

T-13919

Regular

SCANNED

JAN 21 2025

T-13919

Name Opa's Acres LLC
Oliver Raab
 Address PO Box 15010
Salem OR 97309

DESCRIPTION OF WATER RIGHT(S)

Name of Stream West Branch Ash SwaleTrib. of Ash SwaleUse livestockCounty Polk

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 243906Per # 25059Cert # 310547PR Date 8/17/1967App# 247109Per # 251003Cert # 39082PR Date 7/7/1970

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in USE
 Date Filed 2/11/2022
 Initial notice date 3/1/2022
 DPD issued date
 PD issued date 12/15/2023
 PD notice date 12/19/2023
 Date of FO 5/13/2024 Vol 131 Page 48-51

C-Date
 COBU due date
 COBU Received date
 Certificate issued

Assignments:

Irrigation District
Summit
 Agent BSI WS - Ted Ressler tressler@gsiws.com

CWRE
 CC's list Polk county Planning

☐ - Oversized map - Location

FEES PAID

Date	Amount	Receipt #
2-11-2022	\$1,970.00	137457

FEES REFUNDED

Date	Amount	Receipt #
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Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

June 25, 2025

Opa's Acres, LLC
Attn: Oliver Raab
PO Box 15010
Salem, OR 97309

On June 23, 2025, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-13919

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-13919

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie
Transfer #: <i>T-13919</i>	
Date Received: <i>6/23/2025</i>	
CWRE Name:	
Priority Date (s): 8/17/1967, 7/7/1970	

Fees Required:

- ☐ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

Fill in App or Transfer Number

MONEY SLIP			
DATE:		RECEIPT #:	
RECEIVED FROM:		APPLICATION PERMIT TRANSFER	
CASH	CHECK #	OTHER (IDENTIFY)	TOTAL RECEIVED
☐	☐	☐	\$
0083 TREASURY 4178 MISC CASH ACCT.			
0407	COPIES	(IDENTIFY)	\$
	OTHER		\$
0243 Irrigation Lease		0244 Min Water Mgmt Plan	0245 Cons Water
0083 TREASURY 4279 WRD OPERATING ACCT.			
MISCELLANEOUS			
0407	COPY & TAPE FEES	4611	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE (IDENTIFY)		\$
TC-162	DEPOSIT LAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE	RECORD FEE
0218	WELL DRILL CONSTRUCTION	\$	0219 \$
0220	LANDOWNER'S PERMIT	\$	0220 \$
0220	OTHER (IDENTIFY)	COBU	2222.00
0087 TREASURY 0487 HYDROELECTRIC			
0223 POWER LICENSE FEE (HYDRO)		LIC NUMBER	\$
0224 HYDRO LICENSE FEE (HYDRO)			\$
HYDRO APPLICATION			\$
SPECIAL INSTRUCTIONS:			
☐ RETURN TO APPLICANT - LETTER ATTACHED			

**CLAIM OF
BENEFICIAL USE
for Transfers changing
Character of Use of a
Reservoir Only**



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Transfer T-13919 involves 2 water rights (former C-36547 and C-39082) that both have a priority date before July 9, 1987; therefore, no fee is required

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 6" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change character of use of a reservoir.

If additional changes were authorized, you will need to select a different form.

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YES

1. File Information:

APPLICATION #
T-13919

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Opa's Acres, LLC – Oliver Raab		PHONE NO. 503-932-7572	ADDITIONAL CONTACT NO.
ADDRESS PO Box 15010			
CITY Salem	STATE OR	ZIP 97309	E-MAIL Oliver.r@jetindustries.net

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each** transfer holder of record must sign this form.*

3. Transfer holder of record (this may, or may not, be the current property owner):

TRANSFER HOLDER OF RECORD Opa's Acres, LLC – Oliver Raab		
ADDRESS PO Box 15010		
CITY Salem	STATE OR	ZIP 97309

4. Date of Site Inspection:

6/10/2025

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Oliver Raab	6/6/2025	Applicant/Property Owner

6. County:

Polk

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

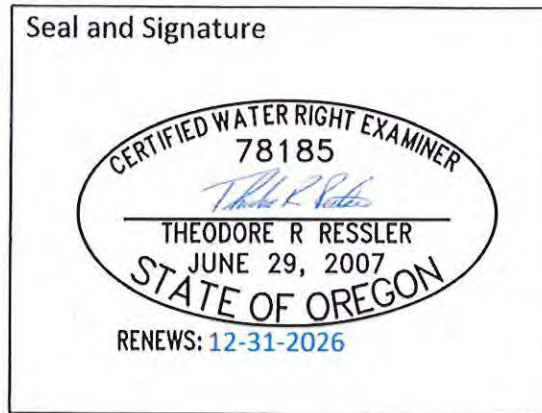
Add additional tables for owners of record as needed

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SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

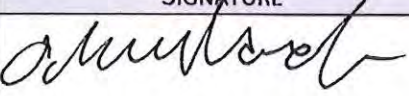


CWRE NAME Theodore R. Ressler		PHONE NO. 503-701-4535	ADDITIONAL CONTACT NO.
ADDRESS Summit Water Resources, LLC, 4784 SE 17th Avenue, Suite 111			
CITY Portland	STATE OR	ZIP 97202	E-MAIL tressler@summitwr.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Oliver Raab	Applicant/Property Owner	6/16/2025

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SECTION 3 CONDITIONS

All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE STORAGE MADE THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "FULL USE MADE DATE"
ISSUANCE DATE	5/13/2024	
FULL USE MADE (C)	Storage Season of 2024-2025	The applicant has made full beneficial use of a total of 7.21 acre-feet authorized by former Certificates 36547 (authorizing storage of 1.21 acre-feet) and 39082 (authorizing storage of 6.5 acre-feet).

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

If "NO", you may delete the following table.

3. Measurement Conditions:

a. Does the transfer final order require the installation of a meter or approved measuring device?

NO

4. Other conditions required by the transfer final order:

a. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A

SECTION 4 ATTACHMENTS

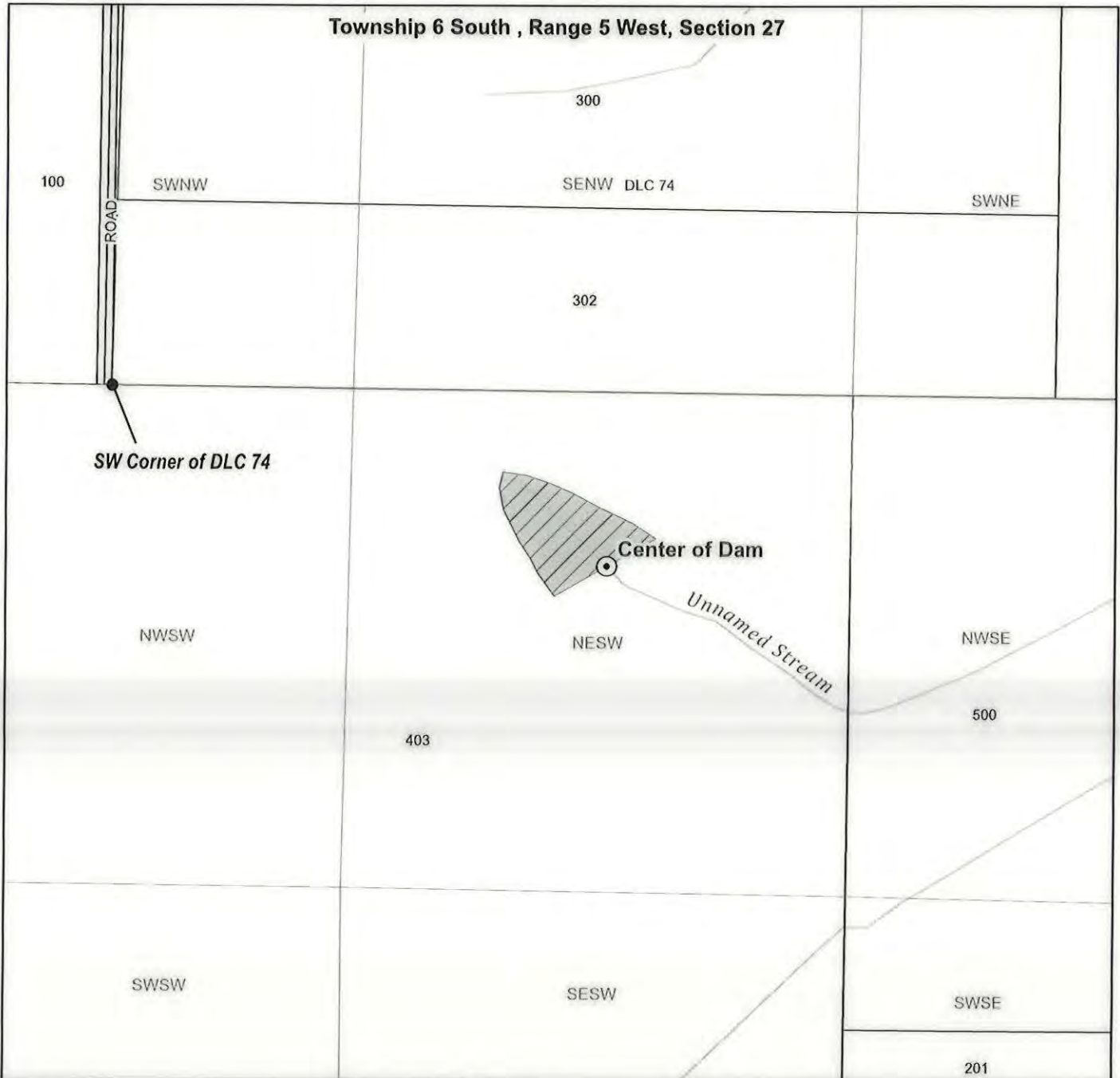
Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment 1	Map
Attachment 2	Proof of Signatory Authority
Attachment 3	Water Right Information

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Claim of Beneficial Use
Transfer T-13919 (Former Certificates 36547 and 39082)

A Water Right held by Opa's Acres LLC
Polk County



LEGEND

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- Tax Lots
- Watercourse

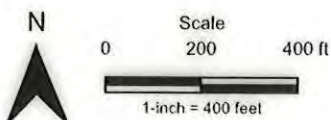
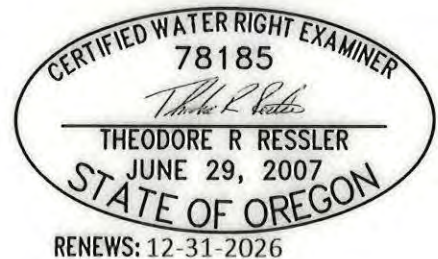
POD Location Description

Center of Dam

Located 480 feet South and 1,280 feet East from SW corner of DLC 74, Township 6 South, Range 5 East, W.M.

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Date: 6/12/2025
Data Sources: BLM, OWRD, ODFW, OGEO, Polk County.
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- N/A Locations of meters and/or measuring devices in relationship to point of diversion
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Transfer application number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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SECTION 5

CLAIM OF BENEFICIAL USE MAP

A Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the reservoir does not require a new survey of the reservoir. The reservoir location identified on the Claim map should be based on the original right of record at the time the transfer final order was issued.

If the transfer final order did not require the installation of a meter/measuring device or fish protection devices, it may be possible to obtain a waiver, under OAR 690-014-0170(7), from providing a new map with the Claim. Any request for a mapping waiver must be in writing in the form of an e-mail or a letter.

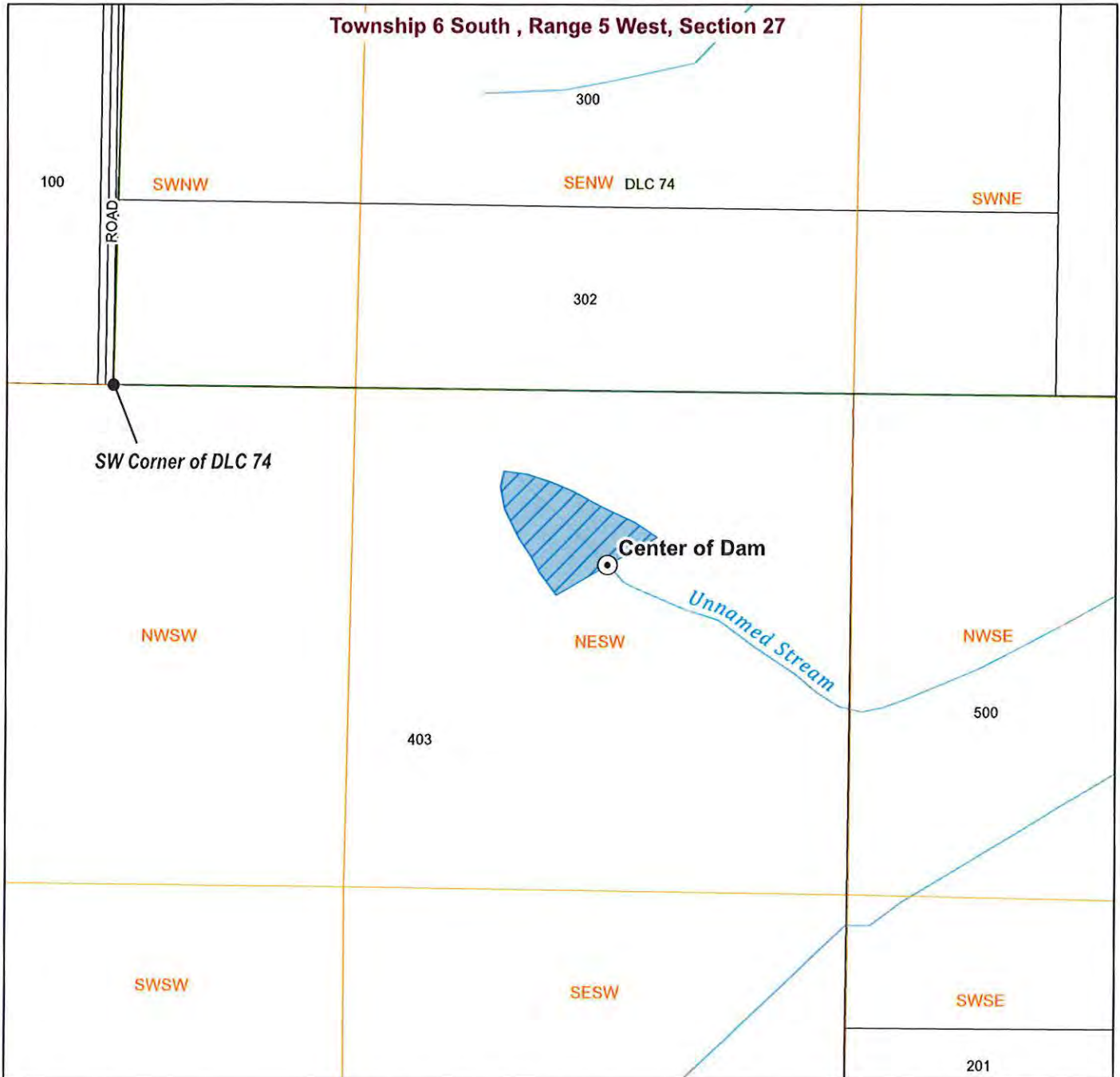
The reservoir was visited during the site inspection. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management (BLM), Oregon Water Resources Department (OWRD), Oregon Geospatial Enterprise Office (OGEO), United States Geological Survey (USGS), and Polk County. Additional data and information specific to the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water user.

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Claim of Beneficial Use

Transfer T-13919 (Former Certificates 36547 and 39082)

A Water Right held by Opa's Acres LLC
Polk County



LEGEND

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- Tax Lots
- Watercourse

POD Location Description

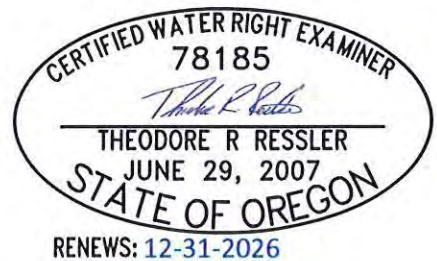
Center of Dam

Located 480 feet South and 1,280 feet East from SW corner of DLC 74, Township 6 South, Range 5 East, W.M.

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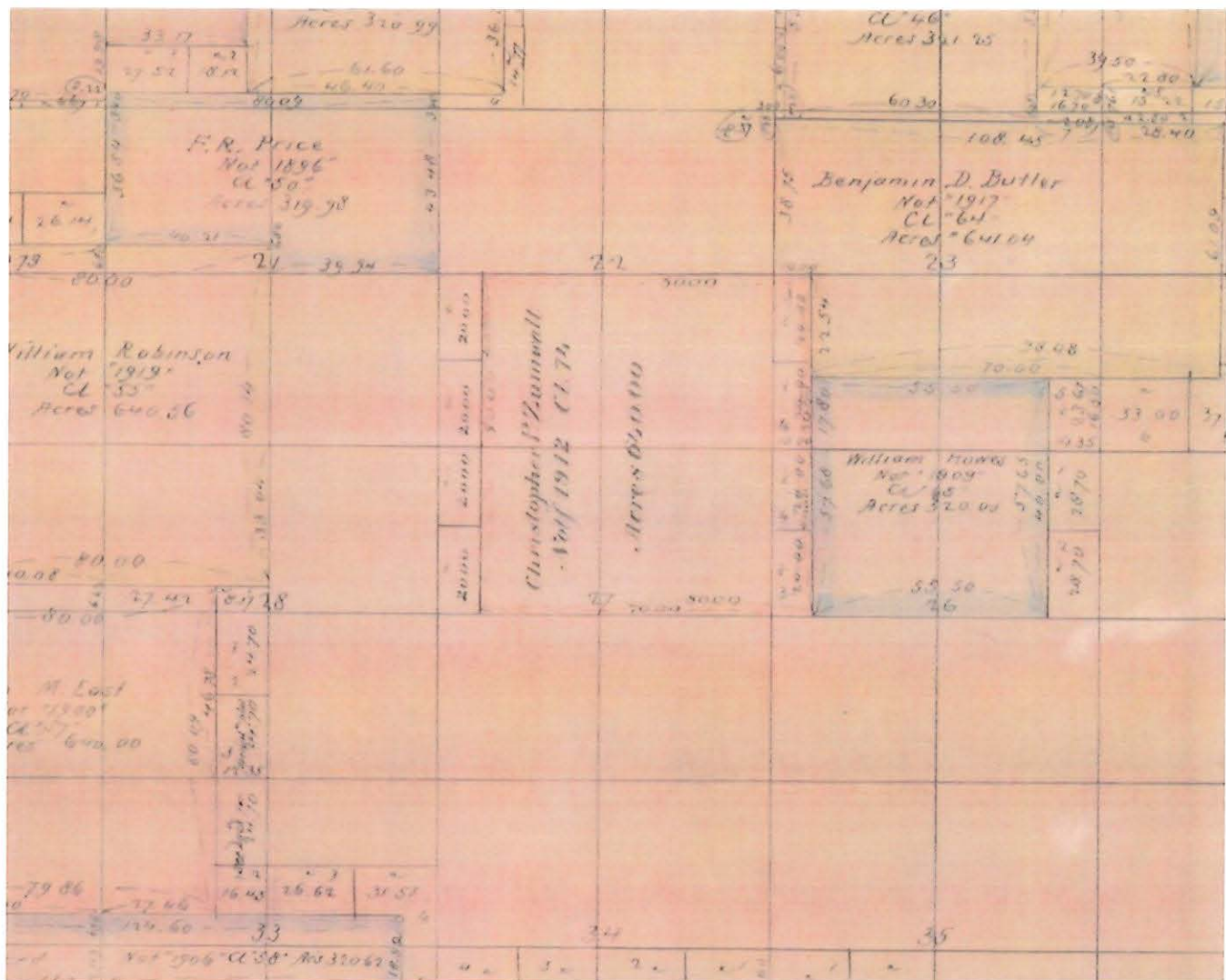


Scale
0 200 400 ft
1-inch = 400 feet

Date: 6/12/2025
Data Sources: BLM, OWRD, ODFW, OGEO, Polk County.
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



https://www.blm.gov/or/landrecords/landsurvey/gPlatView1_2.php?path=POR&name=t060s050w_005.jpg&tr=006-0S005-0W



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Corporation Division

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Business Entity Data

06-11-2025

15:17

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1792888-90	DLLC	ACT	OREGON	03-09-2021	03-09-2026	
Entity Name	OPA'S ACRES LLC					
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	12900 BECK ROAD			
Addr 2				
CSZ	DALLAS	OR	97338	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	03-09-2021	Resign Date	
Name	OLIVER	WILFRIED	RAAB			
Addr 1	12900 BECK ROAD					
Addr 2						
CSZ	DALLAS	OR	97338	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	PO BOX 15010			
Addr 2				
CSZ	SALEM	OR	97309	Country UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	OLIVER	WILFRIED	RAAB		
Addr 1	PO BOX 15010				
Addr 2					
CSZ	SALEM	OR	97309	Country	UNITED STATES OF AMERICA

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Name History

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER
T-13919, Polk County	)	APPROVING A CHANGE IN
	)	CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OPA'S ACRES LLC
ATTN: OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

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Findings of Fact

1. On February 11, 2022, OPA'S ACRES LLC, ATTN: OLIVER RAAB filed an application to change the character of use under Certificates 36547 and 39082. The Department assigned the application number T-13919.
2. Notice of the application for transfer was published on March 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 27, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13919. The draft Preliminary Determination cover letter gave a deadline of April 28, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. On December 15, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13919 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on December 19, 2023, and in the Polk County Itemizer Observer newspaper on December 20, 2023, and December 27, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The first right to be transferred is as follows:

Certificate: 36547 in the name of M.M. GILLES (perfected under Permit R-5059)

Use: STORAGE FOR STOCK USE

Priority Date: AUGUST 17, 1967

Volume: 1.21 ACRE-FEET

Source: UNNAMED INTERMITTENT STREAM, tributary to ASH SWALE

Authorized Place of Use:

STORAGE FOR STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

6. Certificate 36547 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

7. The second right to be transferred is as follows:

Certificate: 39082 in the name of MATT GILLES (perfected under Permit R-5663)

Use: STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)

Priority Date: JULY 7, 1970

Volume: 6.5 ACRE-FEET

Source: AN UNNAMED DRAINAGE-WAY, tributary of WEST BRANCH ASH SWALE (YAMHILL RIVER)

Authorized Place of Use:

STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

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8. Certificate 39082 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

9. Transfer Application T-13919 proposes to change the character of use to storage for irrigation, agriculture use, livestock use and fire protection.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

10. Water has been stored within the five-year period prior to submittal of Transfer Application T-13919 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to store the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13919.
12. The water rights are subject to transfer as defined in ORS 540.505(4), ORS 540.510(1), and OAR 690-380-0100(14).
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other existing water rights.
15. All other application requirements are met.

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Conclusions of Law

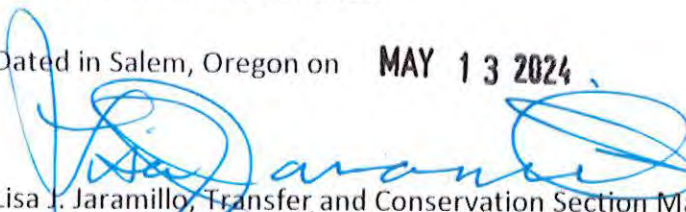
The change in character of use proposed in Transfer Application T-13919 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-13919 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 36547 and 39082 and any related decree.
3. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

4. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **MAY 13 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **MAY 14 2024**

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JUN 23 2025
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June 17, 2025

Mr. Gerry Clark
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Transfer T-13919

Mr. Clark:

On behalf of the permit holder, please find enclosed a Claim of Beneficial Use (COBU) report for Transfer T-13919 (involving former C-36547 and C-39082). If you have any questions regarding this submittal, please call me at 503-967-7050 x204.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Cc: Oliver Raab – Opa's Acres, LLC

Enclosures:

Claim of Beneficial Use for Transfer T-13919

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Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 13, 2024

Opa's Acres, LLC

Oliver Raab

PO Box 15010

Salem, OR 97309

REFERENCE: Transfer Application T-13919

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

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

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

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kim French, by telephone at (503) 979-9607 or by e-mail at Kim.r.french@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Rights Services Support

Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)

Theodore Ressler, Agent

Polk County Planning, Local Government

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER
T-13919, Polk County	)	APPROVING A CHANGE IN
	)	CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OPA'S ACRES LLC
ATTN: OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

Findings of Fact

1. On February 11, 2022, OPA'S ACRES LLC, ATTN: OLIVER RAAB filed an application to change the character of use under Certificates 36547 and 39082. The Department assigned the application number T-13919.
2. Notice of the application for transfer was published on March 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 27, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13919. The draft Preliminary Determination cover letter gave a deadline of April 28, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

4. On December 15, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13919 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on December 19, 2023, and in the Polk County Itemizer Observer newspaper on December 20, 2023, and December 27, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The first right to be transferred is as follows:

Certificate: 36547 in the name of M.M. GILLES (perfected under Permit R-5059)
Use: STORAGE FOR STOCK USE
Priority Date: AUGUST 17, 1967
Volume: 1.21 ACRE-FEET
Source: UNNAMED INTERMITTENT STREAM, tributary to ASH SWALE

Authorized Place of Use:

STORAGE FOR STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

6. Certificate 36547 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

7. The second right to be transferred is as follows:

Certificate: 39082 in the name of MATT GILLES (perfected under Permit R-5663)
Use: STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)
Priority Date: JULY 7, 1970
Volume: 6.5 ACRE-FEET
Source: AN UNNAMED DRAINAGE-WAY, tributary of WEST BRANCH ASH SWALE (YAMHILL RIVER)

Authorized Place of Use:

STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

8. Certificate 39082 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

9. Transfer Application T-13919 proposes to change the character of use to storage for irrigation, agriculture use, livestock use and fire protection.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

10. Water has been stored within the five-year period prior to submittal of Transfer Application T-13919 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to store the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13919.
12. The water rights are subject to transfer as defined in ORS 540.505(4), ORS 540.510(1), and OAR 690-380-0100(14).
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other existing water rights.
15. All other application requirements are met.

Conclusions of Law

The change in character of use proposed in Transfer Application T-13919 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-13919 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 36547 and 39082 and any related decree.
3. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

8. Certificate 39082 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

9. Transfer Application T-13919 proposes to change the character of use to storage for irrigation, agriculture use, livestock use and fire protection.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

10. Water has been stored within the five-year period prior to submittal of Transfer Application T-13919 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to store the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13919.
12. The water rights are subject to transfer as defined in ORS 540.505(4), ORS 540.510(1), and OAR 690-380-0100(14).
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other existing water rights.
15. All other application requirements are met.

Conclusions of Law

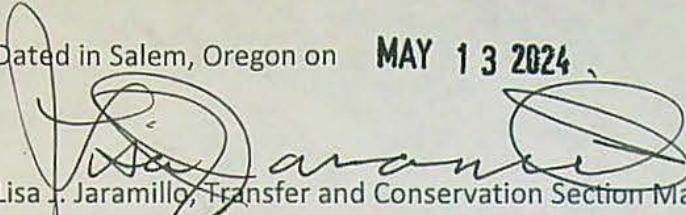
The change in character of use proposed in Transfer Application T-13919 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-13919 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 36547 and 39082 and any related decree.
3. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

4. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **MAY 13 2024**,


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **MAY 14 2024**

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **142046**

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

INVOICE # _____

RECEIVED FROM: Opa's Acres LLC.
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER T-13919

CASH: ☐ CHECK: # 1018 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 158.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 158.40

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:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **142046**

DATED: 12-4-2023 BY: [Signature]

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

Attached is a check in the amount of \$158.40 (PCA #46118) for Newspaper Notice for Transfer T-13919 made out to Oregon Water Resources Department (or WRD)

- "for T-13919 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **142046**

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

INVOICE # _____

RECEIVED FROM: Opa's Acres LLC.
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER T-13919

CASH: ☐ CHECK: # 1018 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 158.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 158.40

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:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **142046**

DATED: 12-4-2023 BY: [Signature]

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

RECEIVED
DEC 04 2023
OWRD
OWRD

Caseworker: Kim French

Affidavit of Publication

Polk County Itemizer-Observer

PO Box 108 - 147 SE Court St. Dallas, OR 97338

STATE OF OREGON
COUNTY OF POLK

David Hayes being first duly sworn on oath, depose and says: That he/she is the Editor of the Polk County Itemizer-Observer, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the city of Dallas and in said County and State as defined by ORS 193.010 and 193.020, and of general circulation in said county for more than twelve (12) months prior to date of publication of the Notice hereto attached.

Copy of a Notice of Preliminary Determination for Water Right Transfer T-13919

As it appeared in the regular and entire issue of said paper itself and not in a supplement thereof for a period of two weeks, commencing on Dec. 20, 2023, and ending on Dec. 27, 2023, and that said newspaper was regularly distributed to its subscribers during all of this period. That the amount of \$ 132 is the total cost for the publication of this notice.

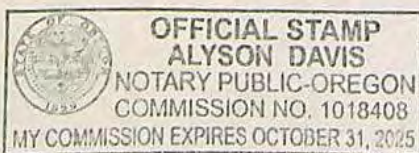
David Hayes

Subscribed and sworn to before me on

December 27, 2023,

Alyson J Davis
Notary Public in and for the State of Oregon

ss



Notice of Preliminary Determination for Water Right Transfer T-13919

T-13919 filed by Opa's Acres LLC, Attn: Oliver Raab, PO Box 15010, Salem, OR 97309, proposes a change in character of use under Certificate 36547 and Certificate 39082. Certificate 36547 allows the storage of 1.21 acre-feet from an unnamed intermittent stream in Sec. 27, T6S, R5W, WM for storage for stock use in Gilles Reservoir in Sec. 27, T6S, R5W, WM. The applicant proposes to change the character of use to storage for irrigation, agricultural use, livestock use, and fire protection. Certificate 39802 allows the storage of 6.5 acre-feet from an unnamed drainage way in Sec. 27, T6S, R5W, WM for storage for stock use (enlargement of Matt Giles Reservoir No. 1) in Sec. 27, T6S, R5W, WM. The applicant proposes to change the character of use to storage for irrigation, agricultural use, livestock use, and fire protection. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

(Dec. 20, 27, 2023)



Country Media Inc.
PO Box 670
Salem OR 97308
Tel : (503) 444-7924

RECEIVED

JAN 08 2024

OWRD

Oregon Water Resources Dept PCIO
725 Summer St. NE Ste A
Salem, OR
97301

Advertising Statement

Cust #: [REDACTED]
Tel #: (503) 986-0898

Statement Date: 12/31/23
Salesperson: House

Detailed Statement of transactions between 12/01/23 to 12/31/23

Date	Description	Charge	Amount
	Balance forward as of 11/30/23		0.00
12/27/23	Invoice #: 675305 Advertising		
	Notice of Preliminary Determination for Water Right Transfer T-13...		
	Polk County Itemizer Observer, 2 ins., 12/20/23 - 12/27/23	132.00	
	Total for invoice	132.00	132.00
		Balance Due	132.00

Summary

PLEASE RETURN BOTTOM PORTION WITH REMITTANCE TO:
Country Media Inc. PO Box 670 Salem OR 97308

Balance forward	0.00
Total Charges	132.00
Total Credits	0.00

Customer # : 46249

Oregon Water Resources Dept PCIO

Current	30+ days	60+ days	90+ days	120+ days	Balance Due
132.00	0.00	0.00	0.00	0.00	132.00

Notice

Notice
PLEASE REMIT UPON RECEIPT

P: (503)444-7924

F:(503)444-7926

E:manifests@countrymedia.net



Oregon
Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503-986-0900
Fax 503 986-0904
www.oregon.gov/owrd

November 14, 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

OPA'S ACRES LLC
ATTN: OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

SUBJECT: Water Right Transfer Application T-13919

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13919. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Statesman Journal newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov, if I may be of assistance

Sincerely,

Kim French
Transfer Specialist
Transfer and Conservation Section

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13919, Polk County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OPA'S ACRES LLC
ATTN: OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

Findings of Fact

1. On February 11, 2022, OPA'S ACRES LLC, ATTN: OLIVER RAAB filed an application to change the character of use under Certificates 36547 and 39082. The Department assigned the application number T-13919.
2. Notice of the application for transfer was published on March 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 27, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13919. The draft Preliminary Determination cover letter gave a deadline of April 28, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. The first right to be transferred is as follows:
Certificate: 36547 in the name of M.M. GILLES (perfected under Permit R-5059)
Use: STORAGE FOR STOCK USE

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

Priority Date: AUGUST 17, 1967

Volume: 1.21 ACRE-FEET

Source: UNNAMED INTERMITTENT STREAM, tributary to ASH SWALE

Authorized Place of Use:

STORAGE FOR STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

5. Certificate 36547 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

6. The second right to be transferred is as follows:

Certificate: 39082 in the name of MATT GILLES (perfected under Permit R-5663)

Use: STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)

Priority Date: JULY 7, 1970

Volume: 6.5 ACRE-FEET

Source: AN UNNAMED DRAINAGE-WAY, tributary of WEST BRANCH ASH SWALE (YAMHILL RIVER)

Authorized Place of Use:

STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

7. Certificate 39082 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

8. Transfer Application T-13919 proposes to change the character of use to storage for irrigation, agriculture use, livestock use and fire protection.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

9. Water has been stored within the five-year period prior to submittal of Transfer Application T-13919 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

10. A water delivery system sufficient to store the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13919.
11. The water rights are subject to transfer as defined in ORS 540.505(4), ORS 540.510(1), and OAR 690-380-0100(14).
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

The change in character of use proposed in Transfer Application T-13919 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13919 is approved, the final order will include the following:

1. *The change in character of use proposed in Transfer Application T-13919 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 36547 and 39082 and any related decree.*
3. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
4. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

DEC 15 2023


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or Kim.R.French@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13919, Polk County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OPA'S ACRES LLC
ATTN: OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

Findings of Fact

1. On February 11, 2022, OPA'S ACRES LLC, ATTN: OLIVER RAAB filed an application to change the character of use under Certificates 36547 and 39082. The Department assigned the application number T-13919.
2. Notice of the application for transfer was published on March 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 27, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13919. The draft Preliminary Determination cover letter gave a deadline of April 28, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. The first right to be transferred is as follows:
Certificate: 36547 in the name of M.M. GILLES (perfected under Permit R-5059)
Use: STORAGE FOR STOCK USE

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

Priority Date: AUGUST 17, 1967

Volume: 1.21 ACRE-FEET

Source: UNNAMED INTERMITTENT STREAM, tributary to ASH SWALE

Authorized Place of Use:

STORAGE FOR STOCK USE				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

5. Certificate 36547 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

6. The second right to be transferred is as follows:

Certificate: 39082 in the name of MATT GILLES (perfected under Permit R-5663)

Use: STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)

Priority Date: JULY 7, 1970

Volume: 6.5 ACRE-FEET

Source: AN UNNAMED DRAINAGE-WAY, tributary of WEST BRANCH ASH SWALE (YAMHILL RIVER)

Authorized Place of Use:

STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)				
Twp	Rng	Mer	Sec	Q-Q
6 S	5 W	WM	27	NE SW

7. Certificate 39082 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

8. Transfer Application T-13919 proposes to change the character of use to storage for irrigation, agriculture use, livestock use and fire protection.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

9. Water has been stored within the five-year period prior to submittal of Transfer Application T-13919 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

10. A water delivery system sufficient to store the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13919.
11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

The change in character of use proposed in Transfer Application T-13919 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13919 is approved, the final order will include the following:

1. *The change in character of use proposed in Transfer Application T-13919 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 36547 and 39082 and any related decree.*
3. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change(s) and full beneficial use of the water.*
4. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or Kim.R.French@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

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Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13919

Transfer Specialist: *Kim*

Transfer Type: Regular Transfer

Applicant: OPA'S ACRES LLC OLIVER RAAB PO BOX 15010 SALEM, OR 97309 Email: _____ Phone: _____		Agent: ☐ N/A THEODORE RESSLER 6944 N ALBINA AVENUE PORTLAND, OR 97217 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Polk County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE 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.
☐	R43965	R5059	36547	☐ Yes ☐ No	
☐	R47169	R5663	39082	☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: February 11, 2022	Proposed Action(s): USE	
Fees Pd: 1970.00	WM District: 22	ODFW District:
Initial Public Notice: March 1, 2022	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: <i>2/27/22</i> Initials: <i>NR</i>	Date: <i>2/27/22</i> Initials: <i>NR</i>	Date: _____ Initials: _____	Date: <i>3/17/23</i> Initials: <i>PKS</i>	Date: <i>3/28/23</i> Initials: <i>NR</i>	CW Sent: <i>3/27/23</i>	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____



Received by [unclear]

MAR 31 2023

Salem, OR

Property Detail Report

Prepared For:

Ted R. On March 31st, 2023

Owner Name:

Opa's Acres LLC

Property Address:

12890 Beck Rd

Dallas OR 97338

Tax Account #:

[REDACTED]

Thank you for the opportunity to assist you!

Joseph Garcia

Customer Service

503.581.1431

valleycs@amerititle.com

Mid-Willamette Valley Locations

Salem

320 Church St. NE
503.581.1431

South Salem

3240 Commercial St. SE, Ste. 140
971.701.2591

Silverton

105 N Water St.
503.873.7200

Albany

1393 Clay St. SE
541.928.3368

Corvallis

525 NW 2nd St. Ste. 2
541.752.3415

Lebanon

1475 S Main St
541.259.3736

Monmouth

283 N Pacific Hwy
503.838.2259



Polk County Parcel Detail

Site Address: 12890 Beck Rd
Dallas OR 97338 - 9385

Parcel ID: 482738

Tax Lot: 652700 403

Owner: Opa's Acres LLC

Owner2:

Owner Address: PO Box 15010
Salem OR 97309

Parcel Size: 139.37 Acres (6,070,957 SqFt)

Neighborhood:

Subdivision:

Lot / Block:

TwN/Range/Section: 06S / 05W / 27

Legal

Received by OWRD

MAR 31 2023

Salem, OR

Assessment and Taxes

Market Land Value:	\$763,960.00	Levy Code Area:	2107	Annual Tax History
Market Improved Value:	\$1,578,110.00	Levy Rate:	10.1796	2022 : \$16,491.81
Market Total Value:	\$2,342,070.00	Tax Year:	2022	2021 : \$14,068.19
Assessed Value:	\$1,387,254.00	Exemption Desc:		2020 : \$12,287.62

Land Information

Land Use:	551 - Improved H&b Use Farm Revg Farm Def Zoned Efu	School District:	21 - Perrydale School District
Building Use:	501 - H & B Use Farm Improved	Watershed:	Salt Creek
Zoning:	County-EFU - Exclusive Farm Use Zone	Longitude:	-123.291038
Primary School:	PERRYDALE SCHOOL	Latitude:	45.017788
Middle School:	PERRYDALE SCHOOL	Recreation:	
High School:	PERRYDALE SCHOOL		

Improvement Details

Year Built:	1996	Bed:	5	Garage:	1,568 SqFt
Stories:		Baths:	5.5	Exterior Walls:	
Bldg SqFt:	6,896	Bsmt SqFt:		Roof Cover:	Composition
Finished SqFt:	6,896	Attic SqFt:	722	Heat:	Heat Pump
Bldg Type:	Res - Two story	Flr 1/ Flr 2 SqFt:	2,542 / 3,632	A/C:	

Transfer Information

Rec. Date:	04/30/2021	Sale Price:		Doc Num:	2021-7733	Doc Type:	Deed
Owner:	Opa's Acres LLC			Grantor:			
Orig. Loan Amt:				Title Co:			
Finance Type:		Loan Type:		Lender:			

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

POLK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

March 31, 2023 9:07:48 am

Account # XXXXXXXXXX Tax Status ASSESSABLE
Map # 065270000403 Acct Status ACTIVE
Code - Tax # 2107-482738 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name OPA'S ACRES LLC

Agent

In Care Of

Mailing Address PO BOX 15010
SALEM, OR 97309

Deed Reference # 2021-7733

Sales Date/Price 04-30-2021 / See Record

Appraiser GOTTING, ERIC

Received by OWRD

MAR 31 2023

Salem, OR

Prop Class 551 MA SA NH Unit
RMV Class 501 01 21 000 1073422-2

Situs Address(s)	Situs City
ID# 12890 BECK RD	DALLAS
ID# 1 12900 BECK RD	DALLAS

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2107 Land	705,000			Land	0
Impr.	1,853,560			Impr.	0
Code Area Total	2,558,560	1,686,080	1,428,740		0
Grand Total	2,558,560	1,686,080	1,428,740		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
2107	1	☒		EFU	Farm Site	100	A	1.00	B1	006*	11,700
2107	0	☒		EFU	Farm Use Zoned	100	A	138.37	H4	006*	636,500
2107					OSD - EXCELLENT - SA	100					50,000
2107	2	☒		EFU	Pond C - Resource	100	A	0.00	PONDC	006*	3,400
2107	3	☒		EFU	Pond C - Resource	100	A	0.00	PONDC	006*	3,400
Grand Total								139.37			705,000

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
2107	2		300	GP BUILDING		100	1,500		28,030
2107	1	1996	173	Two story		100	6,896		1,825,530
Grand Total								8,396	1,853,560

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

- FARM POT'L ADD'L TAX LIABILITY
- CLERICAL ERROR 311.205 (A) ADDED 2003
- CLERICAL ERROR 311.205 (A) ADDED 2004
- CLERICAL ERROR 311.205 (A) ADDED 2005
- CLERICAL ERROR 311.205 (A) ADDED 2006
- CLERICAL ERROR 311.205 (A) ADDED 2007
- CLERICAL ERROR 311.205 (A) ADDED 2008

Comments: 2020-PP by combining TL's 400, 401, 402 into TL 403. Size change. Balanced MAV for 2020. Exception for 2021. VP 7/2020

STATEMENT OF TAX ACCOUNT

POLK COUNTY TAX COLLECTOR

850 MAIN ST

DALLAS, OREGON 97338-3184

(503) 623-9264

Received by OWRD

MAR 31 2023

Salem, OR

31-Mar-2023

OPA'S ACRES LLC
PO BOX 15010
SALEM OR 97309

Tax Account # [REDACTED]
Account Status A
Roll Type Real
Situation Address 12890 BECK RD DALLAS OR 97338

Lender Name CLG - KEY BANK
Loan Number
Property ID 2107
Interest To Apr 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$16,491.81	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$14,068.19	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$12,287.62	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$12,102.19	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$11,754.94	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$12,329.36	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$9,451.76	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$9,849.71	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$8,597.53	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$8,828.57	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$8,400.14	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$7,868.69	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$9,194.24	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$10,552.23	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$11,786.40	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$11,273.40	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$10,581.02	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$10,621.95	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$10,060.62	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$9,418.86	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$10,032.97	Nov 15, 2002
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$9,724.11	Nov 15, 2001
2000	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$9,486.85	Nov 15, 2000
1999	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$8,715.37	Nov 15, 1999
1998	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$6,833.79	Nov 15, 1998
1997	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$7,421.10	Dec 15, 1997
1996	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$6,491.87	Nov 15, 1996
1995	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$5.66	Nov 15, 1995
1994	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$5.74	Nov 15, 1994
1993	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$6.63	Nov 15, 1993
1992	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$6.75	Nov 15, 1992
Total		\$0.00	\$0.00	\$0.00	\$0.00		



THIS SPACE RESERVED FOR RECORDER'S USE

Received by OWRD

MAR 31 2023

Salem, OR

After recording return to:

OPA's Acres LLC

PO Box 15010

Salem, OR 97309

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

OPA's Acres LLC

PO Box 15010

Salem, OR 97309

File No. 452356AM

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2021-007733

05/04/2021 12:26:59 PM

REC-WD Cnt=1 Sln=5 K. WILLIAMS
\$10.00 \$11.00 \$10.00 \$60.00 \$20.00 \$5.00

\$116.00

STATUTORY WARRANTY DEED

Oregon Ranch, LLC, a Washington limited liability company,

Grantor(s), hereby convey and warrant to

OPA's Acres LLC, an Oregon limited liability company,

Grantee(s), the following described real property in the County of Polk and State of Oregon free of encumbrances except as specifically set forth herein:

Unsurveyed Parcel 1, Partition Plat No. 2020-0013, recorded June 3, 2020 in Document No. 2020-008861, Book of Records, Polk County, Oregon.

TOGETHER WITH an easement for ingress and egress as disclosed by Quit Claim Deed recorded September 11, 2008 as Document No. 2008-011205, further described as follows: Beginning at a point 20 feet West of the Southwest corner of the C.P. Zumwalt Donation Land Claim No. 74, in Section 27, Township 6 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence North a distance of 29.10 chains, more or less, to the County Road; thence East a distance of 40.0 feet; thence South a distance of 29.10 chains, more or less to a point East of the point of beginning; thence West a distance of 40.0 feet to the place of beginning.

FURTHER DESCRIBED AS:

Beginning at the initial point of this partition plat, said point being the Southwest Corner of the Christopher P. Zumwalt DLC Number 74, said point being a 5/8 inch iron rod with a 2 inch aluminum cap as shown on Polk county corner restoration from RE11402; thence South 89°59'36" West 676.29 feet, to the Northwest corner of Lot 4, "Sunny Side Tracts" subdivision as recorded in Book 2, Page 29, Polk County Book of Town Plats and the Quarter Corner between Sections 27 and 28 of Township 6 South, Range 5 West; thence North 00°47'43" West along said section line, 201.88 feet; thence South 89°02'01" West 1428.64; thence South 26°10'26" West 1133.78 feet; thence South 89°01'58" West 671.35 feet to a point along the East line of Partition Plat No. 2004-0007 as recorded in Volume 2004, Page 7, Polk County Book of Partition Plats; thence along said East line South 01°09'18" East 491.06 feet to the Northwest corner of Lot 5 of said "Sunny Side Tracts"; thence South 01°07'57" East along the West line of said Lot 5, 975.17 feet to a point 330.00 feet Northerly of the Southwest corner of said Lot 5; thence North 89°15'50" East 2630.69 feet; thence South 89°56'05" East 2632.13 feet to a point along the West line of the East half of Section 27, Township 6 South, Range 5 West of the Willamette Meridian; thence North 00°10'52" West 2286.71 feet to a point on the South line of the Christopher P. Zumwalt DLC Number 74; thence South 89°59'19" West along said DLC line 2005.65 feet to the point of beginning.

SAVE AND EXCEPT:

Unsurveyed Parcel 2, Partition Plat No. 2020-0013, Recorded June 3, 2020, in Document No. 2020-008861, Book of Records Polk County, Oregon.

TOGETHER WITH access as delineated on the recorded plat.

Also described as:

A tract of land situated in the Southeast quarter of Section 28, Township 6 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon, said tract being a portion of that tract of land described in Document 2020-000448, Polk County Deed Records and being more particularly described as follows:

Beginning at the Northeast corner of Parcel 2 of Partition Plat Number 2020-0013 as recorded in Volume 2020, Page 8861, Book of Partition Plats for Polk County, Oregon, said corner being 676.29 feet South 89°59'36" West and 201.88 feet North 00°47'43" West and 686.62 feet South 89°02'01" West from the Southwest corner of the Christopher P. Zumwalt Donation Land Claim Number 74 as shown on said Partition Plat; thence South 01°20'04" East along the East line of said Parcel 2, 2483.02 feet to the Southeast corner of said Parcel 2; thence South 89°15'50" West along the South line of said Parcel 2, 1942.10 feet to the Southwest corner of said Parcel 2; thence North 01°07'57" West along the West line of said Parcel 2,

975.17 feet; thence North 01°09'18" West along the West line of said Parcel 2, 491.06 feet to the Northwest corner of said Parcel 2; thence North 89°01'58" East along the North line of said Parcel 2, 671.35 feet; thence North 26°10'26" East along the North line of said Parcel 2, 1133.78 feet; thence North 89°02'01" East along the North line of said Parcel 2, 742.02 feet to the point of beginning.

TOGETHER WITH: A 40 foot wide access easement as recorded in Document Number 2020-8863, Polk County.

Received by OWRD

The consideration paid for the transfer is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

MAR 31 2023

Salem, OR

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 30 day of April, 2021.

Oregon Ranch, LLC

By: [Signature]
Larry Claunch, Member

State of Oregon} ss
County of Marion}

On this 30th day of April, 2021, before me, Tasha Walery a Notary Public in and for said state, personally appeared Larry Claunch known or identified to me to be the Managing Member in the Limited Liability Company known as Oregon Ranch, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Oregon
Residing at: Keizer, Oregon
Commission Expires: 9/9/2022





Polk County Parcel Detail

Site Address:

OR
Parcel ID: 580144
Tax Lot: 652800 701
Owner: Opa's Acres LLC
Owner2:
Owner Address: PO Box 15010
Salem OR 97309
Parcel Size: 39.16 Acres (1,705,808 SqFt)
Neighborhood:
Subdivision:
Lot / Block:
Twn/Range/Section: 06S / 05W / 28
Legal

Received by OWRD

MAR 31 2023

Salem, OR

Assessment and Taxes

Market Land Value:	\$175,240.00	Levy Code Area:	2107	Annual Tax History
Market Improved Value:	\$57,230.00	Levy Rate:	10.1796	2022 : \$417.82
Market Total Value:	\$232,470.00	Tax Year:	2022	2021 : \$356.42
Assessed Value:	\$35,144.00	Exemption Desc:		2020 : \$170.88

Land Information

Land Use:	551 - Improved H&b Use Farm Revg Farm Def Zoned Efu	School District:	21 - Perrydale School District
Building Use:	501 - H & B Use Farm Improved	Watershed:	Salt Creek
Zoning:	County-EFU - Exclusive Farm Use Zone	Longitude:	-123.297452
Primary School:	PERRYDALE SCHOOL	Latitude:	45.018077
Middle School:	PERRYDALE SCHOOL	Recreation:	
High School:	PERRYDALE SCHOOL		

Improvement Details

Year Built:	2018	Bed:		Garage:
Stories:		Baths:		Exterior Walls:
Bldg SqFt:	2,580	Bsmt SqFt:		Roof Cover:
Finished SqFt:		Attic SqFt:		Heat:
Bldg Type:	FARM BLDG - GP BUILDING	Flr 1/ Flr 2 SqFt:		A/C:

Transfer Information

Rec. Date:	05/04/2021	Sale Price:		Doc Num:	7733	Doc Type:	Deed
Owner:	Opas Acres LLC			Grantor:	OREGON RANCH LLC		
Orig. Loan Amt:	\$560,000.00			Title Co:	AMERITITLE		
Finance Type:	ADJ	Loan Type:	Conventional	Lender:	KEYBANK NA		

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

POLK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2023

NOT OFFICIAL VALUE

March 31, 2023 9:08:45 am

Account # XXXXXXXXXX
Map # 065280000701
Code - Tax # 2107-580144

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name OPA'S ACRES LLC

Deed Reference # 2021-7733

Agent

Sales Date/Price 04-30-2021 / See Record

In Care Of

Appraiser GOTTING, ERIC

Mailing Address PO BOX 15010
SALEM, OR 97309

Prop Class 551 MA SA NH Unit
RMV Class 501 01 21 000 1073422-2

Situs Address(s) Situs City

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2107 Land	160,770			Land	0
Impr.	63,680			Impr.	0
Code Area Total	224,450	93,660	36,188		0
Grand Total	224,450	93,660	36,188		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
2107		☒		EFU	Farm Use Zoned	100	A	0.51	H3	006*	3,570
2107		☒		EFU	Farm Use Zoned	100	A	32.41	H4	006*	149,090
2107	1	☒		EFU	Farm Use Zoned	100	A	6.24	H7	006*	8,110
Grand Total								39.16			160,770

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
2107	1	2018	300	GP BUILDING		100	2,580		63,680
Grand Total								2,580	63,680

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

- FARM POT'L ADD'L TAX LIABILITY
- FOREST POT'L ADD'L TAX LIABILITY
- FOREST DEFERRAL ADDED 1999
Deferral #228

Comments: 2020- PP from TL 700 to TL 701 recorded after January 1st. Balanced MAV for 2020. Run exception for 2021. VP 7/2020
2022 - Hay cover changed to GPB, RMV change only. EG 3/2022

Received

MAR 31

Salem, OR

STATEMENT OF TAX ACCOUNT

POLK COUNTY TAX COLLECTOR

850 MAIN ST

DALLAS, OREGON 97338-3184

(503) 623-9264

Received by OWRD

MAR 31 2023

Salem, OR

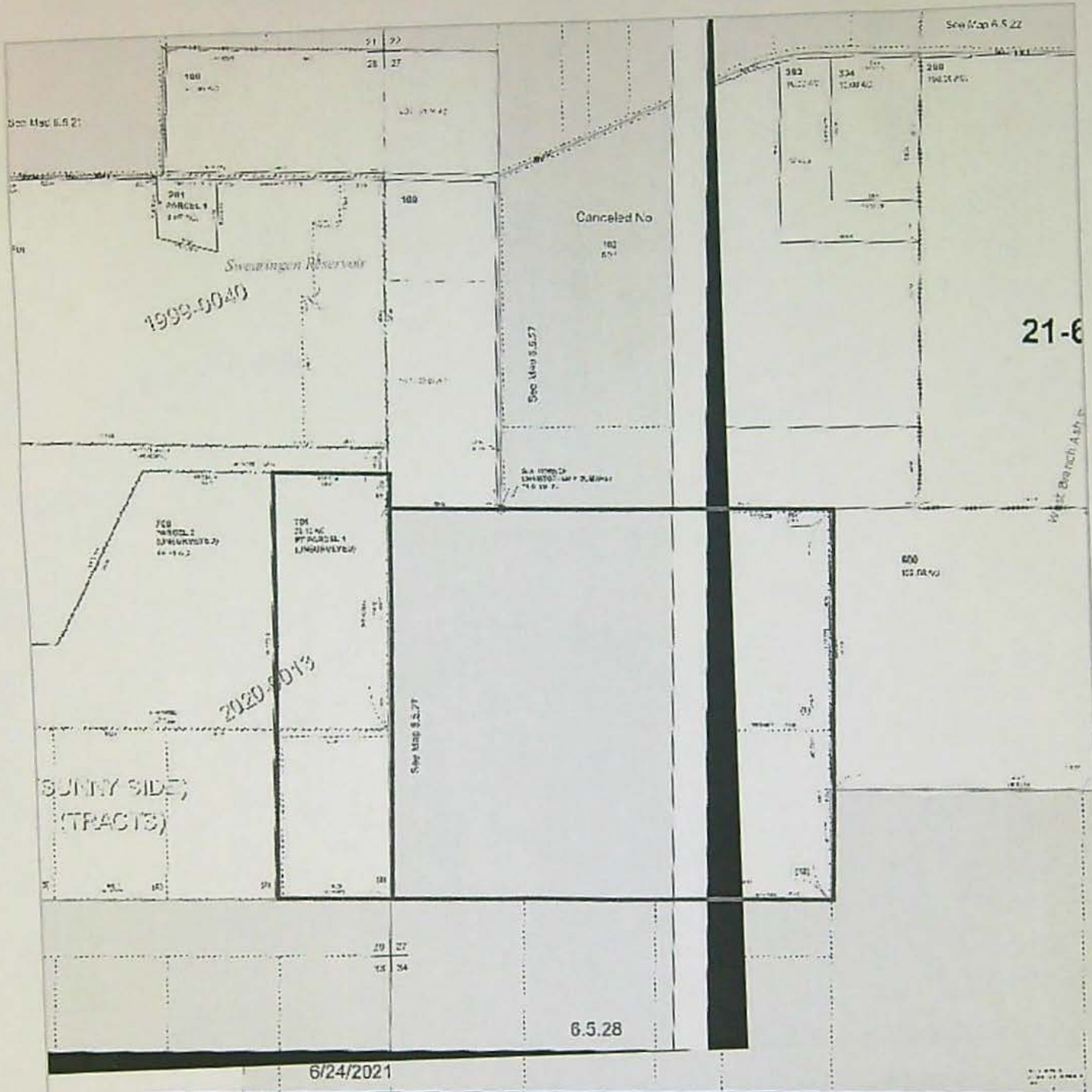
31-Mar-2023

OPA'S ACRES LLC
PO BOX 15010
SALEM OR 97309

Tax Account #	██████████	Lender Name	CLG - KEY BANK
Account Status	A	Loan Number	
Roll Type	Real	Property ID	2107
Situs Address		Interest To	Apr 15, 2023

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$417.82	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$356.42	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$170.88	Nov 15, 2020
Total		\$0.00	\$0.00	\$0.00	\$0.00		



AmériTitle

Hidden Lake Reservoir

Larson Reservoir

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Received by OWRD

MAR 31 2023

Salem, OR



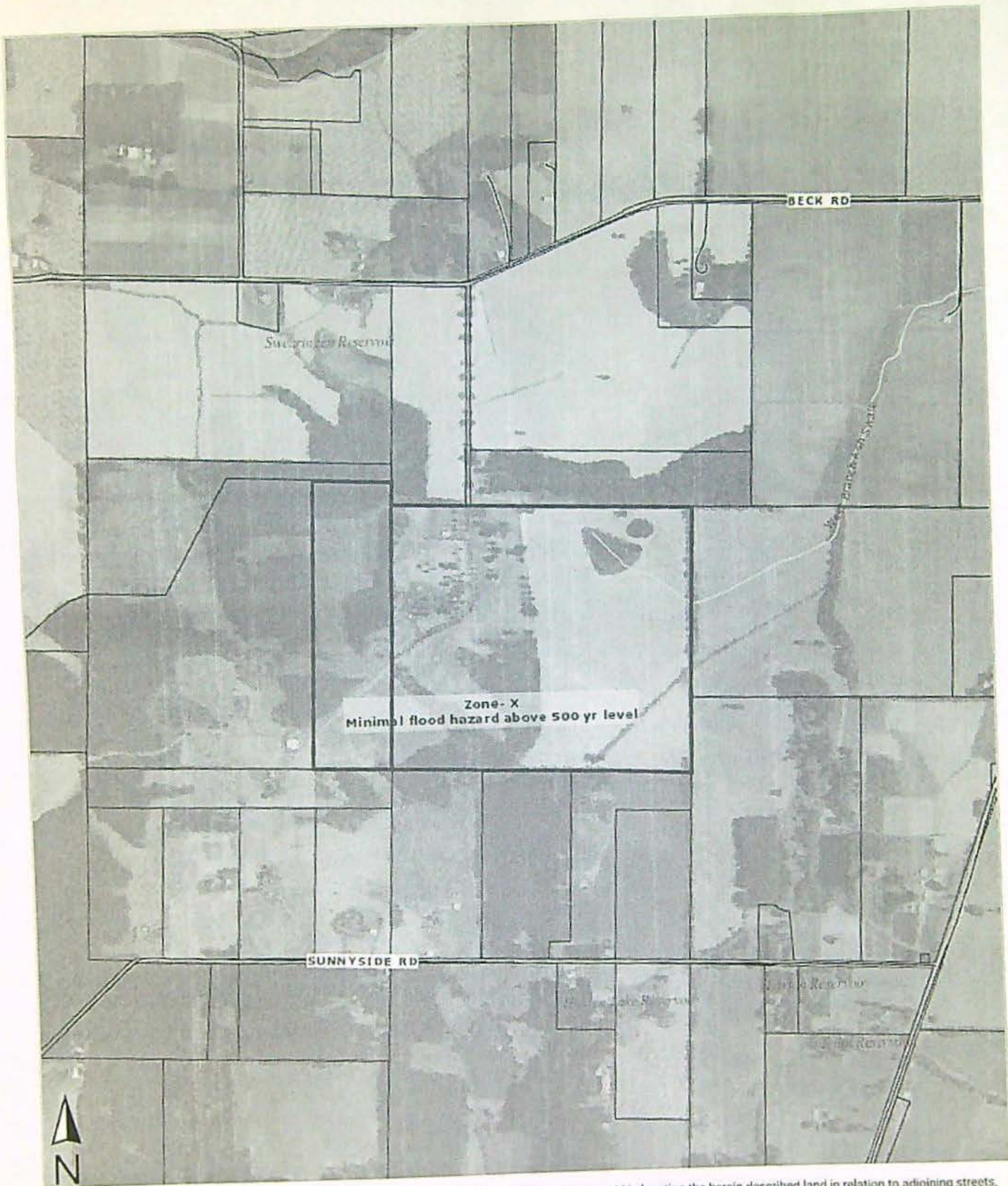

AmeriTitle

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Received by OWRD

MAR 31 2023

Salem, OR




AmeriTitle

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Received by OWRD

MAR 31 2023

Salem, OR



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

March 28, 2023

VIA E-MAIL

Applicant

OPA'S ACRES, LLC

ATTN: OLIVER RAAB

PO BOX 15010

SALEM, OR 97309

Reference: Water Right Transfer Application T-13919

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13919. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by April 28, 2023.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by April 28, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

Please note the proposed date by which all conditions must be met: **October 1, 2024**. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

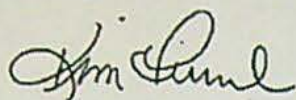
Issuance of the Preliminary Determination will occur shortly after we receive:

- 1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
- 2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by April 28, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim French". The signature is fluid and cursive, with the first name "Kim" and last name "French" clearly distinguishable.

Kim French
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13919
Joel M. Plahn, District 22 Watermaster (*via e-mail*)
Theodore Ressler, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13919, Polk County

)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

OPA'S ACRES LLC
ATTN: OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

Findings of Fact

1. On February 11, 2022, OPA'S ACRES LLC, ATTN: OLIVER RAAB filed an application to change the character of use under Certificates 36547 and 39092. The Department assigned the application number T-13919.
2. Notice of the application for transfer was published on March 1, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be transferred is as follows:

Certificate: 36547 in the name of M.M. GILLES (perfected under Permit R-5059)
Use: STORAGE FOR STOCK USE
Priority Date: AUGUST 17, 1967
Volume: 1.21 ACRE-FEET
Source: UNNAMED INTERMITTENT STREAM, tributary to ASH SWALE

4. Certificate 36547 does not describe the point of diversion; however, information is available describing the dam location as:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

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

Certificate: 39082 in the name of MATT GILLES (perfected under Permit R-5663)
Use: STORAGE FOR STOCK USE (ENLARGEMENT OF MATT GILLES RESERVOIR NO. 1)
Priority Date: JULY 7, 1970
Volume: 6.5 ACRE-FEET
Source: AN UNNAMED DRAINAGE-WAY, tributary of WEST BRANCH ASH SWALE (YAMHILL RIVER)

6. Certificate 39082 does not describe the point of diversion; however, information is available describing the dam location as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	5 W	WM	27	NE SW	480 FEET SOUTH AND 1280 FEET EAST FROM THE SW CORNER OF DLC 74

7. Transfer Application T-13919 proposes to change the character of use to storage for irrigation, agriculture use, livestock use and fire protection.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

8. Water has been used within the five-year period prior to submittal of Transfer Application T-13919 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-13919.
10. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other existing water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change in character of use proposed in Transfer Application T-13919 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13919 is approved, the final order will include the following:

1. *The change in character of use proposed in Transfer Application T-13919 is approved.*

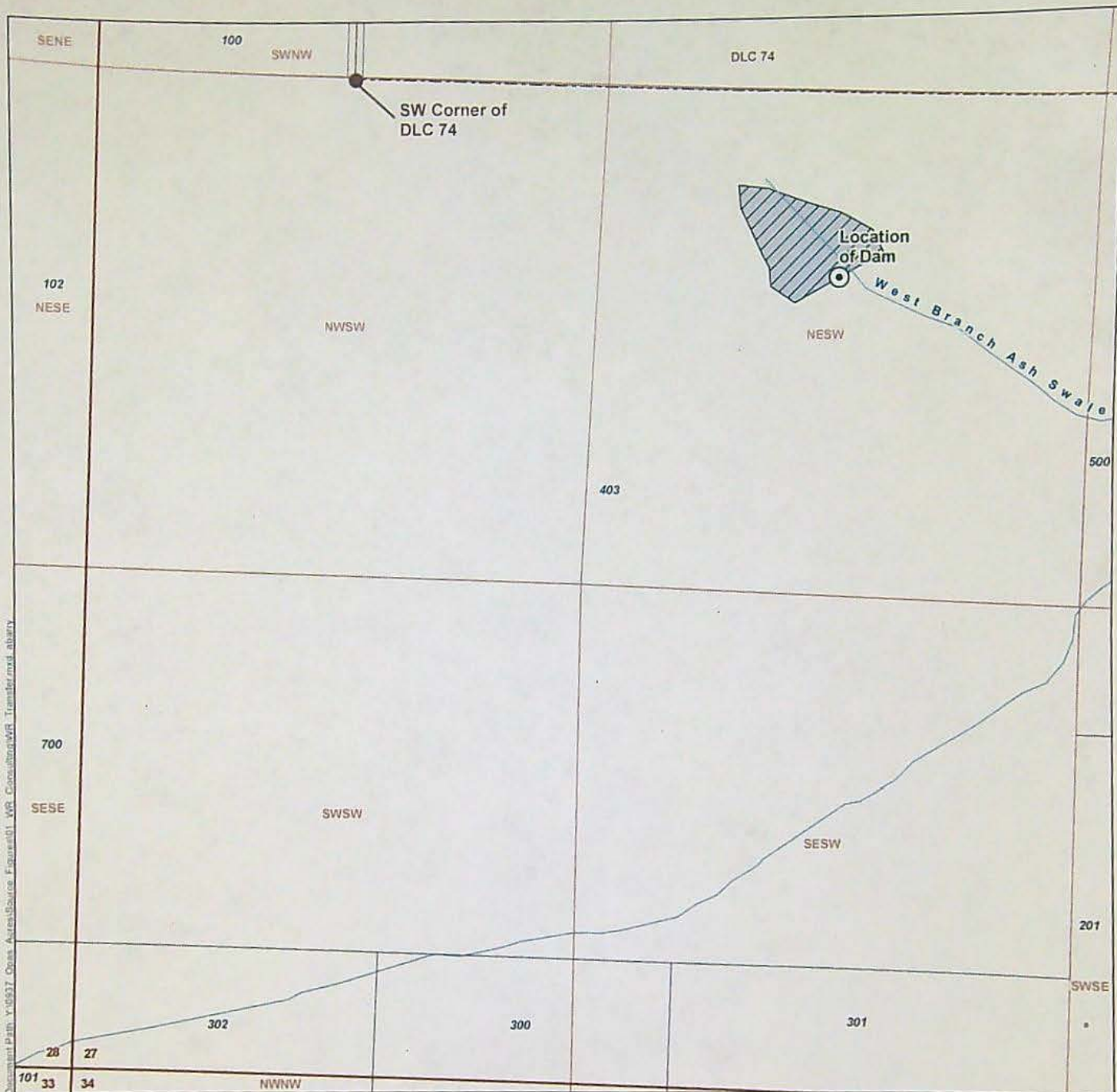
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate(s) 36547 and any related decree.*
3. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change(s) and full beneficial use of the water.*
4. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or Kim.R.French@water.oregon.gov.



**Application for a Permanent Water Right Transfer in
the Name of Opa's Acres, LLC
Certificates 36547 and 39082**

Polk County

Township 6 South, Range 5 West (W.M.)

LEGEND

-  Authorized Point of Diversion (POD)
-  Authorized Place of Use (POU)
-  Donation Land Claim (DLC)
-  Tax Lot
-  Watercourse

CERTIFIED WATER RIGHTS EXAMINER STAMP



LOCATION DESCRIPTION

Location of Dam
Located 480 feet South and 1,280 feet East from the SW Corner of DLC 74, Township 6 South, Range 5 West (W.M.)

13919
RECEIVED

FEB 11 2022

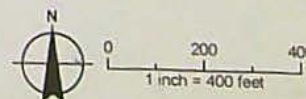
OWRD

DISCLAIMER

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

Date: January 19, 2022

Date: January 19, 2022
Data Sources: BLM, ESRI, OWRD, USGS, Polk Co



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137457**

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

INVOICE # _____

RECEIVED FROM: Opa 5 Acres LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13919

CASH: ☐ CHECK: # 1003 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,970.00

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 46110

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1,970.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **137457**

DATE: 2-11-2022 BY: [Signature]

Application for Permanent Water Right 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 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.

RECEIVED

FEB 11 2022

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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 new online fee calculator at: The required fee of \$1,970 is enclosed.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 2 List them here: Certificate 36547 & Certificate 39082 (Attachment A)
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Transfer Application Map. (Attachment B)
- ☒ Completed Evidence of Use Affidavit and supporting documentation. (Attachment C)
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation 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. (Attachment D)
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

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Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ 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 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), 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 PERMANENT TRANSFER (except Substitution)

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1. For irrigation calculate cfs for each water right involved as follows:
 - a. 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 ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. 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 5a would be only 0.56 cfs , since both rights serve the same 45.0 acres . Blank 5b would be 0 and Line 5 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Opa's Acres, LLC ATTN: Oliver Raab			PHONE NO. 503-932-7572	ADDITIONAL CONTACT NO.
ADDRESS PO Box 15010				FAX NO.
CITY Salem	STATE OR	ZIP 97309	E-MAIL oliver.r@jetindustries.net	
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 GSI Water Solutions, Inc. ATTN: Ted Ressler			PHONE NO. 971-200-8509	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill St., Suite 300				FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.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:
The Applicant is proposing to change the character of use of two Certificates (Certificates 36547 & 39082) from storage for stock use to storage for irrigation, agricultural, livestock, and fire protection use.

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

Check One Box

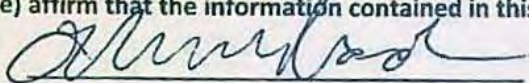
- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm 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; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Statesman Journal.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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


Applicant signature

Oliver Raab, Owner
Print Name (and Title if applicable)

2/1/2022
Date

Applicant signature

Print Name (and Title if applicable)

Date

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME N/A			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO. RECEIVED	
CITY	STATE	ZIP	E-MAIL	FEB 11 2022
Describe any special ownership circumstances:				OWRD
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

☐ 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. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME N/A	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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Polk County	ADDRESS 850 Main Street	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 Changes to Water Right Certificate # 36547

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, 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	Acre	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	Acre	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	
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
										COU	6	S	5	W 27 NE SW	403			Storage for irrigation, agricultural, livestock, and fire protection use	Reservoir 1	8/17/1967	
TOTAL ACRES:											TOTAL ACRES:										

Additional remarks: _____.

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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 additional rows to tables within the form.

CERTIFICATE # 36547

Description of Water Delivery System

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

7.71 acre-feet (1.21 acre-feet under this water right)

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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. The reservoir authorized by Certificate 36547 captures inflow from the West Branch of Ash Swale, tributary to Ash Swale. Water is impounded with an earthen dam. Two overflow outlets (one at the center of the dam and one at southeast corner of the reservoir) drain to the West Branch of Ash Swale.

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)
Reservoir 1	☒ Authorized ☐ Proposed		6 S	5 W	27	NE SW	403	480 feet South and 1,280 feet East from the SW Corner of DLC 74*

*Measured distances are not listed on Certificate 36547. The measured distances provided here are those listed for the dam on the final proof survey for Certificate 39082 (additional storage right for the reservoir).

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☒ Yes Complete only the Proposed ("to" or "on" 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.

For Place of Use or Character of Use Changes

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: 39082 (this is an additional storage right associated with Reservoir 1; this right is also included in this transfer application).



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation) - N/A

Ground water supplemental Permit or Certificate # ;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: -N/A

- ☐ Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells 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 -N/A

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

Part 5 of 5 – Water Right Information

CERTIFICATE # 39082

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Description of Water Delivery System

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

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7.71 acre-feet (6.5 acre-feet under this water right)

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. The reservoir authorized by Certificate 39082 captures inflow from the West Branch of Ash Swale, tributary to Ash Swale. Water is impounded with an earthen dam. Two overflow outlets (one at the center of the dam and one at the southeast corner of the reservoir) drain to the West Branch of Ash Swale.

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)
Reservoir 1	☒ Authorized ☐ Proposed		6	S	5	W	27	NE	SW	403	480 feet South and 1,280 feet East from the SW Corner of DLC 74

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☒ Yes Complete only the Proposed ("to" or "on" 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 Changes to Water Right Certificate # 39082

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, 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
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													COU	6	S	5	W	27	NE	SW	403			Storage for irrigation, agricultural, livestock, and fire protection use	Reservoir 1	7/7/1970
TOTAL ACRES:												TOTAL ACRES:														

Additional remarks: _____.

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For Place of Use or Character of Use Changes

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: 36547 (this is an additional storage right associated with Reservoir 1; this right is also included in this transfer application).



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation) - N/A

Ground water supplemental Permit or Certificate # ;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: - N/A

- ☐ Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells 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 - N/A

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

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MATT GILLES

of 1010 Church Street, Dallas, State of Oregon 97338, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
an unnamed drainage-way, tributary of West Branch Ash Swale (Yamhill River)

stock use (enlargement of Matt Gilles Reservoir No. 1)

for the purposes of

under Reservoir Permit No. R-5663 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from July 7, 1970that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 6.5 acre feet

The reservoir is located in

NE 1/4 SW 1/4
Section 27
T. 6 S., R. 5 W., W. M.

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WITNESS the signature of the State Engineer, affixed

this date. March 20, 1973

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. M. GILLES

of 1010 Church St., Dallas, State of Oregon, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
an unnamed intermittent stream, tributary Ash Swale in Gilles Reservoirfor the purposes of
stockunder Reservoir Permit No. R-5059 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from August 17, 1967that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 1.21 acre feet

The reservoir is located in

NE 1/4 SW 4
Section 27
T. 6 S., R. 5 W., W. M.

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WITNESS the signature of the State Engineer, affixed
this date. February 10, 1970

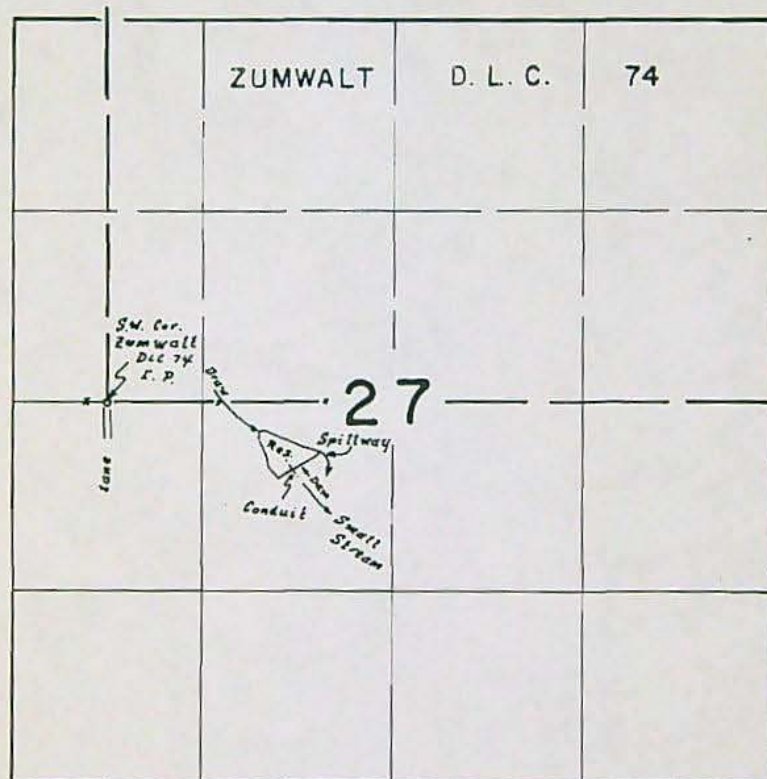
CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume

28 page 36547
13919

T. 6 S., R. 5 W., W.M.



Div. Pt. Loc. 480' S. & 1280' E. from S.W. Cor. Zumwalt DEC 74

FINAL PROOF SURVEY
UNDER

Application No. R-47169 Permit No. R-5663
IN NAME OF
MATT GILLES

Surveyed May 24, 1972, by L. E. Gould

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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)
) ss
County of POLK

I, OLIVER RAAB, in my capacity as Owner, OPA'S ACRES, LLC, mailing address

PO Box 15010, SALEM, OR, 97309

telephone number (503)932-7572, being first duly sworn depose and say:

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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 # 36547 & 39082; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	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.

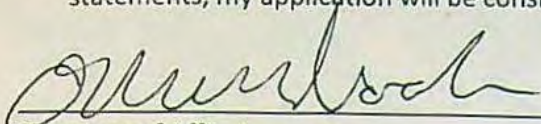
☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): STORAGE FOR STOCK USE

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

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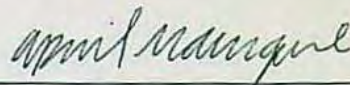
2-1-2022

Date

OWRD

Signed and sworn to (or affirmed) before me this 1 day of FEBRUARY, 20 22.





Notary Public for Oregon

My Commission Expires: May 24, 2025

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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Land Use Information Form



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

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Applicant(s): Opa's Acres, LLC

Mailing Address: PO Box 15010

City: Salem

State: OR

Zip Code: 97309

Daytime Phone: 503-932-7572

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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), 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>6S</u>	<u>5W</u>	<u>27</u>	<u>NESW</u>	<u>403</u>	<u>EFU</u>	☒ Diverted ☐ Conveyed ☒ Used	Storage for irrigation, agricultural, livestock, and fire protection use

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

Polk 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 ☐ 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) West Branch Ash Swale

Estimated quantity of water needed: 7.71 ☐ 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 **Storage for irrigation, agricultural, livestock, and fire protection use**

Briefly describe:

The applicant is proposing to change the authorized purpose of storage of two water rights for storage of water in an existing reservoir (Certificates 36547 and 39082) from storage for stock use to storage for irrigation, agricultural, livestock, and fire protection. There will be no physical changes to the existing reservoir associated with this proposed change to the water rights.

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. →

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC20 136.030(A) "Farm Use"
- ☐ 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
	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	FEB 11 2022	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OWRD	☐ 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.

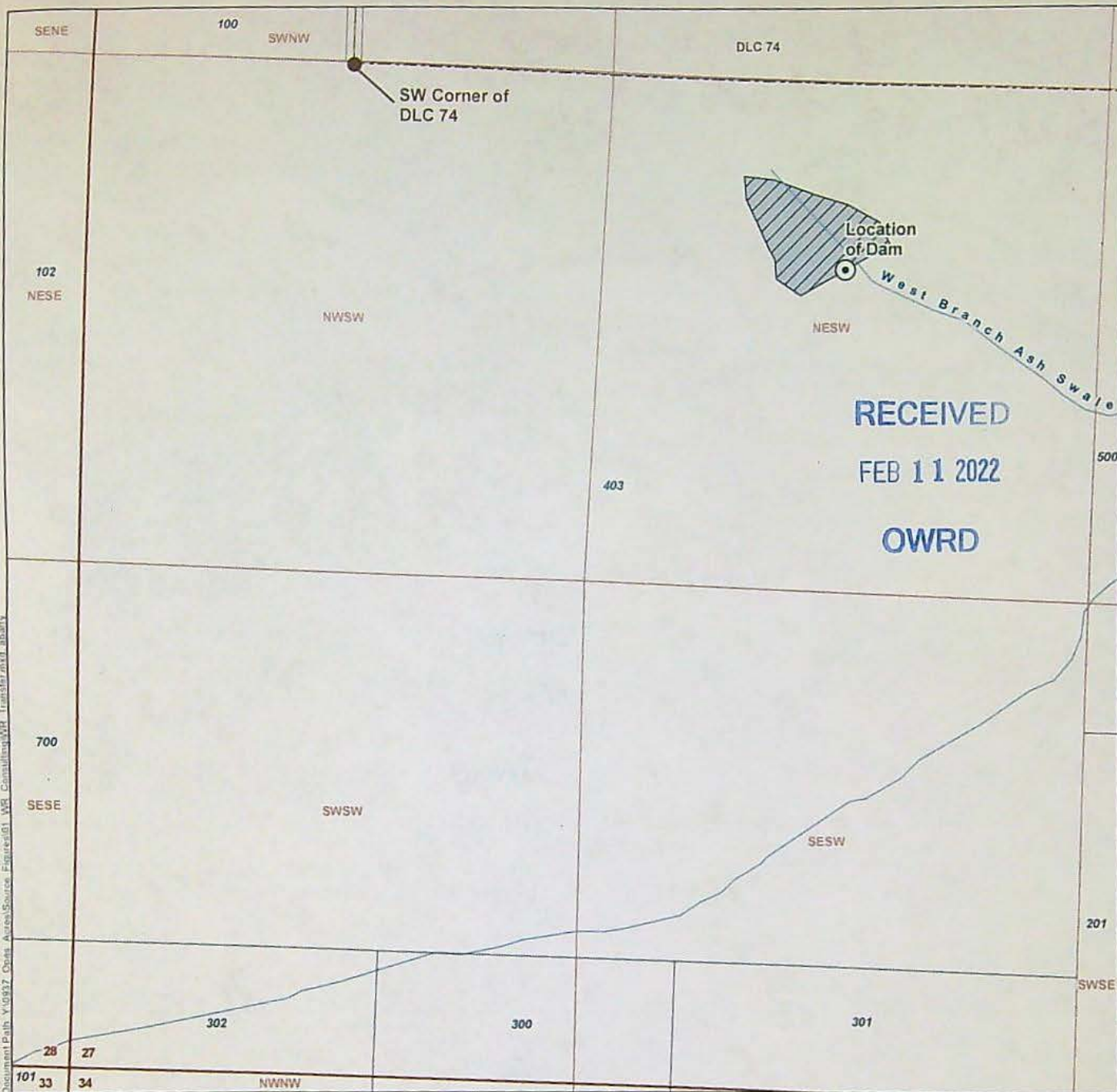
See attached "Planning Comments (Luc 22-06)"

Name: Morgan Snyder Title: Assistant Planner
 Signature: *Morgan Snyder* Phone: 503-623-9237 Date: 2/1/22
 Government Entity: Polk 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: _____



LEGEND

- Authorized Point of Diversion (POD)
- Authorized Place of Use (POU)
- Donation Land Claim (DLC)
- Tax Lot
- Watercourse

Application for a Permanent Water Right Transfer in the Name of Opa's Acres, LLC Certificates 36547 and 39082

Polk County
Township 6 South, Range 5 West (W.M.)

CERTIFIED WATER RIGHTS EXAMINER STAMP



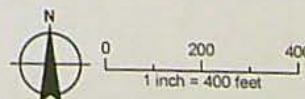
LOCATION DESCRIPTION

Location of Dam
Located 480 feet South and 1,280 feet East from the SW Corner
of DLC 74, Township 6 South, Range 5 West (W.M.)

DISCLAIMER

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

Date: January 19, 2022
Data Sources: BLM, ESRI, OWRD, USGS, Polk Co.



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Planning Comments (LUC 22-06)

No development is proposed. Farm use, as defined in ORS 215.203, is permitted in the Exclusive Farm Use (EFU) zone pursuant to Polk County Zoning Ordinance (PCZO) 136.030(A).

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The property has been identified as having inventoried wetland areas. Prior to any future development within a wetland area, the property owners shall be responsible for ensuring that all applicable State or Federal permits have been obtained, such permits may include, but are not limited to, a Removal Fill Permit from the Oregon Department of State Lands (DSL).



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February 8, 2022

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Transfer Application for Certificates 36547 & 39082

Dear Kelly:

Opa's Acres, LLC is the holder of water right Certificates 36547 and 39082, which authorize the storage of 1.21 AF and 6.50 AF, respectively, of surface water from the West Branch of Ash Swale. On behalf of the water right holder, please find enclosed a transfer application that proposes to change the character of use of both certificates from storage for stock use to storage for irrigation, agricultural, livestock, and fire protection use.

Also enclosed is a check in the amount of \$1,970 for payment of the filing fee for the transfer application.

Please contact me at 503-701-4535 with any questions about the enclosed application.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore Ressler", is written over a light blue horizontal line.

Theodore Ressler
Hydrogeologist and Water Resources Consultant

Enclosures: Water Right Transfer Application
Check #1003 in the amount of \$1,970

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Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>Corey</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>2/16/22</u>		Gov Action	Surface to Ground	<u>USE</u>	POA	APOA
Fee Received: # <u>1970.00</u>		How many rights to be Transferred? <u>2</u>				
Calculated Fee: \$ <u>1970.00</u>		Certificate #				
Additional Observations:		<u>36547</u>				
		<u>39082</u>				

If OK and complete, check box to the left; if **NOT**, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
 - ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
 - ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
 - ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No Yes
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
 - ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
 - ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
 - ☐ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
 - ☐ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
 - ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.
- OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **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.

Actions taken: Accepted cc Date: 2/16/22

Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)					
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360		
	Types of change proposed: ☐ Place of Use ☐ Character of Use ☐ Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. 2 Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » »	2	0		
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	0		
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? ☐ No: enter 0 » ☐ Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter » » » » » » » » » » » » » » » »	4	0		
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☐ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0		
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0		
7	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 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	7	0		
8	Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee:	8			



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 23, 2022

OPA'S ACRES LLC
OLIVER RAAB
PO BOX 15010
SALEM, OR 97309

Reference: Application T-13919

On February 11, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1970.00. Our receipt number 137457 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.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #22, Joel M. Plahn (*via email*)
Theodore Ressler, Agent
Polk County Planning Department