

Temporary

T-13454

Name Kauer Family Farms, triple K Farms
attn Dave KauerAddress 7325 SE Amity Dayton Hwy
Amity Oregon 97101Change in POD APDDate Filed 6/1/2020Initial notice date 6/11/2020

DPD issued date

PD issued date

PD notice date

Date of FO 11/9/2020 Vol 118 Page 33-36

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Bull Ferber / BK water right consulting bull@

CWRE

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

DESCRIPTION OF WATER RIGHT(S)

Name of Stream South Fork Yamhill riverTrib. of Yamhill riverUse IrrigationCounty Yamhill

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-39505Per # S-29408Cert # 400065PR Date 2/21/1964

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

Date	Amount	Receipt #
<u>6-1-2020</u>	<u>\$1,101.64</u>	<u>132666</u>

FEES REFUNDED

Date	Amount	Receipt #
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Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 9, 2020

KAUER FAMILY FARMS/TRIPLE K FARMS
DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

REFERENCE: Temporary Transfer Application T-13454

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2024 irrigation season**.

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

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
William Ferber, Agent
Yamhill County Planning

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13454, Yamhill County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND ADDITIONAL POINT OF
	)	DIVERSION

Authority

Oregon Revised Statute (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.

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

Applicant

KAUER FAMILY FARMS, TRIPLE K FARMS
ATTN: DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Findings of Fact

1. On June 9, 2020, KAUER FAMILY FARMS, TRIPLE K FARMS, ATTN: DAVE KAUER filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 40065 for a period of 5 years. The Department assigned the application number T-13454.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:

Certificate:	40065 in the name of RAYMOND C. KAUER (perfected under Permit S-29408)
Use:	IRRIGATION of 126.8 ACRES
Priority Date:	FEBRUARY 21, 1964
Rate:	1.38 CUBIC FEET PER SECOND

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

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

Source: SOUTH FORK YAMHILL RIVER a tributary of YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	4 W	WM	34	SE NE		57	NO. 1 - 5040 FEET NORTH AND 3090 FEET WEST FROM THE SE CORNER OF ARMSTRONG DLC 64
4 S	4 W	WM	34	NW SW	1		NO. 2 - 3750 FEET NORTH AND 6380 FEET WEST FROM THE SE CORNER OF ARMSTRONG DLC 64

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	33	NE SE	1		0.3
4 S	4 W	WM	33	SE SE	8		3.0
4 S	4 W	WM	33	SE SE		72	14.6
4 S	4 W	WM	34	NW SW	1		0.2
4 S	4 W	WM	34	SW SW	1		0.7
4 S	4 W	WM	34	SW SW		72	27.3
4 S	4 W	WM	34	SE SW		72	7.6
5 S	4 W	WM	3	NE NW		64	7.8
5 S	4 W	WM	3	NW NW	4		3.6
5 S	4 W	WM	3	NW NW		64	23.6
5 S	4 W	WM	3	SW NW		64	0.8
5 S	4 W	WM	3	SW NW		64	19.6
5 S	4 W	WM	3	SE NW		64	0.3
5 S	4 W	WM	4	NE NE	1		1.6
5 S	4 W	WM	4	NE NE		64	10.1
5 S	4 W	WM	4	SE NE	1		5.7
						Total	126.8

4. Temporary Transfer Application T-13454 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	28	NW SW	73	9.6
4 S	4 W	WM	28	SW SW	73	28.9
4 S	4 W	WM	29	NE SE	73	3.6
4 S	4 W	WM	29	SE SE	73	36.1
4 S	4 W	WM	32	NE NE	58	30.5
4 S	4 W	WM	32	SE SE	58	0.6
4 S	4 W	WM	33	NW NW	73	17.5
					Total	126.8

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13454 proposes to move the authorized point of diversion approximately 1.4 miles:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	28	NW SE	83	560 FEET SOUTH AND 1720 FEET WEST FROM THE E1/4 CORNER OF SECTION 28

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. 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(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

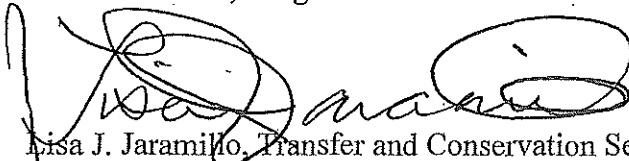
The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13454 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13454 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2020, 2021, 2022, 2023 and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional 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 Certificate 40065 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 40054.
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. The use of the remaining water right described by Certificate 40065 shall continue to be in accordance with the terms and conditions of Certificate 40065.

Dated in Salem, Oregon on **NOV 09 2020**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **NOV 10 2020**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13454

Transfer Specialist: Scott

Transfer Type: Temporary Transfer

Applicant: <u>DAVE KAUER</u> <u>7325 SE AMITY DAYTON HWY</u> <u>AMITY, OR 97101</u> Email: _____ Phone: _____		Agent: ☐ N/A <u>WILLIAM FERBER</u> <u>PO BOX 13434</u> <u>SALEM, OR 97309</u> Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A <u>Yamhill County Planning Department</u> Email: _____		Affected Tribal Gov't: ☐ N/A <u>UNAVAILABLE</u> Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	<u>S-39565</u>	<u>S-29408</u>	<u>40065</u>	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: <u>June 9, 2020</u>	Proposed Action(s): <u>ADDITIONAL POINT OF DIVERSION; PLACE OF USE</u>	
Fees Pd: <u>1101.64</u>	WM District: <u>22</u>	ODFW District:
Initial Public Notice: <u>June 16, 2020</u>	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	<u>N/A</u>
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <u>10/19/20</u> Initials: <u>Scott</u>	Date: <u>10-13-20</u> Initials: <u>Jan</u>	Date: _____ Initials: _____	Date: <u>10/16/20</u> Initials: <u>PKS</u>	Date: <u>10/21/20</u> Initials: <u>Scott</u>	Date: <u>10/21/20</u>	Date: _____

Special Issues: 118

Special Order Volume: Vol. 117 Pages 33-36

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **RAYMOND C. KAUER**

of **Route 1, Box 372, Amity**, State of **Oregon 97101**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **South Fork Yamhill River** a tributary of **Yamhill River** for the purpose of **irrigation of 427.1 acres** under Permit No. **29408** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **February 21, 1964**.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **4.65 cubic foot per second**.

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the **No. 1 - SE $\frac{1}{4}$ NE $\frac{1}{4}$** , as projected within **Booth DLC 57, No. 2 - Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 34, T. 4 S., R. 4 W., W. M., No. 1 - 5040 feet North and 3090 feet West, No. 2 - 3750 feet North and 6380 feet West, both from SE Corner, Armstrong DLC 64.**

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

and shall

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

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

0.3 acres Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)	0.3
3.0 acres Lot 8 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)	3.0
14.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.6
As projected within Armstrong DLC 72	
Section 33	
T. 4 S., R. 4 W., W. M.	

4.65 cfs

427.1 = 0.0108874

1.268 X

1.3805198

1.38 cfs

4.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 As projected within Boothe DLC 57
 7.2 acres Lot 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
 3.3 acres Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
 0.7 acre Lot 7 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
 14.3 acres Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
 0.1 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
 As projected within Armstrong DLC 72
 0.2 acre Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
 0.7 acre Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
 27.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 26.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Both as projected within Armstrong DLC 72
 25.9 acres Lot 4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
 10.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 0.4 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Both as projected within Armstrong DLC 72
 30.6 acres Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 32.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 28.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Both as projected within Armstrong DLC 72
 Section 34

0.1 acre Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
 4.8 acres Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
 5.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
 13.7 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Both as projected within Armstrong DLC 72
 Section 35
 T. 4 S., R. 4 W., W. M.

19.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 30.5 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 13.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 1.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 25.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
 26.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

All as projected within Armstrong DLC 64
 3.6 acres Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
 19.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
 1.0 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
 13.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Both as projected within Armstrong DLC 64
 Section 3

10.1 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 As projected within Armstrong DLC 64
 1.6 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 5.7 acres Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
 Section 4

T. 5 S., R. 4 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 28 day of March, 19 74

Chris L. Wheeler
 State Engineer

Review Checklist

T-

13454

Caseworker:

Scott

PR Initials

File Prep

CW		CW	
☒	File Assigned (computer entry)	☐	Print Tax Lot Map(s)/Ownership info if available on the web
☐	Make Copies App, Map, GW review , (WM Review, ODFW to send to applicant later) Affidavits if applicable	☐	Print: Certs, WR maps, (Tabulations, Sp Or, Air Photos or other helpful info to aid in processing)
☐	Bundle Originals with cover sheet	☐	Print Area of Interest

APPLICATION/MAP REVIEW

PR	CW		PR	CW	
☐	☐	Appropriately signed	☐	☐	Appropriate Fees Paid
☐	☐	Revisit application checklist & Supporting Docs	☐	☐	Overpayment of Fees, Refund Request with FO
☐	☐	Ditch Company, Irr. Dist. and/or BOR sent copies	☐	☐	Land Use Form matches Tax Lots, is signed by proper official and is APPROVED

DETERMINING THE "FROM" AND "TO" LANDS

PR	CW		PR	CW	
☐	☐	Only the authorized POD's/POA's and POUs 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 ¼ ¼.	☐	☐	Marked on certificate the quantity of water being transferred, cancelled, and remaining
☐	☐	Compare Water Right map to App Map for Accuracy	☐	☐	Check Plat Card for Conflicts

INJURY REVIEWS/COMMENTS/CONDITIONS

PR	CW						
☐	☐	ODFW	☐	Fish Screens	☐	Other:	
☐	☐	Ground water					
☐	☐	Watermaster	☐	Headgate	☐	Prior to diverting	☐
☐	☐		☐	Measuring Devices	☐	Prior to diverting	☐
☐	☐	Injury	☐	Yes ☐ No	☐	Enlargement	☐ Yes ☐ No
☐	☐	Conditions to Avoid Enlargement/Injury					

DPD		PD		FO		COV		DPD/PD/ FINAL ORDER/COVER LETTER
PR	CW	PR	CW	PR	CW	PR	CW	
	☐		☐		☐		☐	UPDATE WRIS APPS FOLDER
☐	☐	☐	☐	☐	☐	☐	☐	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
☐	☐	☐	☐	☐	☐	☐	☐	Correct address? Add Agent, Receiving Landowner if applicable etc...
☐	☐	☐	☐	☐	☐	☐	☐	Compare "from lands" with marked up Certificate
☐	☐	☐	☐	☐	☐	☐	☐	Compare Authorized POD(s)/POA(s) with marked up Certificate
☐	☐	☐	☐	☐	☐	☐	☐	Add Watermaster conditions (send copy of review to applicant if applicable)
☐	☐	☐	☐	☐	☐	☐	☐	Add Ground water conditions
☐	☐	☐	☐	☐	☐	☐	☐	ODFW recommendations (send copy of review to applicant if applicable)
☐	☐	☐	☐	☐	☐	☐	☐	Hidden findings unveiled?
☐	☐	☐	☐	☐	☐	☐	☐	Add any cancellation language or special situations
☐	☐	☐	☐	☐	☐	☐	☐	Attach supporting documents to cover letter if applicable

OWNERSHIP VERIFICATION

PR	CW		PR	CW	
☐	☐	The deed/ROI matches the <i>"from"</i> lands.	☐	☐	Notarized, signed statement of consent (if applicable)
☐	☐	<i>All</i> owners on the deed/ROI have signed the application.	☐	☐	Compare with current tax lot map.

PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE/COVER LETTER
☐	☐	DOES WRIS APPS FOLDER NEED UPDATED?
☐	☐	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
☐	☐	Format matches current template
☐	☐	Content matches PD info?
☐	☐	Spell checked?
☐	☐	Correct address?
☐	☐	Cost Estimate for Newspaper if applicable send email to support staff

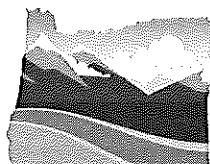
PR	CW	REMAINING RIGHT CERTIFICATE
☐	☐	DOES WRIS APPS FOLDER NEED UPDATED?
☐	☐	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
☐	☐	Table Format matches current template
☐	☐	Content format matches original certificate
☐	☐	Spell checked?
☐	☐	Name and address matches originating certificate?

CW	CASEWORKER WRAP UP
☐	Organize Working Docs For Peer Review (Remove Duplicates)
☐	Update Computer entry (add postal confirmation receipt number and date file was mailed)
☐	Put file contents on Salem Exchange Folder
☐	Print e-mail and correspondence put it in order of the findings of PD (if applicable)

Record Keeping: DPD Mailed _____ PD Mailed _____

COMMENTS:

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13454

Review Due Date:

Applicant Name: Dave Kauer

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

Reviewer(s): Joel Plahn

Date of Review: 07/16/2020

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

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
be required to be installed prior to diversion of water, as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 9, 2020

DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Reference: Application T- 13454

On June 9, 2020, we received your water right Transfer application. The application was accompanied by \$1101.64. Our receipt number 132666 is enclosed.

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #22 (via email)
Yamhill County Planning Department
William Ferber, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **132666**

INVOICE # _____

RECEIVED FROM: Kauer Family Farms, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>7-13454</u>

CASH: ☐ CHECK: # 3110 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,101.64

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1,101.64</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **132666**

DATED: 6-1-2020 BY: [Signature]

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

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



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

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

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

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JUN 01 2020

OWRD

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 40065**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2020 End Year: 2024.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

☐ Application fee not enclosed/or is insufficient ☐ Map not included or incomplete
☐ Land Use Form not enclosed or incomplete
☐ Additional signature(s) required ☐ Part _____ is incomplete
 Other/Explanation _____
 Staff: _____ 503-986-0 _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☒ N/A If more than three water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres for the portions of the rights to be transferred: <u>126.8 (4a)</u> Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	\$291.64
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	\$1101.64
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » Transfer Fee:	7	\$1101.64

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

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs , since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

13454 -

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Dave Kauer/Kauer Family Farms, Triple K Farms			PHONE NO. 503.835.1006	ADDITIONAL CONTACT NO.
ADDRESS 7325 SE Amity Dayton Hwy				FAX NO.
CITY Amity	STATE Oregon	ZIP 97101	E-MAIL davidk755@yahoo.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Bill Ferber/BK Water Right Consulting, LLC.			PHONE NO. 503.910.9212	ADDITIONAL CONTACT NO.
ADDRESS PO Box 13434				FAX NO.
CITY Salem	STATE Oregon	ZIP 97309	E-MAIL bill@bkwrc.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
Temporarily transfer senior water rights place of use to lands planted with high value crop.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

David Kauer
Applicant signature

David Kauer - Manager/Partner
Print Name (and Title if applicable)

May 28, 2020
Date

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JUN 01 2020

Applicant signature

Print Name (and Title if applicable)

Date

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

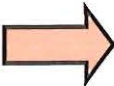
If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Yamhill County	ADDRESS 525 NE 4th Street	
CITY McMinnville	STATE Oregon	ZIP 97128

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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JUN 01 2020

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13454 -

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 40065

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JUN 01 2020

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR

At least 375 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Diesel portable pump delivers irrigation water to above ground mainline which delivers water to a big gun irrigation system

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
No. 1	☒ Authorized ☐ Proposed		4	S	4	W	34	SE	NE	57	5040' N and 3090' W from SE Corner of Armstrong DLC 64
No. 2	☒ Authorized ☐ Proposed		4	S	4	W	34	N W	S W	1	3750' N and 6380' W from SE Corner of Armstrong DLC 64
Div. Pt.	☐ Authorized ☒ Proposed		4	S	4	W	28	N W	SE	83	560' S and 1720' W from E¼ Corner of Section 28
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 40065

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
4	S	4	W 33 NE SE	700	1	0.3	Irrigation	No.1 No.2	1964	POU	4	S	4	W 32 SE SE	3000	58	0.6	N/A	Div. Pt.	1964				
4	S	4	W 33 SE SE	1100	8	3.0	Irrigation	No.1 No.2	1964	POU	4	S	4	W 32 NE NE	3000	58	21.6	N/A	Div. Pt.	1964				
4	S	4	W 33 SE SE	700	72	14.6	Irrigation	No.1 No.2	1964	POU	4	S	4	W 32 NE NE	3000	73	3.3	N/A	Div. Pt.	1964				
4	S	4	W 34 NW SW	700	1	0.2	Irrigation	No.1 No.2	1964	POU	4	S	4	W 32 NE NE	1100	73	3.7	N/A	Div. Pt.	1964				
4	S	4	W 34 SW SW	700	1	0.7	Irrigation	No.1 No.2	1964	POU	4	S	4	W 32 NE NE	500	73	1.9	N/A	Div. Pt.	1964				
4	S	4	W 34 SW SW	700	72	27.3	Irrigation	No.1 No.2	1964	POU	4	S	4	W 33 NW NW	500	73	8.4	N/A	Div. Pt.	1964				
4	S	4	W 34 SE SW	700	72	7.6	Irrigation	No.1 No.2	1964	POU	4	S	4	W 33 NW NW	1100	73	9.1	N/A	Div. Pt.	1964				
5	S	4	W 4 NE NE	700	64	10.1	Irrigation	No.1 No.2	1964	POU	4	S	4	W 29 SE SE	3000	73	22.6	N/A	Div. Pt.	1964				
5	S	4	W 4 NE NE	700	1	1.6	Irrigation	No.1 No.2	1964	POU	4	S	4	W 29 SE SE	1100	73	9.4	N/A	Div. Pt.	1964				
5	S	4	W 4 SE NE	700	1	5.7	Irrigation	No.1 No.2	1964	POU	4	S	4	W 29 SE SE	800	73	4.1	N/A	Div. Pt.	1964				
5	S	4	W 3 NW NW	700	64	23.6	Irrigation	No.1 No.2	1964	POU	4	S	4	W 29 NE SE	800	73	2.0	N/A	Div. Pt.	1964				
5	S	4	W 3 NW NW	700	4	3.6	Irrigation	No.1 No.2	1964	POU	4	S	4	W 29 NE SE	3000	73	1.6	N/A	Div. Pt.	1964				

5	S	4	W	3	SW	NW	700		19.6	Irrigation	No.1 No.2	1964	POU	4	S	4	W	28	SW	SW	800	73	8.8	N/A	Div. Pt.	1964
5	S	4	W	3	SW	NW	700	64	0.8	Irrigation	No.1 No.2	1964	POU	4	S	4	W	28	SW	SW	1100	73	20.1	N/A	Div. Pt.	1964
5	S	4	W	3	NE	NW	700	64	7.8	Irrigation	No.1 No.2	1964	POU	4	S	4	W	28	NW	SW	800	73	9.6	N/A	Div. Pt.	1964
5	S	4	W	3	SE	NW	700	64	0.3	Irrigation	No.1 No.2	1964	APOD	4	S	4	W	28	NW	SE	600	83	----	APOD	Div. Pt.	1964
TOTAL ACRES									126.8														TOTAL ACRES			126.8

Additional remarks:_____

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JUN 01 2020
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JUN 01 2020

Water Right Certificate # 40065

For Place of Use Changes

OWRD

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: C 49962, C 94336, Permit S 54829. C 49962 covers part of the TO Lands and will not be exercised during the term of this Temporary Transfer. C 94336 and Permit S 54829 are domestic water rights for the City of McMinnville.

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of POLK) ss

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I, DAVE KAUER, in my capacity as TENANT FARMER,
mailing address 7145 SE AMITY - DAYTON HWY, AMITY, OREGON 97101
telephone number (503)437-4027, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 30065, **OK**

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

13454 -

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

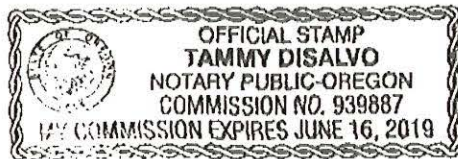
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

Dave Kaur

5-17-18
Date

Signed and sworn to (or affirmed) before me this 10th day of May 2018



Tammy Disalvo
Notary Public in Oregon

My Commission Expires June 16, 2019

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

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Ird Payment for Mountain View Seeds
1, 2017

Name	Specie	Variety	Cert	Final Price	Lot #	Received	Total Crop \$	Nov 15th Advance	Dec 31/Jan 1 Advance	Deductions	Commissions	Net Payment	Liened	Named Lienholder
FAMILY FARMS LLC	PERENNIAL RYEGRASS	ACADEMY III	UNC	\$0.81	Y28-16-PR69	\$2,500	\$ 42,525.00							
FAMILY FARMS LLC	PERENNIAL RYEGRASS	ACADEMY III	UNC	\$0.81	Y28-16-PR70	\$2,500	\$ 42,525.00							
FAMILY FARMS LLC	PERENNIAL RYEGRASS	ACADEMY III	UNC	\$0.81	Y28-16-PR71	\$2,500	\$ 42,525.00							
FAMILY FARMS LLC	PERENNIAL RYEGRASS	ACADEMY III	UNC	\$0.81	Y28-16-PR72	\$4,450	\$ 27,904.50							
FAMILY FARMS LLC	TALL FESCUE	TITANIUM LS	CERT	\$0.76	Y28-16-TF12	\$2,500	\$ 39,900.00							
FAMILY FARMS LLC	TALL FESCUE	TITANIUM LS	CERT	\$0.76	Y28-16-TF13	\$6,000	\$ 42,560.00							
FAMILY FARMS LLC	TALL FESCUE	TITANIUM LS	CERT	\$0.76	Y28-16-TF14	\$6,000	\$ 42,560.00							
FAMILY FARMS LLC	TALL FESCUE	TITANIUM LS	CERT	\$0.76	Y28-16-TF15	7,000	\$ 5,320.00							
FAMILY FARMS LLC Total						363,450	\$ 285,819.50	\$ -	\$ 190,546.33	\$ -	\$ 744.12	\$ 94,529.05	No	

13454 -

WILCO PETROLEUM - TRANSPORT
200 INDUSTRIAL WAY
PO BOX 258
MOUNT ANGEL OR 97362
PHONE: (800) 598-6827

PAGE NO 1

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THANK YOU FOR YOUR BUSINESS

KAUER FAMILY FARMS LLC
 7145 SE AMITY DAYTON HWY

AMITY OR 97101

KAUER FAMILY FARMS LLC
 7325 SE AMITY DAYTON HWY

AMITY OR 97101

CUST#: 435485

TERMS: NET 10

JOB #: 173

DEL. DATE: 9/22/17

BOL #12659

THANK YOU FOR YOUR PURCHASE!

INV #: 299859/M

DATE : 9/25/17 TIME : 1:43

CLERK: KAB TERM#870

SLSPR: R7 BULK ROUTE 7

TAX : 001 OREGON STATE TAX

* INVOICE *

LN#	QTY	UM	SKU	DESCRIPTION	UNITS	SUGG	PRICE/PER	EXTENSION
1	1951	GL	2003K	PREMIUM DIESEL ULS B5 FED TAX	1951		2.397/GL	4,676.55
2				15 - ppm Undyed Diesel Fuel				
3				15-ppm sulfur maximum				
4				Undyed Ultra-Low Sulfur Diesel				
5				Fuel. For use in				
6				all Diesel vehicles and				
7				engines.				
8				PRICE PER GALLON INCLUDES:				
9				FED TAX .244				
10	7951	GL	2015K	PREM DIESEL ULS DYED B5 NO TAX	7951		2.158/GL	17,158.26
11				15-ppm Dyed Diesel Fuel				
12				15 - ppm sulfur dyed ULSD				
13				Non-road or tax				
14				exempt use only.				
15				FUEL TREATED WITH SUMMER BLEND				
16				PREMIUM DIESEL ADDITIVE.				
17	-9902	GL	1051250	MEMBERSHIP ALLOWANCE	9902		.02 /GL	-198.04R
				CREDIT RETURN				

ATTENTION:

Payment due 10 days
 from date of invoice.

Fuel

** AMOUNT CHARGED TO STORE ACCOUNT ** 21,636.77 TAXABLE 0.00
 NON-TAXABLE 21636.77
 SUBTOTAL 21636.77

TAX AMOUNT 0.00
 TOTAL AMOUNT 21636.77

X

Simplot

GROWER SOLUTIONS

P.O. BOX 70013 • BOISE, IDAHO 83707-0113

STATEMENT

PAGE:

DATE: 10/28/20

ACCOUNT #:

LOCATION ID:

101

AMOUNT PAID: _____

4874 *****AUTO**ALL FOR AADC 970

|||||
KAUER FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101-2004

Please Remit Payment to the Address Below

|||||
SIMPLOT GROWER SOLUTIONS
PO BOX 97
INDEPENDENCE OR 97351☐ Please check box if above address is incorrect
and indicate change(s) on reverse side.

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

SUMMARY OF ACCOUNT ACTIVITY FOR THIS PERIOD

DATE	DUE DATE	DOCUMENT NUMBER	DESCRIPTION	CHARGES	PAYMENTS	PREPAY	BALANC
			Beginning Balance			89,040.58-	0.
10/11/17	11/20/17	758059637	Invoice			2,025.00	0.
10/11/17	11/20/17	758059638	Invoice			2,250.00	0.
10/11/17	11/20/17	758059639	Invoice			1,912.50	0.
10/11/17	11/20/17	758059640	Invoice			2,025.00	0.
10/11/17	11/20/17	758059641	Invoice			4,498.80	0.
10/11/17	11/20/17	758059642	Invoice			5,333.70	0.
10/11/17	11/20/17	758059643	Invoice			4,559.18	0.
10/11/17	11/20/17	758059644	Invoice			5,112.90	0.
10/11/17	11/20/17	758059645	Invoice			5,592.45	0.
10/11/17	11/20/17	758059646	Invoice			4,490.18	0.
10/11/17	11/20/17	758059647	Invoice			5,237.10	0.
10/11/17	11/20/17	758059648	Invoice			4,522.95	0.
10/11/17	11/20/17	758059649	Invoice			4,881.76	0.
10/11/17	11/20/17	758059650	Invoice			5,226.76	0.
10/11/17	11/20/17	758059651	Invoice			4,900.73	0.
10/11/17	11/20/17	758059652	Invoice			3,822.60	0.
10/11/17	11/20/17	758059653	Invoice			4,874.85	0.
10/11/17	11/20/17	758059654	Invoice			5,378.55	0.
10/11/17	11/20/17	758059655	Invoice			4,200.38	0.
10/11/17	11/20/17	758059656	Invoice			4,597.12	0.
10/11/17	11/20/17	758059657	Invoice	4,800.67			4,800
10/11/17	11/20/17	758059658	Invoice	5,230.20			10,030
10/11/17	11/20/17	758059659	Invoice	4,602.30			14,633
10/11/17	10/11/17	758059660	Invoice	3,598.07		3,598.07	11,035
10/17/17	11/20/17	758059732	Invoice	5,675.25			16,710
10/17/17	11/20/17	758059733	Invoice	5,728.73			22,439
10/17/17	11/20/17	758059734	Invoice	2,439.15			24,878

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PAYMENT IS DUE BY DATE STATED ON INVOICE

TOTAL BALANCE DUE:

24,878.

13454 -

11



503-845-6122 • 800-382-5339
www.wilco.coop

REMIT TO
P.O. Box 258
Mt Angel OR 97362

STATEMENT

PAGE NO 1

CLOSING DATE: 11/30/17

DUE DATE : 12/15/17

ACCT: [REDACTED]

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123574 0
1/02/17
JH
64

:25
LICATE***
VOICE

EXTENSION
303.20 N

KAUER FAMILY FARMS LLC
7145 SE AMITY DAYTON HWY
AMITY OR 97101

|||||

DATE	REFERENCE	ST	C	DESCRIPTION	QUANTITY	EXT. TOTAL
				PREV BALANCE		636.78
11/ 2/17	123574	92	I	ORDR # 318792		303.20
11/ 9/17	D66885	95	P	PYMT-THANK YOU CK# 19449		-636.78
11/10/17	123867	92	I	D0000116717		6105.50
11/15/17	515604	1	I	INVOICE		97.16
11/17/17	515783	1	I	INVOICE		216.47
				NEW BALANCE		6722.33
fuel - 6105.50						
CURRENT	1-30 DAYS	31-60 DAYS	61-90 DAYS	OVER 90 DAYS		
6722.33	0.00	0.00	0.00	0.00		

PAGE NO 1

123867/0
1/10/17
JH
64

1:58
LICATE***
VOICE

EXTENSION
3,654.00
2,498.50
-47.00 NR

TERMS: NET 15TH

note: used a portable diesel pump
because electric service was not functioning

6152.50
-47.00
6105.50
0.00
6105.50

KA

FILM 106 PAGE 1749



KNOW ALL MEN BY THESE PRESENTS, That R. M. ENGLE and RENA ENGLE,
husband and wife,

in consideration of Ten and no/100 - - - - -, grantor S.
Dollars,

to them paid by RAYMOND C. KAUER and BARBARA M. KAUER, husband and
wife,

do hereby grant, bargain, sell and convey unto the said grantee S., their heirs and assigns, all
the following real property, with the tenements, hereditaments and appurtenances, situated in the County
of Yamhill and State of Oregon, bounded and described as follows: to-wit:

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FILM 106 PAGE 1750

To Have and to Hold the above described and granted premises unto the said grantee S., their
heirs and assigns forever.

And the grantor S. do covenant that they are lawfully seized in fee simple of the above
granted premises free from all encumbrances, as of April 1, 1963, excepting easement
shown in Book 117, Page 614, Deed Records also easement shown in
187, Page 149, Deed Records; also mortgage shown in Book 151, page
644 Mortgage Records,

and that they will and their heirs, executors and administrators, shall warrant and forever
defend the above granted premises, and every part and parcel thereof, against the lawful claims and
demands of all persons whomsoever.

Witness our hand S. and seal S. this April, 19 63

R. M. Engle (SEAL)

Rena Engle (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,

County of Yamhill

} ss.

On this April, 19 63,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the
within named R. M. ENGLE and RENA ENGLE, husband and wife,

who are

known to me to be the identical individual S. described in and who executed the within
instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year last above written.

13454

Notary Public for Oregon.

My commission expires Oct 16, 1965

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FILM 105 PAGE 1750

To Have and to Hold the above described and granted premises unto the said grantee S., their heirs and assigns forever.

And the grantor S. do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, as of April 1, 1963, excepting easement shown in Book 117, Page 614, Deed Records also easement shown in 187, Page 149, Deed Records; also mortgage shown in Book 151, page 644 Mortgage Records,

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand S. and seal S. this day of April, 19 63

R. M. Engle (SEAL)

Rena Engle (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,

County of Yamhill

ss.

On this day of April, 19 63,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named R. M. ENGLE and RENA ENGLE, husband and wife,

who are

known to me to be the identical individual S. described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public for Oregon.

My commission expires Feb 16, 1965

WARRANTY DEED

R. M. ENGLE, et ux

TO

RAYMOND C. KAUER, et ux

AFTER RECORDING RETURN TO

36646

STATE OF OREGON,

County of Yamhill

ss.

I certify that the within instrument was received for record on the day of April, 19 63, at o'clock A.M., and recorded in book 106 on page 1749. Record of Deeds of said County.

Witness my hand and seal of County affixed.

WANDA CATT, COUNTY CLERK

County Clerk—Recorder.

By Deputy.

Docket No.



1-1-74

WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, That RENA ENGLE, widow of R.M. Engle, deceased,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by RAYMOND G. KAUER and BARBARA M. KAUER, as equal tenants in common and not as tenants by the entirety, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

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PARCEL 1. Commencing at the Southeast corner of the Richard Booth Donation Land Claim No. 57 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence West on the South boundary of same, 23.50 chains to corner of said Booth DLC, and Cyrus B. Hawley Donation Land Claim #67; thence South 23° 30' East on the West boundary of said Cyrus B. Hawley's Claim, 34.11 chains to a point; thence South 45-1/2° West, 26.00 chains; thence North 23° 30' West 61.50 chains to the south fork of the Yamhill River; thence downstream with the meanders of said river to its intersection of the boundary line between the Donation Land Claim of said Booth and Hawley; thence South 17° 30' West on said boundary line to the place of beginning.

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PARCEL 2. Commencing at a point in the Jane Armstrong Donation Land Claim Nos. 72 and 61 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said point being described as situated 13.14 chains North and 57.31 chains East of the Quarter Section corner on line between Sections 3 and 4, Township 5 South, Range 4 West of the Willamette Meridian; thence North 23° 30' West, 67.50 chains to the South Fork of the Yamhill River; thence downstream with the meanderings of said river to a point being the Northwest corner of Parcel #1 as described above; thence South 23° 30' East, 61.50 chains to the Southwest corner of said Parcel #1 as described above; thence South 45° 30' West 24.00 chains to the place of beginning.

PARCEL 3. Commencing on the East boundary line of the Donation Land Claim of Henry Hyde Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, South 18° 30' East, 4.30 chains from the Northeast corner of said Donation Land Claim; thence North 18° 30' West 4.30 chains to the Northeast corner of said Donation Land Claim; thence North 87° 30' West on the North boundary of same, 4.50 chains; thence North 7.00 chains to the South boundary of Ephraim Ford's Donation Land Claim; thence East 23.70 chains to the Southeast corner of said claim; thence North 12° West, 18 chains to the South fork of the Yamhill River, thence with the meanders of said river downstream to a point being the Northwest corner of Parcel #2 as described above; thence South 23° 30' East, 34.75 chains, thence West 58.00 chains to the place of beginning.

EXCEPT that portion thereof included within the boundaries of Lot 8 of Section 33, Township 4 South, Range 4 West of the Willamette Meridian.

PARCEL 4. Beginning at a point on the East boundary of Henry Hyde's Donation Land Claim Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon at a point South 18° 30' East 4.30 chains from the Northeast corner of said claim; thence South 18° 30' East, 19.00 chains; thence East 59.45 chains to the West boundary of Lot 2 as described above; thence North 23° 30' West 19.56 chains; thence West 58 chains to the place of beginning.

PARCEL 5. Commencing at a point on the East boundary of Henry Hyde's Donation Land Claim Nos. 64 and 39 in Townships 4 and 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, 8.00 chains North 16° West from the Quarter Section corner on line between Sections 3 and 4, Township 5 South, Range 4 West of the Willamette Meridian; thence North 34° 30' East, 60.00 chains to the Southwest corner of Lot 2 as described above; thence North 23° 30' West 13.10 chains; thence West 59.45 chains to the East boundary line of said Hyde's Donation Land Claim; thence South 18° 30' East, 5.30 chains; thence South 16° East 18.40 chains to the place of beginning.

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MAY 17 2018

as hereinabove limited,

OWRD

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances as of April 1, 1963, subject to mortgage to Federal Land Bank of Spokane, recorded in Book 151, Page 644, Yamhill County Mortgage Records, which mortgage and balance thereon grantees assume and agree to pay,

and that

grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$130,000.00.

~~However, the actual consideration consists of other property or value given or promised which the whole consideration (indicate which) (The balance between the symbols @ if not applicable, should be deleted. See ORS 23.030)~~

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 26 day of February, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Rena Engle
Rena Engle

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,)
County of Yamhill) ss.
26, February, 1975

Personally appeared the above named
RENA ENGLE,

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me
(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires Aug 4, 1975

STATE OF OREGON, County of) ss.
, 19

Personally appeared and
who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of

, a corporation,
and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

RENA ENGLE

GRANTOR'S NAME AND ADDRESS

RAYMOND C. & BARBARA H. KAUER
Rt. 1, Box 372
Amity, Oregon 97101

GRANTEE'S NAME AND ADDRESS

After recording return to:

RAYMOND C. & BARBARA H. KAUER
Rt. 1, Box 372
Amity, Oregon 97101
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

RAYMOND C. & BARBARA H. KAUER
Rt. 1, Box 372
Amity, Oregon 97101
NAME, ADDRESS, ZIP

STATE OF OREGON,) ss.
County of

I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book on page or as file/reel number. Record of Deeds of said county.

Witness my hand and seal of County affixed.

SPACE RESERVED
FOR
RECORDER'S USE

Recording Officer
By Deputy

T. 4S. R4W., W.M.

Dave Kauer

SECTIONS 28, 29, 32 & 33
YAMHILL COUNTY
7325 AMITY DAYTON HIGHWAY
AMITY, OREGON 97101

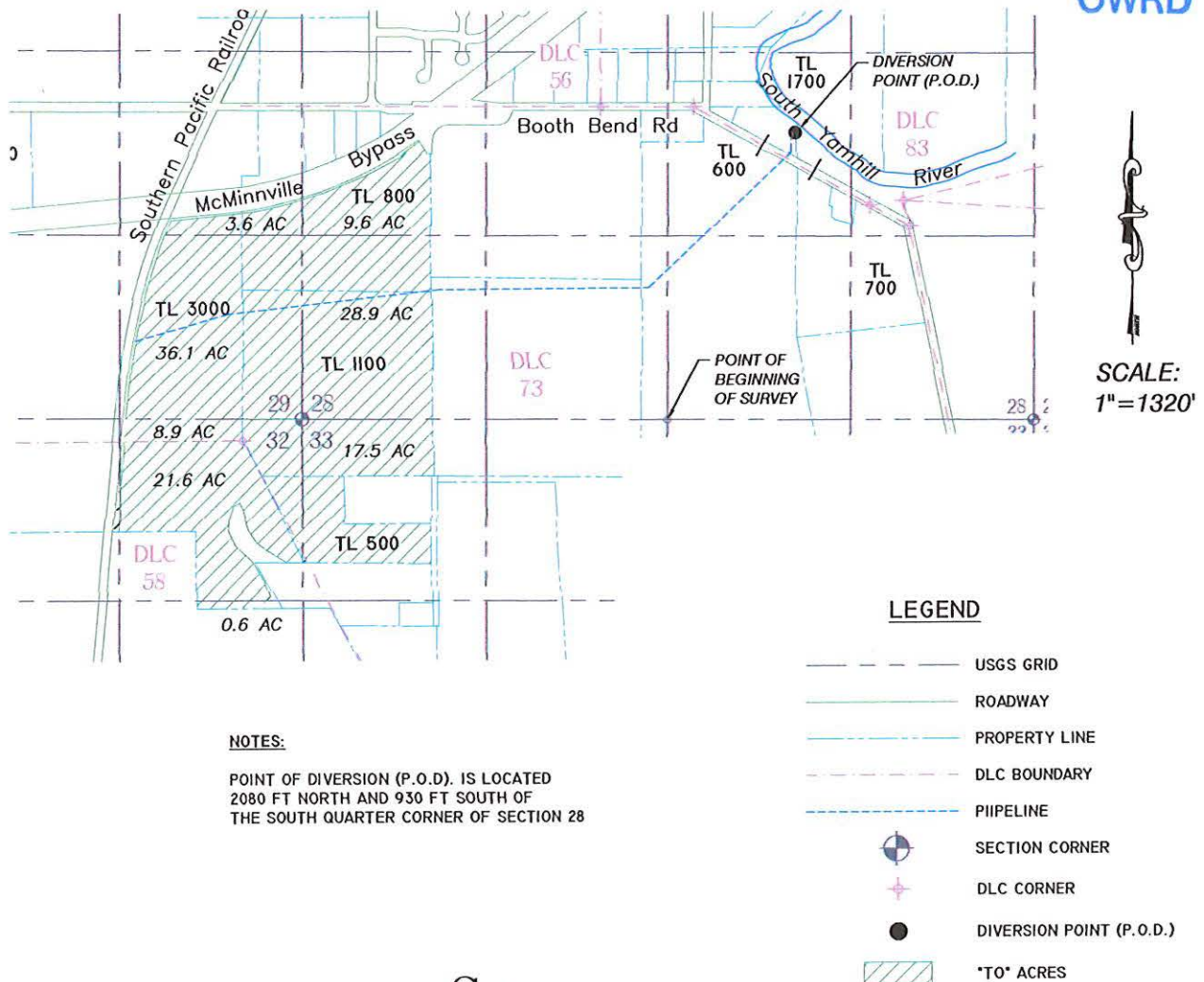
PREPARATION OF THIS MAP IS FOR THE
PURPOSE OF IDENTIFYING THE LOCATION
OF THE WATER RIGHT ONLY. THERE IS
NO INTENT TO PROVIDE DIMENSIONS OR
LOCATION OF PROPERTY OWNERSHIP
LINES.

RECEIVED

JUN 01 2020

To Lands

OWRD



Survey
AND CLAIM OF BENEFICIAL USE
IN THE NAME OF
DAVID KAUER OF KAUER FARMS

13454 -

FILE PATH & NAME: C:\Users\20-115-10\Google Drive\PERSONAL\JONES FARM\2\KAUER JONES FARM 052720.dwg

BK WATER RIGHT CONSULTING
PO Box 13434 Salem, Oregon 97309

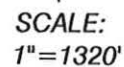
Kauer-Jones Farm Transfer Application Map

APPLICATION #: X-xxxxx PERMIT #: X-xxxxx AMENDMENT #: X-xxxxx

SHEET 1 OF 2

From Lands
T. 4 & 5 S., R. 4 W., W.M.

OWRD



FINAL PROOF SURVEY

UNDER

Application No. 39565 Permit No. 29408

IN NAME OF

RAYMOND C. KAUER

Surveyed MAY 16 1973, by D. NORBY

 ACRES NOT PART OF THIS TEMPORARY TRANSFER
 PROPERTY LINE
 "FROM" ACRES
 X.X AC

13454 SWEET 10F2

JUN 01 2020

Land Use Information Form

OWRD



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

Applicant(s): Dave Kauer/Kauer Family FarmsMailing Address: 7325 SE Amity Dayton HwyCity: AmityState: Oregon Zip Code: 97101Daytime Phone: davidk755@yahoo.com

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4</u>	<u>4</u>	<u>28</u>	<u>C</u>	<u>800</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>28</u>	<u>C</u>	<u>1100</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>33</u>	<u>N/A</u>	<u>500</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>29</u>	<u>N/A</u>	<u>3000</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>4</u>	<u>4</u>	<u>28</u>	<u>C</u>	<u>1000</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☐ Used	_____
<u>4</u>	<u>4</u>	<u>28</u>	<u>D</u>	<u>6000</u>	<u>EF80</u>	☒ Diverted	☒ Conveyed	☐ Used	_____

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

Yamhill

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 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

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

Estimated quantity of water needed: 1.6 ☒ 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:

Desire to temporally transfer a senior water right to this ground to irrigate a high value crop of garlic.

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

See bottom of Page 3. →

JUN 01 2020

For Local Government Use Only**OWRD**

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the Yamhill Zoning Ord.
- ☐ Land uses to be served by the 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
		☐ 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: Kenneth P. Friday Title: P.D.

Signature: Kenneth P. Friday Phone: 503 434-756 Date: 5/26/2020

Government Entity: Yamhill County

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.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Regular Temporary Water Right Transfer Application Checklist

Checked by Joan

Date 6/3/2020

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

POU/APOD

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

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

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

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

T-13454