

T-10380

T-10380

TEMPORARY

Name Dan Hammelman

By _____

Address 14477 Dominic RdMount Angel OR 97362503 845-6883Change in POU POD

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 7-13-07 Vol. 72, page 613 *Superseded*

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

Superseding 7-27-07 V. 72 p. 783

DESCRIPTION OF WATER RIGHT

Name of stream Butte CrTrib. of Pudding R. County of MarionUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1943 1953 1961In name of Robert Cook Richard Harris
Lawrence McCracken

_____ Adjudication, Vol. _____, page _____

App. No. 519896 5-15475 Per. No. 5-22233 Cert. No. 17119534843 527352 34692

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5/2/07</u>	<u>202.00</u>	<u>87466</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: Pacific Hydro-Geology / Greg Kupillas 18487 S. Valley Vista Rd Mulino, OR 97042NOID/CUREMarion County Planning Dept. PO Box 14500 Salem OR 97309C/O: Arlene Harris (cert 26311 & 34692) and Jake Kyllö (cert 17119)18269 & 17879 Mt. Angel Scotts Mills Hwy Silverton OR 97381R/O: Jake Kyllö 17879 Mt. Angel Scotts Mills Hwy Silverton OR 97381503 632-5983 Fax503 632-5016



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

July 31, 2007

Dan Hammelman
14477 Dominic Road NE
Mt. Angel, Oregon 97362

Re: Correcting and Superseding Final Order

Enclosed is a copy of Special Order Volume 72, Page 783, signed by the Director of Oregon Water Resources Department correcting and superseding the order recorded at Special Order Volume 72, Page 613 to 617.

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

Sarah Henderson
Executive Support

cc: Watermaster #16
Pacific Hydro Geology
Jake Kyllow
Arlene Harris

Enclosures

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

In the Matter of Transfer Application	)	SUPERSEDING FINAL ORDER
T-10380, Marion County	)	APPROVING A TEMPORARY
	)	CHANGE IN POINT OF DIVERSION
	)	AND PLACE OF USE AND
	)	CORRECTING A PREVIOUS ORDER

Authority

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Dan Hammelman
14477 Dominic Rd. NE
Mt. Angel, OR 97362

Agent

Pacific Hydro-Geology Inc.
Attn: Greg or Malia Kupillas
18487 S. Valley Vista Rd.
Mulino, OR 97042

Findings of Fact

Background

1. On May 7, 2007, Dan Hammelman filed an application to temporarily change the place of use under Certificates 17119 and 26311 and to temporarily change the place of use and point of diversion under Certificate 34692 for a period of two years. The Department assigned the application number T-10380.
2. On May 31, 2007, amendments to the application and map were received by the Department. The amendments changed the location of the proposed point of diversion.
3. The first right to be transferred is as follows:
Certificate: 17119 in the name of Lawrence McCracken (perfected under Permit S-15475)
Use: IRRIGATION of 4.7 ACRES
Priority Date: APRIL 23, 1943
Rate: 0.059 CUBIC FOOT PER SECOND (cfs)

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.

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: BUTTE CREEK, tributary to PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	1 E	WM	16	NW NE	Mitchel Whitlock DLC 39

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	Mitchel Whitlock DLC 39	4.7

4. Application T-10380 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	39	2.8
6 S	1 E	WM	16	SE NW	39	0.3
6 S	1 E	WM	16	NE SW	39	0.2
6 S	1 E	WM	16	NW SE	39	1.4

5. The portion of the second right to be transferred is as follows:

Certificate: 26311 in the name of Robert F. Cook (perfected under Permit S-22233)

Use: IRRIGATION of 4.4 ACRES

Priority Date: APRIL 6, 1953

Rate: 0.05 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: BUTTE CREEK, tributary to PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	1 E	WM	16	NW NE	Whitlock DLC 39

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	Whitlock DLC 39	1.2
6 S	1 E	WM	16	SE NE	Whitlock DLC 39	3.2

6. Application T-10380 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	NE SW	39	0.5
6 S	1 E	WM	16	NW SE	39	3.9

7. The portion of the third right to be transferred is as follows:

Certificate: 34692 in the name of Richard D. Harris (perfected under Permit S-27352)

Use: IRRIGATION of 16.1 ACRES

Priority Date: APRIL 24, 1961

Rate: 0.20 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: BUTTE CREEK, tributary to PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
6 S	1 E	WM	16	NW NE	Whitlock DLC 39	4030 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	39	1.8
6 S	1 E	WM	16	SE NE	39	1.6
6 S	1 E	WM	16	NE SE	39	7.2
6 S	1 E	WM	16	NW SE	39	5.5

8. Application T-10380 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	NE SW	39	1.7
6 S	1 E	WM	16	NW SE	39	14.4

9. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Application T-10380 proposes to move the authorized point of diversion approximately 300 feet downstream from the existing authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
6 S	1 E	WM	16	NWNE	Whitlock DLC 39	4150 FEET NORTH AND 1880 FEET WEST FROM THE SE CORNER OF SECTION 16

10. Notice of the application for temporary transfer was published on May 22, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

12. On July 13, 2007, the Department issued a Final Order approving Transfer Application T-10380. The order was recorded at Special Order Volume 72, Pages 613 through 617. The order contained an error in the inclusion of language in Condition #8 of that order that required the submittal of a Claim of Beneficial Use.
13. This order is issued to supersede the previous order recorded at Special Order Volume 72, Pages 613 through 617, and to correct the error in Condition #8 of that order.
14. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10380.
16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in point of diversion and place of use proposed in application T-10380 are consistent with the requirements of ORS 540.523 and OAR 690-380-800 and the error in Special Order Volume 72, Pages 613 through 617 should be corrected in the record.

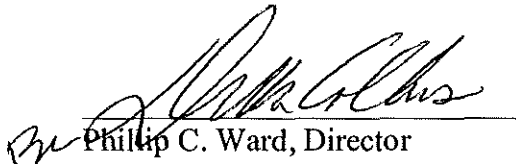
Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 72, Pages 613 through 617 is withdrawn and of no further force and effect, and is superseded by this order.
2. The changes in point of diversion and place of use proposed in application T-10380 are approved.
3. The former place of use **shall not** be irrigated as part of this water right during the 2007 and 2008 irrigation seasons.
4. The use shall revert to the authorized place of use at the end of the 2008 irrigation season. The authorization to use the new point of diversion shall be terminated concurrently.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. A subsequent application for permanent transfer of Certificates 17119, 26311 and 34692 shall be subject to a full and complete review to determine consistency with the requirements

of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 17119, 26311 and 34692.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
10. Prior to diverting of water at the new point of diversion, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
11. The use of the remaining water right described by Certificates 17119, 26311 and 34692 shall continue to be in accordance with the terms and conditions of Certificates 17119, 26311 and 34692.

Dated at Salem, Oregon this 27th day of July 2007.


Phillip C. Ward, Director

Mailing Date: AUG 01 2007

Water Right Transfer Checklist

Transfer T-10380

Transfer Specialist: Susan

Transfer Type: Temporary

Applicant Name/Address: Dan Hammelman; 14477 Dominic Road; Mt Angel OR 97362

Agent Name/Address: Pacific Hydro Geology; 18487 S Valley Vista Rd; Mulino OR 97042

CWRE Name/Number: NONE

Rec Landowner Name/Address: Jake Kylo; 17879 Mt Angel Scotts Mills Hwy; Silverton OR 97381

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: Marion County Planning Department; PO Box 14500; Salem OR 97309

Commentors: Name/Address: Current Landowner; Arlene Harris; 18269 Mt Angel Scotts Mills Rd; Silverton OR 97381

*Marion Co.
2 yr temp*

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	S 19896	S 15475	17119 ✓	☐ Yes ☒ No	
☒	☒	S 28277	S 22233	26311	☐ Yes ☒ No	
☒	☒	S 34843	S 27352	34692	☐ Yes ☒ No	

no temp

Key Dates & Initial Actions

Rec'd: <u>05/07/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: <u>POU/POD</u>
Fees Pd: <u>202.00</u>	WM District: <u>16</u> ODFW District: <u>Danette Ehlers</u>
Initial Notice: <u>05/22/07</u>	WM Review sent: <u>05/22/07</u> ODFW Review sent: <u>05/22/07</u>
Acknowledgement Letter Sent ☒	GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts *5.24 + 5.31 by phone*

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

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

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>ASP</u>
Date: _____	Date: _____	Date: <u>7/26/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>ASP</u>
Date: _____	Date: _____	Date: <u>7/26/07</u>

Comments/Special Issues: *Finally rec'd ODFW review 7/11/07.*

Our language for screening includes verbiage about COBU. This doesn't fit w/ temp. so

Special Order Volume: Vol 72 Pages 613

Final Order Signature Date: 7-13-07

Notice of FO email'd to processors Susan

Superseding V. 72p. 783

7-27-07

Application

- 17119 all change
- ☒ The type of change is clearly indicated. Δ pou Δ pool
 - ☒ The application is appropriately signed.
 - ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
 - ☒ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
 - ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
 - ☒ All required attachments received.

Water right subject to transfer

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

175 \$
25.2
205.20

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|--|---|---|---|---|
| ☒ application complete | ☒ map | ☒ FPS | ☒ evidence of use | ☒ land-use form |
| ☒ deed/ROLI | ☒ certificate | ☒ fees paid | ☒ well logs | ☒ plat card |
| ☒ audit | ☒ dpd | | | |

Reviews/comments/conditions received?

Headgate

Measuring Devices

Injury: ☒ Y ☐ N

Conditions to avoid enlargement/injury -

☒ When in the judgment

☒ When in the judgment

Enlargement: ☐ Y ☒ N

☒ Watermaster

☒ Prior to diverting

☐ Prior to diverting

☒ ODFW

☒ GW

☐ Existing and maintain

☐ Existing and maintain

5/29
spoke w/ agent - app to be amended
so that pods go downstream
rather than up.

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10380, Marion County	)	TEMPORARY CHANGE IN POINT OF
	)	DIVERSION AND PLACE OF USE

Authority

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Dan Hammelman
14477 Dominic Rd. NE
Mt. Angel, OR 97362

Agent

Pacific Hydro-Geology Inc.
Attn: Greg or Malia Kupillas
18487 S. Valley Vista Rd.
Mulino, OR 97042

Findings of Fact

Background

1. On May 7, 2007, Dan Hammelman filed an application to temporarily change the place of use under Certificates 17119 and 26311 and to temporarily change the place of use and point of diversion under Certificate 34692 for a period of two years. The Department assigned the application number T-10380.
2. On May 31, 2007, amendments to the application and map were received by the Department. The amendments changed the location of the proposed point of diversion.
3. The first right to be transferred is as follows:
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Priority Date: APRIL 23, 1943
Rate: 0.059 CUBIC FOOT PER SECOND (cfs)
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Use: IRRIGATION of 16.1 ACRES

Priority Date: APRIL 24, 1961

Rate: 0.20 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: BUTTE CREEK, tributary to PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
6 S	1 E	WM	16	NW NE	Whitlock DLC 39	4030 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	39	1.8
6 S	1 E	WM	16	SE NE	39	1.6
6 S	1 E	WM	16	NE SE	39	7.2
6 S	1 E	WM	16	NW SE	39	5.5

8. Application T-10380 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	NE SW	39	1.7
6 S	1 E	WM	16	NW SE	39	14.4

9. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Application T-10380 proposes to move the authorized point of diversion approximately 300 feet downstream from the existing authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
6 S	1 E	WM	16	NWNE	Whitlock DLC 39	4150 FEET NORTH AND 1880 FEET WEST FROM THE SE CORNER OF SECTION 16

10. Notice of the application for temporary transfer was published on May 22, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
12. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

Source: BUTTE CREEK, tributary to PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	1 E	WM	16	NW NE	Mitchel Whitlock DLC 39

Authorized Place of Use:

IRRIGATION						
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4. Application T-10380 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	39	2.8
6 S	1 E	WM	16	SE NW	39	0.3
6 S	1 E	WM	16	NE SW	39	0.2
6 S	1 E	WM	16	NW SE	39	1.4

5. The portion of the second right to be transferred is as follows:

Certificate: 26311 in the name of Robert F. Cook (perfected under Permit S-22233)

Use: IRRIGATION of 4.4 ACRES

Priority Date: APRIL 6, 1953

Rate: 0.05 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: BUTTE CREEK, tributary to PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	1 E	WM	16	NW NE	Whitlock DLC 39

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	SW NE	Whitlock DLC 39	1.2
6 S	1 E	WM	16	SE NE	Whitlock DLC 39	3.2

6. Application T-10380 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	16	NE SW	39	0.5
6 S	1 E	WM	16	NW SE	39	3.9

7. The portion of the third right to be transferred is as follows:

Certificate: 34692 in the name of Richard D. Harris (perfected under Permit S-27352)

13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10380.
14. The proposed change would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in point of diversion and place of use proposed in application T-10380 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

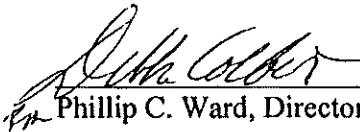
Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-10380 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2007 and 2008 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2008 irrigation season. The authorization to use the new point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 17119, 26311 and 34692 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 17119, 26311 and 34692.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen

and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

9. Prior to diverting of water at the new point of diversion, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
10. The use of the remaining water right described by Certificates 17119, 26311 and 34692 shall continue to be in accordance with the terms and conditions of Certificates 17119, 26311 and 34692.

Dated at Salem, Oregon this 13th day of July 2007.


Phillip C. Ward, Director

Mailing Date: JUL 18 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

July 16, 2007

DAN HAMMELMAN
14477 DOMINIC RD NE
MT ANGEL OR 97362

Reference: Temporary Transfer 10380

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.

Sincerely,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #16
Pacific Hydro-Geology Inc.
Jake Kylo
Arlene Harris

Enclosure



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 21, 2007

DAN HAMMELMAN
14477 DOMINIC RD NE
MT ANGEL OR 97362

Reference: Temporary Transfer 10380

On May 7, 2007 we received your water right transfer application requesting a change in place of use, point of diversion for use of water from BUTTE CREEK, tributary to PUDDING RIVER. The application was accompanied by \$202.00. Our receipt 87466 is enclosed.

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

Pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be transferred and the land to which the right is to be transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

cc: Watermaster #16
Danette Ehlers, ODFW
Marion County Planning Department
Arlene Harris, Landowner
Jake Kylo, Landowner
Greg Kupillas, Agent

enclosure

Indicate in this column whether or not the item is satisfied.

Temporary Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: _____ (Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- ☒ 1) an adjudication with a court decree; *or*
☐ 2) a certificate that is not cancelled; *or*
☒ 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Temporary Transfer process?

[ORS 540.523]

NOTE: Only **POU** changes are allowed on Temporary Transfers.

UNLESS... POA/POD change is necessary to convey water to the new temp place of use.

OR - Character of Use of storage right (R-xxxxx)

OR - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: _____

Fee Schedule – ORS 536.050(1)(i)

Total Fees Paid: _____

\$175 - Base (1st CFS of water)

+ \$ 1 - Per acre of land irrigated

Fees Due (if any): _____

+ \$ 75 - For each cfs or fraction thereof beyond the 1st cfs for non-irrigated land

Refund Due (if any): _____

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Temporary Transfer application complete?

All required elements necessary for a complete temporary transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

• Type of transfer application clearly marks Temporary and indicates the number of years. (Page 1)

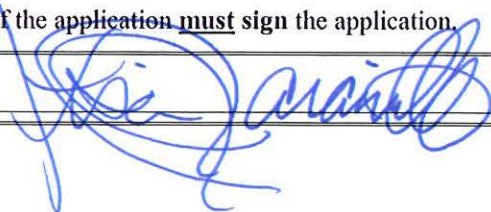
• Applicant's name, mailing address and contact information. (Page 1)

• Agent's name, mailing address and contact information, *if applicable*. (Page 1)

• Are the water rights to be affected by this temporary transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

	Checklist for Supplemental Form A – (Attachments)	
	• Certificate # filled in on each page?	(Page 1)
	• Type of change(s) proposed clear?	(Page 1)
	• Current Water Right information is complete?	(Page 2)
	• If for a change in POU ... Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO If YES the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). OR...applicant indicates supplemental right will not be exercised on “From” lands Are they included in application? If not, contact applicant or agent.	(Page 2)
	• Location description of the authorized POA/POD to be changed. NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available , describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	(Page 3)
	• Location description of the existing authorized POU and associated acres (if applicable). NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	(Page 4)
	• Location description of the proposed POA/POD. NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed , describe the construction of the well(s) in the table provided on page 5 of the application.	(Page 5)
	• Location description of the proposed POU and associated acres (if applicable). NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	(Page 6)
	Return back to Page 2 of transfer application	
	• The type of change(s) being proposed.	(Page 2)
	• Reason for the temporary transfer.	(Page 2)
	• Description of current water delivery system.	(Page 2)
	• System Capacity.	(Page 2)
	Checklist for Supplemental Form B – (Attachments)	
	• Is there a box checked in #1?	(Page 1)

☒	Is there a box checked in #2?	(Page 1)
☒	Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
☒	In question #4 and #5 are they filled out.	(Page 2)
☒	Is there a box checked in #6?	(Page 2)
☒	Is the #6 supporting documentation included with application?	(Page 2)
☒	Is there an original signature of the notary and notary stamp?	(Page 2)
☒	Return back to Page 3 of transfer application	
☒	Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands	(Page 3)
☒	Is the applicant the Landowner of the "from" and "to" Lands? YES NO If NO..... The applicant must list current landowner name & address. And include a notarized statement granting consent to the transfer from each landowner.	(Page 4)
☒	Who will be responsible for completion of the changes? Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
☒	Map..... ☐ if more than 3 rights are included in transfer, is there a separate map for each water right? ☐ If larger than 8 ½ X 14 - then 3 copies of map is needed & an electronic pdf of map ☐ north arrow ☐ size & scale ☐ other: _____ ☐ authorized acreage per ¼ ¼ matches the water right ☐ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) ☐ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ☐ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application "proposed" listing</i>) ☐ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
☒	Land Use form, <i>if applicable</i>. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
☒	If a groundwater right is involved, are the well logs or a description included.	(Page 5)
☒	Is a copy of the current deed included for the From lands?	(Page 5)
☒	Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.	(Page 6)
WRD Completeness Reviewer's Name: <u></u> Date: <u>5-7-07</u>		

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

- Certificate Number or other identifying number: Certificate 17119

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

Amendments
 rec'd
 5-31-07
 JH

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	17119	S-15475
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Lawrence McCracken
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 4.7 acres
- Priority Date(s): April 23, 1943

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

■ Certificate Number or other identifying number: Certificate 17119

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

▪ Certificate Number or other identifying number: Certificate 17119

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

- Certificate Number or other identifying number: Certificate 17119

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: Certificate 17119

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table *only* if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Butte Creek	6S	1E	W	16	SW NE	DLC 39	2.8
Butte Creek	6S	1E	W	16	SE NW	DLC 39	0.3
Butte Creek	6S	1E	W	16	NE SW	DLC 39	0.2
Butte Creek	6S	1E	W	16	NW SE	DLC 39	1.4

Remarks: We propose to use the point of diversion authorized under this Certificate
(17119) for this transfer. Therefore, the change in place of use for Certificate 17119 does
not include a change in point of diversion.

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

- Certificate Number or other identifying number: Certificate 26311

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	26311	S-22233
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Robert F. Cook
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 4.4 acres
- Priority Date(s): April 6, 1953

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

▪ Certificate Number or other identifying number: Certificate 26311

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

▪ Certificate Number or other identifying number: Certificate 26311

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

■ Certificate Number or other identifying number: Certificate 26311

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

■ Certificate Number or other identifying number: Certificate 26311

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Butte Creek	6S	1E	W	16	NE SW	DLC 39	0.5
Butte Creek	6S	1E	W	16	NW SE	DLC 39	3.9

Remarks: We propose to use the point of diversion authorized under this Certificate
(26311) for this transfer. Therefore, the change in place of use for Certificate 26311 does
not include a change in point of diversion.

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

■ Certificate Number or other identifying number: Certificate 34692

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	34692	S-27352
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Richard D. Harris
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 16.1 acres
- Priority Date(s): April 24, 1961

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

- Certificate Number or other identifying number: Certificate 34692

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

■ Certificate Number or other identifying number: Certificate 34692

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

▪ Certificate Number or other identifying number: Certificate 34692

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
88 Butte Creek - authorized pod of Cert 26311 =							
4150' N + 1880' W, SE, 16							
88-31-07							

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

■ Certificate Number or other identifying number: Certificate 34692

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Butte Creek	6S	1E	W	16	NE SW	DLC 39	1.7
Butte Creek	6S	1E	W	16	NW SE	DLC 39	14.4

Remarks: We propose to use the point of diversion authorized under Certificate 36311
for this portion of the transfer. Therefore, the change in place of use for Certificate 34692
also includes a change in point of diversion to a location downstream of the authorized point
of diversion.



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-10380

Review Due Date: 6/20/07

Applicant Name: Dan Hammelman

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

Reviewer(s): M Mccord

Date of Review: May. 31, 2007

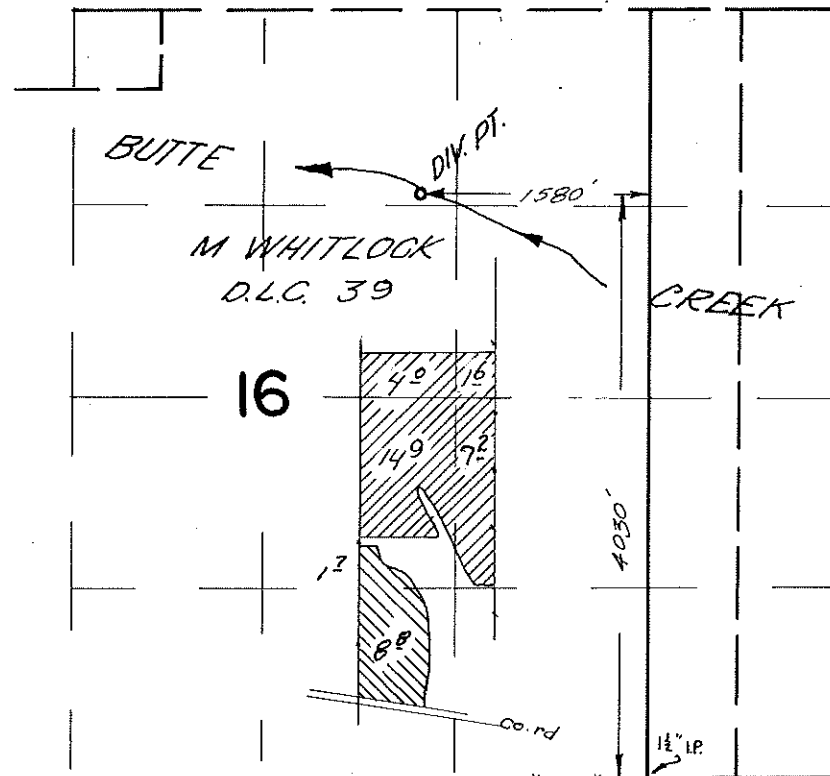
1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there 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:
Butte Creek is regulated for both ISWR and Sr. rights every year.
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: It will have to be checked during distribution.
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: If approved, the transfer will combine the POD for a relatively junior water right that most likely will be regulated with a relatively senior right that most likely will not be regulated. Based on this I believe that a measuring device should be required to ensure that the amount of water being diverted is only the authorized amount for the senior right.
10. What alternatives may be available for addressing any issues identified above: See # 12
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	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

T.6 S. R.1 E. W.M.



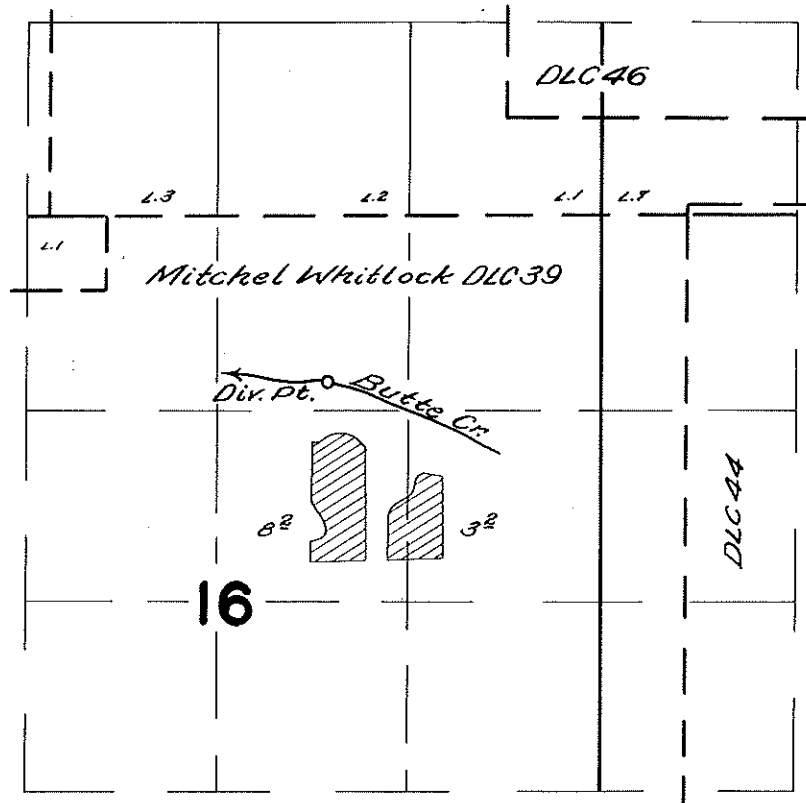
FINAL PROOF SURVEY
UNDER

34843 27352
Application No. 37602 Permit No. 28042
IN NAME OF

RICHARD D. HARRIS

Surveyed Aug. 16, 1966, by V. GARNER

T.6S. R.1E.W.M.



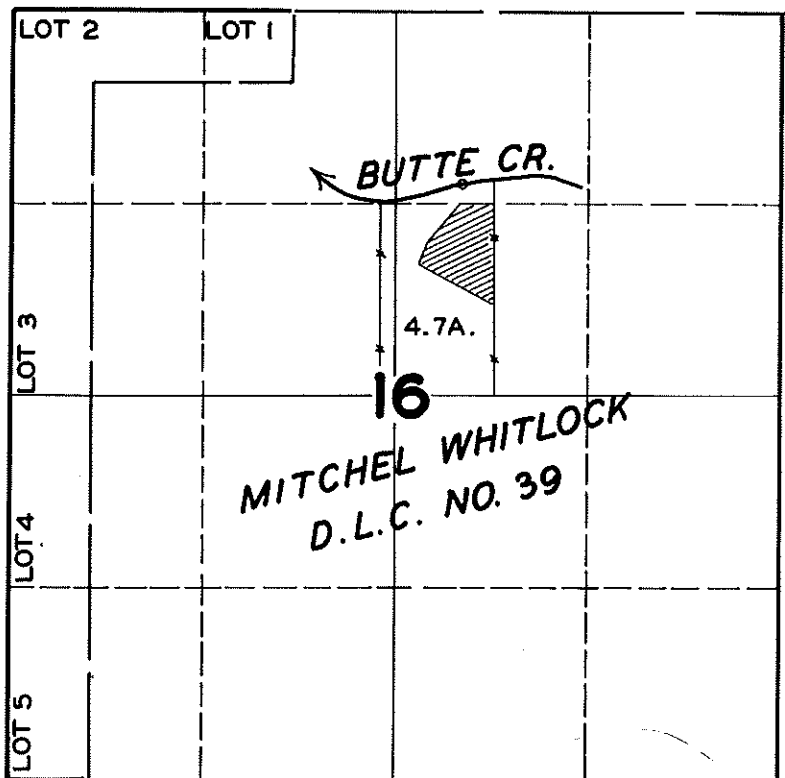
FINAL PROOF SURVEY
UNDER

Application No. 28277... Permit No. 22233...
IN NAME OF

.....Robert F. Cook.....

Surveyed April 21, 1958, by C. N. Bartels

T.6S.R.1E.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 19896 Permit No. 15475
IN NAME OF

LAWRENCE MC CRACKEN

Surveyed SEP. 30. 1948, by JAS. E. BUNNELL

STREAM, LAKE, ETC.
TAX LOT BOUNDARY

STREAM, LAKE, ETC.
NON-BOUNDARY

SUBDIVISION BOUNDARY

PARTITION PLAT BOD.

TAX CODE BOUNDARY

EASEMENT

SYMBOL TYPES

DLC

CONTROL POINTS

SURVEY MONUMENTS

G.L.O. CORNERS

SECTION

1/4 SEC

1/16 SEC

1/8 COR

1/16 COR

NUMBERS

TAX CODE NO.

000 00 00 0

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

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

2250.00
1050.00

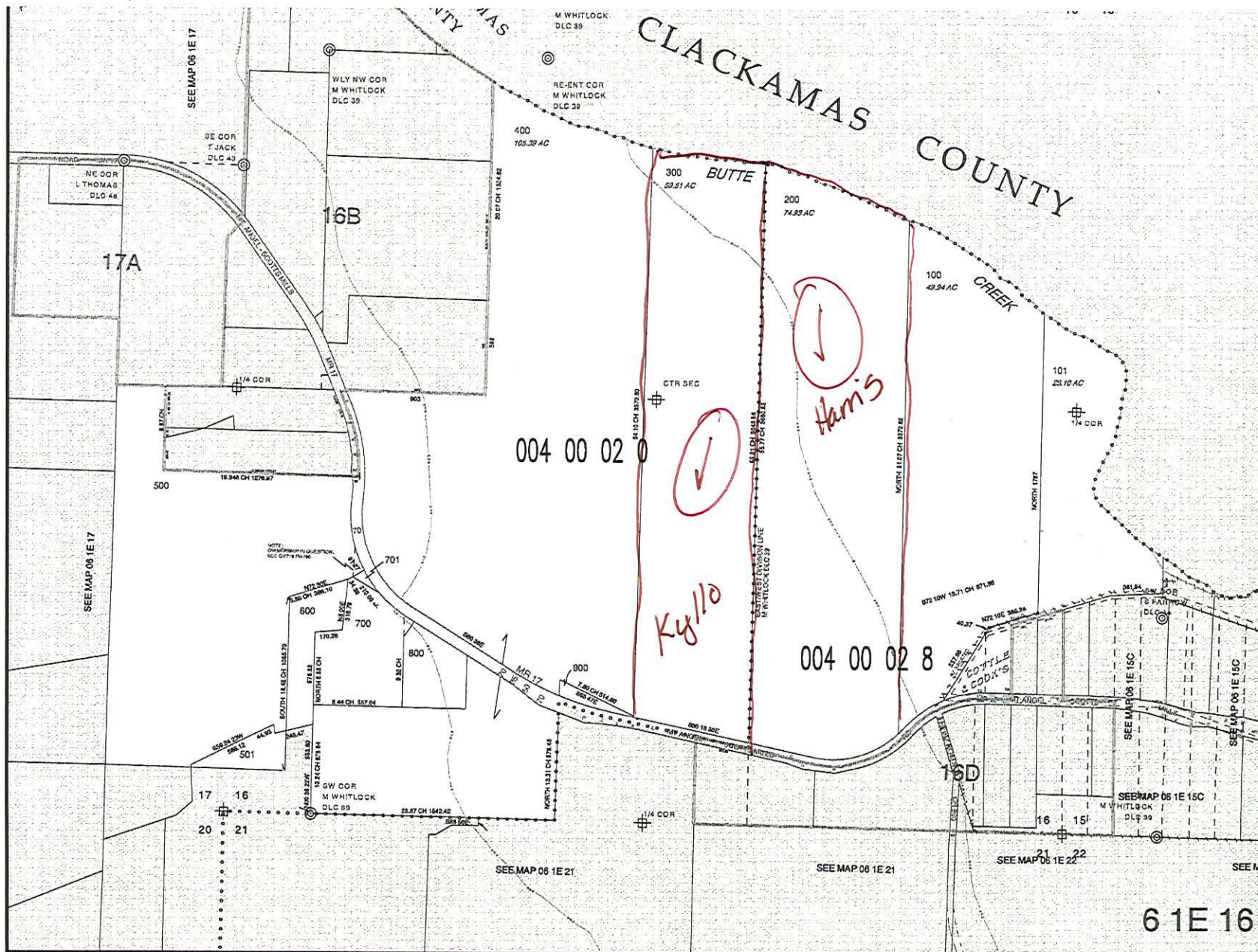
ARROWS ARE USED WITH DIMENSIONS
IN AREAS OF GREATER COMPLEXITY.

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



SCALE 1" = 400'
or 1:4800

Plot file created: March 13, 2007
\\srm\map\061e16.dwg cmckee



6 1E 16

Water Rights Platcard Report

from to

Meridian: WILLAMETTE Township: 6 South Range: 1 East Section: 16 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit:G 13208 CN Additional Info: MITCHELL TEENEY App: G12718 Permit: G13208		11/29/1991	IRRIGATION	CN													4							
Select Permit:S 34953 CN Additional Info: DR JOHN JAMES App: S47023 Permit: S34953		6/1/1970	IRRIGATION	CN								2	20	7.5										
Select Cert:11414 OR CN Additional Info: L W MAGEE App: S9569 Permit: S6323 Cert: 11414		6/7/1924	IRRIGATION	CN						2										5	9			
Select Cert:14372 OR * Additional Info: L R LIMA App: S16018 Permit: S11846 Cert: 14372		8/29/1935	IRRIGATION			2						2												
Select Cert:17119 OR * Additional Info: LAWRENCE MCCracken App: S19896 Permit: S15475 Cert: 17119	T10380	4/23/1943	IRRIGATION			39				4.7														
Select Cert:22003 OR * Additional Info: ALOIS IMPER App: S24282 Permit: S19050 Cert: 22003		11/22/1949	IRRIGATION			39						9.2			0.8									
Select Cert:22047 OR *		8/14/1951	IRRIGATION			39									25.2	16.8								

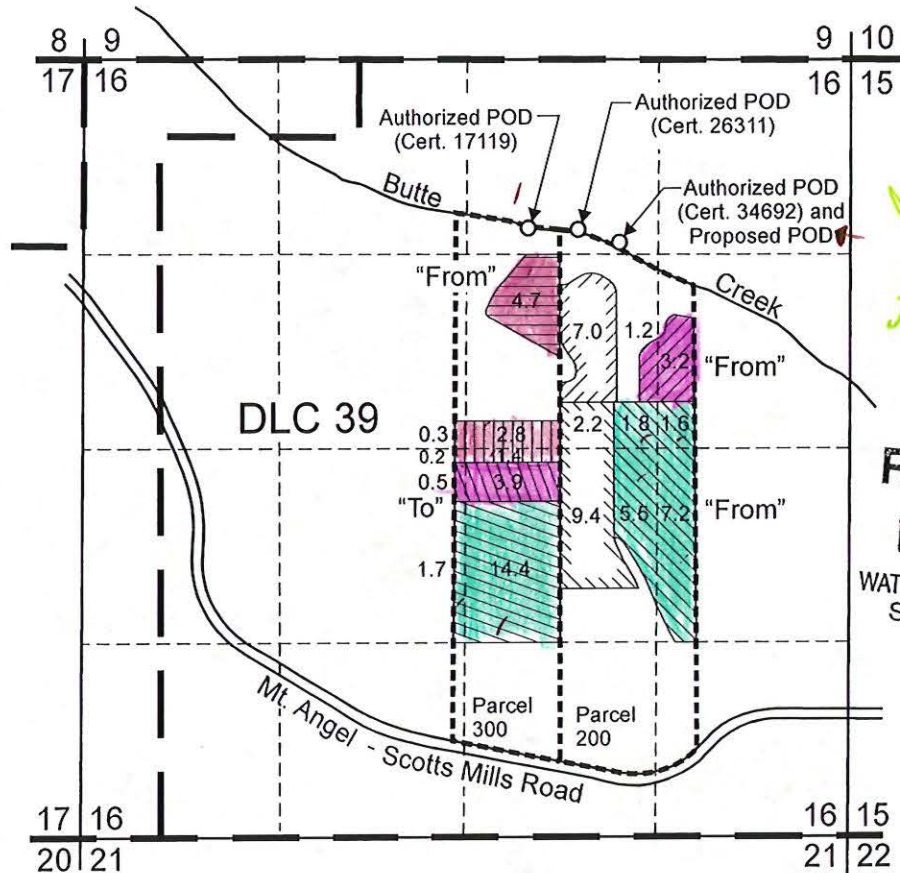
subject

Select	Cert:	Date	Activity	Value
	<u>Additional Info:</u> ALOIS IMPER App: S26316 Permit: S20655 Cert: 22047			
Select	Cert:22226 OR *	6/27/1952	IRRIGATION	39
	<u>Additional Info:</u> JAMES NICHOLSON App: S27394 Permit: S21559 Cert: 22226			
Select	Cert:22234 OR *	2/17/1953	IRRIGATION	39
	<u>Additional Info:</u> JAMES NICHOLSON App: S28115 Permit: S22131 Cert: 22234			
Select	Cert:22250 OR *	9/17/1954	IRRIGATION	39
	<u>Additional Info:</u> JAMES NICHOLSON App: S29478 Permit: S23192 Cert: 22250			
Select	Cert:26311 OR *	T10380 4/6/1953	IRRIGATION	39
	<u>Additional Info:</u> ROBERT COOK App: S28277 Permit: S22233 Cert: 26311			
Select	Cert:29333 OR *	1/21/1959	IRRIGATION	
	<u>Additional Info:</u> HARVEY KASER App: S32865 Permit: S25959 Cert: 29333			
Select	Cert:33326 OR CN	T7211 6/29/1961	IRRIGATION CN	39
	<u>Additional Info:</u> ALOIS IMPER App: S35089 Permit: S27454 Cert: 33326			
Select	Cert:34632 OR *	4/14/1964	IRRIGATION	39
	<u>Additional Info:</u> JAMES H NICHOLSON			

Select	Cert:	App:	Permit:	Cert:	T10380	4/24/1961	IRRIGATION	39	4	1.6								7.2	14.9				
	Cert:34692 OR *																						
	Additional Info: RICHARD HARRIS App: S34843 Permit: S27352 Cert: 34692																						
Select	Cert:34693 OR *				5/2/1962		IRRIGATION	39											1.7	8.8			
	Additional Info: RICHARD D HARRIS App: S37602 Permit: S28042 Cert: 34693																						
Select	Cert:41394 OR *				5/16/1963		IRRIGATION	39	18.5	0.5													
	Additional Info: FRED KASER App: S38759 Permit: S28844 Cert: 41394																						
Select	Inchoate: T 7211 CF (REG) *				6/29/1961		IRRIGATION	39						(4.5)									
	Additional Info: FRANZ NEFF App: S35089 Permit: S27454																						
Select	Cert:80762 RR *				6/29/1961		IRRIGATION	39							14	14.2	0.5	6.5					
	Additional Info: FRANZ NEFF App: S35089 Permit: S27454 Cert: 80762																						

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) * Acreage is not specified

T.6S. R.1E. Section 16, W.M.



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SALEM, OREGON

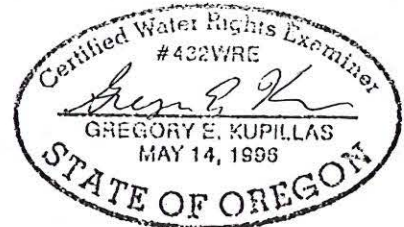
Authorized POD (Cert. 17119) is located in the NW 1/4 NE 1/4 of Section 16.

Authorized POD (Cert. 26311) is located in the NW 1/4 NE 1/4 of Section 16.

Authorized POD (Cert. 34692) is located 4,030 feet North and 1,580 feet West from the SE Corner, Section 16.

Proposed POD is located 4,030 feet North and 1,580 feet West from the SE Corner, Section 16.

-  "From" area (4.7 Acres) under Permit S-15475, Certificate 17119.
-  "From" area (4.4 Acres) under Permit S-22233, Certificate 26311.
-  "From" area (16.1 Acres) under Permit S-27352, Certificate 34692.
-  "To" area (4.7 Acres) under Permit S-15475, Certificate 17119.
-  "To" area (4.4 Acres) under Permit S-22233, Certificate 26311.
-  "To" area (16.1 Acres) under Permit S-27352 Certificate 34692.
-  Remaining right under Permit S-22233, Certificate 26311.
-  Remaining right under Permit S-27352, Certificate 34692.
-  Tax lot boundary



EXPIRATION DATE: 6/30/07

Scale: 1" = 1,320'



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

Temporary Transfer Application Map

Pacific Hydro-Geology Inc.

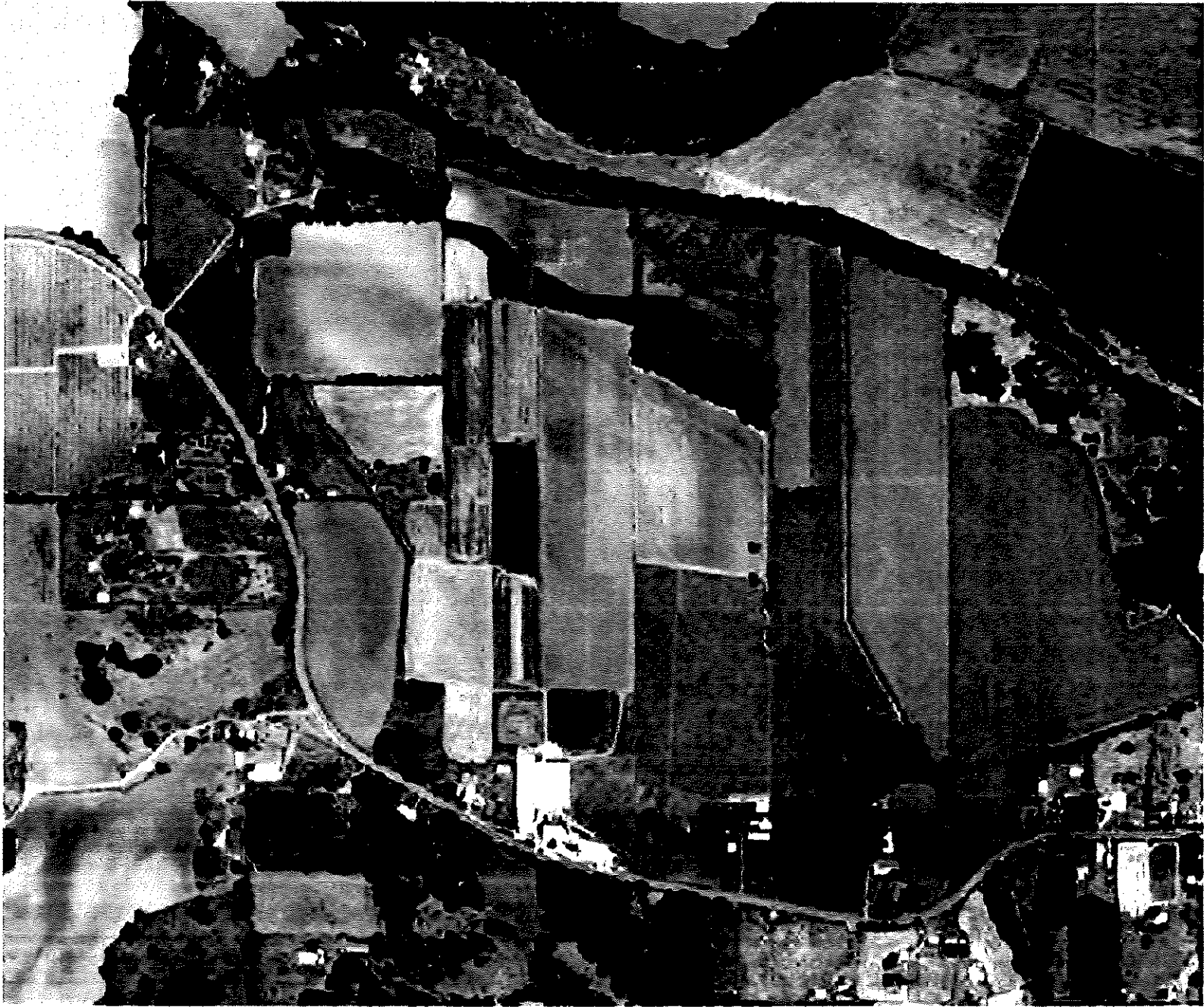
Dan Hammelman
Tax Map 6 1E 16, Parcels 200 and 300

3/2007

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WATER RESOURCES DEPT
SALEM, OREGON



2004 Photograph
per Lee Ko, NRCS/USDA
Oregon City, Oregon

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: Certificate 17119

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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WATER RESOURCES DEPT
SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	17119	S-15475
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Lawrence McCracken
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 4.7 acres
- Priority Date(s): April 23, 1943

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

MAY 31 2007

WATER RESOURCES DEPT
SALEM, OREGON

■ Certificate Number or other identifying number: Certificate 17119

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

■ Certificate Number or other identifying number: Certificate 17119

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

- Certificate Number or other identifying number: Certificate 17119

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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■ Certificate Number or other identifying number: Certificate 17119

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: We propose to use the point of diversion authorized under this Certificate (17119) for this transfer. Therefore, the change in place of use for Certificate 17119 does not include a change in point of diversion.

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: Certificate 26311

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	26311 Certificate Number	S-22233 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Robert F. Cook
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 4.4 acres
- Priority Date(s): April 6, 1953

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

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■ Certificate Number or other identifying number: Certificate 26311

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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■ Certificate Number or other identifying number: Certificate 26311

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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- Certificate Number or other identifying number: Certificate 26311

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: Certificate 26311

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: We propose to use the point of diversion authorized under this Certificate
(26311) for this transfer. Therefore, the change in place of use for Certificate 26311 does
not include a change in point of diversion.

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

- Certificate Number or other identifying number: Certificate 34692

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	34692	S-27352
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Richard D. Harris
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 16.1 acres
- Priority Date(s): April 24, 1961

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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



■ Certificate Number or other identifying number: Certificate 34692

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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▪ Certificate Number or other identifying number: Certificate 34692

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

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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▪ Certificate Number or other identifying number: Certificate 34692

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

■ Certificate Number or other identifying number: Certificate 34692

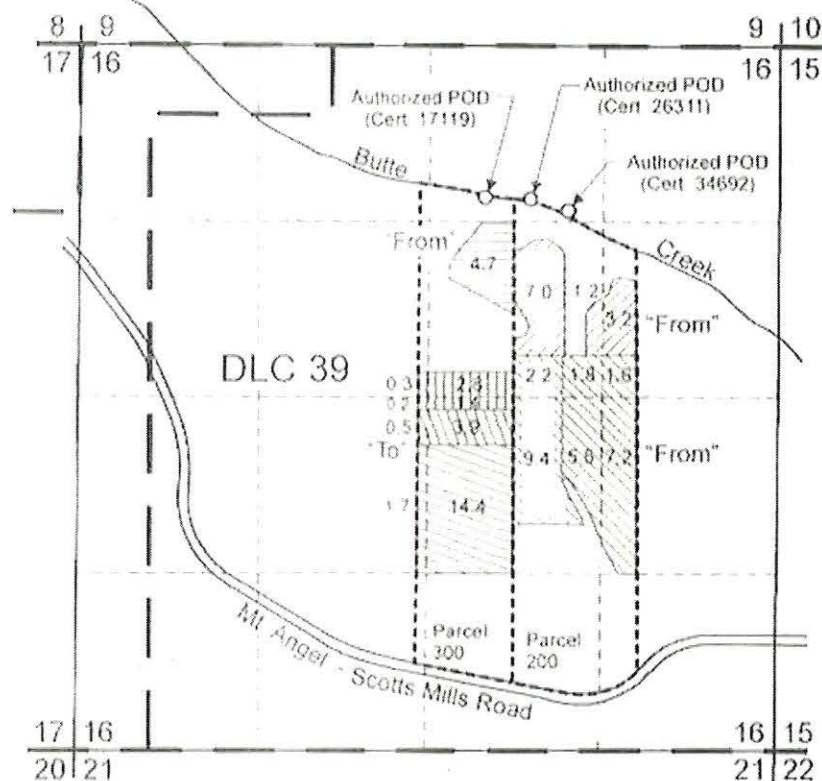
Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: We propose to use the point of diversion authorized under Certificate 36311
for this portion of the transfer. Therefore, the change in place of use for Certificate 34692
also includes a change in point of diversion to a location downstream of the authorized point
of diversion.

T.6S. R.1E. Section 16, W.M.



Authorized POD (Cert 17119) is located in the NW 1/4 NE 1/4 of Section 16 (unchanged for this transfer).
 Authorized POD (Cert 26311) is located in the NW 1/4 NE 1/4 of Section 16 (unchanged for this transfer).
 Authorized POD (Cert 34692) is located 4,030 feet North and 1,580 feet West from the SE Corner, Section 16 (changed to authorized POD for Cert. 26311 for this transfer)

- "From" area (4.7 Acres) under Permit S-15475, Certificate 17119.
- "From" area (4.4 Acres) under Permit S-22233, Certificate 26311.
- "From" area (16.1 Acres) under Permit S-27352, Certificate 34692.
- "To" area (4.7 Acres) under Permit S-15475, Certificate 17119.
- "To" area (4.4 Acres) under Permit S-22233, Certificate 26311.
- "To" area (16.1 Acres) under Permit S-27352 Certificate 34692.
- Remaining right under Permit S-22233, Certificate 26311
- Remaining right under Permit S-27352, Certificate 34692.

----- Tax lot boundary



EXPIRATION DATE: 6/10/07

Scale 1" = 1,320'



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

Temporary Transfer Application Map

Dan Hammelman
 Tax Map 6 1E 16, Parcels 200 and 300

Rvsd 5/2007

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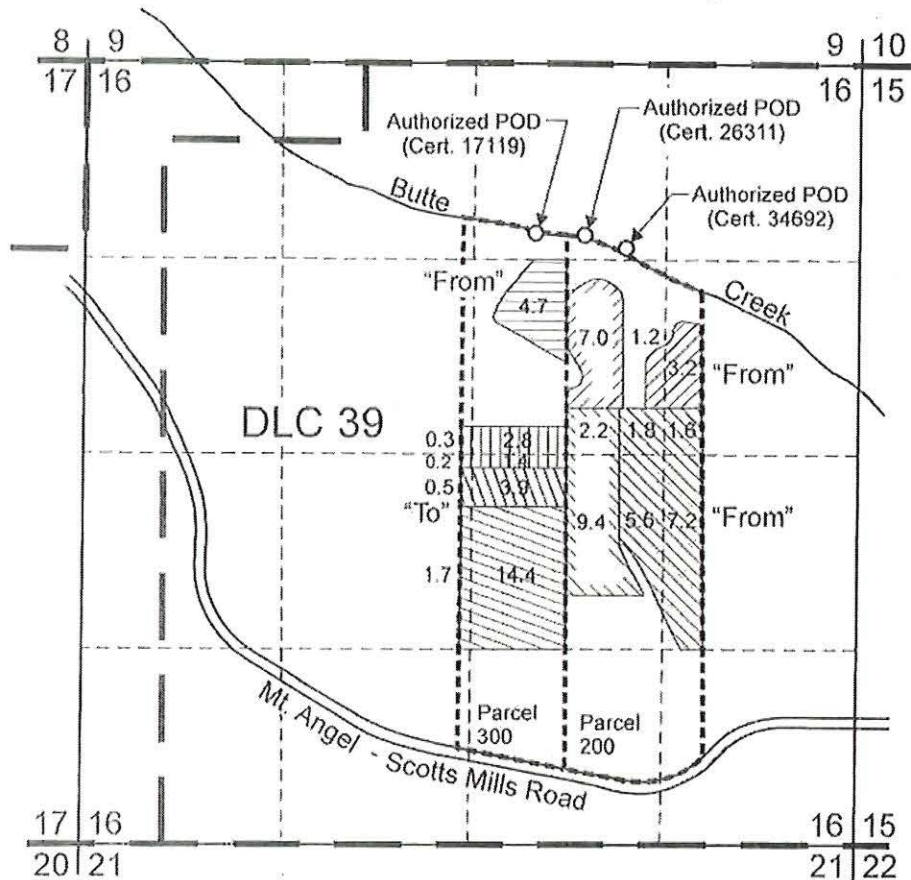
MAY 31 2007

WATER RESOURCES DEPT
 SALEM, OREGON

T10380 Map River

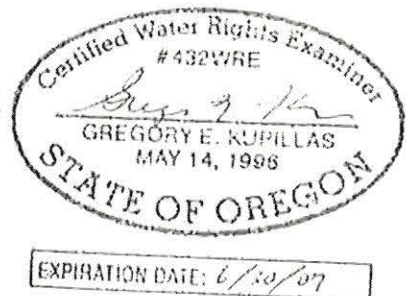
Pacific Hydro-Geology Inc.

T.6S. R.1E. Section 16, W.M.



Authorized POD (Cert. 17119) is located in the NW 1/4 NE 1/4 of Section 16 (unchanged for this transfer).
 Authorized POD (Cert. 26311) is located in the NW 1/4 NE 1/4 of Section 16 (unchanged for this transfer).
 Authorized POD (Cert. 34692) is located 4,030 feet North and 1,580 feet West from the SE Corner, Section 16 (changed to authorized POD for Cert. 26311 for this transfer).

- "From" area (4.7 Acres) under Permit S-15475, Certificate 17119.
- "From" area (4.4 Acres) under Permit S-22233, Certificate 26311.
- "From" area (16.1 Acres) under Permit S-27352, Certificate 34692.
- "To" area (4.7 Acres) under Permit S-15475, Certificate 17119.
- "To" area (4.4 Acres) under Permit S-22233, Certificate 26311.
- "To" area (16.1 Acres) under Permit S-27352 Certificate 34692.
- Remaining right under Permit S-22233, Certificate 26311.
- Remaining right under Permit S-27352, Certificate 34692.
- Tax lot boundary



Scale: 1" = 1,320'



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

Temporary Transfer Application Map

Pacific Hydro-Geology Inc.

Dan Hammelman
 Tax Map 6 1E 16, Parcels 200 and 300

Rvsd 5/2007

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 SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **87466**

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

INVOICE # _____

RECEIVED FROM: Pacific Hydro-Geology
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10380

CASH: ☐ CHECK: # 3203 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 202.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

**RECEIVED
OVER THE COUNTER**

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>202.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **87466**

DATED: 5/7/07

BY: L. Paulsen



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☐ Permanent Transfer	☐ Instream Transfer
☒ Temporary Transfer	☐ Permanent
• total number of years: <u>2</u>	☐ Time-Limited
(begin year: <u>2007</u>)	☐ Drought Transfer
(end year: <u>2009</u>)	☐ Other

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SALEM, OREGON

2. APPLICANT INFORMATION

Name: Dan Hammelmann
First Last

Address: 14477 Dominic Road

Mount Angel OR 97362
City State Zip

Phone: (503) 845-6883
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: Pacific Hydro-Geology Inc. / Greg or Malia Kupillas
First Last

Address: 18487 S. Valley Vista Road

Mulino OR 97042
City State Zip

Phone: (503) 632-5016 (503) 632-5016
Home Work Other

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

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	S-19896	S-15475	17119
2.	S-28277	S-22233	26311
3.	S-38483	S-27352	34692
4.			
5.			
6.			

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

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

- Reason(s) for change(s): I wish to irrigate ground that is not currently covered by water rights.

5. WATER DELIVERY SYSTEM

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

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

Certificates 26311 and 34692: A 25 Hp pump withdraws water from Butte Creek and conveys it through a 5" aluminum mainline to either 3" aluminum laterals with high pressure sprinklers or a Big Gun traveler. Certificate 17119: A 10 Hp pump delivers water through a 4" aluminum mainline to 3" aluminum laterals with high pressure sprinklers.

- System capacity: 0.55 cfs total cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Certificate 17119: 0.059 cfs; Certificate 26311: 0.14 cfs; Certificate 34692: 0.35 cfs

6. EVIDENCE OF BENEFICIAL WATER USE

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

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

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

Not applicable

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

Marion County Planning Department, P.O. Box 14500, Salem, Oregon 97309

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8. LAND OWNERSHIP

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

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

Names of Current Landowner(s): Arlene Harris (Certificates 26311 & 34692); and Jake
Kyllo (Certificate 17119)

Address: 18269 and 17879 (respectively) Mt. Angel Scotts Mills Hwy.

<u>Silverton</u> City	<u>OR</u> State	<u>97381</u> Zip
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- Does the applicant own the lands **TO** which the right is being transferred?
☐ Yes ☒ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): Jake Kyllo
First Last

Address: 17879 Mt. Angel Scotts Mills Hwy.

<u>Silverton</u> City	<u>OR</u> State	<u>97381</u> Zip
--------------------------	--------------------	---------------------

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

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9. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

Map

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

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

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

Land Use Information Form:

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

Fees:

- ☒ Amount enclosed: \$ 700.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

10. SIGNATURES

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

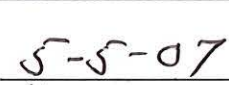
- ☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership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

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

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

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

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

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

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

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- Certificate Number or other identifying number: Certificate 17119

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	17119	S-15475
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Lawrence McCracken
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 4.7 acres
- Priority Date(s): April 23, 1943

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

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■ Certificate Number or other identifying number: Certificate 17119

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
NA	Butte Creek April 23, 1943	6S	1E	W	16	NW NE	DLC 39	NONE GIVEN ON CERTIFICATE

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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

only if

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M" lands

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

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▪ Certificate Number or other identifying number: Certificate 17119

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Butte Creek	6S	1E	W	16	NW NE	DLC 39	4030 FEET NORTH AND 1580 FEET WEST FROM SE CORNER, SECTION 16

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

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- Certificate Number or other identifying number: Certificate 26311

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	26311	S-22233
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Robert F. Cook
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 4.4 acres
- Priority Date(s): April 6, 1953

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

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■ Certificate Number or other identifying number: Certificate 26311

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
NA	Butte Creek April 6, 1953	6S	1E	W	16	NW NE	DLC 39	NONE GIVEN IN CERTIFICATE

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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Location of Existing Authorized Place of Use to be Affected:

[illegible]

▪ Certificate Number or other identifying number: Certificate 26311

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Butte Creek	6S	1E	W	16	NW NE	DLC 39	4030 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER, SECTION 16

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

■ Certificate Number or other identifying number: Certificate 26311

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

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Butte Creek	6S	1E	W	16	NE SW	DLC 39	0.5
Butte Creek	6S	1E	W	16	NW SE	DLC 39	3.9

Remarks: We propose to use the point of diversion authorized under Certificate 34692

for this transfer. Therefore, the change in place of use for Certificate 26311 also includes

a change in point of diversion.

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

■ Certificate Number or other identifying number: Certificate 34692

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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superseded

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	34692	S-27352
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Richard D. Harris
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 16.1 acres
- Priority Date(s): April 24, 1961

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

- Source(s) of Water to be Affected by Transfer: Butte Creek

Tributary to: Pudding River

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: Certificate 34692

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

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

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

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

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

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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only if

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FROM" lands)

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

[illegible]

■ Certificate Number or other identifying number: Certificate 34692

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
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■ Certificate Number or other identifying number: Certificate 34692

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

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Butte Creek	6S	1E	W	16	NE SW	DLC 39	1.7
Butte Creek	6S	1E	W	16	NW SE	DLC 39	14.4

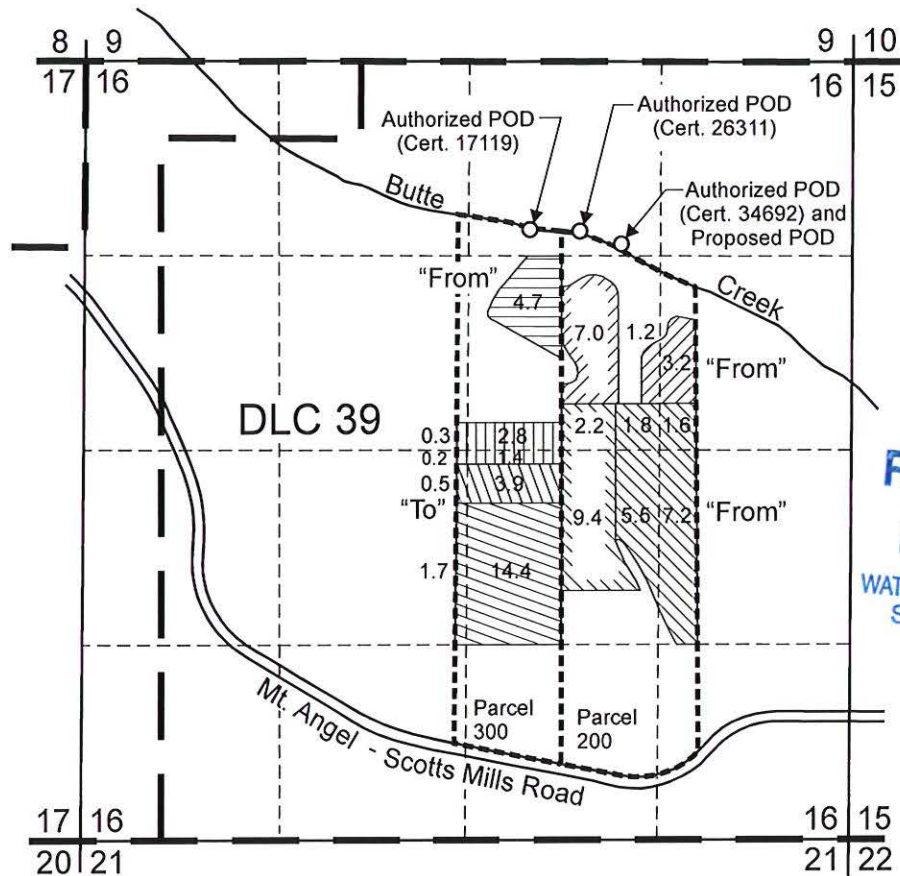
Remarks: We propose to use the point of diversion authorized under this Certificate

(34692) for this transfer. Therefore, the change in place of use for Certificate 34692 does

not include a change in point of diversion.

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T.6S. R.1E. Section 16, W.M.



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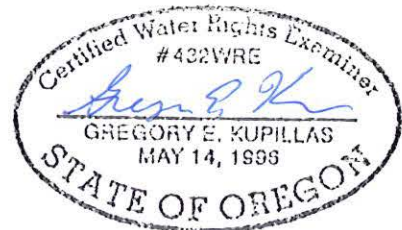
Authorized POD (Cert. 17119) is located in the NW 1/4 NE 1/4 of Section 16.

Authorized POD (Cert. 26311) is located in the NW 1/4 NE 1/4 of Section 16.

Authorized POD (Cert. 34692) is located 4,030 feet North and 1,580 feet West from the SE Corner, Section 16.

Proposed POD is located 4,030 feet North and 1,580 feet West from the SE Corner, Section 16.

-  "From" area (4.7 Acres) under Permit S-15475, Certificate 17119.
-  "From" area (4.4 Acres) under Permit S-22233, Certificate 26311.
-  "From" area (16.1 Acres) under Permit S-27352, Certificate 34692.
-  "To" area (4.7 Acres) under Permit S-15475, Certificate 17119.
-  "To" area (4.4 Acres) under Permit S-22233, Certificate 26311.
-  "To" area (16.1 Acres) under Permit S-27352 Certificate 34692.
-  Remaining right under Permit S-22233, Certificate 26311.
-  Remaining right under Permit S-27352, Certificate 34692.
-  Tax lot boundary



EXPIRATION DATE: 6/30/07

Scale: 1" = 1,320'



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

Temporary Transfer Application Map

Dan Hammelman
Tax Map 6 1E 16, Parcels 200 and 300

Pacific Hydro-Geology Inc.

3/2007

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2004 Photograph
per Lee Ko, NRCS/USDA
Oregon City, Oregon

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

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 SALEM, OREGON

State of Oregon)
) ss
 County of Marion)

I, Dan Hammelman, in my capacity as farmer of the subject lands,
 mailing address 14477 Dominic Road NE., Mt. Angel, OR 97362
 telephone number (503) 845-6883, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

☒ Personal observation ☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	S	1	E	W	16	SW NE	DLC 39	7.7
6	S	1	E	W	16	SE NE	DLC 39	4.8
6	S	1	E	W	16	NW SE	DLC 39	5.5
6	S	1	E	W	16	NE SE	DLC 39	7.2

(continues on reverse side)

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

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

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5. The water delivery system used to apply water as authorized by the right is described below:
Certificates 26311 and 34692: A 25 Hp pump withdraws water from Butte Creek and con-
veys it through a 5" aluminum mainline to either 3" aluminum laterals with high pressure
sprinklers or a Big Gun traveler. Certificate 17119: A 10 Hp pump delivers water through
a 4" aluminum mainline to 3" aluminum laterals with high pressure sprinklers.

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

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

[Signature]
Signature of Affiant

5-4-07
Date

Signed and sworn to (or affirmed) before me this 4 day of May, 2007.



[Signature]
Notary Public for Oregon

My Commission Expires: MARCH 13, 2011

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



Oregon Water Resources Department Land Use Information Form

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

Applicant Name: Dan Hammelman

Mailing Address: 14477 Dominic Road NE

City: Mt. Angel State: OR Zip: 97362 Day Phone: (503) 845-6883

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

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A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
6S	1E	16		6 1E 16 0200	E.F.U.	☒ Diverted ☒ Conveyed ☐ Used	Irrigation
6S	1E	16		6 1E 16 0300	E.F.U.	☐ Diverted ☒ Conveyed ☒ Used	Irrigation
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.32 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: Water will be pumped from the point of diversion on Butte Creek and conveyed to the place of use through above-ground main lines and laterals to high pressure sprinklers or a hard hose traveler for irrigation of row crops.

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

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For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MPCZO Ch. 136

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

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

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

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

Name: LISA MILLIMAN Title: ASSOCIATE PLANNER
 Signature: Lisa Milliman Phone: 503 588 5038 Date: 5-7-07
 Government Entity: MARION COUNTY PLANNING

T-10380

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

AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER

State of Oregon)
)ss
County of Marion)

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I, Arlene Harris in my
capacity as the property owner,
mailing address 18269 Mt. Angel Scotts Mills Hwy., Silverton, OR 97381,
telephone number (503) 873-4994, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Numbers 26311 and 34692
as described in the Transfer Application submitted by Dan Hammelman,
on the property located on tax lot number 6 1E 16 0200, Section 16, Township 6 South,
Range 1 East, W.M.

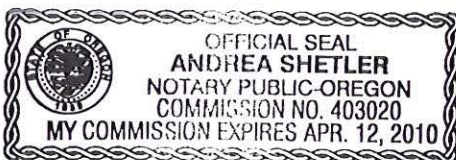
Arlene M. Harris
Signature of Affiant

4-14-07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 14 day of April, 2007.



Andrea Shetler
Notary Public for Oregon

My commission expires 4/12/2010.

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STATE OF OREGON)
) ss.
County of Yamhill)

The above and foregoing BARGAIN AND SALE DEED was acknowledged before me by
ARLENE M. HARRIS, as Trustee, this 21st day of September, 2000.

(SEAL)

Elizabeth L. Walsh
NOTARY PUBLIC FOR OREGON
My Commission Expires: Feb 20, 2003



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PAGE 2 - BARGAIN AND SALE DEED

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TRACT I - WESTENDORF PROPERTY

Beginning 20 rods North of the Northwest corner of Section 18, Township 6 South, Range 1 East of the Willamette meridian Marion County, State of Oregon; thence North 60 rods; thence East 80 rods; thence South 60 rods; thence West 80 rods to the place of beginning, situated in Section 7, Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon.

TRACT II - NICHOLSON PROPERTY

Beginning at a point in the middle of the County Road, 7.73 chains North of the Southwest corner of the East one half of the Donation Land Claim of Mitchell Whitlock and wife in Township 6 South, Range 1 East of the Willamette Meridian in Marion County Oregon; thence South 78°30' East 5.95 chains along the middle of said road; thence South 87°15' East 5.87 chains along the middle of the County Road; thence North 61°45' East 2.50 chains along the middle of said road; thence North 51.07 chains to the middle of Butte Creek; thence down the middle of the channel of Butte Creek to the division line between the East and West half of the Donation Land Claim of Mitchell Whitlock and wife; thence South 55.77 chains to the place of beginning, situated in the Donation Land Claim of Mitchell Whitlock and wife's Donation Land Claim; in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon.
aka: 18269 Mt. Angel-Scotts Mills Rd. Silverton, OR 97381

TRACT III - AUGUST & JUSTINE HARRIS PROPERTY

20.62 acres more or less, located in Section 14, Township 6 South, Range 2 West, being Lots 5 and 6 of Hayes-Labish Farms Subdivision No. 2, Marion County, Oregon.

TRACT IV - THERESA A. HARRIS PROPERTY

Beginning at a point 20 rods North of the Northwest corner of Section 18, in Township 6 South, Range 1 East of the Willamette Meridian in Marion County, State of Oregon; running thence South 140 rods; thence East 80 rods; thence North 140 rods; thence West 80 rods to the place of beginning.
SAVE AND EXCEPT from the above described premises 24 & 1/2 acres heretofore sold to F.J. Klein, S.J. Klein and C.E. Klein.
ALSO SAVE AND EXCEPT the tract of land conveyed to Marion County for road purposes by deed recorded November 25, 1960, in Volume 539, Page 673, Deed Records, Marion County, Oregon.

TRACT V - 111 "C" STREET, SILVERTON, OREGON

Beginning at a point on the South boundary line of the James Brown and wife Donation Land Claim in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said beginning point being 10.78 chains East of the Southwest corner of said Claim; thence North 60°09' East 222.43 feet to a 3/4 inch iron pipe; thence North 34°42'30" West 232.15 feet to a half-inch iron pipe on the Southeasterly right of way line of Marion County Market Road No. 34, also known as "C" Street; thence by 6°12' curve to the right along the Southeasterly right of way line of said road, having a radius of 925.25 feet a chord bearing South 49°52'30" West 185.00 feet to a point of tangent on the South edge of bridge abutment; thence South 56°09' West 21.00 feet, more or less, to the center of Silver Creek as described in deeds to Jonas J. Byberg and wife, recorded April 29, 1941, in Book 258, Page 601, Deed Records of Marion County, Oregon, and recorded June 15, 1943, in Volume 287, Page 584, Deed Records of Marion County, Oregon; thence upstream in the middle of Silver Creek a distance of 193.00 feet, more or less, to the place of beginning, and being a portion of the James Brown Donation Land Claim in Section 34, Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

PAGE 1 - EXHIBIT "A" - BARGAIN & SALE DEED - HARRIS

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TOGETHER WITH an easement 20.00 feet in width extending from North Water Street adjacent to the South boundary line of the herein described property for the purposes of a sewer and water line. Grantee shall have the right to repair, replace and install said sewer and water line at it's expense, as set-forth in Deed from Jonas J. Byberg and Marie N. Byberg, husband and wife, to Canadian-American Resorts, Inc., an Oregon Corporation recorded July 17, 1981, in Reel 255, Page 1935, Microfilm Records of Marion County, Oregon.

TRACT VI - APPROXIMATELY 75 ACRES

East one-half of the Northeast one-fourth of Section 16, in Township 7 South, Range 2 East of the Willamette Meridian, in Marion County, Oregon.

TRACT VII - SHARP PROPERTY

All that part of the following described tract of land lying North and West of the creek running from Howell Prairie ; The East half of the Southeast quarter and the East half of the West half of the Southeast quarter of Section 7, in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

AND ALSO, the following tract commencing at the Northwest corner of the above described tract; thence West forty rods, three rods wide (lying adjacent on the South); thence North to the Howell Prairie road three rods wide; (lying adjacent on the West.)

ALSO: Beginning at the re-entrant corner in the South boundary of the Donation Land Claim of William Parker, being Claim No. 49 in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; said corner being 62.91 chains West of the Southeast corner of said claim, and thence running East 10.00 chains; thence South 4.83 chains; thence West 20.00 chains; thence North 4.83 chains; thence East 10.00 chains to a point of beginning.

ALSO: Beginning 40.75 chains West and 75 links South of the 1/4 section corner on the line between Sections 7 and 8 in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence West 75 links; thence North 64 1/4° West 3.94 chains to the center of the Howell Prairie and Parkersville road; thence North 34 1/2° East 7.78 chains along said road to the Southwest corner of a strip of land 75 links wide owned by said V. Watier; thence South 8.19 chains to the place of beginning.

ALSO: The following described tract of land; a three cornered strip beginning 30 chains West 75 links South of the 1/4 section corner on the line between Sections 7 and 8 in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 1.75 chains thence North 45° West 2.48 chains; thence East 1.75 chains to the place of beginning.

TRACT VIII - MANNING PROPERTY

Beginning at the Northwest corner of Government Lot 4 in Section 7, Township 6 South, Range 1 West, Marion County, Oregon, said point being in the North line of property conveyed to Norbert and Katherine Schmitz, recorded May 27, 1983, in Reel 311, Page 1388, Marion County Records; thence West 10 chains to the most Southerly Southwest corner of William Parker Donation Land Claim; thence continuing West 10 chains to the Southwest corner of property conveyed to James F. and Anita B. Manning by deed recorded December 9, 1959, in Volume 529, Page 256; thence North 15.00 feet to a point; thence Easterly to the point of beginning.

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REEL:1721

PAGE: 683

September 27, 2000, 11:16 am.

CONTROL #: 18748

State of Oregon
County of Marion

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

FEE: \$ 41.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.

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T-10380

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that Arlene M. Harris, surviving Trustee of the Richard D. Harris Trust created by that certain Trust Agreement dated the 22nd day of April, 1999, by and between Richard D. Harris (deceased), as Trustor, and Richard M. Harris and Arlene M. Harris, as initial Trustee, hereinafter referred to as "GRANTOR," for the consideration hereinafter stated, does hereby GRANT, BARGAIN, SELL and CONVEY unto Arlene M. Harris, hereinafter referred to as "GRANTEE," and unto Grantee's successors and assigns, all of Grantor's interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

See attached Exhibit A

SUBJECT TO: All liens, encumbrances, easements and restrictions of record.

To have and to hold the same unto the said Grantee and Grantee's successors and assigns forever.

The true and actual consideration for this transfer stated in terms of dollars is none; however, the actual consideration consists of or includes other property or value given or promised, which is the whole consideration.

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.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 21 day of September, 2000.

Arlene M. Harris, Trustee
Arlene M. Harris, Trustee

After Recording Return to:
Peterson & Prause L.L.P.
P.O. Box 827
McMinnville, Oregon 97128

Until a change is requested, all tax statements
shall be sent to the following address:
No change results from this transfer.

PAGE 1 - BARGAIN AND SALE DEED

T-10380

RECEIVED
MAY 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER

State of Oregon)
)ss
County of Marion)

RECEIVED
MAY 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

I, Jake Kylo in my
capacity as property owner,
mailing address 17879 Mt. Angel Scotts Mills Hwy., Silverton, OR 97381,
telephone number (503) 873-3648, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 17119 as
described in the Transfer Application submitted by Dan Hammelman,
on the property located on tax lot number 6 1E 16 0300, Section 16, Township 6 South,
Range 1 East, W.M.

Jake Kylo
Signature of Affiant

5/4/07
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 4 day of May, 2007.

Trudie Fleshman
Notary Public for Oregon



My commission expires March 13, 2011.

T-10380



After Recording, Return to:

Jake Kylo
17879 Mt Angel Scotts Mills Rd, N.
Silverton OR 97381

Until a change is requested, tax statements
shall be sent to the following address:

Jake Kylo
17879 Mt Angel Scotts Mills Rd, N
Silverton OR 97381

STATUTORY WARRANTY DEED

(Individual)

(Above Space Reserved for Recorder's Use)

Lawrence W. Michael, Trustee of the Lawrence W. Michael Family Trust, signed the 9th day
of October, 1991

conveys and warrants to

Jake Kylo, individual

the following described real property in the State of Oregon and County of Marion
free of encumbrances, except as specifically set forth herein:

See Attached Exhibit "A"

Tax Account Number(s): R37454 and R37453

This property is free of encumbrances, EXCEPT:

Covenants, conditions, restrictions, rights of way, easements and reservations now of
record and the 2005-06 taxes which are a lien but not yet payable.

The true consideration for this conveyance is \$475,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLA-
TION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-
MENT, 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 LAW-
SUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 9 day of September, 2005.

Lawrence W. Michael, Trustee
Lawrence W. Michael, Trustee

STATE OF OREGON, COUNTY OF Clackamas)ss.

The foregoing instrument was acknowledged before me this 9 day of September, 2005, by
Lawrence W. Michael, Trustee, of the Lawrence W. Michael Family Trust, signed the 9th day
of October, 1991, on behalf of the Trust.

[Signature]
Notary Public for Oregon
My Commission Expires: 04-16-08



Order No.: 44y0036379eo

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MAY 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

LAWYERS TITLE INS. CORP.

009009324r

6-1E-10/300

T-10380

Order No. 88g0093324 r

EXHIBIT "A"
Legal Description

A tract of land situated in Section 16, Township 6 South, Range 1 East, of the Willamette Meridian, in the County of Marion and State of Oregon, described as follows:

Beginning at a point in the center of a county road which is 1.32 chains West and 10.01 chains North of the one-quarter section corner between Sections 16 and 21, in Township 6 South, Range 1 East, of the Willamette Meridian, in the County of Marion County and State of Oregon; thence North 54.10 chains to the center of Butte Creek; thence South 80° East, 5.70 chains; thence South 87° 43' East, 5.44 chains; thence South 55.21 chains to the center of the county road; thence North 80° 15' West along the center of said road 9.25 chains; thence North 65° 47' West, 2.00 chains to the place of beginning.



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SALEM, OREGON

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REEL:2535

PAGE: 55

September 12, 2005, 11:42 am.

CONTROL #: 149920

State of Oregon
County of Marion

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MAY 07 2007
WATER RESOURCES DEPT
SALEM, OREGON

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

FEE: \$ 31.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

T-10380