

T-10368

T-10368

GR-MOD

Name Melvin Kaufman

By _____

Address 11155 Kaufman Rd NE
Silverton. OR. 97381
503-873-4052

DESCRIPTION OF WATER RIGHT

Name of stream WellTrib. of Howell Prairie Creek County of MarionUse Irrigation

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 4-30-1948In name of Alfred Kuenzi / JN Adams

_____ Adjudication, Vol. _____, page _____

App. No. GR-638 Per. No. _____ Cert. No. GR-603

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4/13/07</u>	<u>350⁰⁰</u>	<u>87117</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Change in PollDate filed 4-11-07

Date of hearing _____

Place of hearing _____

Date of order 6-29-07 Vol. 22, page 529

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

REMARKS

NOID/NO CURELO: Arlene M. Harris Trust: PO Box 391: Silverton. OR. 97381RCO: Alfred & Elaine Kuenzi: 10232 Howell Prairie Rd NE: Salem. OR. 97305

Ground Water Registration Modification Completion Checklist

GR Modification No. T-10367 & T-10368

Transfer Specialist: Lisa Jaramillo

Ground Water Registration Affected:

Application No.	Certificate of Registration No.
GR-638	GR-603

Copies Needed:

Watermaster District: 16 – Mike McCord

CWRE No.: N/A

Agent Name/Address: N/A

Irrig Dist Name/Address: N/A

Landowners/Address: Alfred & Elaine Kuenzi, 10232 Howell Prairie Road NE, Salem, OR 97305
Arlene M. Harris Trust, PO Box 391, Silverton, OR 97381

Commentors Name/Address: _____

Draft PD

- ☒ DPD Mailed: 5-18-07
- ☒ DPD Response: 5-18-07
- ☒ Workflow

Preliminary Determination

- ☒ Electronic Files Uploaded
- ☒ Preliminary Determination
- ☒ PD Cover Letter
- ☐ Newspaper Notice (if required)
- ☐ Workflow/Date Sent to Salem
- ☐ File Folder Updated
- ☐ ~~Fee Refund Due~~
- ☒ Public Notice, Salem
- ☐ Audit Sheet
- ☐ Other: _____

Comments/Special Issues:

T-10367 to move POU for 2007 irrigation season.

T-10368 to move (revert) POU back to original location at end of the 2007 irrigation season.

This is an attempt to account for the lack of provision of a "temporary" groundwater registration modification.

DPD Review (Optional)

Reviewer: SPD Date: 5/21/07
Coordinator: _____ Date: _____

PD Review (Salem)

Reviewer: _____ Date: _____
Coordinator: SLP Date: 5/24/07

Final Order Review (Salem)

Reviewer: BKS Date: 6/24/07
Coordinator: SLP Date: 6/29/07

Special Order Volume: 72, Pages 529 Final Order Signature Date: 6-29-07

☐ WRIS clone correction needed

Lisa



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

June 29, 2007

MELVIN KAUFMAN
11155 KAUFMAN ROAD NE
SILVERTON OR 97381

Reference: Transfer 10367 and 10368

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

If you have any questions, please contact the transfer section at 503-986-0883.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #16
Alfred & Elaine Kuenzi (10232 Howell Prairie Rd NE, Salem, OR 97305)
Arlene M. Harris Trust (PO Box 391, Silverton, OR 97381)

Enclosure

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

In the Matter of Ground Water	)	FINAL ORDER
Registration Modification Applications	)	APPROVING RECOGNITION OF
T-10367 and T-10368, Marion County	)	MODIFICATIONS IN PLACE OF USE

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

Landowners / Receiving Landowners

Melvin Kaufman 11155 Kaufman Road NE Silverton, OR 97381	Alfred & Elaine Kuenzi 10232 Howell Prairie Road NE Salem, OR 97305	Arlene M. Harris Trust PO Box 391 Silverton, OR 97381
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Findings of Fact

Background

1. On April 11, 2007, Melvin Kaufman filed a ground water registration modification application to modify the place of use under Registration Application GR-638 (Certificate of Registration GR-603) for the 2007 irrigation season. The Department assigned the application number T-10367. The application fee for T-10367 was received by the Department on April 13, 2007.
2. Also on April 11, 2007, Melvin Kaufman filed a second ground water registration modification application to modify the place of use under Registration Application GR-638 (Certificate of Registration GR-603) at the end of the 2007 irrigation season to move back to the original place of use under Registration Application GR-638 (Certificate of Registration GR-603). The Department assigned the application number T-10368. The application fee for T-10368 was received by the Department on April 13, 2007.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

3. Registration Application GR-638 (Certificate of Registration GR-603) was assigned on April 11, 2007, from J. N. Adams to Alfred G. and Elaine R. Kuenzi.
4. The applicant submitted statements of consent from all of the landowners granting permission for the changes proposed under T-10367 and T-10368.

5. The ground water registration to be modified is as follows:

Registration: Application GR-638 (Certificate of Registration GR-603), in the name of J. N. ADAMS (*assigned to Alfred G. and Elaine R. Kuenzi*)

Use: IRRIGATION of 37.0 ACRES

Tentative Priority Date: APRIL 1948

Quantity: 265.0 GALLONS PER MINUTE (GPM)

Source: A WELL, in the Pudding River Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
6 S	1 W	WM	7	SE NE	1500 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 7

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	NE NE	6.0
6 S	1 W	WM	7	NW NE	3.0
6 S	1 W	WM	7	SW NE	12.0
6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

6. Application T-10367 proposes to modify the place of use under the ground water registration for the 2007 irrigation season to:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	SW NE	0.6
6 S	1 W	WM	7	NE SE	2.0
6 S	1 W	WM	7	NW SE	21.4
6 S	1 W	WM	7	SW SE	12.5
6 S	1 W	WM	7	SE SE	0.5
TOTAL:					37.0

7. At the end of the 2007 irrigation season, Application T-10368 proposes to modify the place of use under the ground water registration back to:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	NE NE	6.0
6 S	1 W	WM	7	NW NE	3.0
6 S	1 W	WM	7	SW NE	12.0
6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

8. Notice of the applications for ground water registration modification (T-10367 and T-10368) was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
9. On May 18, 2007, the Department mailed and faxed a copy of the draft preliminary determination proposing to approve recognition of Ground Water Registration Modification Applications T-10367 and T-10368 to the applicant. The draft preliminary determination set forth a deadline in which the applicant could respond.
10. The applicant verbally responded to the draft preliminary determination for T-10367 and T-10368 on May 18, 2007, and raised issue with a proposed condition requiring installation of an in-line flow meter or other suitable measuring device prior to the diversion of any water at the proposed place of use under T-10367.
11. After considering the applicant's comments to the draft preliminary determination, the watermaster agreed that the condition described in Finding #10 should be modified to indicate that the applicant may be required in the future to install a flow meter or other suitable measuring device.
12. The applicant indicated that he agreed with the draft preliminary determination, if modified as described in Finding #11 above, and asked the Department to proceed with issuance of the preliminary determination for T-10367 and T-10368.
13. On May 24, 2007, the Department issued a Preliminary Determination proposing to approve Applications T-10367 and T-10368 and mailed a copy to the applicants, landowners and receiving landowners. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 29, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

14. The proposed modifications under T-10367 and T-10368, as conditioned, would not result in enlargement of the ground water registration.
15. The proposed modifications under T-10367 and T-10368 would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
16. The proposed modifications under T-10367 and T-10368 would not result in injury to other water rights.

Conclusions of Law

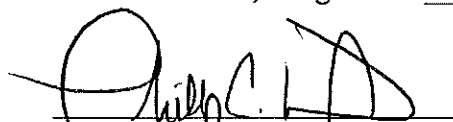
The modifications in place of use proposed in Applications T-10367 and T-10368, as conditioned, are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-638 (Certificate of Registration GR-603) proposed in Applications T-10367 and T-10368 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-638 (Certificate of Registration GR-603) and any related decree.
3. The original place of use **shall not** be irrigated as part of this ground water certificate of registration during the 2007 irrigation season.
4. Any portion of supplemental water right certificates 80481 and 64080 located at the same location as that of the original place of use under Registration Application GR-638 (Certificate of Registration GR-603) **shall not** be exercised during the 2007 irrigation season.
5. At the end of the 2007 irrigation season, the modified place of use shall move back to the original place of use under Registration Application GR-638 (Certificate of Registration GR-603).

6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 29th day of JUNE 2007.


Phillip C. Ward, Director

Mailing date: JUL 02 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

May 23, 2007

Melvin Kaufman
11155 Kaufman Road NE
Silverton, OR 97381

SUBJECT: Ground Water Registration Modifications T-10367 and T-10368

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10367 and T-10368. This document is an intermediate step in the approval process; water may not be used legally as proposed in the ground water registration modification application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

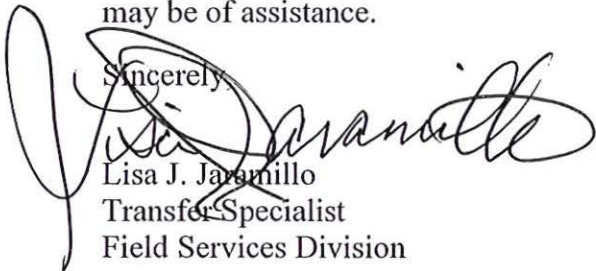
A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination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

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.

Please do not hesitate to contact me at 503-986-0880 or Lisa.J.Jaramillo@ wrd.state.or.us if I may be of assistance.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: File T-10367
File T-10368

Mike McCord, Watermaster District #16
Alfred & Elaine Kuenzi, 10232 Howell Prairie Road NE, Salem, OR 97305
Arlene M. Harris Trust, PO Box 391, Silverton, OR 97381

encs

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

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Applications	)	PROPOSING TO APPROVE
T-10367 and T-10368, Marion County	)	RECOGNITION OF MODIFICATIONS
	)	IN PLACE OF USE

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

Melvin Kaufman
11155 Kaufman Road NE
Silverton, OR 97381

Landowners / Receiving Landowners

Alfred & Elaine Kuenzi
10232 Howell Prairie Road NE
Salem, OR 97305

Arlene M. Harris Trust
PO Box 391
Silverton, OR 97381

Findings of Fact

Background

1. On April 11, 2007, Melvin Kaufman filed a ground water registration modification application to modify the place of use under Registration Application GR-638 (Certificate of Registration GR-603) for the 2007 irrigation season. The Department assigned the application number T-10367. The application fee for T-10367 was received by the Department on April 13, 2007.
2. Also on April 11, 2007, Melvin Kaufman filed a second ground water registration modification application to modify the place of use under Registration Application GR-638 (Certificate of Registration GR-603) at the end of the 2007 irrigation season to move back to the original place of use under Registration Application GR-638 (Certificate of Registration GR-603). The Department assigned the application number T-10368. The application fee for T-10368 was received by the Department on April 13, 2007.

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.
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3. The ground water registration to be modified is as follows:

Registration: APPLICATION GR-638 (CERTIFICATE of REGISTRATION GR-603), in the name of J. N. ADAMS

Use: IRRIGATION of 37.0 ACRES

Tentative Priority Date: APRIL 1948

Quantity: 265.0 GALLONS PER MINUTE (GPM)

Source: A WELL, in the Pudding River Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
6 S	1 W	WM	7	SE NE	1500 feet South and 1000 feet West from the NE corner of Section 7

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	NE NE	6.0
6 S	1 W	WM	7	NW NE	3.0
6 S	1 W	WM	7	SW NE	12.0
6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

4. Application T-10367 proposes to modify the place of use under the ground water registration for the 2007 irrigation season to:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	SW NE	0.6
6 S	1 W	WM	7	NE SE	2.0
6 S	1 W	WM	7	NW SE	21.4
6 S	1 W	WM	7	SW SE	12.5
6 S	1 W	WM	7	SE SE	0.5
TOTAL:					37.0

5. At the end of the 2007 irrigation season, Application T-10368 proposes to modify the place of use under the ground water registration back to:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	NE NE	6.0
6 S	1 W	WM	7	NW NE	3.0
6 S	1 W	WM	7	SW NE	12.0
6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

6. Notice of the applications for ground water registration modification (T-10367 and T-10368) was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
7. On May 18, 2007, the Department mailed and faxed a copy of the draft preliminary determination proposing to approve recognition of Ground Water Registration Modification Applications T-10367 and T-10368 to the applicant. The draft preliminary determination set forth a deadline in which the applicant could respond.
8. The applicant verbally responded to the draft preliminary determination for T-10367 and T-10368 on May 18, 2007, and raised issue with a proposed condition requiring installation of an in-line flow meter or other suitable measuring device prior to the diversion of any water at the proposed place of use under T-10367.
9. After considering the applicant's comments to the draft preliminary determination, the watermaster agreed that the condition described in Finding #8 should be modified to indicate that the applicant may be required in the future to install a flow meter or other suitable measuring device.
10. The applicant indicated that he agreed with the draft preliminary determination, if modified as described in Finding #9 above, and asked the Department to proceed with issuance of the preliminary determination for T-10367 and T-10368.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

11. The proposed modifications under T-10367 and T-10368, as conditioned, would not result in enlargement of the right.
12. The proposed modifications under T-10367 and T-10368 would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
13. The proposed modifications under T-10367 and T-10368 would not result in injury to other water rights.

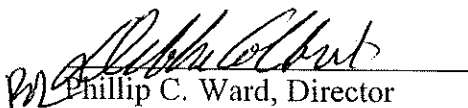
Determination and Proposed Action

The Department's preliminary determination, in accordance with OAR 690-382-0700(2), indicates the modifications in place of use proposed in Applications T-10367 and T-10368, as conditioned, appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900.

If Ground Water Registration Modification Applications T-10367 and T-10368 are recognized, the final order will include the following:

1. *The modifications to Registration Application GR-638 (Certificate of Registration GR-603) proposed in Applications T-10367 and T-10368 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
2. *The right to 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 Registration Application GR-638 (Certificate of Registration GR-603) and any related decree.*
3. *The original place of use **shall not** be irrigated as part of this ground water certificate of registration during the 2007 irrigation season.*
4. *Any portion of supplemental water right certificate(s) 80481 and 64080 located at the same location as that of the original place of use under Registration Application GR-638 (Certificate of Registration GR-603) **shall not** be exercised during the 2007 irrigation season.*
5. *At the end of the 2007 irrigation season, the modified place of use shall move back to the original place of use under Registration Application GR-638 (Certificate of Registration GR-603).*
6. *When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

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


Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Lisa Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or Lisa.J.Jaramillo@wrd.state.or.us

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

**Notice of Preliminary Determination for
Ground Water Registration Modifications T-10367 and T-10368**

T-10367 and T-10368, filed by Melvin Kaufman, 11155 Kaufman Rd. NE, Silverton, OR 97381, propose changes in place of use under Registration Application GR-638 (Certificate of Registration GR-603). The ground water registration is for the use of 265.0 gallons per minute (tentative priority date April 1948) from a well in Sec. 7, T6S, R1WE, W.M. (Pudding River Basin) for irrigation of 37.0 acres in Sec. 7.

The applicant proposes under T-10367 to modify the place of use to a different location within Sec. 7, T6S, R1W, W.M. for the 2007 irrigation season. Under T-10368, the applicant proposes to modify the place of use at the end of the 2007 irrigation season back to the original place of use within Sec. 7, T6S, R1W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

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) 986-0852. 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.

Memo

Date: May 18, 2007
To: GR Mod. Applications T-10367 and T-10368
From: Lisa Jaramillo, Transfer Specialist
Re: Applicant's response to Draft Preliminary Determination

1. On May 18, 2007, the Department mailed and faxed a copy of the draft preliminary determination proposing to approve recognition of Ground Water Registration Modification Applications T-10367 and T-10368 to the applicant. The draft preliminary determination set forth a deadline in which the applicant could respond.
2. The applicant verbally responded to the draft preliminary determination for T-10367 and T-10368 on May 18, 2007, and raised issue with a proposed condition requiring installation of an in-line flow meter or other suitable measuring device prior to the diversion of any water at the proposed place of use under T-10367.
3. After considering the applicant's comments to the draft preliminary determination, the District 16 Watermaster (Mike McCord) agreed that the condition described in Finding #2 should be modified to indicate that the applicant may be required in the future to install a flow meter or other suitable measuring device.
4. The applicant indicated that he agreed with the draft preliminary determination, if modified as described in Finding #3 above, and asked the Department to proceed with issuance of the preliminary determination for T-10367 and T-10368.



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-10367/10368

Review Due Date: 5/12/07

Applicant Name: Melvin Kaufman

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

Reviewer(s): M. McCord

Date of Review: May. 7, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

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



Oregon

Theodore R. Kulongoski, Governor

T-10368
Water Resources Department

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

May 18, 2007

MELVIN KAUFMAN
11155 KAUFMAN ROAD NE
SILVERTON, OR 97381

SUBJECT: Ground Water Registration Modifications T-10367 and T-10368

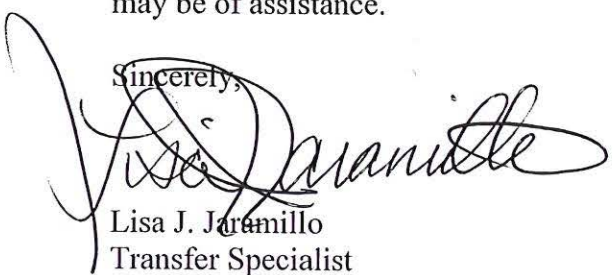
Dear Mr. Kaufman:

Enclosed, please find a draft of our Preliminary Determination regarding Ground Water Registration Modification Applications T-10367 and T-10368. The document reflects the Department's conclusion that, based on the information currently available, recognition of the ground water registration modification 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 ground water registration modification, and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur shortly after we receive your response. If we do not receive your response by **Monday, June 18, 2007**, 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 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if I may be of assistance.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: GR Modification T-10367
GR Modification T-10368
Mike McCord, Watermaster Dist. #16
Alfred & Elaine Kuenzi, 10232 Howell Prairie Road NE, Salem, OR 97305
Arlene M. Harris Trust, PO Box 391, Silverton, OR 97381

enc

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

In the Matter of Ground Water	)	D R A F T
Registration Modification Application)	
T-10367, Marion County	)	PRELIMINARY DETERMINATION
<i>T-10368</i>	)	PROPOSING TO APPROVE
	)	RECOGNITION OF MODIFICATIONS
	)	IN PLACE OF USE

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

Melvin Kaufman
11155 Kaufman Road NE
Silverton, OR 97381

Landowners / Receiving Landowners

Alfred & Elaine Kuenzi	Arlene M. Harris Trust
10232 Howell Prairie Road NE	PO Box 391
Salem, OR 97305	Silverton, OR 97381

Findings of Fact

Background

1. On April 11, 2007, Melvin Kaufman filed a ground water registration modification application to modify the place of use under Registration Application GR-638 (Certificate of Registration GR-603) for the 2007 irrigation season. The Department assigned the application number T-10367. The application fee for T-10367 was received by the Department on April 13, 2007.
2. Also on April 11, 2007, Melvin Kaufman filed a second ground water registration modification application to modify the place of use under Registration Application GR-638 (Certificate of Registration GR-603) at the end of the 2007 irrigation season to move back to the original place of use under Registration Application GR-638 (Certificate of Registration GR-603). The Department assigned the application number T-10368. The application fee for T-10368 was received by the Department on April 13, 2007.

3. The ground water registration to be modified is as follows:

Registration: APPLICATION GR-638 (CERTIFICATE of REGISTRATION GR-603), in the name of J. N. ADAMS

Use: IRRIGATION of 37.0 ACRES

Tentative Priority Date: APRIL 1948

Quantity: 265.0 GALLONS PER MINUTE (GPM)

Source: A WELL, in the Pudding River Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
6 S	1 W	WM	7	SE NE	1500 feet South and 1000 feet West from the NE corner of Section 7

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	NE NE	6.0
6 S	1 W	WM	7	NW NE	3.0
6 S	1 W	WM	7	SW NE	12.0
6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

4. Application T-10367 proposes to modify the place of use under the ground water registration for the 2007 irrigation season to:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	SW NE	0.6
6 S	1 W	WM	7	NE SE	2.0
6 S	1 W	WM	7	NW SE	21.4
6 S	1 W	WM	7	SW SE	12.5
6 S	1 W	WM	7	SE SE	0.5
TOTAL:					37.0

5. At the end of the 2007 irrigation season, Application T-10368 proposes to modify the place of use under the ground water registration back to:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
6 S	1 W	WM	7	NE NE	6.0
6 S	1 W	WM	7	NW NE	3.0
6 S	1 W	WM	7	SW NE	12.0
6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

6. Notice of the applications for ground water registration modification (T-10367 and T-10368) was published on April 17, 2007, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

7. The proposed modifications under T-10367 and T-10368, as conditioned, would not result in enlargement of the right.
8. The proposed modifications under T-10367 and T-10368 would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
9. The proposed modifications under T-10367 and T-10368 would not result in injury to other water rights.

Determination and Proposed Action

The Department's preliminary determination, in accordance with OAR 690-382-0700(2), indicates the modifications in place of use proposed in Applications T-10367 and T-10368, as conditioned, appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900.

If Ground Water Registration Modification Applications T-10367 and T-10368 are recognized, the final order will include the following:

1. *The modifications to Registration Application GR-638 (Certificate of Registration GR-603) proposed in Applications T-10367 and T-10368 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
2. *The right to 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 Registration Application GR-638 (Certificate of Registration GR-603) and any related decree.*
3. *The original place of use **shall not** be irrigated as part of this ground water certificate of registration during the 2007 irrigation season.*
4. *Any portion of supplemental water right certificate(s) 80481 and 64080 located at the same location as that of the original place of use under Registration Application GR-638 (Certificate of Registration GR-603) **shall not** be exercised during the 2007 irrigation season.*

5. *At the end of the 2007 irrigation season, the modified place of use shall move back to the original place of use under Registration Application GR-638 (Certificate of Registration GR-603).*
6. *Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. 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.*

Dated at Salem, Oregon this ____ day of _____ 2007.

DRAFT

Phillip C. Ward, Director

<p>This draft Preliminary Determination was prepared by Lisa Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or Lisa.J.Jaramillo@wrд.state.or.us</p>

**Notice of Preliminary Determination for
Ground Water Registration Modifications T-10367 and T-10368**

T-10367 and T-10368, filed by Melvin Kaufman, 11155 Kaufman Rd. NE, Silverton, OR 97381, propose changes in place of use under Registration Application GR-638 (Certificate of Registration GR-603). The ground water registration is for the use of 265.0 gallons per minute (tentative priority date April 1948) from a well in Sec. 7, T6S, R1WE, W.M. (Pudding River Basin) for irrigation of 37.0 acres in Sec. 7.

The applicant proposes under T-10367 to modify the place of use to a different location within Sec. 7, T6S, R1W, W.M. for the 2007 irrigation season. Under T-10368, the applicant proposes to modify the place of use at the end of the 2007 irrigation season back to the original place of use within Sec. 7, T6S, R1W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

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) 986-0852. 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.

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

faxed 5-18-07 @ 8:45 am

FAX TRANSMITTAL

To: Melvin Kaufman
Date: 5-18-07
From: Lisa Jaramillo
Comments:

Fax Number: 503-873-3501
Pages: 6, including cover sheet
Phone: 503-986-0 880

Draft Preliminary Determination
for T-10367 & T-10368
- If it looks satisfactory, please call &
let me know as soon as possible. - Thanks,

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Lisa

Fax: 503-986-0903 or
503-986-0904



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

May 18, 2007

MELVIN KAUFMAN
11155 KAUFMAN ROAD NE
SILVERTON, OR 97381

SUBJECT: Ground Water Registration Modifications T-10367 and T-10368

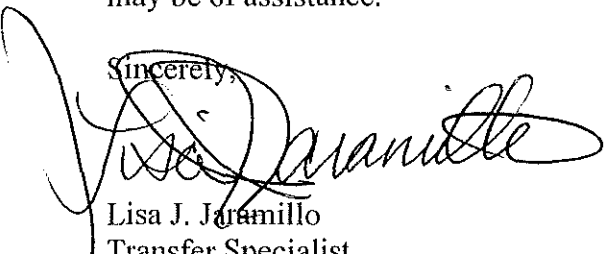
Dear Mr. Kaufman:

Enclosed, please find a draft of our Preliminary Determination regarding Ground Water Registration Modification Applications T-10367 and T-10368. The document reflects the Department's conclusion that, based on the information currently available, recognition of the ground water registration modification 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 ground water registration modification, and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur shortly after we receive your response. If we do not receive your response by **Monday, June 18, 2007**, 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 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if I may be of assistance.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: GR Modification T-10367
GR Modification T-10368
Mike McCord, Watermaster Dist. #16
Alfred & Elaine Kuenzi, 10232 Howell Prairie Road NE, Salem, OR 97305
Arlene M. Harris Trust, PO Box 391, Silverton, OR 97381

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

In the Matter of Ground Water)	D R A F T
Registration Modification Application)	
T-10367, Marion County)	PRELIMINARY DETERMINATION
)	PROPOSING TO APPROVE
)	RECOGNITION OF MODIFICATIONS
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Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

Melvin Kaufman
11155 Kaufman Road NE
Silverton, OR 97381

Landowners / Receiving Landowners

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Quantity: 265.0 GALLONS PER MINUTE (GPM)

Source: A WELL, in the Pudding River Basin

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6 S	1 W	WM	7	SE NE	16.0
TOTAL:					37.0

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IRRIGATION					
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TOTAL:					37.0

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Dated at Salem, Oregon this ____ day of _____ 2007.

DRAFT

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Lisa Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or Lisa.J.Jaramillo@wrд.state.or.us

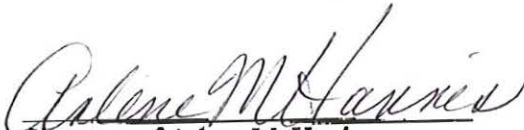
**AFFIDAVIT CONSENTING TO PROPOSED GROUND WATER
REGISTRATION MODIFICATION**

State of Oregon)
)ss
County of Marion)

To whom it may concern:

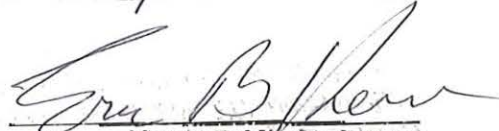
I, Arlene M. Harris, give my permission to Melvin Kaufman (at the end of the 2007 irrigation season) to remove 37.0 acres of irrigation claim rights under Ground Water Registration GR-638 from my property (located on Tax Lot 1200 in Section 7, Township 6 South, Range 1 West, WM, in Marion Co.) to property owned by Alfred and Elaine Kuenzi (located on Tax Lots 300 and 400 in Section 7, Township 6 South, Range 1 West, WM, in Marion Co.).

NOTE: GR Modification Application #T-10367 proposes to move 37.0 acres of irrigation under GR-638 from Kuenzi's property (described above) to Harris' property (described above) for the 2007 irrigation season only. Then, at the end of the 2007 irrigation season, GR Modification Application #T-10368 proposes to move the 37.0 acres from Harris' property back to Kuenzi's property. If T-10367 is **NOT** approved by the Water Resources Department and the 37.0 acres under GR-638 are **NOT** moved to Harris' property, this permission statement will not be needed and therefore will become null and void.

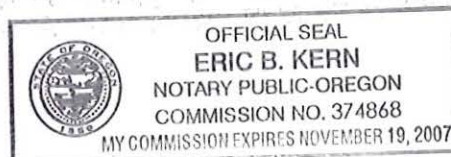

Signature of Arlene M. Harris

4-20-07
Date

Subscribed and Sworn to before me this 20th day of April, 2007.


Notary Public for Oregon

My commission expires 11/19/2007



RECEIVED

APR 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Melvin Kaufman
Date: 4-19-07
From: Lisa Jaramillo

Fax Number: 503-873-3501
Pages: 2, including cover sheet
Phone: 503-986-0 880 ← Lisa's phone #

Comments:

Melvin,
Please have Arlene M. Harris sign the
attached Consent Statement.
She will need to sign it in the
presence of a Notary Public. Thank You,

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

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- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

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- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or
503-986-0904

**AFFIDAVIT CONSENTING TO PROPOSED GROUND WATER
REGISTRATION MODIFICATION**

State of Oregon)
)ss
County of Marion)

To whom it may concern:

I, Arlene M. Harris, give my permission to Melvin Kaufman (at the end of the 2007 irrigation season) to remove 37.0 acres of irrigation claim rights under Ground Water Registration GR-638 from my property (located on Tax Lot 1200 in Section 7, Township 6 South, Range 1 West, WM, in Marion Co.) to property owned by Alfred and Elaine Kuenzi (located on Tax Lots 300 and 400 in Section 7, Township 6 South, Range 1 West, WM, in Marion Co.).

NOTE: GR Modification Application #T-10367 proposes to move 37.0 acres of irrigation under GR-638 from Kuenzi's property (described above) to Harris' property (described above) for the 2007 irrigation season only. Then, at the end of the 2007 irrigation season, GR Modification Application #T-10368 proposes to move the 37.0 acres from Harris' property back to Kuenzi's property. If T-10367 is **NOT** approved by the Water Resources Department and the 37.0 acres under GR-638 are **NOT** moved to Harris' property, this permission statement will not be needed and therefore will become null and void.

Signature of Arlene M. Harris

Date

Subscribed and Sworn to before me this _____ day of _____, 200 ____.

Notary Public for Oregon

My commission expires _____.



Oregon

Theodore R. Kulongoski, Governor

T-10368
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 16, 2007

MELVIN KAUFMAN
11155 KAUFMAN ROAD NE
SILVERTON OR 97381

REFERENCE: Ground Water Registration Modification Applications T-10367 and T-10368

Dear Mr. Kaufman:

On April 13, 2007, the Department received your check in the amount of \$700 for fees associated with the above referenced ground water registration modification applications, being \$350 for T-10367 and \$350 for T-10368. Receipt #87117 written on April 13, 2007, in the amount of \$700 is enclosed for your records.

If you have any questions, please feel free to call me at (503) 986-0880.

Sincerely,

Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: File T-10367
File T-10368
Watermaster #16

enclosure



COPY

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **87117**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Melvin Kaufman
BY: _____

CASH: ☐ CHECK: # 9390 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>See Below</u>

TOTAL REC'D \$ 700.00

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	<u>T-10367 \$350</u>	\$
0410 RESEARCH FEES	<u>T-10368 \$350</u>	\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	<u>\$ 700.00</u>		
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:

87117

DATED: 4/13/07

BY:

Ken H. DeBour

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

GR Modification #2



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

Application for **Permit Amendment
or Ground Water
Registration Modification**

Revert
Back

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 APPLICATION

Please check **one** of the following:

☐ Permit Amendment ☒ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Melvin Kaufman

First

Last

Address: 11155 Kaufman Road NE

Silverton, OR 97381

City

State

Zip

Phone: 503-873-4052

Home

Work

Other

Fax: 503-873-3501

E-Mail address: _____

3. AGENT INFORMATION

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

Name: N/A

First

Last

Address: _____

City

State

Zip

Phone: _____

Home

Work

Other

Fax: _____

E-Mail address: _____

▪ 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.

Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

RECEIVED
APR 11 2007
WATER RESOURCES DEPT
SALEM, OREGON

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the amendment or modification.) <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 amendment or modification.) <p style="text-align: center;"><i>Not Available for Ground Water Registrations</i></p> <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 checked="" type="checkbox"/> All of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.) <input type="checkbox"/> Only a portion of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)	<p style="text-align: center;"><i>Not Available for Permit Amendments</i></p> <p>Change existing authorized use to the following proposed <u>new</u> 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"/> Domestic (indicate number of households): _____ <input type="checkbox"/> Other _____

- Reason(s) for amendment/modification(s): Rented neighbors farm to south in order to irrigate a rotation crop for the 2007 irrigation season only. This application moves the lands back to their original place of use (reverts them back).

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5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (*check and complete one of the following*):

<input type="checkbox"/> Permit to be Amended:	_____ Permit Number	_____ Current Completion Date of Permit
<input checked="" type="checkbox"/> Ground Water Registration to be Modified:	<u>GR 638</u> Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: J. N. Adams
- County: Marion
- Authorized Use(s) to be affected by this Amendment/Modification: Irrigation

- Priority Date(s): April 30, 1948

*If there are **multiple Priority Dates** identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- All Source(s) of Water to be affected by this Amendment/Modification: well

Tributary to: Pudding River

*If there are **multiple Sources** listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other "**Layered**" Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☐ Yes ☒ No ☐ N/A -No Change in Use or Place of Use

If "**Yes**", pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other "**layered**" water uses subject to transfer **must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5).

- Remarks: The proposed place of use has supplemental rights appurtenant to it that were not exercised during the 2007 irrigation season while the GR's place of use was being exercised elsewhere (on the "FROM" lands under this application).

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- The following information **must be provided only** for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) 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 permit or ground water registration.

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

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/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)
		6 S	1 W	WM	7	SE NE		1500 ft. south & 1000 ft. west from the NE corner of Sec. 7

- Does the permit/registration being amended/modified 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:

- 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 website at: www.wrd.state.or.us)

or

- 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
See GR 638	8 "		full depth 137 ft.	50 ft., 75 ft., and 100 ft.		40 ft.			137 ft.
- See Well Log attached ("MARI 3063")									

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- The following information **must be provided only** for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) 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 permit or ground water registration.

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Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
	6 S	1 W	WM	7	SW NE		0.6
	6 S	1 W	WM	7	NE SE		2.0
	6 S	1 W	WM	7	NW SE		21.4
	6 S	1 W	WM	7	SW SE		12.5
	6 S	1 W	WM	7	SE SE		<u>0.5</u>
							Total: 37.0

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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration 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/appropriation)
(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)
N/A							
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- 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 website at: 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
N/A										

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- Describe proposed changes to the permit or registration 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)

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
	6 S	1 W	WM	7	NE NE		6.0
	6 S	1 W	WM	7	NW NE		3.0
	6 S	1 W	WM	7	SW NE		12.0
	6 S	1 W	WM	7	SE NE		<u>16.0</u>
							Total: 37.0

Remarks: _____

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? ☐ Yes ☒ No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? ☐ Yes ☒ No

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

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

8. PERMIT HOLDER OF RECORD

This section is to be completed only for Permit Amendment applications.

☒ *N/A – This is a Ground Water Registration Modification application.*

- Is the applicant the permit holder of record? ☐ Yes ☐ No

If "No", the applicant must either:

A. *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

or

*Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.*

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9. LAND OWNERSHIP

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If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? ☐ Yes ☐ No

If "No", the owner of the land **TO** which the place of use is being moved **must be assigned to the permit as a permit holder of record** by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment.

- Check **one** of the following:

- ☐ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
- ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

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

If "No", provide the following information:

Names of Current Landowner(s): Arlene M. Harris Trust

Address: PO Box 391
Silverton, OR 97381

- Does the applicant own the lands **TO** which the registration is being moved? ☐ Yes ☒ No

If "No", provide the following information:

Names of Receiving Landowner(s): Alfred and Elaine Kuenzi

Address: 10232 Howell Prairie Rd NE
Salem, OR 97305

- 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.

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10. ATTACHMENTS

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

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Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

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.

Water Well Reports/Well Logs:

- ☒ The application involves 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.

Fees:

- ☒ Amount enclosed: \$ 350
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; **OR** the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.
*The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; **or***
- ☐ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; **OR** the applicant is **not** the permit holder of record but **is** supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; **or**
- ☐ N/A. Not required because the applicant is the permit holder of record.

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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.

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11. SIGNATURES

- ***For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:***


☒ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (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 modification 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 recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is not both the person named on the ground water registration or the assignee *and* the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
 - A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
 - B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.

☐ 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 690-382-0400(16)(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 ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(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 recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- ***For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.***

 applicant signature	MELVIN KAUFMAN name (print)	3-20-07 date
 applicant signature	 name (print)	 date

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Last Updated: 10/30/2006

Permit Amendment or GW Modification/11

FS

STATE ENGINEER
Salem, Oregon

Well Record

STATE WELL NO. 6/1W-7H (1)
COUNTY Marion
APPLICATION NO. GR-638
ALSO Appl. 67928

OWNER: J. N. Adams

MAILING
ADDRESS: Rt. 1, Box 929

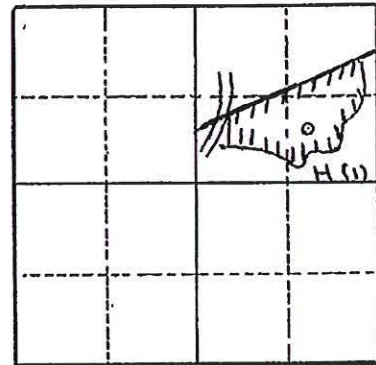
LOCATION OF WELL: Owner's No. #1

CITY AND
STATE: Brooks, Oregon

SE 1/4 NE 1/4 Sec. 7 T. 6 S. R. 1 W. W.M.

Bearing and distance from section or subdivision

corner 1500 Feet S. & 1000 Feet W. from NE
Cor. Sec. 7



Altitude at well 155' Interpolated

TYPE OF WELL: Drilled Date Constructed April 1948

Depth drilled 137' Depth cased 137'

Section 7

CASING RECORD:

8 inch

FINISH:

AQUIFERS:

WATER LEVEL:

40'

PUMPING EQUIPMENT: Type Turbine Berkeley H.P. 7 1/2
Capacity 300 G.P.M.

WELL TESTS:

Drawdown ft. after hours G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation 37 acres Temp. °F. 19

SOURCE OF INFORMATION GR-638

DRILLER or DIGGER Harder Bros., McMinnville, Oregon

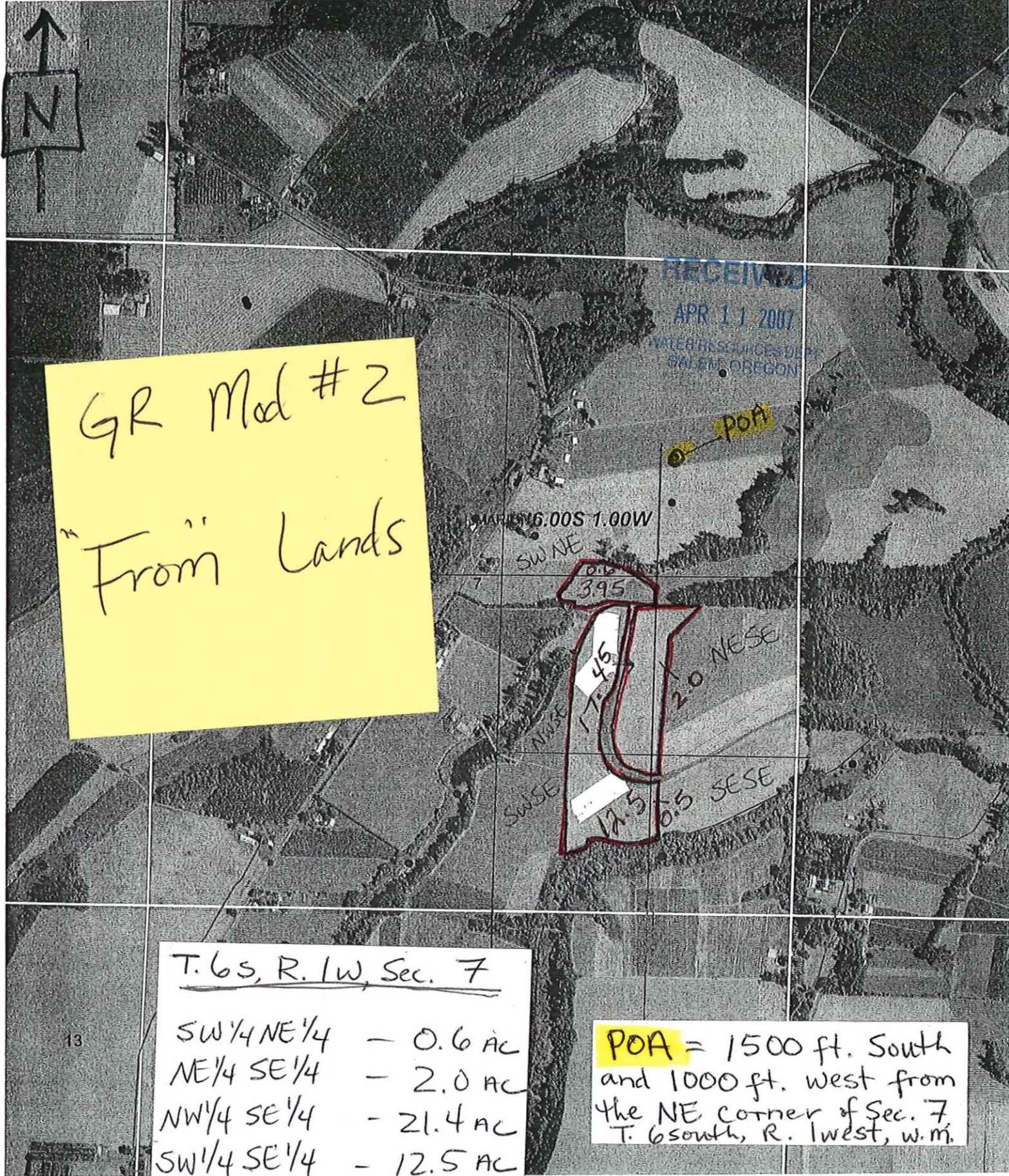
ADDITIONAL DATA:

Log Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

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GR Mod #2

From Lands

T. 6S, R. 1W, Sec. 7

SW 1/4 NE 1/4	- 0.6 AC
NE 1/4 SE 1/4	- 2.0 AC
NW 1/4 SE 1/4	- 21.4 AC
SW 1/4 SE 1/4	- 12.5 AC
SE 1/4 SE 1/4	- 0.5 AC

Total: 37.° AC

POA = 1500 ft. South
and 1000 ft. West from
the NE corner of Sec. 7
T. 6 South, R. 1 West, W.M.

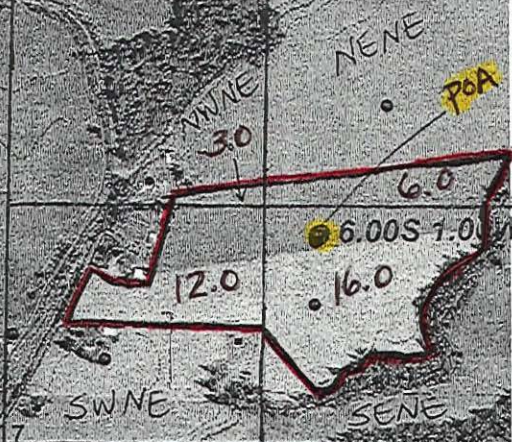
Scale: 1" = 1000'



Parkersville
School
Scale: 1" = 1000'

GR Mod #2

"To" Lands



POA = 1500 ft. South
and 1000 ft. west from
the NE corner of Sec. 7
T. 6 South, R. 1 West, W.M.

T. 6S, R. 1W, Sec. 7

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 6.⁰ AC
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 3.⁰ AC
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 12.⁰ AC
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 16.⁰ AC

Total: 37.⁰ AC

STATUTORY WARRANTY DEED

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:

Alfred G. Kuenzi, Trustee
Elaine R. Kuenzi, Trustee
10232 Howell Prairie Road NE
Salem, OR 97305

AFTER RECORDING,
RETURN TO:

Cinda M. Conroyd
PO Box 469
Salem, OR 97308

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Alfred G. Kuenzi and Elaine R. Kuenzi, husband and wife, **Grantors**, convey and warrant an undivided one-half interest to Alfred G. Kuenzi and Elaine R. Kuenzi, Trustees, or their successors in trust, under the ALFRED G. KUENZI LIVING TRUST, dated April 22, 1999, and any amendments thereto and an undivided one-half interest to Elaine R. Kuenzi and Alfred G. Kuenzi, Trustees, or their successors in trust, under the ELAINE R. KUENZI LIVING TRUST, dated April 22, 1999, and any amendments thereto, **Grantee**, the real property located in Marion County, Oregon and more particularly described on the attached Exhibit A:

SUBJECT TO: All liens and encumbrances of record or apparent on the property by inspection.

The true and actual consideration for this conveyance consists of \$0.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to Grantee at the time Grantor acquired such property. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED: April 22, 1999



Alfred G. Kuenzi



Elaine R. Kuenzi

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EXHIBIT A

Parcel
1

Beginning at a point in the center of the County Road 9.33 chains West and 45.3 links North $23^{\circ} 40'$ East from the most Southerly reentrant corner in the South line of the Wm. Parker Donation Land Claim in Township 6 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence North $23^{\circ} 40'$ East along the center of said road 2.387 chains; thence East 18.36 chains to an iron bar; thence South $81^{\circ} 38'$ East 40.72 chains to the center of Pudding river; thence South 31° West up the center of said river 2.84 chains; thence South $89^{\circ} 44'$ West along the South line of the Wm. Parker Donation Land Claim 18.02 chains; thence North $70^{\circ} 24'$ West 7.59 chains to an iron pipe; thence South $76^{\circ} 42'$ West 8.06 chains to an iron bar; thence North $45^{\circ} 20'$ West 8.035 chains to an iron pipe; thence West 19.376 chains to the point of beginning.

Parcel
2

ALSO: Beginning at a point in the center of the County Road, 9.33 chains West and 2.84 chains North $23^{\circ} 40'$ East from the most Southerly reentrant corner in the South line of the William Parker Donation Land Claim in Township 6 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence North $24^{\circ} 28'$ East 7.73 chains along the center of the County Road; thence North $79^{\circ} 20'$ East 54.26 chains to the Southeast corner of land described in deed recorded in Book 145, page 337, Deed Records for Marion County, Oregon; thence up Pudding River to the most Easterly corner of land deeded to Serena Manning by H.D. Manning, described in Book 242, page 113, Deed Records for Marion County, Oregon; thence along the North line of land of Serena Manning, North $81^{\circ} 38'$ West 40.72 chains; thence West 18.36 chains to the place of beginning.

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We, Melvin and Sally Kaufman, and Monty Kaufman, agree to rent from Arlene Harris 86.6 acres of land for the sum of \$160.00 per acre for crop year 2006, 2007, 2008, 2009, 2010 subject to renegotiation on or before November 1, 2010 and rent due November 15 of each year.

We, Lessee, shall use the leased premises for agricultural purposes and will conduct such business in an orderly and decent manner and will refrain from violating any city, county, state or federal law or orders affecting the premises.

We, Lessees, shall keep the leased premises free from any liens arising out of any work performed, materials furnished or obligations incurred. Upon the expiration of this lease, we shall promptly vacate the premises and deliver to the Lessor in the same or better condition.

We, Lessee, agree to carry liability insurance on the 99 acres on 9900 Howell Prairie Rd NE, Salem OR.

We, Lessee, would like first option to lease property after five year lease has expired.

We, Lessee, will use water from Alfred Kuenzi Farm for irrigated crops.

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Signed

Date

<u>Arlene M Harris, the</u>	<u>3-17-06</u>
<u>for Arlene M Harris Trust</u>	
<u>Melvin Kaufman</u>	<u>3-24-06</u>
<u>Sally Kaufman</u>	<u>3-24-06</u>
<u>Monty Kaufman</u>	<u>3-24-06</u>

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To Whom It May Concern:

Melvin Kaufman has our permission to transfer water rights from our 37 acres which has a groundwater right # GR 638 to the property to the south which is Arlene M. Harris Trust property for crop year 2007. He agrees to file a new application to move back to the original place of being, which is Alfred and Elaine Kuenzi property.

Also, Melvin Kaufman has our permission to transfer 21 acres of surface water from application # 22660 to the property to the south which is Arlene M. Harris Trust property for the 2007 irrigation season only. This will automatically revert back to the original place of use after the 2007 irrigation season.

We further certify that Melvin Kaufman has used the water rights on these acres in the last five years.

Signed

Date

Alfred G Kuenzi

3-26-07

Elaine R Kuenzi

3-26-07

State of Oregon
County of Marion

This instrument was acknowledged before me on
March 26, 07 by Alfred G Kuenzi and Elaine R Kuenzi.

Juanita Estella Porras
Notary Signature





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PRIVACY POLICY NOTICE

LandAmerica Financial Group, Inc. and its family of affiliated companies ("LandAmerica") respect the privacy of our customers' personal information. This Notice explains the ways in which we may collect and use personal information under the LandAmerica Privacy Policy.

LandAmerica provides title insurance and other real estate services through its affiliates. The three largest members of the LandAmerica family, Commonwealth Land Title Insurance Company, Lawyers Title Insurance Corporation, and Transnation Title Insurance Company, and their title affiliates, issue title policies and handle real estate closings across the country. You may review a complete list of the LandAmerica family of affiliates covered by this Privacy Policy on our website at <http://www.landam.com> under the privacy policy link or request a copy be sent to you from the address listed below. The LandAmerica Privacy Policy applies to all LandAmerica customers, former customers and applicants. Please visit our website for an explanation of our privacy practices relating to electronic communication.

What kinds of information we collect: Depending on the services you use, the types of information we may collect from you, your lender, attorney, real estate broker, public records or from other sources include:

- information from forms and applications for services, such as your name, address and telephone number
- information about your transaction, including information about the real property you bought, sold or financed such as address, cost, existing liens, easements, other title information and deeds
- with closing, escrow, settlement or mortgage lending services or mortgage loan servicing, we may also collect your social security number as well as information from third parties including property appraisals, credit reports, loan applications, land surveys, real estate tax information, escrow account balances, and sometimes bank account numbers or credit card account numbers to facilitate the transaction, and
- information about your transactions and experiences as a customer of ours or our affiliated companies, such as products or services purchased and payments made.

How we use and disclose this information: ***We use your information to provide you with the services, products and insurance that you, your lender, attorney, or real estate brokers have requested. We disclose information to our affiliates and unrelated companies as needed to carry out and service your transaction, to protect against fraud or unauthorized transactions, for institutional risk control, to provide information to government and law enforcement agencies and as otherwise permitted by law. As required to facilitate a transaction, our title affiliates record documents that are part of your transaction in the public records as a legal requirement for real property notice purposes.***

We do not share any nonpublic personal information we collect from you with unrelated companies for their own use.

We do not share any information regarding your transaction that we obtain from third parties (including credit report information) except as needed to enable your transaction as permitted by law.

We may also disclose your name, address and property information to other companies who perform marketing services such as letter production and mailing on our behalf, or to other financial service companies (such as insurance companies, banks, mortgage brokers, credit companies) with whom we have joint marketing arrangements. Additionally, some LandAmerica affiliates may share information about their transaction and experiences with you in order to identify opportunities to market other LandAmerica services or products that may be useful to you.

How we protect your information: We maintain administrative, physical, electronic and procedural safeguards to guard your nonpublic personal information. We reinforce our privacy policy with our employees and our contractors. Joint marketers and third parties service providers who have access to nonpublic personal information to provide marketing or services on our behalf are required by contract to follow appropriate standards of security and confidentiality.

Title insurance agents may be covered by this policy: ***If your transaction goes through a title insurance agent that is not part of the LandAmerica family, the agent handling your transaction should provide you with the agent's own privacy policy or evidence that the agent has adopted our policy.***

If you have any questions about this privacy statement or our practices at LandAmerica, please email us at customerservice@landam.com or write us at: LandAmerica Privacy, P.O. Box 27567, Richmond, VA 23261-7567

Effective June 2006



Lawyers Title Insurance Corporation
Salem Branch
925 Commercial Street SE, Suite 100
Salem, OR 97302
503-361-1211 FAX 503-589-7407

RECEIVED

APR 11 2007

WATER RESOURCES DEPT
SALEM, OREGON

Melvin Kaufman
11155 Kaufman Rd NE
Silverton, OR 97381

Order No.: 50g0058218
Escrow Officer: Della Seney
Reference:

Property 10232 Howell Prairie Rd NE
Address: Salem, OR 97305

ADDITIONAL COPIES, IF REQUESTED, HAVE ALSO BEEN SENT TO THE FOLLOWING:

Alfred G. Kuenzi and Elaine R. Kuenzi
10232 Howell Prairie Rd NE
Salem, OR 97305



Lawyers Title Insurance Corporation
Salem Branch
925 Commercial Street SE, Suite 100
Salem, OR 97302
Phone: 503-361-1211
Fax: 503-589-7407

Melvin Kaufman
11155 Kaufman Rd NE
Silverton, 97381

Date Prepared: April 06, 2007

Reference:

ORDER NO. : 50g0058218
CUSTOMER REFERENCE: **Kuenzi**
FEE : \$125.00

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WATER RESOURCES DEPT
SALEM, OREGON

PLANT SERVICE REPORT GENERAL FORM
Lawyers Title Insurance Corporation
herein the Company,

has provided the attached information as a special service based on the records and indices listed herein. THIS IS NEITHER A PRELIMINARY TITLE REPORT NOR A COMMITMENT TO ISSUE TITLE INSURANCE. No examination has been made of the title to the herein described property other than as specifically set forth herein. Liability for errors and/or omissions is limited to the amount of fee paid, and the Company will not otherwise have any liability to any person who receives this report. The Company has no liability for any error or omission which does not result in actual loss to the named customer.

The charge for this service will not include any supplemental report, any update, or any other additional service.

If additional services are requested, the charge will be one hundred dollars (\$100.00) per hour, with a one hour minimum.

Copies of documents may be assessed at the rate of twenty-five cents (\$.25) a page or at the Company's cost, whichever is greater.

If you need assistance with this report, please contact: Robert May: 503-361-1211, Fax: 589-7407
E-mail: rmay@landam.com

Property:
10232 Howell Prairie Rd NE
Salem, OR 97305

PLANT SERVICE REPORT GENERAL FORM

Subject to the limitations specified on the cover sheet, the Company has searched its title plant records, and the Company reports as follows:

A. The land which is the subject of this search is described as follows:

SEE ATTACHED EXHIBIT "A"

B. Based on a review of the above tract indices, through March 28, 2007, the apparent vested owner is:

Alfred G. Kuenzi and Elaine R. Kuenzi, Trustees under the Alfred G. Kuenzi Living Trust, dated April 22, 1999 as to an undivided one-half interest

AND

Elaine R. Kuenzi and Alfred G. Kuenzi, Trustees under the Elaine R. Kuenzi Living Trust, dated April 22, 1999 as to an undivided one-half interest

For a period of time through March 28, 2007 at 5:00 P.M., the Company finds the following items which affect the property:

1. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only. This exception will not be shown on a title insurance policy.
Original Amount : [REDACTED]
Account No. [REDACTED]
(Parcel I)
2. NOTE: 2006-07 TAXES ARE PAID IN FULL and are being shown for informational purposes only. This exception will not be shown on a title insurance policy.
Original Amount : [REDACTED]
Account No. [REDACTED]
(Parcel II)
3. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
Tax Identification : [REDACTED]
4. The subject property lies within the boundaries of Marion Soil and Water District and is subject to the levies and assessments thereof.
5. The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.
6. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Pudding River
7. Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 to 274.940.

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WATER RESOURCES DEPT
SALEM, OREGON

8. Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Pudding River
9. Rights of the public, riparian owners and governmental bodies as to the use of the waters of Pudding River and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
10. An easement disclosed by instrument,
Recorded : June 8, 1954
As : V463; P774
For : Right of way
11. An easement disclosed by instrument,
Recorded : May 2, 1956
As : V487; P293
In favor of : Portland General Electric Company
For : Electrical and appurtenances
12. An easement disclosed by instrument,
Recorded : June 6, 1960
As : V534; P549
In favor of : Portland General Electric Company
For : Electrical and appurtenances
13. Mortgage, to secure an indebtedness in the amount shown below, and any other obligations secured thereby,
Recorded : December 7, 1976
As : R64; P1777
Mortgagor : Alfred G. Kuenzi and Elaine R. Kuenzi
Mortgagee : State of Oregon, represented and acting by the Director of Veterans' Affairs
Amount : \$125,000.00
Loan No. : M57494
14. Terms and provisions of unrecorded Memorandum of Oil and Gas lease, and such other matters, interests, or exceptions as may appear necessary upon examination of the original lease,
Dated : February 19, 1978
Lessor : Alfred G. Kuenzi and Elaine R. Kuenzi
Lessee : Gulf Oil Corporation, a Pennsylvania corporation
A memorandum of which was
Recorded : July 31, 1978
As : R133; P1377
15. The effect, if any, of Statutory Warranty Deed
Recorded : May 20, 1999
As : R1600; P3
16. Any invalidity or defect in the title of the vestee(s) herein in the event the trust under which title is held is invalid or fails to confer sufficient powers in the trustee(s), or in the event there is a lack of compliance with the terms and provisions of the trust.

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SALEM, OREGON

NOTES:

- A. We have searched and find no federal or state liens or judgments of record in Marion County, Oregon against the vestees herein.

End of Report
PSH/psh

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Exhibit "A"

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PARCEL I:

Beginning at a point in the center of the County Road 9.33 chains West and 45.3 links North 23° 40' East from the most Southerly re-entrant corner in the South line of the William Parker Donation Land Cairn in Township 6 South, Range I West of the Willamette Meridian, in Marion County, Oregon; thence North 23° 40' East along the center of said road 2.387 chains; thence East 18.36 chains to an iron bar; thence South 81° 38' East 40.72 chains to the center of Pudding River; thence South 31° West up the center of said river 2.84 chains; thence South 89°44' West along the South line of the Wm. Parker Donation Land Claim 18.02 chains; thence North 70° 24' West 7.59 chains to an iron pipe; thence South 76° 42' West 8.06 chains to an iron bar; thence North 45° 20' West 8.035 chains to an iron pipe; thence West 19.376 chains to the point of beginning.

PARCEL II:

Beginning at a point in the center of the County Road, 9.33 chains West and 2.84 chains North 23° 40' East from the most Southerly re-entrant corner in the South line of the William Parker Donation Land Claim in Township 6 South, Range I West of the Willamette Meridian, in Marion County, Oregon; thence North 24° 28' East 7.73 chains along the center of the County Road; thence North 79° 20' East 54.26 chains to the Southeast corner of land described in Deed recorded in Book 145, Page 3371 Deed Records for Marion County, Oregon; thence up Pudding River to the most Easterly corner of land deeded to Serena Manning by H.D. Manning, described in Book 242, Page 113, Deed Records for Marion County, Oregon; thence along the North line of land of Serena Manning tract, North 81° 38' West 40.72 chains; thence West 18.36 chains to the place of beginning.

11155 Kaufman RD NE
Silverton, Oregon 97381
(503) 873-4052

April 12, 2007

OR Department of Veteran's Affairs
700 Summer St NE
Salem, OR 97301-1285

Dear Sir or Madam:

My name is Melvin Kaufman. Alfred and Elaine Kuenzi have granted me permission to temporarily modify the location of 37.0 acres of irrigation under Appl GR-638 located on their property to land owned by Arlene M. Harris.

You are listed as a lien holder on property owned by Alfred and Elaine Kuenzi. The subject lands are located as follows:

Tax lot 400 in the NE $\frac{1}{4}$ of Sec. 7, T. 6 south, R. 1 west WM. in Marion County.

This letter serves as notification of the proposal modification.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Melvin Kaufman', written in dark ink.

Melvin Kaufman

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APR 13 2007

WATER RESOURCES DEPT
SALEM, OREGON



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 13, 2007

MELVIN KAUFMAN
11155 KAUFMAN ROAD NE
SILVERTON OR 97381

Reference: Transfer 10367 and Transfer 10368

On April 11, 2007 we received your water right transfer applications requesting a change in place of use for use of water from A WELL, tributary to HOWELL PRAIRIE CREEK.

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.

If you have any questions, please call the Transfer Section, (503)986-0880.

cc: Watermaster #16
Arlene M Harris Trust
Alfred & Elaine Kuenzi

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 04/17/07

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: 10368
Water Right: GR-CERT-603
Priority Date: 1948
Name: MELVIN KAUFMAN
Address: 11155 KAUFMAN RD NE; SILVERTON OR 97381
Change: POU
Source: WELL
Authorized POU: T6S R1W 7
Proposed POU: T6S R1W 7

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 #

10368

DATE RECEIVED

4-11-07

DATE MONEY SLIPPED

DATE RECEIPTED

VALID WATER RIGHT?

X Yes No

TEMP ALT AC

IRR DIST

PERM AMEND

DIV 15

TEMP Div 15

ISWR

GR-MOD X

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

GR yes

CERTIFICATE COPIED

GR yes

PULL APPLICATIONS

GR yes

APP FOLDER MARKED

GR yes

FINAL PROOF MAP COPIED

GR 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

4-17-07

(PREPARED & COPIED) yes

LETTER SENT

yes

Irrigation District no (copy of app & map)

COPY TO WM

yes

COPY FORM TO WM

yes

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
POA, APOA, or [SW TO GW ONLY(as POD)]

COPY TO GW

no

COPY FORM TO GW

no

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

COPY TO CWRE

no

LETTER TO ODFW

no

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

TRANSFER SENT TO:

Lisa J.

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

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