaramillo

T-10329

From: Lisa Jaramillo
Sent: Friday, May 30, 2008 4:33 PM
To: Kaye Barnes; Dorothy Pedersen
Cc: Greg Kupillas
Subject: RE: Applications T-10329 & T-10497
Attachments: image001.jpg

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If you have any questions or would like to discuss this request, please free to contact me at (503) 986-0880.

Thank you,
 Lisa Jaramillo

From: Kaye Barnes [mailto:kbarnes@pacificfoods.com]
Sent: Thursday, May 15, 2008 4:50 PM
To: Dorothy Pedersen; Lisa Jaramillo
Cc: Greg Kupillas
Subject: Applications T-10329 & T-10497

Good Afternoon,

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If you need additional information or have questions please feel free to contact me. Thank you for your patience in allowing us to provide these documents after your requested date of May 8, 2008.

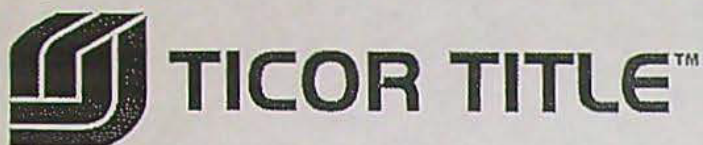


Kaye N. Barnes
 Executive Assistant | Pacific Natural Foods
 19480 SW 97th Ave. | Tualatin, OR 97062
 Phone (503) 692-9666 | fax (503) 692-9610



Please consider the environment before printing this email.

5/30/2008



222 High Street SE
Salem OR 97301
(503) 585-1881
(800) 826-6128
(503) 364-2114

May 12, 2008

Pacific Natural Foods
Kaye Barnes
19480 SW 97th Avenue
Tualatin, OR 97062

Buyer/Borrower: Rock Ridge Farms,
LLC

Re: 23512 Schultz Rd

Report No: 200827718

SERVICE FOR:
Sort Report: \$200.00

We have searched our Tract Indices as to the following described real property:

See 'Legal Description' attached hereto and by reference made a part hereof.

Real Property Tax Account No.: [REDACTED]

Situs Address as disclosed by Marion County Tax Roll:

23512 Schultz Road NE, Aurora, OR 97002

Dated as of May 8, 2008 at 8:00 a.m.

VESTED IN:

Rock Ridge Farms, LLC, a Oregon corporation

Subject to the following on record matters:

1. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]

2. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]
3. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]
4. The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.
5. The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.
6. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
Grantor: Rock Ridge Farms, LLC
Trustee: Ticor Title Company of Oregon
Beneficiary: ShoreBank Pacific
Amount: \$2,541,027.00
Dated: March 1, 2007
Recorded: March 5, 2007
Reel: 2781 Page: 1
in Marion County, Oregon.
Affects: does not cover entire property
7. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
Grantor: Rock Ridge Farms, LLC
Trustee: Ticor Title Company of Oregon
Beneficiary: Chaffey & Sons, Inc.
Amount: \$375,000.00
Dated: April 21, 2006
Recorded: April 28, 2006
Reel: 2640 Page: 164
in Marion County, Oregon.

The lien of the above Deed of Trust was subordinated to the lien of the Deed of Trust, shown as Exception No. 6 above, by instrument,
Dated: March 1, 2007
Recorded: March 21, 2007
Reel: 2788 Page: 132
in Marion County, Oregon.

8. Financing Statement,

Debtor:

Rock Ridge Farms, LLC

Secured Party:

ShoreBank Pacific

Recorded:

March 5, 2007

Reel:

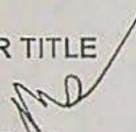
2781 Page: 2

in Marion County, Oregon.

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

THE LIABILITY OF TICOR TITLE IS LIMITED TO THE ADDRESSEE AND SHALL NOT EXCEED THE PREMIUM PAID HEREUNDER.

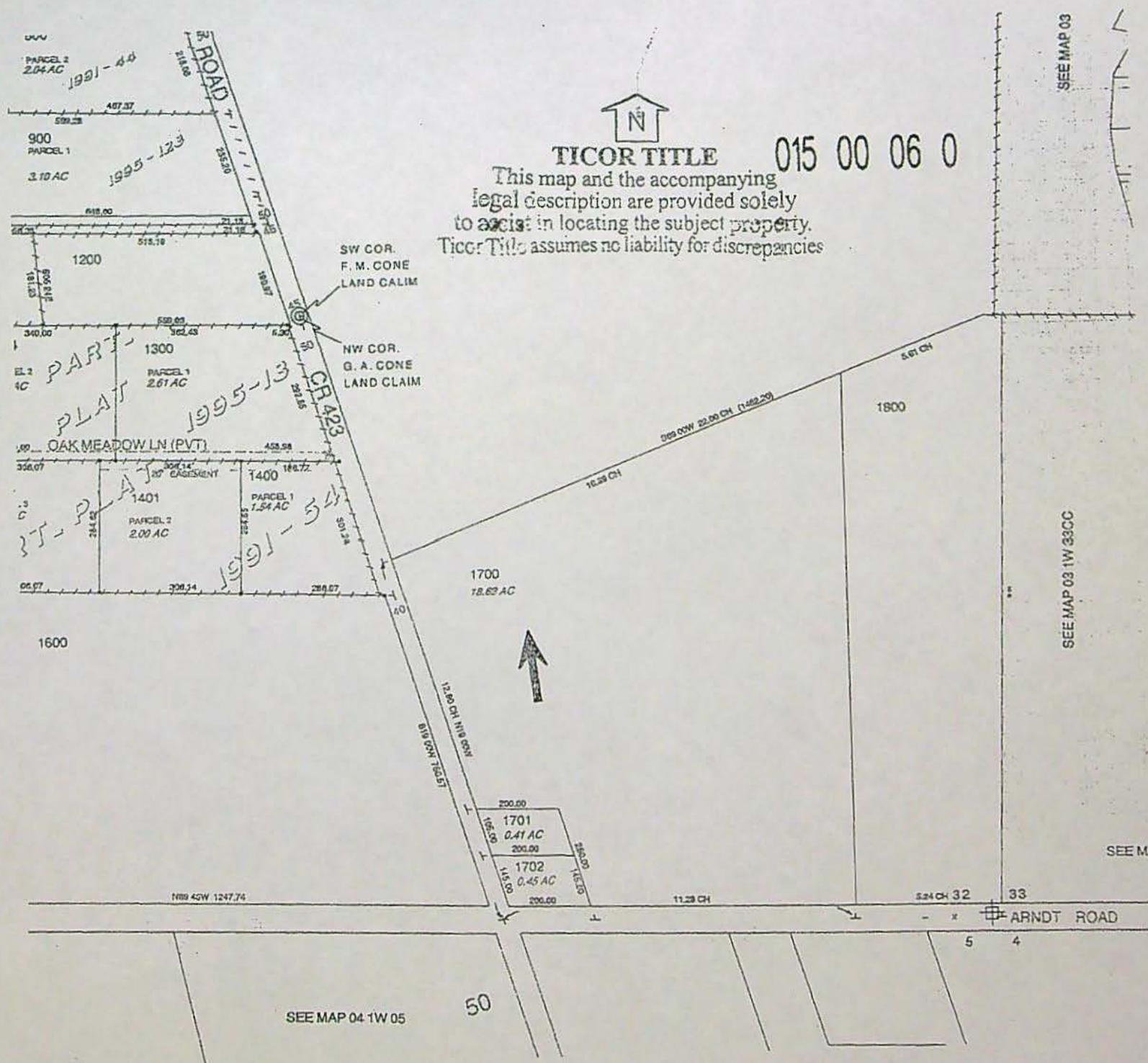
TICOR TITLE


Patty Smith
Sr. Title Officer

cc: Pacific Natural Foods (2) Kaye Barnes

LEGAL DESCRIPTION

That portion of Lot 9, Fractional Southeast quarter of the Southeast quarter of Section 32, Township 32, Township 3 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, described as follows: Beginning at a point in the South line of said Lot, 5.24 chains West of the Southeast corner thereof; thence West on said South line 11.28 chains; thence North 19° West 12.60 chains; thence North 69° East 16.39 chains; thence South 18.13 chains to the place of beginning.



Rock Ridge Farms, LLC

19480 SW 97th Avenue
Tualatin, OR 97062
503/692-9666 & 503/692-1508 fax

May 15, 2008

Mr. Lowell Chaffey
Chaffey & Sons
23522 Chaffey Lane NE
Aurora, OR 97002

Re: Notification of a water right transfer and ground water registration modification.

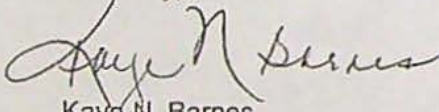
Dear Lowell:

Rock Ridge Farms, LLC is proposing to complete a water right transfer and ground water registration modification on property located in Township 3 South, Range 1 West, Section 32, W.M., (Tax Lot 3 1W 32D 00100) in Marion County, Oregon. In accordance with Oregon law, Rock Ridge Farms, LLC is required to provide notification of the proposed transfer and ground water registration modification to all identified lien holders on the affected properties.

Chaffey & Sons has been identified as a lien holder in a Lien and Encumbrance Report provided by Ticor Title. Therefore, the purpose of this letter is to notify you of this proposed water right transfer and ground water registration modification. The proposed transfer and ground water registration both involve the addition of three proposed new wells and a change in character of use from irrigation to industrial use for a portion of the affected property.

A copy of the Lien and Encumbrance Report is attached with this letter for your reference. Please call me at 503/692-9666 if you have any questions.

Sincerely,



Kaye N. Barnes
Administrator

/dmo

Enclosure: Lien and Encumbrance Report

Rock Ridge Farms, LLC

19480 SW 97th Avenue

Tualatin, OR 97062

503/692-9666 & 503/692-1508 fax

May 15, 2008

Mr. Bruce Hamilton
ShoreBank Pacific
721 NW 9th Ave, Suite 195
Portland, OR 97209

Re: Notification of a water right transfer and ground water registration modification.

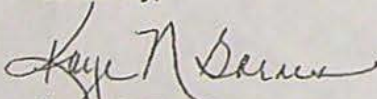
Dear Bruce:

Rock Ridge Farms, LLC is proposing to complete a water right transfer and ground water registration modification on property located in Township 3 South, Range 1 West, Section 32, W.M., (Tax Lot 3 1W 32D 00100) in Marion County, Oregon. In accordance with Oregon law, Rock Ridge Farms, LLC is required to provide notification of the proposed transfer and ground water registration modification to all identified lien holders on the affected properties.

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A copy of the Lien and Encumbrance Report is attached with this letter for your reference. Please call me at 503/692-9666 if you have any questions.

Sincerely,



Kaye N. Barnes
Administrator

/dmo

Enclosure: Lien and Encumbrance Report

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, May 16, 2008 10:07 AM
To: 'John Borden'
Cc: Salem Opeifa
Subject: T-10329 ROLI

Attachments: ROLI and lienholder notifications.pdf



ROLI and lienholder
notificati...

Hi John,

Rock Ridge Farms submitted the report of ownership and lien information (ROLI) and notices that they have sent to owners for the T-10329 land. Please review them and let me know if they cover what is required, or if anything else is needed. It looks as though you have submitted all the rest of the deliverables, so once you have sent me your response to the ROLI, go ahead and invoice the project.

Thanks for bearing with us during the long time this has been in process.

Have a good day,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266



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 8, 2008

Rock Ridge Farms, LLC
Attn: Charles W. Eggert
19480 SW 97th Avenue
Tualatin, Oregon 97062

SUBJECT: Application T-10329

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10329. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you on issuance of the Preliminary Determination.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report by May 8, 2008, a Preliminary Determination may be issued denying the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0890 or dorothy.i.pedersen@wrdd.state.or.us if you have questions.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Mike McCord, District 16 Watermaster
Pacific Hydro-Geology Inc.; Attn: Greg Kupillas; 18487 S. Valley Vista Rd; Mulino, OR 97042

enc

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

In the Matter of Transfer Application
T-10329, Marion County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF
) CHANGES IN POINT OF
) APPROPRIATION AND CHARACTER
) OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use 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

ROCK RIDGE FARMS, LLC
19480 SW 97TH AVENUE
TUALATIN, OR 97062

Findings of Fact

Background

1. On March 5, 2007, Rock Ridge Farms, LLC filed an application to change the point of appropriation under Certificate 33546. The Department assigned the application number T-10329.
2. The applicant amended the application to include a change in character of use. The amended application and a revised map were submitted on December 12, 2007.
3. The portion of the right to be transferred is as follows:

Certificate: 33546 in the name of KENNETH CHAFFEY & SONS (perfected under Permit G-2481)

Use: IRRIGATION of 16.8 ACRES

Priority Date: AUGUST 14, 1963

Rate: 0.21 CUBIC FOOT PER SECOND

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

Source: A WELL in the WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	400 FEET NORTH AND 330 FEET EAST FROM THE NW CORNER, LOT 1(NENE) OF SECTION 5, T 3 S, R 1 W

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	1 W	WM	32	SW SE	9	0.1 POA
3 S	1 W	WM	32	SE SE	9	15.7 POA
3 S	1 W	WM	32	SE SE	9	1.0 POA & USE

4. Application T-10329 proposes to move the authorized point of appropriation approximately 300-500 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	WELL 1 - 20 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF SECTION 32
3 S	1 W	WM	32	SE SE	9	WELL 2 - 30 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 32
3 S	1 W	WM	32	SE SE	9	WELL 3 - 30 FEET NORTH AND 630 FEET WEST FROM THE SE CORNER OF SECTION 32

5. Application T-10329 also proposes to change the character of use to industrial use.
6. A portion of Groundwater Registration application GR-3351 (Certificate of Groundwater Registration 3103) is appurtenant to the same lands under Certificate 33546 proposed for the change in character of use in T-10329. Groundwater Registration modification T-10497, which proposes a similar change in the character of use under GR-3351, is being processed concurrently with T-10329.
7. Notice of the application for transfer was published on March 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. 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 Application T-10329.

10. Because of the change in character of use from irrigation to industrial purposes for the 1.0 acre portion of land described in Finding #3 above, the proposed transfer could result in enlargement if not limited to the maximum rate and annual volume of water claimed for that 1.0 acre of irrigation. However, the Department has determined the proposed changes, as conditioned below, would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in point of appropriation and character of use proposed in application T-10329 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10329 is approved, the final order will include the following:

1. *The changes in point of appropriation and character of use proposed in application T-10329 are approved.*
2. *Water right certificate 33546 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33546 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *Water appropriated for industrial purposes on the 1.0 acre portion of land described in Finding #3 may be exercised at a maximum flow rate of 5.6 gpm (0.01 cfs), provided the total annual volume of water for industrial use does not exceed 2.5 acre-feet (814,625 gallons).*
7. *Prior to diverting water, the water user shall install an in-line flow meter 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.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

RA

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # T-10329

ROUTED TO: Dorothy Pederson

TOWNSHIP/

RANGE-SECTION: 35/1W-32

CONDITIONS ATTACHED?: ☐ yes ☒ no

REMARKS OR FURTHER INSTRUCTIONS:

Two related transfers. Please
review at the same time.

Reviewer: Karl C. Wozniak



Oregon

Theodore R. Kulongoski, Governor

RA

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Dorothy Pedersen
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 3-8-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE)

MCN

date signed January 3, 2008

signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10329

A change in: POU POD POA USE of water.

In the name(s) of Rock Ridge Farms

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY

WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because - See attached memo

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) No

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

Interoffice Memorandum

January 3, 2008

To: Water Rights
From: Karl Wozniak
Subject: Ground Water Review of Transfer T-10329 for Modification of Permit G-2481, Rock Ridge Farms

Findings

The new wells, if constructed as proposed, will produce from the same aquifer as the authorized point of appropriation.

The transfer is unlikely to result in injury to existing rights.

Discussion

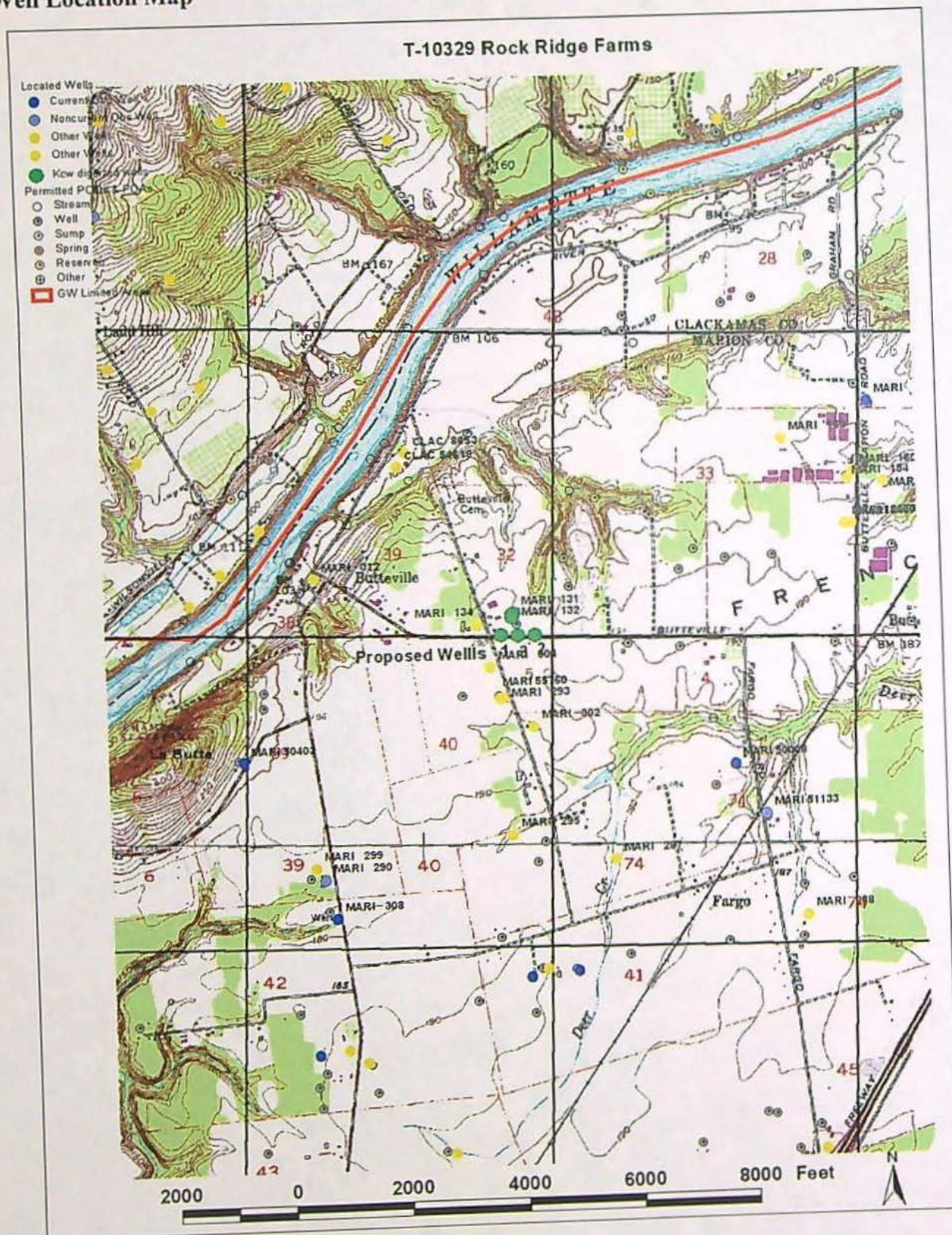
Records in file G-2683 indicate that the authorized point of appropriation is the well described by OWRD well logs MARI 131 (original hole) and MARI 117 (deepening). The applicant is requesting a transfer to change the point of appropriation to 3 new wells (not yet drilled). The existing well (MARI 131/117) is 250 feet deep and produces from alluvial sands and gravels at depths between 120 and 150 feet. The proposed wells will have approximately the same depths and production intervals as the existing well.

The proposed wells are located within 300-500 feet of the existing well. None of the proposed wells is substantially closer to other nearby permitted wells (see attached map). Because the alluvial aquifer is confined in this area and because the new wells are relatively close to the old well, pumping impacts from the new wells should be very similar to those of the old well. Therefore, use of the new wells is unlikely to result in injury to existing rights.

A statement on a related transfer (T-10497 for amendment of GR-3351) indicates that MARI 117 (our MARI 131/117) appears to have been abandoned and has not been used for many years. This statement seems to indicate that the authorized POAs for certificate 33546 has not been used some period of time.

No abandonment log could be found in the Department's records for MARI 131/117..

Well Location Map





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-10329

Review Due Date: 4/6/07

Applicant Name: Rock Ridge Farms

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

Reviewer(s): M McCord

Date of Review: Apr. 3, 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: Note: There has been recent construction activity at this site. Several large buildings that appear to be dairy facilities have been constructed in the area north of the existing POA. The buildings appear to be within the POU.
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:

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: The 10.5 acres south of Arndt Road will not have a legal POA unless an easement is granted.
10. What alternatives may be available for addressing any issues identified above: I discussed the issues described above with the CWRE and he said the applicant is working to address the issues.
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.

Review Checklist**T-10329****Processor: RA John Borden****Application**

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☒ All required attachments received.

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction...."
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☒ No information in record that suggests forfeiture.
- ☒ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

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SALEM, OREGON****Application Map**

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map.
- ☒ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/deed maps for the rights. ☒ Application map matches certificate FPS.
- ☒ Have necessary aerial photos.

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

- ☒ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☒ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- ☒ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☒ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- ☒ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation

- Reviews/comments/conditions received? ☒ Watermaster ☐ ODFW ☒ GW
- Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
- Measuring Devices ☐ When in the judgment ☒ Prior to diverting ☐ Existing and maintain
- Fish Screen Devices ☐

Injury: No Enlargement: No

Conditions to avoid enlargement/injury - N/A

Materials needed for peer reviewer

- ☒ application marked ☒ transfer map ☒ Water right map (if marked) ☒ certificate marked
- ☐ deed/ROLI (if marked) ☒ plat card marked printout (if POU or Use change)
- ☒ other processing notes



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

2. APPLICANT INFORMATION

Name: Rock Ridge Farms, LLC

First

Last

Address: 19480 SW 97th Avenue

Tualatin

City

OR

State

97062

Zip

Phone: (503) 692-9666

Home

Work

Other

Fax: (503) 692-9610

E-Mail address: _____

3. AGENT INFORMATION

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

Name: Pacific Hydro-Geology Inc., Greg or Malia Kupillas

First

Last

Address: 18487 S. Valley Vista Road

Mulino

City

OR

State

97042

Zip

Phone: (503) 632-5016 (503) 632-5016

Home

Work

Other

Fax: (503) 632-5983

E-Mail address: phggek@bctonline.com

- 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.

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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.	G-2683	G-2481	33546
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): Existing well is in an undesirable location.

new barn, etc in foot print
WR: xfer downed 1.0 Acs to industrial use

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.

Water is withdrawn from the authorized well and conveyed through about 300 feet of buried 3-inch-diameter mainline to a hydrant which is used for a connection to a hard hose traveler.

- System capacity: 0.34 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Not applicable

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Transfer Application/2

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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).

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:

Not applicable

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- 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 Planning Division, P.O. Box 14500, Salem, OR 973090

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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): Not applicable

First

Last

Address: _____

City

State

Zip

- 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): Not applicable

First

Last

Address: _____

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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Last revised: 10/13/2006

Transfer Application/4

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9. ATTACHMENTS

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

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: \$ 350.00
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.

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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.

10. SIGNATURES

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

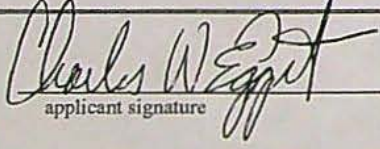
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	CHARLES W. EGGERT name (print)	2/6/07 date
 applicant signature	 name (print)	 date

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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.

▪ Certificate Number or other identifying number: Certificate 33546

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" 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 <u>instead</u> 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 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 checked="" 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.)

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	33546	G-2481
	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

- Name on Permit, Certificate, or Decree: Kenneth Chaffey & Sons
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 16.8 acres
- Priority Date(s): August 14, 1963

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: A well

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Tributary to: Willamette River

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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).

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Supplemental Form A

- 2 -

Description of Proposed Change(s) to a Water Right

T 10329

▪ Certificate Number or other identifying number: Certificate 33546

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.

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

(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)
MARI 131	A Well 8/14/63	3S	1W	WM	32	SE SE	Gov't Lot 9	400 feet north and 330 feet east from the NW corner, Lot 1 (NE1/4 NE1/4), Section 5.

- 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

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SALEM OREGON

▪ Certificate Number or other identifying number: Certificate 33546

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.

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)

[illegible]

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SALEM, OREGON

Supplemental Form A

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Description of Proposed Change(s) to a Water Right

T 10329

■ Certificate Number or other identifying number: Certificate 33546

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.

Location of Proposed Point(s) of Diversion or Appropriation:

(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)
Well 1	3S	1W	WM	32	SE SE	Gov't Lot 9	20 feet north and 890 feet west from the SE corner, Section 32
Well 2	3S	1W	WM	32	SE SE	Gov't Lot 9	30 feet north and 310 feet west from the SE corner, Section 32
Well 3	3S	1W	WM	32	SE SE	Gov't Lot 9	30 feet north and 600 feet west from the SE corner, Section 32

- 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:

Construction of Proposed Point(s) of Appropriation or Well(s)

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	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
Wells 1, 2, & 3	Not applicable	8-10 inches	8 or 10-inch steel	~250	120-130' 140'-175'	50'	60'	120'	Per OARs	~250'

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▪ Certificate Number or other identifying number: Certificate 33546

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.)

[illegible]

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Remarks: The proposed well construction described on page 5 is provided as an estimate of actual well specifications. The actual well diameter, casing length, seal depth, perforated intervals, and total well depth will depend on actual conditions encountered.

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SALEM, OREGON

Supplemental Form A

- 6 -

Description of Proposed Change(s) to a Water Right

T 10329

STATE OF OREGON
COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **KENNETH CHAFFEY & SONS**

of Route 2, Box 188, Aurora, State of Oregon, has made to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the water a well

a tributary of Willamette River
irrigation of 27.3 acres

for the purpose

under Permit No. G-2481 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 14, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.34 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 32, T. 3 S., R. 1 W., W. M. Well located 400 feet North and 330 feet East from the NW Corner, Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, T. 4 S., R. 1 W., W. M.

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

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

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

0.1 acre Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
16.7 acres Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 32
T. 3 S., R. 1 W., W. M.

10.5 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 5
T. 4 S., R. 1 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. December 30, 1966

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33546

0.34 (÷) 27.3 ac = 0.01245422
0.0125 cfs
per ac

Transfer - 16.8 ac
(0.21 cfs)

Remain - 10.5 ac
(0.13 cfs)

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WATER RESOURCES DEPT
SALEM OREGON

T 10329

T-10329

V

[illegible]

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WATER RESOURCES DEPT
SALEM OREGON

Application No. G-1919 Permit No. G-1774
G-2683 G-2481
 IN NAME OF _____

SMITH & HUBBARD DAIRY

Surveyed June 25 1964, by R. JACKSON

T 10329

NOTICE TO WATER WELL

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM 10, OREGON within 30 days from the date of well completion.

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JUL 8 1963
STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

State Well No. 3/1W-32R

State Permit No. _____

(1) OWNER:

Name Smith & HubbardAddress Aurora, Oregon

(2) LOCATION OF WELL:

County Marian Driller's well number _____1/4 Section 32 T. 3S R. 1W W.M.

Bearing and distance from section or subdivision corner _____

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒" Diam. from _____ ft. to 120 ft. Gage 1/4"

" Diam. from _____ ft. to _____ ft. Gage _____

" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used _____

Size of perforations _____ in. by _____ in.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name _____

Model No. _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Bentonite MudDepth of seal 23 ft. Was a packer used? NODiameter of well bore to bottom of seal 12 in.Were any loose strata cemented off? ☐ Yes ☒ No Depth _____Was a drive shoe used? ☐ Yes ☒ NoWas well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ Depth of strata _____

Method of sealing strata off _____

(10) WATER LEVELS:

Static level 58 ft. below land surface Date 6/18/63

Artesian pressure _____ lbs. per square inch Date _____

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? drillerYield: 150 gal./min. with 105 ft. drawdown after 6 hrs.

" " " "

" " " "

Ballor test gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m. Date _____

Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing _____

Depth drilled 130 ft. Depth of completed well 130 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Surface	0	3
Brown sandy clay	3	37
Blue clay	37	61
Sandy blue clay	61	87
Gray clay	87	101
Pink clay	101	108
Brown clay	108	113
Gray clay	113	120
Black sand	120	130 <i>W3</i>

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SALEM, OREGON

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SALEM, OREGON

10329

Work started June 7 1963. Completed June 18 1963.Date well drilling machine moved off of well June 19 1963.

(13) PUMP:

Manufacturer's Name _____

Type: _____ H.P. _____

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME John Truman Miller

(Person, firm or corporation)

(Type or print)

Address P O Box 42 Hubbard, OregonDrilling Machine Operator's License No. 277[Signed] John T. Miller

(Water Well Contractor)

Contractor's License No. 277 Date July 1 1963

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T3S R1W Sec 32
2004



This acreage is for FSA program purposes only. No warranty is made for any other use.

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T 10329



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SALEM, OREGON

Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Rock Ridge Farms, LLC
Mailing Address: 19480 SW 97th Avenue
City: Tualatin State: OR Zip: 97062 Day Phone: (503) 692-9666

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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:
3S	1W	32	SE SE	3 1W 32D 00100	Pavie Ag/EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion County

B. Description of Proposed Use

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

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

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SALEM OREGON

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

Estimated quantity of water needed: 0.21 ☒ 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: Water will be withdrawn from as many as three ground water wells and conveyed to the places of use for irrigation of pasture.

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

T 10329

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WATER RESOURCES DEPT
SALEM, OREGON**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136.010.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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SALEM-OREGON

Name: David Epling Title: Senior Planner
Signature: [Signature] Phone: 503-588-5038 Date: 2/27/07
Government Entity: Marion County

T 10329

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

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Last revised: October 13, 2006

MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON**Water Right Transfer Supplemental Form B**
AFFIDAVIT ATTESTING TO THE USE OF WATERState of Oregon)
) ss
County of Marion)I, Charles E. Eggert, in my capacity as Farm Manager,
mailing address 19480 SW 97th Avenue, Tualatin, OR 97062
telephone number (503) 805-7805, 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)
3	S	1	W	WM	32	SW SE	Gov't Lot 9	0.1
3	S	1	W	WM	32	SE SE	Gov't Lot 9	16.7

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WATER RESOURCES DEPT
SALEM OREGON

(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.

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SALEM, OREGON

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

Irrigation of pasture

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

Water is withdrawn from the authorized well and conveyed through about 300 feet of buried 3-inch-diameter mainline to a hydrant which is used for a connection to a hard hose traveler.

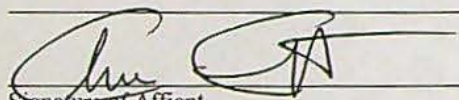
6. One or more of the following documentation supporting the above statements is attached:

- ☐ 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: _____

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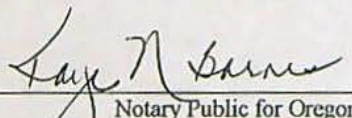
WATER RESOURCES DEPT
SALEM OREGON


Signature of Affiant

2/12/07
Date

Signed and sworn to (or affirmed) before me this 12 day of February, 20 07.




Notary Public for Oregon

My Commission Expires: 8/11/10

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

John Borden

From: Dorothy Pedersen [pedersdi@wrd.state.or.us]
Sent: Monday, April 09, 2007 1:18 PM
To: John Borden
Subject: T-10329 Watermaster review



10329-wm-rev.pdf
(23 KB)

Hi John,

Attached is the watermaster review for T-10329 (Rock Ridge Farms). There are some issues the watermaster brings up that should be mentioned in the document, or at least in the cover letter, but it looks like there is no injury. The 10.5 acres south of the road is under other ownership.

Have a good day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

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**WATER RESOURCES DEPT
SALEM OREGON**



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-10329

Review Due Date: 4/6/07

Applicant Name: Rock Ridge Farms

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

Reviewer(s): M McCord

Date of Review: Apr. 3, 2007

- 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: Note: There has been recent construction activity at this site. Several large buildings that appear to be dairy facilities have been constructed in the area north of the existing POA. The buildings appear to be within the POU.
- 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:

- 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:

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

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WATER RESOURCES DEPT
SALEM OREGON

9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: The 10.5 acres south of Arndt Road will not have a legal POA unless an easement is granted.
10. What alternatives may be available for addressing any issues identified above: I discussed the issues described above with the CWRE and he said the applicant is working to address the issues.
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.

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WATER RESOURCES DEPT
SALEM OREGON

John Borden

From: Dorothy Pedersen [pedersdi@wrdd.state.or.us]
Sent: Monday, January 14, 2008 3:37 PM
To: John Borden
Subject: GW review for T-10329



10329-gw-rev.pdf
(108 KB)



10329-RA
ProcessChecklist.doc

Hi John,

We just received the attached completed groundwater review for T-10329 (Rock Ridge Farms). Attached is a new review checklist, too. It is editable, but to get the check boxes to fill in, just double click the box, then in the dialog box that pops up, click on the radio button for "Default value = checked".

Let me know if you need any other materials in order to work up the DPD, DPD cover letter and contact list.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

*Filed e-checklist in
e-folder for T-10329*

As of 1-18-2008, I don't have a contract.

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WATER RESOURCES DEPT
SALEM OREGON



Oregon

Theodore R. Kulongoski, Governor

KA

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Dorothy Pedersen
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 3-8-07

FROM:

WATERMASTER, DISTRICT # _____
X GROUNDWATER SECTION

(SIGNATURE)

MLC
signed by injury reviewer

date signed January 3, 2008

SUBJECT:

WATER RIGHT TRANSFER #

10329

A change in: POU

POD

POA

USE

of water.

In the name(s) of

Rock Ridge Farms

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY
right.

WOULD RESULT IN INJURY* to an existing water

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because - see attached memo

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) No

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

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**WATER RESOURCES DEPT
SALEM OREGON**

wmtrans.frm

State of Oregon

Water Resources Department

Interoffice Memorandum

January 3, 2008

To: Water Rights
From: Karl Wozniak
Subject: Ground Water Review of Transfer T-10329 for Modification of Permit G-2481, Rock Ridge Farms

Findings

The new wells, if constructed as proposed, will produce from the same aquifer as the authorized point of appropriation.

The transfer is unlikely to result in injury to existing rights.

Discussion

Records in file G-2683 indicate that the authorized point of appropriation is the well described by OWRD well logs MARI 131 (original hole) and MARI 117 (deepening). The applicant is requesting a transfer to change the point of appropriation to 3 new wells (not yet drilled). The existing well (MARI 131/117) is 250 feet deep and produces from alluvial sands and gravels at depths between 120 and 150 feet. The proposed wells will have approximately the same depths and production intervals as the existing well.

The proposed wells are located within 300-500 feet of the existing well. None of the proposed wells is substantially closer to other nearby permitted wells (see attached map). Because the alluvial aquifer is confined in this area and because the new wells are relatively close to the old well, pumping impacts from the new wells should be very similar to those of the old well. Therefore, use of the new wells is unlikely to result in injury to existing rights.

A statement on a related transfer (T-10497 for amendment of GR-3351) indicates that MARI 117 (our MARI 131/117) appears to have been abandoned and has not been used for many years. This statement seems to indicate that the authorized POAs for certificate 33546 has not been used some period of time.

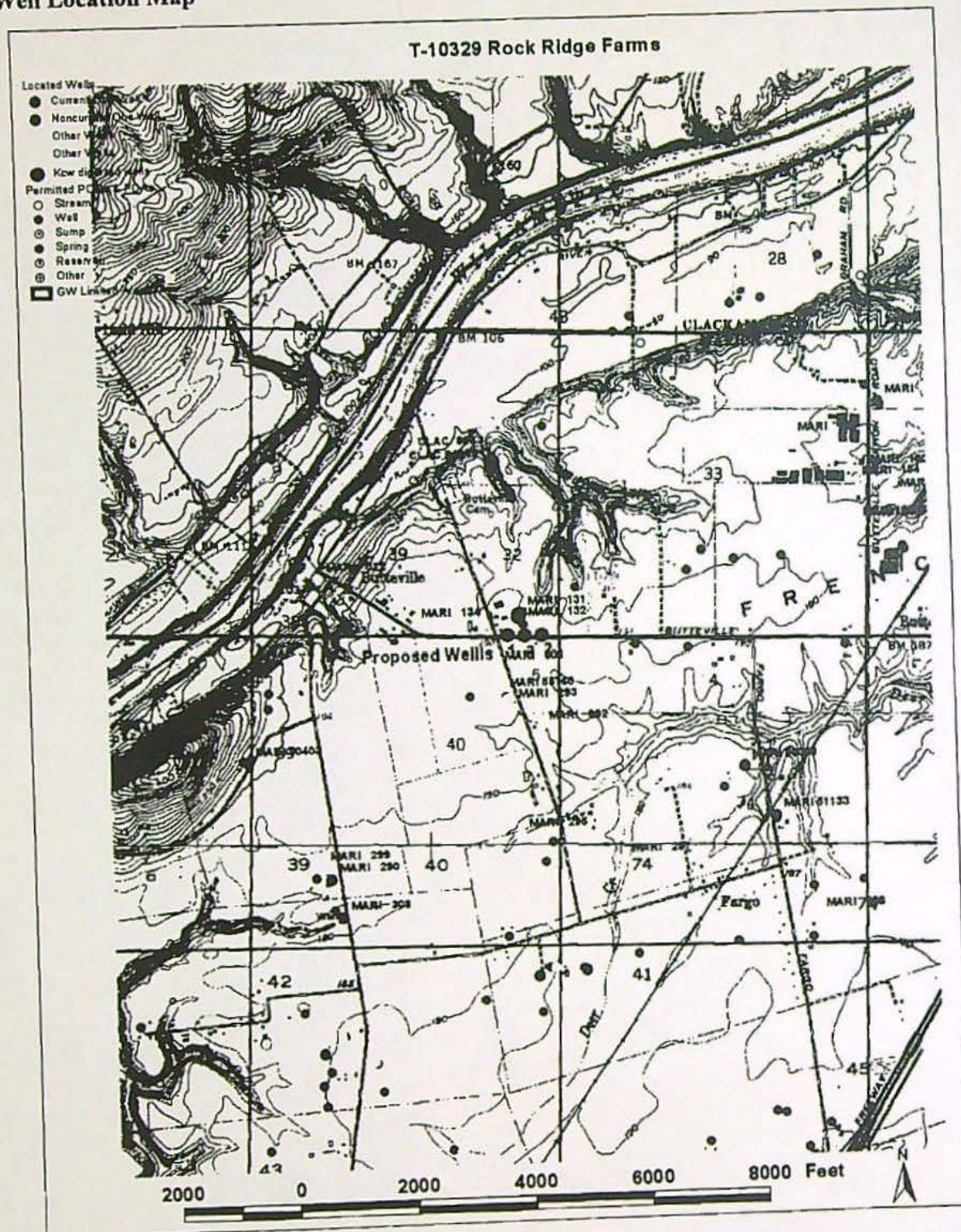
No abandonment log could be found in the Department's records for MARI 131/117..

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Well Location Map

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SALEM OREGON

Water Rights Platcard Report

T-10329
POA/USE

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	Unknown QQ	
Select	Cert:11983 OR *		7/6/1935	DOMESTIC		39				*						*										
	Additional Info: MRS ALMA CAMPBELL App: S15920 Permit: S11752 Cert: 11983																									
Select	Cert:17422 OR *		9/4/1941	DOMESTIC		41												*								
	Additional Info: DR. GUY L BOYDEN App: S19500 Permit: S15075 Cert: 17422																									
Select	Cert:20459 OR *		3/10/1948	DOMESTIC		41												*								
	Additional Info: DR HERBERT V THATCHER App: S23074 Permit: S18553 Cert: 20459																									
Select	Cert:30929 OR *		12/4/1958	DOMESTIC		41							*													
	Additional Info: J A STONE App: S32795 Permit: S25872 Cert: 30929																									
Select	Claim:GR 3351 *	T10497	6/30/1946	IRRIGATION																				20		
	Additional Info: ROY SMITH Claim: GR3351																									

Conflict - resolved by GR Modification

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SALEM OREGON

1 2 3 4 5 6 7

* Acreage is not specified

Meridian: WILLAMETTE **Township:** 3 South **Range:** 1 West **Section:** 32 **Records per Page:** 5 [Search](#)

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
-----------------	-----------------------	---	--	------------------------------------	----------------------------

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 3

South

Range: 1

West

Section: 32

Records per Page: 5

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Cert:14514 OR *		2/19/1941	IRRIGATION		48			3.6	6	14.2	5.2																	
Additional Info: BERTHA SCHOLZ App: S19164 Permit: S14762 Cert: 14514																												
Select Cert:16817 OR *		6/17/1946	IRRIGATION		39										2.6	2.4												
Additional Info: B BREITHAAPT App: S21725 Permit: S17104 Cert: 16817																												
Select Cert:17422 OR *		9/4/1941	IRRIGATION		41									0.2			0.1											
Additional Info: DR. GUY L BOYDEN App: S19500 Permit: S15075 Cert: 17422																												
Select Cert:20459 OR *		3/10/1948	IRRIGATION		41									1.6			8.6											
Additional Info: DR HERBERT V THATCHER App: S23074 Permit: S18553 Cert: 20459																												
Select Cert:22069 OR *		6/12/1951	IRRIGATION		39											10			0.4									
Additional Info: RAY MARTIN App: S26026 Permit: S21573 Cert: 22069																												

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APR 04 2008

WATER RESOURCES DEPT
SALEM OREGON

1 2 3 4 5 6 7

Acreage Legend: 12.25 Regular acreage

~~12.25~~ Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)

[12.25] Acreage has been suspended

* Acreage is not specified

Meridian: WILLAMETTE **Township:** 3 South **Range:** 1 West **Section:** 32 **Records per Page:** 5 [Search](#)

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkn Q
Select	Cert:22718 OR *		10/5/1954	IRRIGATION		41														0.5													
	Additional Info: DR HERBERT V THATCHER App: S29505 Permit: S23245 Cert: 22718																																
Select	Cert:23126 OR CN		4/19/1955	IRRIGATION	CN	41					7.2	15.4	0.2	0.0																			
	Additional Info: HENRY O ENNEN App: S29916 Permit: S23550 Cert: 23126																																
Select	Cert:23261 OR *		12/29/1952	IRRIGATION		38														0.2													
	Additional Info: O W/IRMA C LINDQUIST App: S27940 Permit: S22001 Cert: 23261																																
Select	Cert:29417 OR *		12/1/1958	IRRIGATION		38														1.6													
	Additional Info: RALPH G SIMPSON App: S32462 Permit: S25766 Cert: 29417																																
Select	Cert:33546 OR *	T10329	8/14/1963	IRRIGATION		9																											
	Additional Info: KENNETH CHAFFEY App: G2683 Permit: G2481 Cert: 33546																																

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WATER RESOURCES DEPT
SALEM OREGON

1 2 3 4 5 6 7

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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Meridian: WILLAMETTE **Township:** 3 South **Range:** 1 West **Section:** 32 **Records per Page:** 5 [Search](#)

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 3

South

Range: 1

West

Section: 32

Records per Page: 5

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 S
Select Cert:56193 OR *		10/27/1981	IRRIGATION		41									3.2							
<u>Additional Info:</u> GAYLE P MOLANDER App: G10583 Permit: G9779 Cert: 56193																					
Select App:G 16890 *		6/29/2007	IRRIGATION					29.4	18.7	13.7	22.2										
<u>Additional Info:</u> CHARLIE EGGERT App: G16890																					
Select Cert:20459 OR *		3/10/1948	LIVESTOCK		41												*				
<u>Additional Info:</u> DR HERBERT V THATCHER App: S23074 Permit: S18553 Cert: 20459																					
Select App:S 71651 *		6/3/1991	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*
<u>Additional Info:</u> TUALATIN VALLEY WATER DISTRICT App: S71651																					
Select Cert:15467 OR *		8/1/1941	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		41			RECEIVED APR 04 2008 WATER RESOURCES DEPT SALEM OREGON							7.4	0.6					
<u>Additional Info:</u> MARTHA STRUVE App: S19436 Permit: S15035 Cert: 15467																					

1 2 3 4 5 6 7

1 2 3 4 5 6 7

Acreage Legend: 12.25 Regular
acres~~12.25~~ Acreage is on a
canceled right(12.25) Acreage is part of a transfer and
has not been proven up on yet
(Inchoate)[12.25] Acreage has been
suspended* Acreage is not
specified

Meridian: WILLAMETTE **Township:** 3 South **Range:** 1 West **Section:** 32 **Records per Page:** 5 [Search](#)

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
-----------------	-----------------------	---	--	------------------------------------	----------------------------

3/28/2008

Contacts for Application T-10329

Applicant:

Rock Ridge Farms, LLC
Attn: Charles Eggert
19480 SW 97th Avenue
Tualatin, OR 97062
Phone – 503-692-9666
Fax – 503-692-9610

CWRE:

Greg Kupillas – CWRE #432
Pacific Hydro-Geology Inc.
18487 S. Valley Vista Road
Mulino, OR 97042

District #16 Watermaster – Mike McCord

Local Governments:

Marion County Planning Division
P.O. Box 14500
Salem, OR 97309

Commenters:

None

Irrigation Districts:

Not Applicable

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WATER RESOURCES DEPT
SALEM OREGON

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-10329, Marion County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF
APPROPRIATION AND CHARACTER
OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use 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

ROCK RIDGE FARMS, LLC
19480 SW 97TH AVENUE
TUALATIN, OR 97062

Findings of Fact

Background

1. On March 5, 2007, Rock Ridge Farms, LLC filed an application to change the point of appropriation under Certificate 33546. The Department assigned the application number T-10329.
2. The applicant amended the application to include a change in character of use. The amended application and a revised map were submitted on December 12, 2007.
3. The portion of the right to be transferred is as follows:

Certificate: 33546 in the name of KENNETH CHAFFEY & SONS (perfected under Permit G-2481)

Use: IRRIGATION of 16.8 ACRES

Priority Date: AUGUST 14, 1963

Rate: 0.21 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.50 acre-feet per acre per year

Source: A WELL in the WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
-----	-----	-----	-----	-----	------	-----	--------------------

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SALEM, OREGON

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
3 S	1 W	WM	32	SE SE	9		400 FEET NORTH & 330 FEET EAST FROM NW CORNER, LOT 1(NENE), SECTION 5, T 3 S, R 1 W

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	1 W	WM	32	SW SE	9		0.1 POA
3 S	1 W	WM	32	SE SE	9		15.7 POA
3 S	1 W	WM	32	SE SE	9		1.0 POA & USE

4. Application T-10329 proposes to move the authorized point of appropriation approximately 300-500 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
3 S	1 W	WM	32	SE SE	9		WELL 1 - 20 FEET NORTH & 900 FEET WEST FROM SE CORNER, SECTION 32
3 S	1 W	WM	32	SE SE	9		WELL 2 - 30 FEET NORTH & 340 FEET WEST FROM SE CORNER, SECTION 32
3 S	1 W	WM	32	SE SE	9		WELL 3 - 30 FEET NORTH & 630 FEET WEST FROM SE CORNER, SECTION 32

5. Application T-10329 also proposes to change the character of use to industrial use.
6. A portion of Groundwater Registration application GR-3351 (Certificate of Groundwater Registration 3103) is appurtenant to the same lands under Certificate 33546 proposed for the change in character of use in T-10329. Groundwater Registration modification T-10497, which proposes a similar change in the character of use under GR-3351, is being processed concurrently with T-10329.
7. Notice of the application for transfer was published on March 13, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. 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 Application T-10329.
10. The proposed changes would not result in enlargement of the right..
11. The proposed changes would not result in injury to other water rights.

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SALEM, OREGON

Determination and Proposed Action

The changes in point of appropriation and character of use proposed in application T-10329 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10329 is approved, the final order will include the following:

- 12. The changes in point of appropriation and character of use proposed in application T-10329 are approved.*
- 13. Water right certificate 33546 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 14. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 33546 and any related decree.*
- 15. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 16. The quantity of water diverted at the new points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 17. Prior to diverting water, the water user shall install an in-line flow meter 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.*
- 18. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 19. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

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SALEM OREGON

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

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WATER RESOURCES DEPT
SALEM, OREGON

April ##, 2008

Rock Ridge Farms, LLC
Attn: Charles W. Eggert
19480 SW 97th Avenue
Tualatin, Oregon 97062

SUBJECT: Application T-10329

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10329. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you on issuance of the Preliminary Determination.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report by [at least 30 days], a Preliminary Determination may be issued rejecting the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0890 or pedersdi@wrdd.state.or.us if you have questions.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Mike McCord, District 16 Watermaster
Pacific Hydro-Geology Inc.; Attn: Greg Kupillas; 18487 S. Valley Vista Rd; Mulino, OR 97042

enc

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WATER RESOURCES DEPT
SALEM OREGON

XXX ##, 2008

Rock Ridge Farms, LLC
Attn: Charles Eggert
19480 SW 97th Avenue
Tualatin, Oregon 97062

SUBJECT: Transfer Application T-10329

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10329. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Mike McCord, District 16 Watermaster
Pacific Hydro-Geology Inc.; Attn: Greg Kupillas; 18487 S. Valley Vista Rd; Mulino, OR 97042

encs

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WATER RESOURCES DEPT
SALEM, OREGON

**Notice of Preliminary Determination for
Water Right Transfer T-10329**

T-10329 filed by Rock Ridge Farms, LLC; 19480 SW 97th Avenue; Tualatin, OR 97062, proposes a change in point of appropriation and character of use under Certificate 33546. The right allows the use of 0.21 cfs (priority date 8/14/1963) from a well in Sec. 32, T3S, R1W, W.M. (Willamette Basin) for irrigation in Sec. 32. The applicant proposes to change the point of appropriation to three wells approximately 300-500 feet south (Sec. 32, T3S, R1W, W.M.) and to change the character of use to industrial use. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH CHAFFEY & SONS
ROUTE 2, BOX 188
AURORA, OR 97002

confirms the right to use the waters of a WELL in the WILLAMETTE RIVER BASIN for IRRIGATION of 10.5 ACRES.

This right was perfected under Permit G-2481. The date of priority is AUGUST 14, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.13 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Lot	Survey Coordinates
3 S	1 W	WM	32	SE SE	9	400 FEET NORTH & 330 FEET EAST FROM NW CORNER LOT 1(NENE), SECTION 5, TWP 4 SOUTH, RNG 1 WEST

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.50 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Twp	Rng	Mer	Sec	Q-Q	Lot	Acres
4 S	1 W	WM	5	NE NE	1	10.50

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

This certificate describes that portion of the water right confirmed by Certificate 33546, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 10329.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed _____.

Phillip C. Ward, Director

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**WATER RESOURCES DEPT
SALEM, OREGON**

John Borden

From: Dorothy Pedersen [pedersdi@wrд.state.or.us]
Sent: Friday, May 16, 2008 10:07 AM
To: John Borden
Cc: Salem Opeifa
Subject: T-10329 ROLI



ROLI and lienholder
notificati...

Hi John,

Rock Ridge Farms submitted the report of ownership and lien information (ROLI) and notices that they have sent to owners for the T-10329 land. Please review them and let me know if they cover what is required, or if anything else is needed. It looks as though you have submitted all the rest of the deliverables, so once you have sent me your response to the ROLI, go ahead and invoice the project.

Thanks for bearing with us during the long time this has been in process.

Have a good day,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

ROLI & Notices
match application, appl map
& Title map & lien-holders

Originals mailed
to D. Pedersen, WRD,
on 5/20/2008
JEB

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SALEM, OREGON

Rock Ridge Farms, LLC

19480 SW 97th Avenue
Tualatin, OR 97062
503/692-9666 & 503/692-1508 fax

May 15, 2008

Mr. Bruce Hamilton
ShoreBank Pacific
721 NW 9th Ave, Suite 195
Portland, OR 97209

} Address verified

Re: Notification of a water right transfer and ground water registration modification.

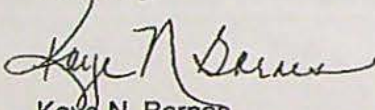
Dear Bruce:

Rock Ridge Farms, LLC is proposing to complete a water right transfer and ground water registration modification on property located in Township 3 South, Range 1 West, Section 32, W.M., (Tax Lot 3 1W 32D 00100) in Marion County, Oregon. In accordance with Oregon law, Rock Ridge Farms, LLC is required to provide notification of the proposed transfer and ground water registration modification to all identified lien holders on the affected properties.

Chaffey & Sons has been identified as a lien holder in a Lien and Encumbrance Report provided by Ticor Title. Therefore, the purpose of this letter is to notify you of this proposed water right transfer and ground water registration modification. The proposed transfer and ground water registration both involve the addition of three proposed new wells and a change in character of use from irrigation to industrial use for a portion of the affected property.

A copy of the Lien and Encumbrance Report is attached with this letter for your reference. Please call me at 503/692-9666 if you have any questions.

Sincerely,



Kaye N. Barnes
Administrator

/dmo

Enclosure: Lien and Encumbrance Report

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WATER RESOURCES DEPT.
SALEM, OREGON

Rock Ridge Farms, LLC

19480 SW 97th Avenue
Tualatin, OR 97062
503/692-9666 & 503/692-1508 fax

May 15, 2008

OK

Mr. Lowell Chaffey
Chaffey & Sons
23522 Chaffey Lane NE
Aurora, OR 97002

} Address verified

Re: Notification of a water right transfer and ground water registration modification.

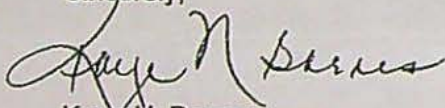
Dear Lowell:

Rock Ridge Farms, LLC is proposing to complete a water right transfer and ground water registration modification on property located in Township 3 South, Range 1 West, Section 32, W.M., (Tax Lot 3 1W 32D 00100) in Marion County, Oregon. In accordance with Oregon law, Rock Ridge Farms, LLC is required to provide notification of the proposed transfer and ground water registration modification to all identified lien holders on the affected properties.

Chaffey & Sons has been identified as a lien holder in a Lien and Encumbrance Report provided by Ticor Title. Therefore, the purpose of this letter is to notify you of this proposed water right transfer and ground water registration modification. The proposed transfer and ground water registration both involve the addition of three proposed new wells and a change in character of use from irrigation to industrial use for a portion of the affected property.

A copy of the Lien and Encumbrance Report is attached with this letter for your reference. Please call me at 503/692-9666 if you have any questions.

Sincerely,



Kaye N. Barnes
Administrator

/dmo

Enclosure: Lien and Encumbrance Report

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WATER RESOURCES DEPT.
SALEM, OREGON

2



222 High Street SE
Salem OR 97301
(503) 585-1881
(800) 828-6128
(503) 364-2114

May 12, 2008

Pacific Natural Foods
Kaye Barnes
19480 SW 97th Avenue
Tualatin, OR 97062

Buyer/Borrower: Rock Ridge Farms,
LLC

Re: 23512 Schultz Rd

Report No: 200827718

SERVICE FOR:
Sort Report: \$200.00

We have searched our Tract Indices as to the following described real property:

See 'Legal Description' attached hereto and by reference made a part hereof.

Real Property Tax Account No.: R10012 3-1W-32D TL 1700, R338951 3-1W-32D TL 1701,
R338952 3-1W-32D TL 1702

Situs Address as disclosed by Marion County Tax Roll:

23512 Schultz Road NE, Aurora, OR 97002

Dated as of May 8, 2008 at 8:00 a.m.

VESTED IN:

Rock Ridge Farms, LLC, a Oregon corporation

Subject to the following on record matters:

1. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]

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WATER RESOURCES DEPT.
SALEM, OREGON

2. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]
3. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]
4. The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.
5. The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

6. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,

Grantor: Rock Ridge Farms, LLC
Trustee: Tigor Title Company of Oregon
Beneficiary: ShoreBank Pacific
Amount: \$2,541,027.00
Dated: March 1, 2007
Recorded: March 5, 2007
Reel: 2781 Page: 1
in Marion County, Oregon.
Affects: does not cover entire property

Notified

7. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,

Grantor: Rock Ridge Farms, LLC
Trustee: Tigor Title Company of Oregon
Beneficiary: Chaffey & Sons, Inc.
Amount: \$375,000.00
Dated: April 21, 2006
Recorded: April 28, 2006
Reel: 2640 Page: 164
in Marion County, Oregon.

Notified

The lien of the above Deed of Trust was subordinated to the lien of the Deed of Trust, shown as Exception No. 6 above, by instrument,

Dated: March 1, 2007
Recorded: March 21, 2007
Reel: 2788 Page: 132
in Marion County, Oregon.

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WATER RESOURCES DEPT.
SALEM, OREGON

8. Financing Statement,
Debtor:
Secured Party:
Recorded:
Reel:
in Marion County, Oregon.

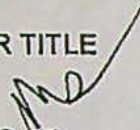
Rock Ridge Farms, LLC
ShoreBank Pacific
March 5, 2007
2781 Page: 2

← *Previously notified*

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

THE LIABILITY OF TICOR TITLE IS LIMITED TO THE ADDRESSEE AND SHALL NOT EXCEED THE PREMIUM PAID HEREUNDER.

TICOR TITLE


Patty Smith
Sr. Title Officer

cc: Pacific Natural Foods (2) Kaye Barnes

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2

LEGAL DESCRIPTION

That portion of Lot 9, Fractional Southeast quarter of the Southeast quarter of Section 32, Township 32, Township 3 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, described as follows: Beginning at a point in the South line of said Lot, 5.24 chains West of the Southeast corner thereof; thence West on said South line 11.28 chains; thence North 19° West 12.60 chains; thence North 69° East 16.39 chains; thence South 18.13 chains to the place of beginning.

831.6 ft

1081.7 ft

744.5 ft

345.8 ft

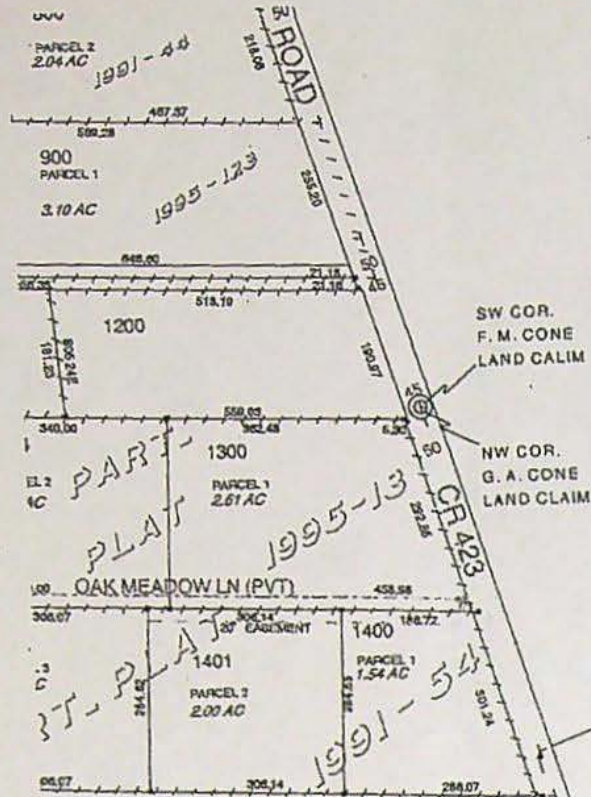
1196.6 ft

Legal = OK
Checks with TL map
and includes TL 1700, 1701, 1702

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TICOR TITLE

015 00 06 0

This map and the accompanying legal description are provided solely to assist in locating the subject property. Ticor Title assumes no liability for discrepancies.

SW COR.
F. M. CONE
LAND CLAIM

NW COR.
G. A. CONE
LAND CLAIM

LOT 9

Previous TL 100
Legal matches
TL map
QEB

1600

1700
18.63 AC

1800

SEE MAP 03 1W 33CC

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1089 43W 1247.74

SEE MAP 04 1W 05

50

POB

ARNDT ROAD

SEE M/

New

Dorothy Pedersen

From: Greg Kupillas [phggek@bctonline.com]
Sent: Tuesday, April 17, 2007 10:42 AM
To: Dorothy Pedersen
Cc: charles@pacificfoods.com
Subject: T-10329, Rock Ridge Farms

Dorothy:

As we discussed on the telephone, there have been some additional structures constructed over the irrigated area affected by this transfer since I began work on the application. The applicant wishes to amend the transfer to move, or change the character of use of, the area underlying the new buildings. At this point, we do not know exactly what the changes will involve, but should be prepared to make the necessary amendments within two to three weeks. Therefore, as the applicant's representative, I am requesting that you hold processing on T-10329 to allow us the opportunity to submit an amendment to the transfer application. Please let me know if you have any questions or need additional information.

Regards,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, OR 97042
503.632.5016

4/17/2007



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

March 8, 2007

ROCK RIDGE FARMS
19480 SW 97TH AVENUE
TUALATIN OR 97062

GREGORY E KUPILLAS, AGENT
18477 S VALLEY VISTA RD
MULINO OR 97042

Reference: Transfer 10329

On March 5, 2007 we received your water right transfer application requesting a change in point of appropriation for use of water from A WELL, tributary to WILLAMETTE RIVER. The application was accompanied by \$350. Our receipt 86488 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.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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)986-0883.

cc: Watermaster #16
Groundwater

enclosure



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 03/13/2007

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: 10329
Water Right: CERT 33546
Priority Date: 08/14/1963
Name: ROCK RIDGE FARMS
Address: 19480 SW 97TH AVE; TUALATIN OR 97062
Change: POA
Source: WELL
Authorized POA: T3S R1W 32
Proposed POA: T3S R1W 32

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.

TRANSFER CHECK OFF LIST

TRANSFER FILE #

3-5-07
T-10329

DATE RECEIVED

DATE MONEY SLIPPED

DATE RECEIPTED

VALID WATER RIGHT?

X Yes No

TEMP ALT AC

IRR DIST

PERM AMEND

DIV 15

TEMP Div 15

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

/

DECRB MARKED

/

DECRB COPIED

/

ADJUDICATION MAP COPIED

/

ENTRIES CHECKED

CHECKED BY

INIT FOLDER

PUBLIC NOTICE DATE

3-13-07

(PREPARED & COPIED)

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

YES

POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW

YES

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his

COPY TO CWRE

YES

LETTER TO ODFW

NO

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

ANSWER SENT TO:

Dordthy

SW --- NCR --- SCR --- ER

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

TRANCHK10/25

18477 S. Valley Vista Rd.
Mulino, Oregon 97042
(503) 632-5016 Phone
(503) 632-5983 Fax

Pacific Hydro-Geology Inc.

Memo

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DEC 12 2007
WATER RESOURCES DEPT
SALEM, OREGON

To: Dorothy Pedersen

From: Greg Kupillas *GJK*

CC:

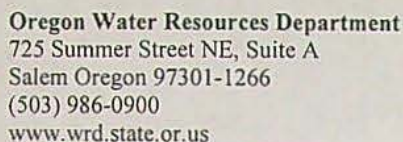
Date: December 6, 2007

Re: Amendments to Transfer 10329, Rock Ridge Farms LLC

Enclosed with this memorandum are amended pages for the application for Transfer 10329. This transfer originally involved only additional points of appropriation. However, since submittal of the original application, the applicant has constructed new dairy facilities on the footprint of the irrigation rights, and wishes to convert the affected rights to industrial use. The attached pages of the transfer application (pages 2 and 5 of the application form, and pages 1, 2, 4, and 5 of Form A) and map reflect those changes. Additional fees are also included to cover the one additional type of change.

In addition, because of the change in character of use affecting the certificated water right (C33546), we are also now submitting an application for a Ground Water Registration Modification to make the necessary changes to underlying GR 3351.

Please contact us if you have any questions or need additional information.



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

<p><input checked="" type="checkbox"/> Permanent Transfer</p> <p><input type="checkbox"/> Temporary Transfer</p> <p style="margin-left: 20px;">• total number of years: _____</p> <p style="margin-left: 20px;">(begin year: _____)</p> <p style="margin-left: 20px;">(end year: _____)</p>	<p><input type="checkbox"/> Instream Transfer</p> <p style="margin-left: 40px;"><input type="checkbox"/> Permanent</p> <p style="margin-left: 40px;"><input type="checkbox"/> Time-Limited</p> <p><input type="checkbox"/> Drought Transfer</p> <p><input type="checkbox"/> Other</p>
---	---

2. APPLICANT INFORMATION

Name: Rock Ridge Farms, LLC

Address: 19480 SW 97th Avenue

Tualatin	OR	97062
City	State	Zip

Phone: _____ (503) 692-9666

Fax: (503) 692-9610 E-Mail address:

3. AGENT INFORMATION

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

Name: Pacific Hydro-Geology Inc., Greg or Malia Kupillas

Address: 18487 S. Valley Vista Road

Mulino	OR	97042
City	State	Zip

Phone: _____
Home Work Other

Fax: (503) 632-5983 E-Mail address: phggek@bctonline.com

- 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 10329

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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.	G-2683	G-2481	33546
2.			
3.			
4.			
5.			
6.			

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SALEM, OREGON

- 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): The existing well is in an undesirable location. In addition, a new barn and milking parlor have been constructed in the footprint of the original water right and we wish to transfer the rights covered by those new buildings to industrial use.

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.

Water is withdrawn from the authorized well and conveyed through about 300 feet of buried 3-inch-diameter mainline to a hydrant which is used for a connection to a hard hose traveler.

- System capacity: 0.34 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Not applicable

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).

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:

Not applicable

- 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 Planning Division, P.O. Box 14500, Salem, OR 973090

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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): Not applicable

First

Last

Address: _____

City

State

Zip

- 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): Not applicable

First

Last

Address: _____

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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WA-11-10000
SALEM, OREGON
Last revised: 10/13/2006

Transfer Application/4

T 10329

FS

9. ATTACHMENTS

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

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:
- ❶ In EFU zone or irrigation district,
 - ❷ Change in place of use only,
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ❹ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 700.00
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.

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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.

10. SIGNATURES

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

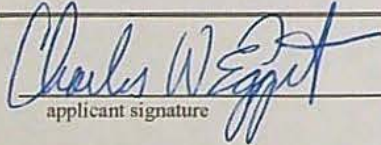
☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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	CHARLES W. EGGERT name (print)	2/6/07 date
 applicant signature	 name (print)	 date

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WATER RESOURCES DEPT
SALEM, OREGON 97331-3000

T 10329

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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■ Certificate Number or other identifying number: Certificate 33546

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" 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 <u>instead</u> 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 type="checkbox"/> Only a <u>portion</u> 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 checked="" 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	33546	G-2481
	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

- Name on Permit, Certificate, or Decree: Kenneth Chaffey & Sons
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 16.8 acres
- Priority Date(s): August 14, 1963

*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: A well

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? GR 3351

*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).*

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: Certificate 33546

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.

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

(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)
MARI 131	A Well 8/14/63	3S	1W	WM	32	SE SE	Gov't Lot 9	400 feet north and 330 feet east from the NW corner, Lot 1 (NE1/4 NE1/4), Section 5.

- 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

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MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Supplemental Form A

▪ Certificate Number or other identifying number: Certificate 33546

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.

RECEIVED

DEC 12 2007

12 2007
WATER RESOURCES DEPT
SALEM, OREGON

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

[illegible]

▪ Certificate Number or other identifying number: Certificate 33546

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.

RECEIVED

DEC 12 2007

WATER RESOURCES DEPT
SALEM, OREGON

Location of Proposed Point(s) of Diversion or Appropriation:

(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)
Well 1	3S	1W	WM	32	SE SE	Gov't Lot 9	20 feet north and 900 feet west from the SE corner, Section 32
Well 2	3S	1W	WM	32	SE SE	Gov't Lot 9	30 feet north and 340 feet west from the SE corner, Section 32
Well 3	3S	1W	WM	32	SE SE	Gov't Lot 9	30 feet north and 630 feet west from the SE corner, Section 32

- 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:

Construction of Proposed Point(s) of Appropriation or Well(s)

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	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
Wells 1, 2, & 3	Not applicable	8-10 inches	8 or 10- inch steel	~250	120-130' 140'-175'	50'	60'	120'	Per OARs	~250'

▪ Certificate Number or other identifying number: Certificate 33546

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	$\frac{1}{4}$ $\frac{1}{4}$ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: The proposed well construction described on page 5 is provided as an estimate
of actual well specifications. The actual well diameter, casing length, seal depth,
perforated intervals, and total well depth will depend on actual conditions encountered.

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MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Supplemental Form A

- 6 -

T 10329

Description of Proposed Change(s) to a Water Right

NOTICE TO WATER WELL

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM 10, OREGON
within 30 days from the date of well completion.

RECEIVED
JUL 8 1963
STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

State Well No.

3/1W-32R

State Permit No.

(1) OWNER:

Name Smith & HubbardAddress Aurora, Oregon

(2) LOCATION OF WELL:

County Marian Driller's well number1/4 1/4 Section 32 T. 3S R. 1W W.M.

Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

8" Diam. from 0 ft. to 120 ft. Gage 1/4"
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Bentonite Mud
Depth of seal 23 ft. Was a packer used? NO
Diameter of well bore to bottom of seal 12 in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth
Was a drive shoe used? ☐ Yes ☒ No
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata
Method of sealing strata off T 10329

(10) WATER LEVELS:

Static level 58 ft. below land surface Date 6/18/63
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? drillerYield: 150 gal./min. with 105 ft. drawdown after 6 hrs.

" " " "
" " " "

Ballor test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing

Depth drilled 130 ft. Depth of completed well 130 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Surface	0	3
Brown sandy clay	3	37
Blue clay	37	61
Sandy blue clay	61	87
Gray clay	87	101
Pink clay	101	108
Brown clay	108	113
Gray clay	113	120
Black sand	120	130 <u>W</u>

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MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Work started June 7 1963. Completed June 18 1963.
Date well drilling machine moved off of well June 19 1963.

(13) PUMP:

Manufacturer's Name
Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME John Truman Miller

(Person, firm or corporation)

(Type or print)

Address P O Box 42 Hubbard, OregonDrilling Machine Operator's License No. 277[Signed] John T. Miller

(Water Well Contractor)

Contractor's License No. 277 Date July 1 1963

(USE ADDITIONAL SHEETS IF NECESSARY)

**RECEIVED**

MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON**Oregon Water Resources Department
Land Use Information Form**

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Rock Ridge Farms, LLC
Mailing Address: 19480 SW 97th Avenue
City: Tualatin State: OR Zip: 97062 Day Phone: (503) 692-9666

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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:
3S	1W	32	SE SE	3 1W 32D 00100	<u>Pawnee Ag/EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.21 ☒ 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: Water will be withdrawn from as many as three ground water wells and conveyed to the places of use for irrigation of pasture.

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

10329

RECEIVED

MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136.010.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

Name: David Ebling Title: Senior Planner
Signature: [Signature] Phone: 503-588-5038 Date: 2/27/07
Government Entity: Marion County

T 10329

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

RECEIVED

Last revised: October 13, 2006

MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON**Water Right Transfer Supplemental Form B**
AFFIDAVIT ATTESTING TO THE USE OF WATERState of Oregon)
) ss
County of Marion)I, Charles E. Eggert, in my capacity as Farm Manager,
mailing address 19480 SW 97th Avenue, Tualatin, OR 97062
telephone number (503) 805-7805, 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	$\frac{1}{4}$ $\frac{1}{4}$ Section		Gov't Lot or DLC	Acres (if applicable)
3	S	1	W	WM	32	SW	SE	Gov't Lot 9	0.1
3	S	1	W	WM	32	SE	SE	Gov't Lot 9	16.7

(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.

T 10329

RECEIVED

MAR 05 2007

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

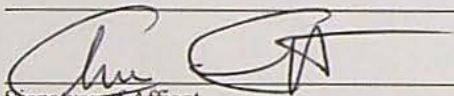
Irrigation of pasture

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

Water is withdrawn from the authorized well and conveyed through about 300 feet of buried 3-inch-diameter mainline to a hydrant which is used for a connection to a hard hose traveler.

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

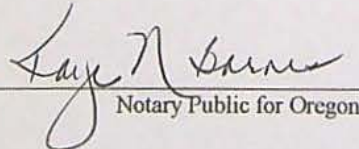
- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, 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: _____


Signature of Affiant

2/12/07
Date

Signed and sworn to (or affirmed) before me this 12 day of February, 2007.




Notary Public for Oregon

My Commission Expires: 8/11/10

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

RECEIVED

MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

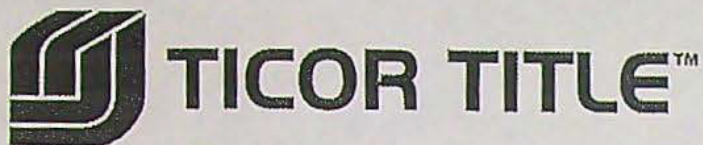


T3S R1W Sec 32
2004



This acreage is for FSA program purposes only. No warranty is made for any other use.

T 10329



222 High Street SE
Salem OR 97301
(503) 585-1881
(800) 828-6128
(503) 364-2114

May 12, 2008

Pacific Natural Foods
Kaye Barnes
19480 SW 97th Avenue
Tualatin, OR 97062

Buyer/Borrower: Rock Ridge Farms,
LLC

Re: 23512 Schultz Rd

Report No: 200827718

SERVICE FOR:
Sort Report: \$200.00

We have searched our Tract Indices as to the following described real property:

See 'Legal Description' attached hereto and by reference made a part hereof.

Real Property Tax Account No.: [REDACTED]

Situs Address as disclosed by Marion County Tax Roll:

23512 Schultz Road NE, Aurora, OR 97002

Dated as of May 8, 2008 at 8:00 a.m.

VESTED IN:

Rock Ridge Farms, LLC, a Oregon corporation

Subject to the following on record matters:

1. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]

2. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]
3. Taxes for the fiscal year 2007-2008,
Total amount: [REDACTED]
Total unpaid balance: [REDACTED]
Account No.: [REDACTED]
4. The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.
5. The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.
6. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
Grantor: Rock Ridge Farms, LLC
Trustee: Ticor Title Company of Oregon
Beneficiary: ShoreBank Pacific
Amount: \$2,541,027.00
Dated: March 1, 2007
Recorded: March 5, 2007
Reel: 2781 Page: 1
in Marion County, Oregon.
Affects: does not cover entire property
7. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
Grantor: Rock Ridge Farms, LLC
Trustee: Ticor Title Company of Oregon
Beneficiary: Chaffey & Sons, Inc.
Amount: \$375,000.00
Dated: April 21, 2006
Recorded: April 28, 2006
Reel: 2640 Page: 164
in Marion County, Oregon.

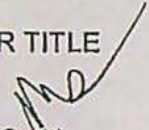
The lien of the above Deed of Trust was subordinated to the lien of the Deed of Trust, shown as Exception No. 6 above, by instrument,
Dated: March 1, 2007
Recorded: March 21, 2007
Reel: 2788 Page: 132
in Marion County, Oregon.

8. Financing Statement,
Debtor: Rock Ridge Farms, LLC
Secured Party: ShoreBank Pacific
Recorded: March 5, 2007
Reel: 2781 Page: 2
In Marion County, Oregon.

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

THE LIABILITY OF TICOR TITLE IS LIMITED TO THE ADDRESSEE AND SHALL NOT EXCEED THE PREMIUM PAID HEREUNDER.

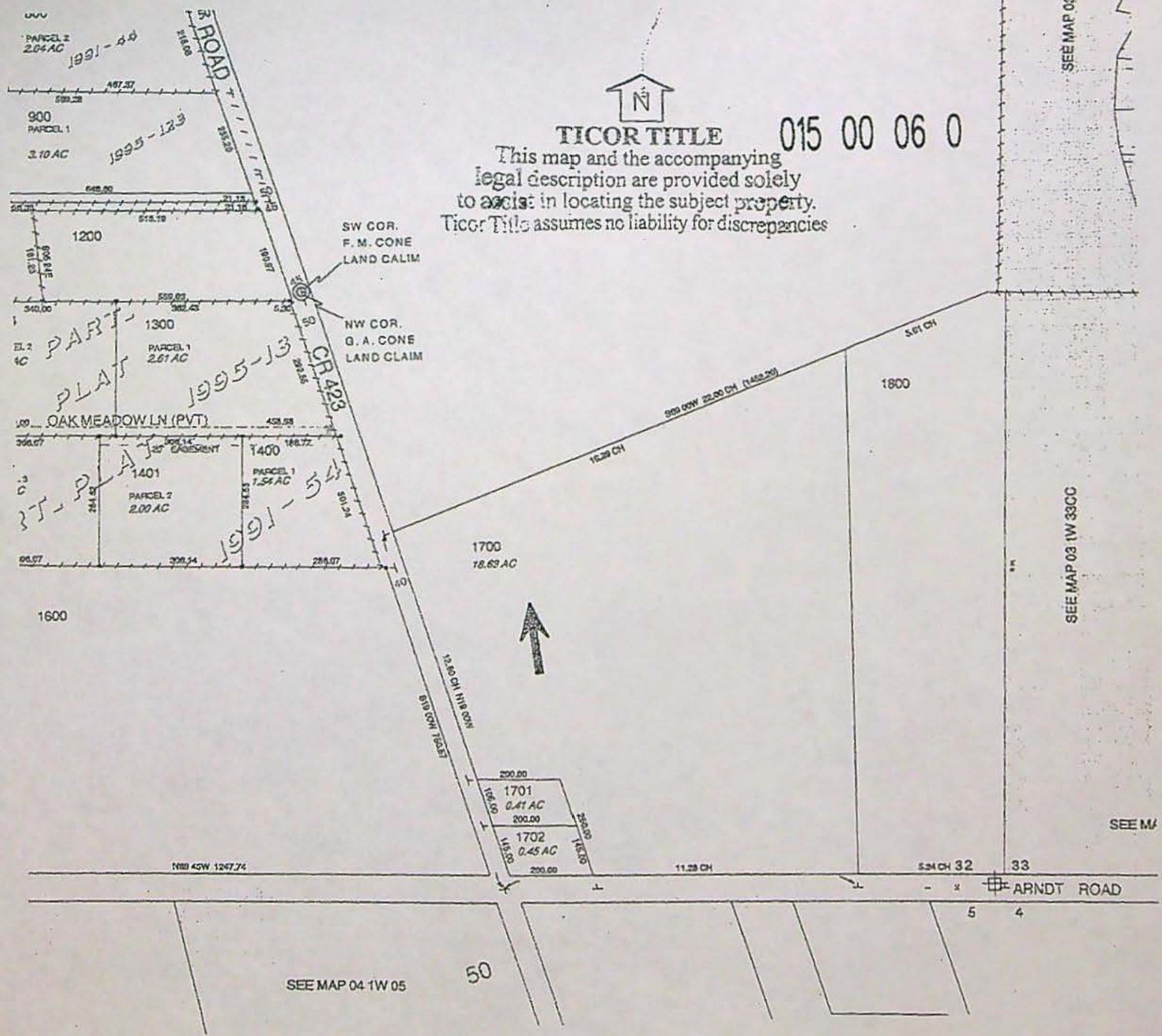
TICOR TITLE



Patty Smith
Sr. Title Officer

cc: Pacific Natural Foods (2) Kaye Barnes

LEGAL DESCRIPTION

That portion of Lot 9, Fractional Southeast quarter of the Southeast quarter of Section 32, Township 32, Township 3 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, described as follows: Beginning at a point in the South line of said Lot, 5.24 chains West of the Southeast corner thereof; thence West on said South line 11.28 chains; thence North 19° West 12.60 chains; thence North 69° East 16.39 chains; thence South 18.13 chains to the place of beginning.




TICOR TITLE 015 00 06 0
This map and the accompanying
legal description are provided solely
to assist in locating the subject property.
Ticor Title assumes no liability for discrepancies

SEE MAP 03

SEE MAP 03 1W 33CC

SEE MAP

SEE MAP 04 1W 05

50

ARNDT ROAD

Rock Ridge Farms, LLC

19480 SW 97th Avenue
Tualatin, OR 97062
503/692-9666 & 503/692-1508 fax

May 15, 2008

Mr. Bruce Hamilton
ShoreBank Pacific
721 NW 9th Ave, Suite 195
Portland, OR 97209

Re: Notification of a water right transfer and ground water registration modification.

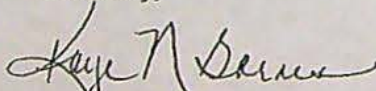
Dear Bruce:

Rock Ridge Farms, LLC is proposing to complete a water right transfer and ground water registration modification on property located in Township 3 South, Range 1 West, Section 32, W.M., (Tax Lot 3 1W 32D 00100) in Marion County, Oregon. In accordance with Oregon law, Rock Ridge Farms, LLC is required to provide notification of the proposed transfer and ground water registration modification to all identified lien holders on the affected properties.

Chaffey & Sons has been identified as a lien holder in a Lien and Encumbrance Report provided by Ticor Title. Therefore, the purpose of this letter is to notify you of this proposed water right transfer and ground water registration modification. The proposed transfer and ground water registration both involve the addition of three proposed new wells and a change in character of use from irrigation to industrial use for a portion of the affected property.

A copy of the Lien and Encumbrance Report is attached with this letter for your reference. Please call me at 503/692-9666 if you have any questions.

Sincerely,



Kaye N. Barnes
Administrator

/dmo

Enclosure: Lien and Encumbrance Report

Rock Ridge Farms, LLC

19480 SW 97th Avenue

Tualatin, OR 97062

503/692-9666 & 503/692-1508 fax

May 15, 2008

Mr. Lowell Chaffey
Chaffey & Sons
23522 Chaffey Lane NE
Aurora, OR 97002

Re: Notification of a water right transfer and ground water registration modification.

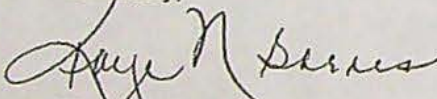
Dear Lowell:

Rock Ridge Farms, LLC is proposing to complete a water right transfer and ground water registration modification on property located in Township 3 South, Range 1 West, Section 32, W.M., (Tax Lot 3 1W 32D 00100) in Marion County, Oregon. In accordance with Oregon law, Rock Ridge Farms, LLC is required to provide notification of the proposed transfer and ground water registration modification to all identified lien holders on the affected properties.

Chaffey & Sons has been identified as a lien holder in a Lien and Encumbrance Report provided by Ticor Title. Therefore, the purpose of this letter is to notify you of this proposed water right transfer and ground water registration modification. The proposed transfer and ground water registration both involve the addition of three proposed new wells and a change in character of use from irrigation to industrial use for a portion of the affected property.

A copy of the Lien and Encumbrance Report is attached with this letter for your reference. Please call me at 503/692-9666 if you have any questions.

Sincerely,



Kaye N. Barnes
Administrator

/dmo

Enclosure: Lien and Encumbrance Report

TRUST DEED

Reel Page
2840 164

County of _____ } ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book / reel / volume No. _____ on page _____ and/or as fee / file / instrument / microfilm / reception No. _____ Records of said County.

Witness my hand and seal of County affixed.

Name Title

By _____, Deputy

Rock Ridge Farms, LLC
19480 SW 97th Avenue
Tualatin, OR 97062

SPACE RESERVED
FOR
RECORDER'S USE

Grantor's Name and Address
Chaffey & Sons, Inc.
23512 Schultz Road NE
Aurora, OR 97002

Beneficiary's Name and Address

After recording, return to (Name and Address, Zip):

Ticor Title

1000 SW Broadway, Suite 1555

Portland, OR 97205

Attn: Deana Freauff

THIS TRUST DEED, made this 21 day of April, 2006, by Rock Ridge Farms, LLC, an Oregon limited liability company, Grantor, ~~Ticor Title Insurance Company, as Trustee~~ and Chaffey & Sons, Inc., a corporation, Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in Marion County, Oregon, described as:

LEGAL DESCRIPTION attached

See legal description attached hereto and by reference made a part hereof.

together with all and singular the tenements, hereditaments, and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues, and profits thereof and all fixtures now or hereafter attached to or used in connection with the real property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of \$375,000.00 (Three Hundred SeventyFive Thousand and no/100), with interest thereon according to the terms of a promissory note of even date herewith, payable to beneficiary or order and made by grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable April 21, 2021. The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of the note becomes due and payable. Should the grantor either agree to, attempt to, or actually sell, convey, or assign all (or any part) of the property or all (or any part) of grantor's interest in it without first obtaining the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable. The execution by grantor of an earnest money agreement** does not constitute a sale, conveyance or assignment.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain the property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of the property.
2. To complete or restore promptly and in good and hab damaged or destroyed thereon, and pay when due all costs incurred therefor.
3. To comply with all laws, ordinances, regulations, cove so requests, to join in executing such financing statements pursuant to the filing same in the proper public office or offices, as well as the cost of deemed desirable by the beneficiary.
4. To provide and continuously maintain insurance on damage by fire and such other hazards as the beneficiary may from time to time in companies acceptable to the beneficiary, with loss payable to the latte insured; if the grantor shall fail for any reason to procure any such insur to the expiration of any policy of insurance now or hereafter placed on The amount collected under any fire or other insurance policy may be, order as beneficiary may determine, or at option of beneficiary the entire application or release shall not cure or waive any default or notice of def
5. To keep the property free from construction liens a assessed upon or against the property before any part of such taxes, as deliver receipts therefor to beneficiary; should the grantor fail to mal charges payable by grantor, either by direct payment or by providing b its option, make payment thereof, and the amount so paid, with interest, described in paragraphs 6 and 7 of this trust deed, shall be added to an rights arising from breach of any of the covenants hereof and for such j well as the grantor, shall be bound to the same extent that they are bou shall be immediately due and payable without notice, and the nonpaym this trust deed immediately due and payable and constitute a breach of t
6. To pay all costs, fees, and expenses of this trust in trustee incurred in connection with or in enforcing this obligation and t
7. To appear in and defend any action or proceeding i in any suit, action or proceeding in which the beneficiary or trustee n action related to this instrument, including but not limited to its valid title and the beneficiary's or trustee's attorney's fees; the amount of a trial court and in the event of an appeal from any judgment or decree c shall adjudge reasonable as the beneficiary's or trustee's attorney's fee

It is mutually agreed that:

8. In the event that any portion or all of the property shall be taken under this agreement, the beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking, are in excess of the amount required to pay all reasonable costs, expenses and attorney's fees necessarily paid or incurred by grantor in such proceedings, shall be paid to beneficiary and applied by it first upon any reasonable costs and expenses and attorney's fees, both in the trial and appellate courts, necessarily paid or incurred by beneficiary in such proceedings, and the balance applied upon the indebtedness secured hereby; and grantor agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation, promptly upon beneficiary's request.

Recorded by Ticor Title as an Accommodation only.
No liability is accepted for the creation of title or for the validity, sufficiency or effect of this document.

9. At any time and from time to time upon written request of beneficiary, payment of its fees and presentation of this deed and the note for endorsement (in case of full reconveyances, for cancellation), without affecting the liability of any person for the payment of the indebtedness, trustee may (a) consent to the making of any map or plot of the property; (b) join in granting any easement or creating any restriction thereon; (c) join in any subordination or other

agreement affecting this deed or the lien or charge thereon; (d) reconvey, without warranty, all or any part of the property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustee's fees for any of the services mentioned in this paragraph shall be not less than \$5.

10. Upon any default by grantor hereunder, beneficiary may at any time without notice, either in person, by agent or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of the property or any part thereof, in its own name sue or otherwise collect the rents, issues, and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees upon any indebtedness secured hereby, and in such order as beneficiary may determine.

11. The entering upon and taking possession of the property, the collection of such rents, issues, and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

12. Upon default by grantor in payment of any indebtedness secured hereby or in grantor's performance of any agreement hereunder, time being of the essence with respect to such payment and/or performance, the beneficiary may declare all sums secured hereby immediately due and payable. In such an event the beneficiary may elect to proceed to foreclose this trust deed in equity as a mortgage or direct the trustee to foreclose this trust deed by advertisement and sale, or may direct the trustee to pursue any other right or remedy, either at law or in equity, which the beneficiary may have. In the event the beneficiary elects to foreclose by advertisement and sale, the beneficiary or the trustee shall execute and cause to be recorded a written notice of default and election to sell the property to satisfy the obligation secured hereby whereupon the trustee shall fix the time and place of sale, give notice thereof as then required by law and proceed to foreclose this trust deed in the manner provided in ORS 86.735 to 86.793.

13. After the trustee has commenced foreclosure by advertisement and sale, and at any time prior to 5 days before the date the trustee conducts the sale, the grantor or any other person so privileged by ORS 86.753, may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not then be due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. If any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed together with trustee's and attorney's fees not exceeding the amounts provided by law.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which the sale may be postponed as provided by law. The trustee may sell the property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property to sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

15. When trustee sells pursuant to the powers provided herein, trustee shall apply the proceeds of sale to payment of (1) the expenses of sale, including the compensation of the trustee and a reasonable charge by trustee's attorney, (2) to the obligation secured by the trust deed, (3) to all persons having recorded liens subsequent to the interest of the trustee in the trust deed as their interests may appear in the order of their priority, and (4) the surplus, if any, to the grantor or to any successor in interest entitled to such surplus.

16. Beneficiary may from time to time appoint a successor or successors to any trustee named herein or to any successor trustee appointed hereunder. Upon such appointment, and without conveyance to the successor trustee, the latter shall be vested with all title, powers, and duties conferred upon any trustee herein named or appointed hereunder. Each such appointment and substitution shall be made by written instrument executed by beneficiary, which, when recorded in the mortgage records of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor trustee.

17. Trustee accepts this trust when this deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other deed of trust or of any action or proceeding in which grantor, beneficiary or trustee shall be a party unless such action or proceeding is brought by trustee.

The grantor covenants and agrees to and with the beneficiary and the beneficiary's successor in interest that the grantor is lawfully seized in fee simple of the real property and has a valid, unencumbered title thereto, except as may be set forth in an addendum or exhibit attached hereto, and that the grantor will warrant and forever defend the same against all persons whomsoever.

WARNING: Unless grantor provides beneficiary with evidence of insurance coverage as required by the contract or loan agreement between them, beneficiary may purchase insurance at grantor's expense to protect beneficiary's interest. This insurance may, but need not, also protect grantor's interest. If the collateral becomes damaged, the coverage purchased by beneficiary may not pay any claim made by or against grantor. Grantor may later cancel the coverage by providing evidence that grantor has obtained property coverage elsewhere. Grantor is responsible for the cost of any insurance coverage purchased by beneficiary, which cost may be added to grantor's contract or loan balance. If it is so added, the interest rate on the underlying contract or loan will apply to it. The effective date of coverage may be the date grantor's prior coverage lapsed or the date grantor failed to provide proof of coverage. The coverage beneficiary purchases may be considerably more expensive than insurance grantor might otherwise obtain alone and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

The grantor warrants that the proceeds of the loan represented by the above described note and this trust deed are:

(a) primarily for grantor's personal, family or household purposes (See Important Notice below);

(b) for an organization, or (even if grantor is a natural person) are for business or commercial purposes.

This deed applies to, inures to the benefit of and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors, and assigns. The term beneficiary shall mean the holder and owner, including pledgee, of the contract secured hereby, whether or not named as a beneficiary herein.

In construing this trust deed, it is understood that the grantor, trustee and/or beneficiary may each be more than one person; that if the context so requires, the singular shall be taken to mean and include the plural, and that generally all grammatical changes shall be made, assumed, and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument the day and year first above written.

*IMPORTANT NOTICE: Delete by lining out, whichever warranty (a) or (b) is not applicable. If warranty (a) is applicable and the beneficiary is a creditor as such word is defined in the Truth-in-Lending Act and Regulation Z, the beneficiary MUST comply with the Act and Regulation by making required disclosures; for this purpose use Stevens-Neess Form No. 1319, or equivalent. If compliance with the Act is not required, disregard this notice.

Rock Ridge Farms, LLC, an Oregon limited liability company

By: Charles W. Eggert, Manager

Charles W. Eggert, Manager

STATE OF OREGON, County of WASHINGTON ss.

This instrument was acknowledged before me on

By Charles W. Eggert, Manager of Rock Ridge Farms, LLC, an Oregon limited liability company.



Kaye N. Barnes
Notary Public for Oregon

My commission expires: 8/11/06

REQUEST FOR FULL RECONVEYANCE (To be used only when obligations have been paid.)

TO: _____ Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by the trust deed have been fully paid and satisfied. You hereby are directed, on payment to you of any sums owing to you under the terms of the trust deed or pursuant to statute, to cancel all evidences of indebtedness secured by the trust deed (which are delivered to you herewith together with the trust deed) and to reconvey, without warranty, to the parties designated by the terms of the trust deed the estate now held by you under the same. Mail reconveyance and documents to _____

DATED: _____

Do not lose or destroy this Trust Deed OR THE NOTE which it secures. Both must be delivered to the trustee for cancellation before reconveyance will be made.

Beneficiary

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of Lot 9, Fractional Southeast quarter of the Southeast quarter of Section 32, Township 32, Township 3 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, described as follows: Beginning at a point in the South line of said Lot, 5.24 chains West of the Southeast corner thereof; thence West on said South line 11.28 chains; thence North 19° West 12.60 chains; thence North 69° East 16.39 chains; thence South 18.13 chains to the place of beginning.

END OF LEGAL DESCRIPTION

Title No: 200607743

REEL:2640

PAGE: 164

April 28, 2006, 11:54 am.

CONTROL #: 166111

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: \$ 36.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

RECORDATION
ShoreBank Pac
203 Howerton V
Ilwaco, WA 986

WHEN RECORD
ShoreBank Pac
203 Howerton W
Ilwaco, WA 986

SEND TAX NOTI
ShoreBank Pac
203 Howerton W
Ilwaco, WA 986

Need
Ticor's
Consent

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

THIS DEED OF TRUST is dated March 1, 2007, among Rock Ridge Farms, LLC, whose address is 19480 SW 97th Avenue, Tualatin, OR 97062 ("Grantor"); ShoreBank Pacific, whose address is 203 Howerton Way SE; PO Box 400, Ilwaco, WA 98624 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Ticor Title Insurance Company, whose address is 1000 SW Broadway, Suite 1555, Portland, OR 97205 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, represented in the Note dated March 1, 2007, in the original principal amount of \$2,541,027.00, from Borrower to Lender, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Marion County, State of Oregon:

See Exhibit A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 23512 Schultz Road, Aurora, OR 97237.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that: (a) this Deed of Trust is executed at Borrower's request and not at the request of Lender; (b) Grantor has the full power, right, and authority to enter into this Deed of Trust and to hypothecate the Property; (c) the provisions of this Deed of Trust do not conflict with, or result in a default under any agreement or other instrument binding upon Grantor and do not result in a violation of any law, regulation, court decree or order applicable to Grantor; (d) Grantor has established adequate means of obtaining from Borrower on a continuing basis information about Borrower's financial condition; and (e) Lender has made no representation to Grantor about Borrower (including without limitation the creditworthiness of Borrower).

GRANTOR'S WAIVERS. Grantor waives all rights or defenses arising by reason of any "one action" or "anti-deficiency" law, or any other law which may prevent Lender from bringing any action against Grantor, including a claim for deficiency to the extent Lender is otherwise entitled to a claim for deficiency, before or after Lender's commencement or completion of any foreclosure action, either judicially or by exercise of a power of sale.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Borrower shall pay to Lender all indebtedness secured by this Deed of Trust as it becomes due, and Borrower and Grantor shall perform all their respective obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Borrower and Grantor agree that Borrower's and Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (MEASURE 37 (2004)).

Duty to Maintain. Grantor shall maintain the Property in tenable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous

**DEED OF TRUST
(Continued)**

Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Deed of Trust, including the obligation to indemnify and defend, shall survive the payment of the indebtedness and the satisfaction and reconveyance of the lien of this Deed of Trust and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

Nuisance, Waste. Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Grantor shall not demolish or remove any Improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any Improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such Improvements with Improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Deed of Trust.

Compliance with Governmental Requirements. Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

Right to Contest. Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such Improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a fair value basis for the full insurable value covering all Improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least thirty (30) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, within 45 days after notice is given by Lender that the Property is located in a special flood hazard area, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy

**DEED OF TRUST
(Continued)**

limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

Application of Proceeds. Grantor shall promptly notify Lender of any loss or damage to the Property. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the Indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed Improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the Indebtedness. If Lender holds any proceeds after payment in full of the Indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

Grantor's Report on Insurance. Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Trustee or Lender under this Deed of Trust, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Borrower's Indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to condemnation proceedings are a part of this Deed of Trust:

Proceedings. If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the Indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Trustee or Lender in connection with the condemnation.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

Current Taxes, Fees and Charges. Upon request by Lender, Grantor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the Indebtedness secured by this Deed of Trust; (2) a specific tax on Borrower which Borrower is authorized or required to deduct from payments on the Indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the Indebtedness or on payments of principal and interest made by Borrower.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Deed of Trust as a security agreement are a part of

**DEED OF TRUST
(Continued)**

this Deed of Trust:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

Security Interest. Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Deed of Trust in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Deed of Trust as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

Addresses. The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

Further Assurances. At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refilled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Borrower's and Grantor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-In-Fact. If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Borrower and Grantor pay all the indebtedness when due, and Grantor otherwise performs all the obligations imposed upon Grantor under this Deed of Trust, Lender shall execute and deliver to Trustee a request for full reconveyance and shall execute and deliver to Grantor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Any reconveyance fee required by law shall be paid by Grantor, if permitted by applicable law.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Borrower fails to make any payment when due under the indebtedness.

Other Defaults. Borrower or Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Borrower or Grantor.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Environmental Default. Failure of any party to comply with or perform when due any term, obligation, covenant or condition contained in any environmental agreement executed in connection with the Property.

Default in Favor of Third Parties. Should Borrower or any Grantor default under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or Borrower's or any Grantor's ability to repay the indebtedness or perform their respective obligations under this Deed of Trust or any of the Related Documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Borrower or Grantor or on Borrower's or Grantor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The dissolution of Grantor's (regardless of whether election to continue is made), any member withdraws from the limited liability company, or any other termination of Borrower's or Grantor's existence as a going business or the death of any member, the insolvency of Borrower or Grantor, the appointment of a receiver for any part of Borrower's or Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Borrower or Grantor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Borrower or Grantor or by any governmental agency against any property securing the indebtedness. This includes a garnishment of any of Borrower's or Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Borrower or Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Borrower or Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Breach of Other Agreement. Any breach by Borrower or Grantor under the terms of any other agreement between Borrower or Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or

**DEED OF TRUST
(Continued)**

other obligation of Borrower or Grantor to Lender, whether existing now or later.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of any of the Indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness. In the event of a death, Lender, at its option, may, but shall not be required to, permit the Guarantor's estate to assume unconditionally the obligations arising under the guaranty in a manner satisfactory to Lender, and, in doing so, cure any Event of Default.

Adverse Change. A material adverse change occurs in Borrower's or Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

RIGHTS AND REMEDIES ON DEFAULT. If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Borrower or Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Borrower would be required to pay.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law. If this Deed of Trust is foreclosed by judicial foreclosure, Lender will be entitled to a judgment which will provide that if the foreclosure sale proceeds are insufficient to satisfy the judgment, execution may issue for the amount of the unpaid balance of the judgment.

UCC Remedies. With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

Collect Rents. Lender shall have the right, without notice to Borrower or Grantor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Tenancy at Sufferance. If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or available at law or in equity.

Notice of Sale. Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least fifteen (15) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

Sale of the Property. To the extent permitted by applicable law, Borrower and Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

Rights of Trustee. Trustee shall have all of the rights and duties of Lender as set forth in this section.

POWERS AND OBLIGATIONS OF TRUSTEE. The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

Powers of Trustee. In addition to all powers of Trustee arising as a matter of law, Trustee shall have the power to take the following actions with respect to the Property upon the written request of Lender and Grantor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

Obligations to Notify. Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Grantor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

DEED OF TRUST
(Continued)

Trustee. Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Successor Trustee. Lender, at Lender's option, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office of the recorder of Marion County, State of Oregon. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and Grantor, the book and page where this Deed of Trust is recorded, and the name and address of the successor trustee, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

NOTICES. Any notice required to be given under this Deed of Trust, including without limitation any notice of default and any notice of sale shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Amendments. This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration of or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

Caption Headings. Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

Merger. There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Governing Law. This Deed of Trust will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Oregon without regard to its conflicts of law provisions. This Deed of Trust has been accepted by Lender in the State of Oregon.

Choice of Venue. If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the courts of Marion County, State of Oregon.

Joint and Several Liability. All obligations of Borrower and Grantor under this Deed of Trust shall be joint and several, and all references to Grantor shall mean each and every Grantor, and all references to Borrower shall mean each and every Borrower. This means that each Grantor signing below is responsible for all obligations in this Deed of Trust. Where any one or more of the parties is a corporation, partnership, limited liability company or similar entity, it is not necessary for Lender to inquire into the powers of any of the officers, directors, partners, members, or other agents acting or purporting to act on the entity's behalf, and any obligations made or created in reliance upon the professed exercise of such powers shall be guaranteed under this Deed of Trust.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Deed of Trust unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Deed of Trust shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Deed of Trust. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Deed of Trust, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Severability. If a court of competent jurisdiction finds any provision of this Deed of Trust to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Deed of Trust. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Deed of Trust shall not affect the legality, validity or enforceability of any other provision of this Deed of Trust.

Successors and Assigns. Subject to any limitations stated in this Deed of Trust on transfer of Grantor's interest, this Deed of Trust shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Deed of Trust and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Deed of Trust or liability under the indebtedness.

Time Is of the Essence. Time is of the essence in the performance of this Deed of Trust.

Waiver of Homestead Exemption. Grantor hereby releases and waives all rights and benefits of the homestead exemption laws of the State of Oregon as to all indebtedness secured by this Deed of Trust.

Commercial Deed of Trust. Grantor agrees with Lender that this Deed of Trust is a commercial deed of trust and that Grantor will not change the use of the Property without Lender's prior written consent.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this

DEED OF TRUST
(Continued)

Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means ShoreBank Pacific, and its successors and assigns.

Borrower. The word "Borrower" means Rock Ridge Farms, LLC; and Charles W. Eggert and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Default. The word "Default" means the Default set forth in this Deed of Trust in the section titled "Default".

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant hereto or intended to protect human health or the environment.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the events of default section of this Deed of Trust.

Grantor. The word "Grantor" means Rock Ridge Farms, LLC.

Guarantor. The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the Indebtedness.

Guaranty. The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

Hazardous Substances. The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum, including crude oil and any fraction thereof and asbestos.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust.

Lender. The word "Lender" means ShoreBank Pacific, its successors and assigns.

Note. The word "Note" means the promissory note dated March 1, 2007, in the original principal amount of \$2,541,027.00 from Borrower to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. The maturity date of the Note is March 1, 2017.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

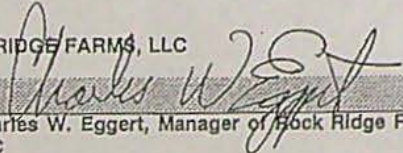
Trustee. The word "Trustee" means Ticor Title Insurance Company, whose address is 1000 SW Broadway, Suite 1555, Portland, OR 97205 and any substitute or successor trustees.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND GRANTOR AGREES TO ITS TERMS.

GRANTOR:

ROCK RIDGE FARMS, LLC

By:


Charles W. Eggert, Manager of Rock Ridge Farms, LLC

DEED OF TRUST
(Continued)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF

OR

)

COUNTY OF

Multnomah

) SS

)

OFFICIAL SEAL
D FREAU
NOTARY PUBLIC-OREGON
COMMISSION NO. 372497
MY COMMISSION EXPIRES SEP. 26, 2007

On this 2 day of March, 2007, before me, the undersigned Notary Public, personally appeared Charles W. Eggert, Manager of Rock Ridge Farms, LLC, and known to me to be a member or designated agent of the limited liability company that executed the Deed of Trust and acknowledged the Deed of Trust to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Deed of Trust and in fact executed the Deed of Trust on behalf of the limited liability company.

By

D. Freau

Residing at

Portland, OR

Notary Public in and for the State of

OR

My commission expires

9/26/07

REQUEST FOR FULL RECONVEYANCE

(To be used only when obligations have been paid in full)

To: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by this Deed of Trust. All sums secured by this Deed of Trust have been fully paid and satisfied. You are hereby directed, upon payment to you of any sums owing to you under the terms of this Deed of Trust or pursuant to any applicable statute, to cancel the Note secured by this Deed of Trust (which is delivered to you together with this Deed of Trust), and to reconvey, without warranty, to the parties designated by the terms of this Deed of Trust, the estate now held by you under this Deed of Trust. Please mail the reconveyance and Related Documents to:

Date: _____

Beneficiary: _____

By: _____

Its: _____

EXHIBIT A

That portion of Lot 9, Fractional Southeast quarter of the Southeast quarter of Section 32, Township 32, Township 3 South, Range I West of the Willamette Meridian, Marion County, Oregon, described as follows: Beginning at a point in the South line of said Lot, 5.24 chains West of the Southeast corner thereof; thence West on said South line 11.28 chains; thence North 19° West 12.60 chains; thence North 69° East 16.39 chains; thence South 18.13 chains to the place of beginning.

Save and except all that portion conveyed in Reel 2608, Page 46 and 47, Microfilm Records, Marion County, Oregon.

September 26, 2008

RECEIVED

SEP 30 2008

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

~~WATER RESOURCES DEPT.
SALEM, OREGON~~

Kaye N. Barnes
Pacific Natural Foods
c/o Deana Freauff
Sr. Commercial Escrow Officer
Pacific Northwest Title
111 S.W. Columbia, Suite 200
Portland, OR 97201

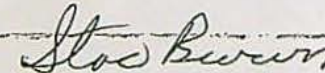
RE: Applications T-10329 and T-10497

Dear Kaye:

I am writing to confirm that Ticor Title Insurance Company has no fee interest in the water rights or any other property rights as described in that Trust Deed recorded March 1, 2007, fee number 200717256, Marion County, Oregon.

Very truly yours,

TICOR TITLE INSURANCE COMPANY



Steve Brown
Regional Underwriter and Counsel

SB:jt

H:\Users\Thompson\JST\LetterB

Lisa Jaramillo

From: Kaye Barnes [kbarnes@pacificfoods.com]
Sent: Tuesday, September 30, 2008 8:57 AM
To: Lisa Jaramillo
Cc: Greg Kupillas; Dorothy Pedersen
Subject: RE: Applications T-10329 & T-10497
Attachments: image001.jpg; ticor letter to Kaye.tif

RECEIVED
 SEP 30 2008
 WATER RESOURCES DEPT.
 SALEM, OREGON

Finally, here is the letter you requested. Let me know what else you may need. Thank you for your patience.

Kaye

From: Lisa Jaramillo [mailto:jaramilj@wrd.state.or.us]
Sent: Monday, August 25, 2008 11:50 AM
To: Kaye Barnes
Cc: Greg Kupillas; Dorothy Pedersen
Subject: RE: Applications T-10329 & T-10497

Hello Ms. Barnes,

I just wanted to check in with you to see how you are progressing in acquiring a statement from the Trustee (Ticor Title Company of Oregon) that either expresses their lack of interest in the proposed transfer or their consent to the proposed transfer (see my attached e-mail dated June 24, 2008 dealing with this request related to the Deed of Trust dated March 1, 2007 – recorded March 29, 2006).

The Department cannot move forward with the transfer and GR modification applications (T-10329 and T-10497) until we receive such a statement from the Trustee.

If you have any questions, please feel free to call me at (503) 986-0880.

Thank you,
 Lisa Jaramillo

From: Lisa Jaramillo
Sent: Tuesday, June 24, 2008 1:29 PM
To: Kaye Barnes
Cc: Greg Kupillas; Dorothy Pedersen
Subject: RE: Applications T-10329 & T-10497

Hello Ms. Barnes,

Thank you for submitting the Deeds of Trust. After reviewing the two Trust Deeds, it appears that one of them has language that specifically conveys the Grantor's "...right, title, and interest in and to..... all water, water rights, and ditch rights....." to the Trustee.

In order for the Department to ensure that all parties that have an interest in the water right being transferred are properly notified, the Department must receive a statement that either expresses consent to the transfer or a lack of interest in the transfer from the Trustee to which the Grantor has conveyed (through a Deed of Trust) its right, title and interest to all water, water rights and ditch rights on land to which the water right is appurtenant.

Therefore, please provide the following requested item for the Deed of Trust indicated below:

Deed of Trust dated March 1, 2007 (recorded March 29, 1996)

9/30/2008

Grantor = Rock Ridge Farms, LLC
Trustee = Ticor Title Company of Oregon

→ **Please provide:** a statement on the Trustee's letterhead that expresses either Ticor Title Company of Oregon's lack of interest in the proposed transfer or their consent to the proposed transfer.

Once we receive this information, the Department can be assured that all interest holders in the water have been properly notified of the proposed transfer.

Thank you for all of your assistance in this matter. It is greatly appreciated. Please feel free to contact me at (503) 986-0880 if you have any questions.

Sincerely,
Lisa Jaramillo

From: Kaye Barnes [mailto:kbarnes@pacificfoods.com]
Sent: Tuesday, June 24, 2008 11:00 AM
To: Lisa Jaramillo
Cc: Greg Kupillas
Subject: RE: Applications T-10329 & T-10497

RECEIVED
SEP 30 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Good Morning,

Attached please find the Deeds requested. If I can provide anything else, please don't hesitate to contact me.

Thanks.



Kaye N. Barnes
Executive Assistant | Pacific Natural Foods
19480 SW 97th Ave. | Tualatin, OR 97062
Phone (503)692-9666 | fax (503) 692-9610



Please consider the environment before printing this email.

From: Lisa Jaramillo [mailto:jaramilj@wrd.state.or.us]
Sent: Friday, May 30, 2008 4:33 PM
To: Kaye Barnes; Dorothy Pedersen
Cc: Greg Kupillas
Subject: RE: Applications T-10329 & T-10497

Hello Ms. Barnes,

Thank you for providing the Report of Ownership and Lien Information for Rock Ridge Farms, LLC's Transfer Application T-10329 and Ground Water Registration Modification Application T-10497. I am also in receipt of copies of the written notification to ShoreBank Pacific and Chaffey & Sons, Inc. (lien holders).

9/30/2008

My review of the Report of Ownership and Lien Information indicates there are two Deeds of Trust associated with the subject property (See Items #6 and #7 of the lien report). When Deeds of Trust exist, the Department's current policy is that we must receive a copy of the Deeds of Trust in order to determine whether any of the Trustees listed in the report have an interest in the water right or ground water registration claim that needs to be considered.

Therefore, before the Department can continue processing Transfer T-10329 and GR Modification T-10497, we need to receive a copy of each of the two Deeds of Trust indicated in the Report of Ownership and Lien Information. Please submit this information by Friday, June 13, 2008, to: Water Resources Department, Attn: Lisa Jaramillo, 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

If you have any questions or would like to discuss this request, please free to contact me at (503) 986-0880.

Thank you,
Lisa Jaramillo

From: Kaye Barnes [mailto:kbarnes@pacificfoods.com]
Sent: Thursday, May 15, 2008 4:50 PM
To: Dorothy Pedersen; Lisa Jaramillo
Cc: Greg Kupillas
Subject: Applications T-10329 & T-10497

RECEIVED
SEP 30 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Good Afternoon,

Please find attached two letters that Rock Ridge Farms has sent to the two lienholders of the property under review for changing the ownership of the water rights. Also included is a copy of the "Sort Report" prepared by Ticor Title showing current ownership of the property.

If you need additional information or have questions please feel free to contact me. Thank you for your patience in allowing us to provide these documents after your requested date of May 8, 2008.



Kaye N. Barnes
Executive Assistant | Pacific Natural Foods
19480 SW 97th Ave. | Tualatin, OR 97062
Phone (503)692-9666 | fax (503) 692-9610



Please consider the environment before printing this email.

Disclaimer: This message is from Pacific Foods of Oregon, Inc. and contains information which may be confidential and legally privileged. If you have received this message in error, you are strictly prohibited from reading it and from disclosing or using its contents in any manner, and you should immediately delete it. The unauthorized disclosure or use of confidential or privileged information inadvertently transmitted to you may result in criminal and/or civil liability.

9/30/2008

STATE OF OREGON
COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That KENNETH CHAFFEY & SONS

of Route 2, Box 188, Aurora , State of Oregon 97002, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Willamette River for the purpose of
irrigation of 27.3 acres

under Permit No. G-2481 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 14, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.34 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 32, T. 3 S., R. 1 W., W. M. Well located 400 feet North and 330 feet East from the NW Corner, Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, T. 4 S., R. 1 W., W. M.

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

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

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

0.1 acre Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
16.7 acres Lot 9 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 32
T. 3 S., R. 1 W., W. M.

10.5 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 5
T. 4 S., R. 1 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. December 30, 1966

CHRIS L. WHEELER
State Engineer

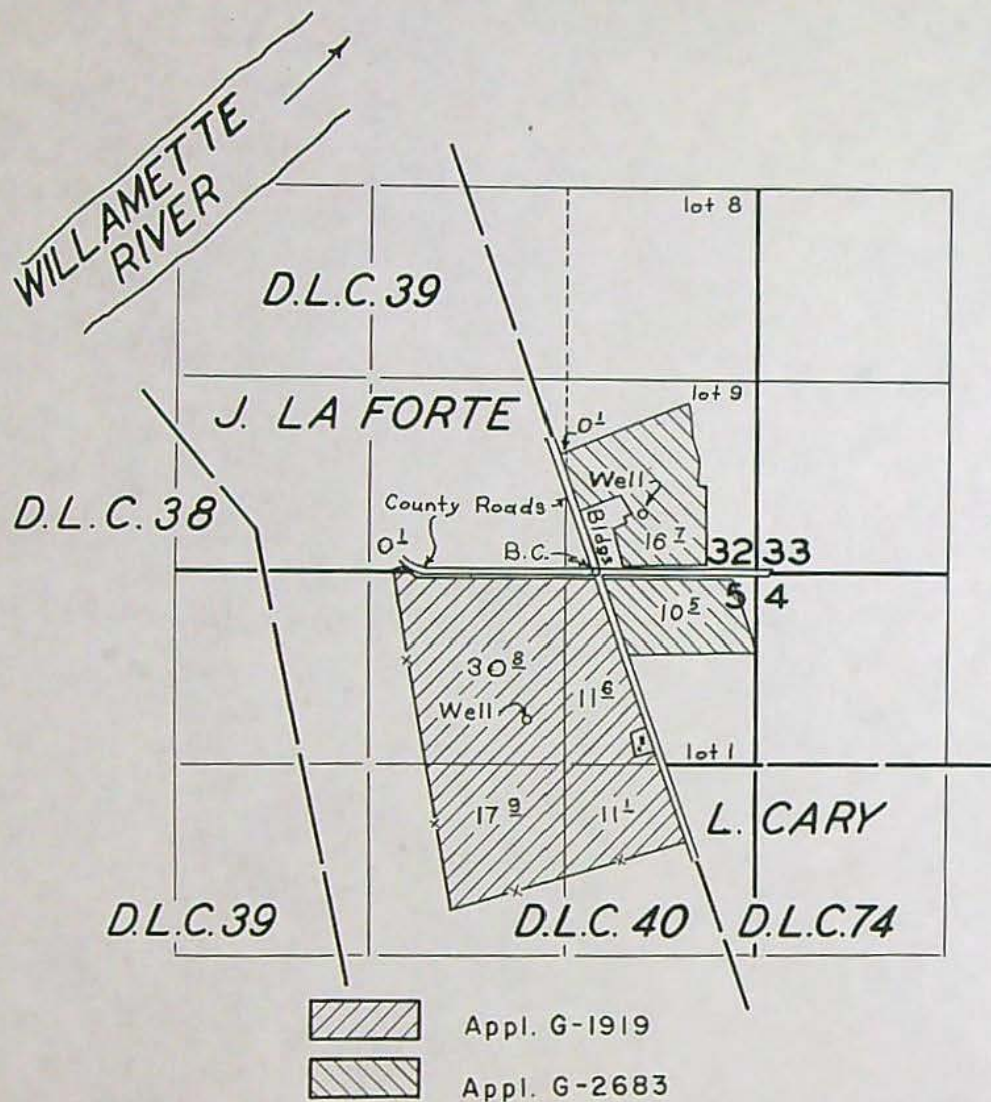
Recorded in State Record of Water Right Certificates, Volume 25 , page 33546

T 10329

T-10329

V

T. 3&4 S.R. 1 W.W.M.



FINAL PROOF SURVEY UNDER

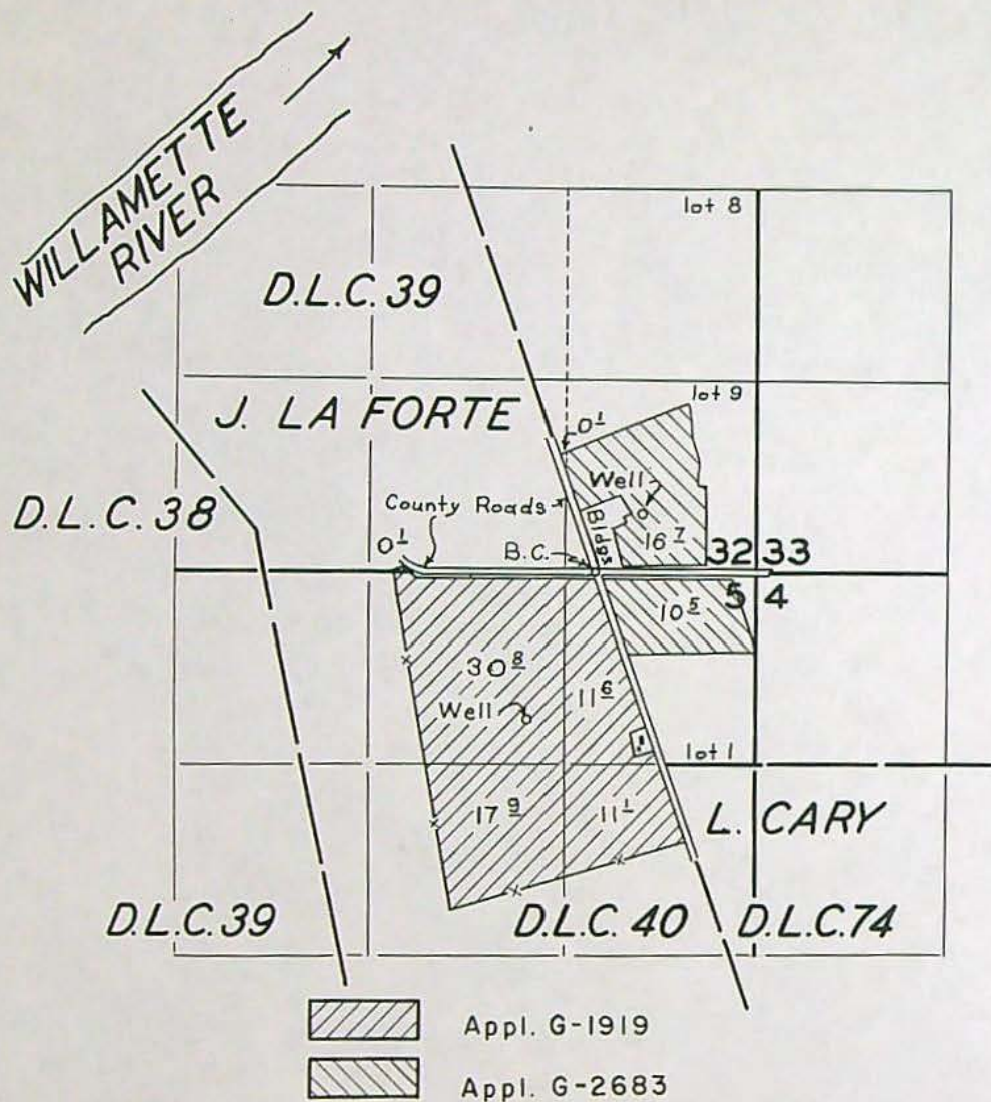
Application No. G-1919 G-2683 Permit No. G-1774 G-2481
IN NAME OF

SMITH & HUBBARD DAIRY

Surveyed June 25 1964, by R. JACKSON

0329

T. 3&4 S.R. 1 W. W.M.



FINAL PROOF SURVEY UNDER

Application No. G-1919 G-2683 Permit No. G-1774 G-2481
IN NAME OF

SMITH & HUBBARD DAIRY

Surveyed June 25 1964, by R. JACKSON

0329

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.	G-2683	G-2481	33546
2.			
3.			
4.			
5.			
6.			

- 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): Existing well is in an undesirable location.

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.

Water is withdrawn from the authorized well and conveyed through about 300 feet of buried 3-inch-diameter mainline to a hydrant which is used for a connection to a hard hose traveler.

- System capacity: 0.34 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Not applicable

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SALEM, OREGON

Superseded by
P. 2 received
12/12/07

9. ATTACHMENTS

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

Superseded
by P-5 received
12/12/07

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: \$ 350.00
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.

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

Superseded by
Supp Form A p.1
received
12/12/07

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.

- Certificate Number or other identifying number: Certificate 33546

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" 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 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.)	<p style="text-align: center;">Proposed new use:</p> <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.)

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T 10329

2. CURRENT WATER RIGHT INFORMATION

*Supervised by
Supp Form A p. 2
received
12/17/07*

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

<input checked="" type="checkbox"/> Certificated Right	33546	G-2481
	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

- Name on Permit, Certificate, or Decree: Kenneth Chaffey & Sons
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 16.8 acres
- Priority Date(s): August 14, 1963

*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: A well

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).

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Supplemental Form A

T 10329

- 2 -

Description of Proposed Change(s) to a Water Right

▪ Certificate Number or other identifying number: Certificate 33546

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.

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)

[illegible]

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SALEM, OREGON

Supplemental Form A

T 10329
-4-

Description of Proposed Change(s) to a Water Right

Superseded by
Supp. Form A p.5
Received
12/12/07

■ Certificate Number or other identifying number: Certificate 33546

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.

Location of Proposed Point(s) of Diversion or Appropriation:

(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)
Well 1	3S	1W	WM	32	SE SE	Gov't Lot 9	20 feet north and 890 feet west from the SE corner, Section 32
Well 2	3S	1W	WM	32	SE SE	Gov't Lot 9	30 feet north and 310 feet west from the SE corner, Section 32
Well 3	3S	1W	WM	32	SE SE	Gov't Lot 9	30 feet north and 600 feet west from the SE corner, Section 32

- 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:

Construction of Proposed Point(s) of Appropriation or Well(s)

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	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
Wells 1, 2, & 3	Not applicable	8-10 inches	8 or 10-inch steel	~250	120-130' 140'-175'	50'	60'	120'	Per OARs	~250'

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MAR 05 2007

T 10329

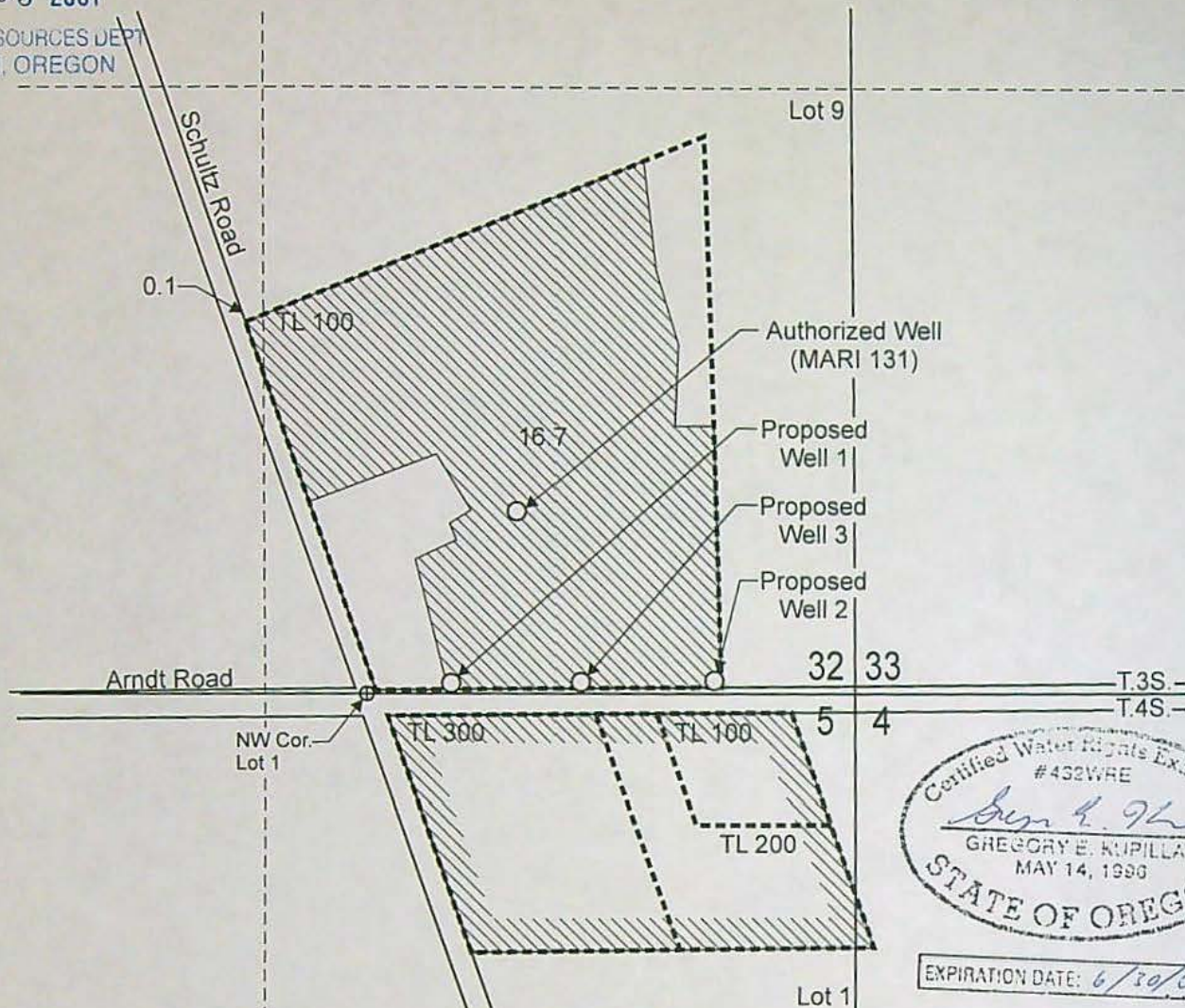
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MAR 05 2007

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SALEM, OREGON

T.3S. R.1W. Section 32, W.M.

*Superseded
by revised map
received 12/17/07*



EXPIRATION DATE: 6/30/07

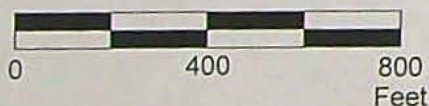
Authorized well (MARI 131) is located 400 feet north and 330 feet east from the NW corner of Lot 1, Section 5.
Proposed Well 1 is located 20 feet north and 890 feet west from the SE corner, Section 32.
Proposed Well 2 is located 30 feet north and 310 feet west from the SE corner, Section 32.
Proposed Well 3 is located 30 feet north and 600 feet west from the SE corner, Section 32.

Area (16.8 Acres) under Permit G-2481, Certificate 33546 affected by this transfer.

Area (10.5 acres) remaining under Permit G-2481, Certificate 33546.

----- Tax lot boundary

Scale: 1" = 400'



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

Water Right Transfer Application Map

Rock Ridge Farms, LLC
Tax Lot 3 1W 32D 100

Pacific Hydro-Geology Inc.

1/2007

10329

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

*To: Salem Office
From: John Borden
Date: 3-22-08
REVISED 2/15/2008*

Application Number T-10329

Name of Applicant: Rock Ridge Farms

Proposed Timeline

3/13/07	Public Notice (start of 30-day comment period).
4/13/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
5/18/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	1 + 1/2
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	- + 1/2
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	- + 1/2
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	2 1/2 + 1/2
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. <i>[Assumes remaining right needed]</i>	3 + 1/2
Total Estimated Time:		5 1/2 = 8 hr

(Indicate the estimated amount of time, in 1/2 hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Pacific Hydro-Geology, Inc.

Authorized Representative:

John E. Borden
John E. Borden

Date: 3-22-08

Revised 2-15-2008

JEB

Revised 11/5/2004 DIP

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, February 11, 2008 9:35 AM
To: 'John Borden'
Cc: Salem Opeifa
Subject: T-10329 estimate

Hi John,

I'm just checking in to see whether you need to revise your estimate for T-10329 (Rock Ridge Farms) since they have revised the application. Please let Salem know whether you will stay with your original estimate or wish to submit a revision.

Then we should be able to get the applicant agreement put together and have a work order for the project shortly.

Thank you,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, January 14, 2008 3:37 PM
To: 'John Borden'
Subject: GW review for T-10329

Attachments: 10329-gw-rev.pdf; 10329-RA ProcessChecklist.doc



10329-gw-rev.pdf
(112 KB)



10329-RA
ProcessChecklist.doc

Hi John,

We just received the attached completed groundwater review for T-10329 (Rock Ridge Farms). Attached is a new review checklist, too. It is editable, but to get the check boxes to fill in, just double click the box, then in the dialog box that pops up, click on the radio button for "Default value = checked".

Let me know if you need any other materials in order to work up the DPD, DPD cover letter and contact list.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, December 18, 2007 1:54 PM
To: 'John Borden'
Subject: Modifications to T-10329
Attachments: 10329-revised-app.pdf

Hello John,

We finally got the revisions in for T-10329 (Rock Ridge Farms). The scanned materials are attached. The groundwater review should be completed shortly, so you should be able to put the DPD together in a few weeks.

As part of the amendment, the applicant filed a groundwater registration modification T-10497 for the GR that is layered with the portion of the right. The Department will be processing the GR modification concurrently with this transfer.

You'll need to add a finding near the beginning of the DPD (where the template indicates) to acknowledge that the applicant amended the transfer and submitted a revised map on December 12, 2007.

Then add a finding *after the finding that proposes to change the character of use*, stating that a portion of Groundwater Registration Application GR-3351 (Certificate of Groundwater Registration 3103) is appurtenant to the same lands under Certificate 33546 proposed for the change in character of use in T-10329.

Groundwater registration modification T-10497, which proposes a similar change in the character of use under GR-3351, is being processed concurrently with T-10329.

I sent the revisions to the groundwater staff today, so as soon as the GW review is complete I'll send it your way so you can finalize the DPD. Let me know if you need anything else.

Have a happy day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdr.state.or.us
503-986-0890

Review Checklist**T-10329****Processor: RA John Borden****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

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

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation

- Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW
- | | | | |
|---------------------|---|---|--|
| Headgate | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/> | | |

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, April 17, 2007 4:24 PM
To: 'phggek@bctonline.com'
Subject: RE: T-10329, Rock Ridge Farms

Greg,

I have instructed the contractor to hold off further work on T-10329 until we receive your amendments to the application.

Thank you,
Dorothy

Dorothy Pedersen
(503) 986-0890

From: Greg Kupillas [mailto:phggek@bctonline.com]
Sent: Tuesday, April 17, 2007 10:42 AM
To: Dorothy Pedersen
Cc: charles@pacificfoods.com
Subject: T-10329, Rock Ridge Farms

Dorothy:

As we discussed on the telephone, there have been some additional structures constructed over the irrigated area affected by this transfer since I began work on the application. The applicant wishes to amend the transfer to move, or change the character of use of, the area underlying the new buildings. At this point, we do not know exactly what the changes will involve, but should be prepared to make the necessary amendments within two to three weeks. Therefore, as the applicant's representative, I am requesting that you hold processing on T-10329 to allow us the opportunity to submit an amendment to the transfer application. Please let me know if you have any questions or need additional information.

Regards,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, OR 97042
503.632.5016

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Monday, April 09, 2007 1:18 PM
To: 'John Borden'
Subject: T-10329 Watermaster review

Attachments: 10329-wm-rev.pdf



10329-wm-rev.pdf
(27 KB)

Hi John,

Attached is the watermaster review for T-10329 (Rock Ridge Farms). There are some issues the watermaster brings up that should be mentioned in the document, or at least in the cover letter, but it looks like there is no injury. The 10.5 acres south of the road is under other ownership.












Have a good day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen [Dorothy.I.PEDERSEN@wrd.state.or.us]
Sent: Friday, March 16, 2007 7:45 AM
To: 'John Borden'
Subject: T-10329 templates

Attachments: 10329-rr-33546-.doc; 10329-dpd-template.doc; 10329-estimate.doc; Contact List.dot; supplemental-lang.dot; PD_notice.dot; DPD_cov_approve.dot; DPD_cov_reject.dot; PD_cov_fav_nni.dot; PD_cov_unfav_nni.dot; DeficLet.dot

      
10329-rr-33546-.doc (50 KB) 10329-dpd-template.doc (99 KB) 10329-estimate.doc (43 KB) Contact List.dot (26 KB) supplemental-lang.dot (162 KB) PD_notice.dot (29 KB) DPD_cov_approve.dot (27 KB)
   
DPD_cov_reject.dot (28 KB) PD_cov_fav_nni.dot (30 KB) PD_cov_unfav_nni.dot (30 KB) DeficLet.dot (27 KB)

John,

Attached are templates for the T-10329 project or Roc Ridge Farms, as well as an electronic estimate file.

This looks like a straight-forward change in POD for a portion of the right.

You'll note that the DPD template is a newer version than what you've had before. DO NOT TOUCH the FOOTERS in this TEMPLATE. There are important bookmarks in it that are needed for some macros to work as the Department later converts the DPD to a PD and Final Order.

The template has prompts for several kinds of information that may or may not apply to this project. If the prompt is applicable and refers to additional information, go to the "supplemental language" document and find the appropriate section. If the prompt is irrelevant to your project, just delete it.

If you have questions, just call or email and I'll respond as quickly as possible.

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Shipping Checklist for Reimbursement Authority File

File T- 10329 Applicant: Rock Ridge Farms

Agent/Contact: Greg Kupilla

Ship to Contractor: Borden

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03) - *request in DPD cover letter*
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers) - *will be sent later*
- ☒ ODFW review (if change in POD)
- ☐ GW review (if Δ POA, or POD-to-POA change) - *will be sent later*
- ☐
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 3/13/2007

Number of sheets copied 23

File contents copied by L. Paschke Date 3/6/2007

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10329

Name of Applicant: Rock Ridge Farms

Proposed Timeline

3/13/07	Public Notice (start of 30-day comment period).
4/13/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
5/18/07	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Pacific Hydro-Geology, Inc.

Authorized Representative: _____

Date: _____

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10329

Applicant: Rock Ridge Farms

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	<u>T-10329</u>
<input type="checkbox"/>	Certificate Request	_____
<input type="checkbox"/>	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	Rock Ridge Farms, LLC	Pacific Hydro-Geology Inc./Greg Kupillas
Address:	19480 SW 97th Avenue	18487 S. Valley Vista Road
	Tualatin, OR 97062	Mulino, OR 97042
Phone:	(503) 692-9666	(503) 632-5016
Fax	(503) 692-9610	(503) 632-5983
E-Mail Address:		phggek@bctonline.com

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

OWRD – Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.

I certify that I am the (check one) ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Signature: Greg E. Kupillas Name: Gregory E. Kupillas

OWRD USE ONLY

Contractor Assigned: <u>Borden</u>	Total Amount Paid: \$ <u>125</u>
OWRD Approval: _____	

RECEIVED

MAR 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86488**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Rock Ridge Farms LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10329</u>

CASH: ☐ CHECK: # 1451 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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	\$ <u>350.00</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 _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT:

86488

DATED:

3-5-07

BY:

[Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **126346**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Manfield Farms LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10329</u>

CASH: ☐ CHECK: # 09248 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 100.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____ 46111
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 100.00
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
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 _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **126346**

DATED: 4-9-18

BY: Burton

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **126345**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Hayfield Farms LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-103291

CASH: ☐ CHECK: # 44 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 670.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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	\$ <u>670.00</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 _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **126345**

DATED: 4-9-18 BY: Bruce