

T-13429

Temporary

T-13429

Name Dave Kauer / triple K FarmsAddress 7325 SE Amity Dayton Hwy
Amity Oregon 97101
davidk755@yahoo.comChange in PO, APDDate Filed 4/24/2020Initial notice date 5/12/2020

DPD issued date

PD issued date

PD notice date

Date of FO 6/30/2020Vol 116Page 1100-05termin 5/12/2021

120

485-86

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Little Luckiamute River, unnamed StreamTrib. of Luckiamute River, Little Luckiamute RiverUse IrrigationCounty Polk

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-37579Per # S-27996Cert # 36427PR Date 4/24/1963App# S-368923Per # S-28913Cert # 37470PR Date 7/24/1963App# S-27473Per # S-21626Cert # 58749PR Date 7/21/1950

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

Amount

Receipt #

\$1,539.30

132378

FEES REFUNDED

Amount

Receipt #

Assignments:

Irrigation District

Agent Bill Ferber BK water right Consulting - bill@bkwr.com

CWRE

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



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

May 10, 2021

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

Re: Termination of Transfer T-13520, 13429, 13180

The Department received a voluntary request of Termination on May 10, 2021. Enclosed is a copy of the order signed by the Director of Oregon Water Resources Department terminating the above Transfer by Special Order Vol. 120 Page 483-488.

Transfers are of no further force or effect.

If you have any questions please contact Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

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

cc: , Watermaster Dist. # (via email)
William Ferber, Agent
Planning Department

Enclosure

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

In the Matter of Temporary Transfer	)	ORDER TERMINATING A
T-13429, Polk County, Oregon	)	TEMPORARY TRANSFER

Authority

OAR 690-380-8002(3) and 690-380-8004(7) provide that the uses authorized under a temporary transfer revert to the terms and conditions of the originating water right on the written request of the applicant.

Applicant

KAUER FARMS
DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Findings of Fact

1. On June 30, 2020, the Water Resources Department issued an order approving the temporary changes proposed in Application T-13429. The order was recorded in Special Order Volume 116, Page 1100-1105.
2. Under the order, the water right would revert to the authorized place of use at the end of the 2024 irrigation season.
3. The most recent use of water at the place of use authorized under the temporary transfer was during the 2020 irrigation season.
4. On April 16, 2021, the applicant DAVE KAUER submitted a written request that the temporary transfer be voluntarily terminated.

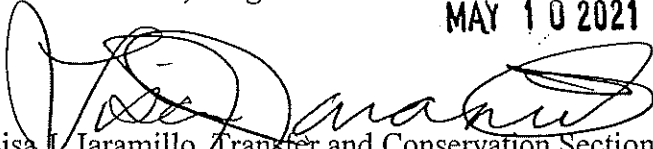
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review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

Now, therefore, it is ORDERED:

Temporary Transfer T-13429 is terminated. The use shall revert to the place of use authorized under Certificates 36427, 37470 and 58749. Water may not be used at the authorized place of use during the same season in which water was used under the Temporary Transfer.

Dated in Salem, Oregon on

MAY 10 2021


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

Mailing date:

MAY 11 2021

WATER RIGHT TRANSFER COVER SHEET

*Termination
Scott*

Transfer: T- 13429

Transfer Specialist:

Transfer Type: Temporary Transfer

Aula

Applicant: DAVE KAUER 7325 SE AMITY DAYTON HWY AMITY, OR 97101 Email: _____ Phone: _____		Agent: ☐ N/A WILLIAM EARL FERBER PO BOX 13434 SALEM, OR 97309 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.
☐	S-37579	S-27996	36427	☐ Yes ☐ No	
☐	S-368923	S-28913	37470	☐ Yes ☐ No	
☐	S-27473	S-21626	58749	☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd:	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1539.00	WM District: 22	ODFW District:
Initial Public Notice: May 12, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: 6/5/20 Initials: Scott	Date: _____ Initials: _____	Date: 6/12/20 Initials: PKS	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. **111** Pages **1100-1105**

mailed 6/30/2020

Termination Order Volume **120** Pages **485-86**

*coord. 4/26/21
PKS*

mailed corrected 4/29/21

5/10/2021

GREW Scott A * WRD

From: David Kauer <davidk755@yahoo.com>
Sent: Friday, April 16, 2021 11:54 AM
To: GREW Scott A * WRD
Subject: Temporary transfers

Scott would you please withdraw t13180 t13429 t1350. Thank you. Dave Kauer Kauer Family Farms

Sent from Yahoo Mail for iPhone

GREW Scott A * WRD

From: David Kauer <davidk755@yahoo.com>
Sent: Monday, April 19, 2021 1:07 PM
To: GREW Scott A * WRD; bill@bkwrc.com
Cc: GREW Scott A * WRD
Subject: Re: Temporary transfers

No water has been used so far this year. Thx. Dave

Sent from Yahoo Mail for iPhone

On Monday, April 19, 2021, 11:29 AM, GREW Scott A * WRD <Scott.A.Grew@oregon.gov> wrote:

Bill,

I just wanted to confirm if water has been used this irrigation season (2021) on the temporary POU for Transfers T-13180, T-13429 and T-13520.

Please confirm.

Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890

From: bill@bkwrc.com <bill@bkwrc.com>
Sent: Friday, April 16, 2021 4:17 PM
To: GREW Scott A * WRD <Scott.A.Grew@oregon.gov>
Cc: Dave Kauer <davidk755@yahoo.com>
Subject: RE: Temporary transfers

Afternoon Scott,

Yes, the third Temporary Transfer to withdraw is T 13520.

Have a good weekend,

Bill

William (Bill) Ferber CWRE, PE

BK Water Right Consulting LLC

PO Box 13

Brush Prairie, Washington 98606

Phone: 503.910.9212

FAX: 1 503.339.9536

Email: bill@bkwrc.com

From: GREW Scott A * WRD <Scott.A.Grew@oregon.gov>

Sent: Friday, April 16, 2021 13:20

To: bill@bkwrc.com

Cc: GREW Scott A * WRD <Scott.A.Grew@oregon.gov>

Subject: FW: Temporary transfers

Bill,

Can you confirm for me for the record that Dave intended for T-13520. There was a number omitted from his request below.

Thank you!

Scott Grew

Transfer Specialist



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 1, 2020

KAUER FARMS
DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

REFERENCE: Temporary Transfer Application T-13429

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

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

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 986-0806 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

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

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

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13429, Polk County	)	TEMPORARY CHANGE IN PLACES
	)	OF USE AND AN ADDITIONAL
	)	POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

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

Applicant

KAUER FARMS
DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Findings of Fact

1. On April 24, 2020, DAVE KAUER filed an application to temporarily change the places of use and for an additional point of diversion to serve the proposed places of use under Certificate 36427, 37470, and 58749 for a period of 5 years. The Department assigned the application number T-13429.
2. Notice of the application for transfer was published on May 12, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

3. The portion of the first right to be temporarily transferred is as follows:

Certificate: 36427 in the name of DR. C. J. MOSER (perfected under Permit S-27996)

Use: IRRIGATION of 14.9 ACRES

Priority Date: APRIL 26, 1962

Rate: 0.19 CUBIC FOOT PER SECOND

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

Source: LITTLE LUCKIAMUTE RIVER, a tributary of LUCKIAMUTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	5 W	WM	31	NW SW	1250 FEET NORTH AND 870 FEET WEST FROM THE NW CORNER OF BOWMAN DLC 55

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
8 S	6 W	WM	36	SW NE		56	1.0
8 S	6 W	WM	36	SE NE		56	11.4
8 S	6 W	WM	36	SE NE	2		0.9
8 S	6 W	WM	36	NE SE		56	1.6
Total							14.9

4. Temporary Transfer Application T-13429 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	5 W	WM	6	SE SW		51	0.4
9 S	5 W	WM	6	SE SW	2	52	4.9
9 S	5 W	WM	7	NE NW		52	0.7
9 S	5 W	WM	7	SE NW	2	51	0.3
9 S	5 W	WM	7	SW NE		51	1.4
9 S	5 W	WM	7	SE NW	3	53	5.3
9 S	5 W	WM	7	NE SW		53	0.3
9 S	5 W	WM	7	SW NE		53	1.4
9 S	5 W	WM	7	NW SE	2	53	0.2
Total							14.9

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13429 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
9 S	5 W	WM	7	SE NW	51	1730 FEET NORTH AND 670 FEET WEST FROM THE NW CORNER OF SECTION 7

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

Certificate: 37470 in the name of C J MOSER (perfected under Permit S-28913)
Use: IRRIGATION of 37.2 ACRES
Priority Date: JULY 24, 1963
Rate: 0.470 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: LITTLE LUCKIAMUTE RIVER a tributary of LUCKIAMUTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
8 S	5 W	WM	31	NW SW	39	2640 FEET SOUTH AND 880 FEET EAST FROM THE MOST SOUTHERLY SE CORNER OF HART DLC 39

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
8 S	6 W	WM	36	NE NE	56	0.5
8 S	6 W	WM	36	NW NE	56	3.2
8 S	6 W	WM	36	SW NE	56	22.6
8 S	6 W	WM	36	SE NE	56	1.7
8 S	6 W	WM	36	SE NW	56	1.6
8 S	6 W	WM	36	NE SW	56	0.2
8 S	6 W	WM	36	NW SE	56	7.4
Total						37.2

7. Temporary Transfer Application T-13429 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	7	SW NW	53	16.5
9 S	5 W	WM	7	SE NW	53	20.1
9 S	5 W	WM	7	NE SW	53	0.5
9 S	5 W	WM	7	NW SW	53	0.1
Total						37.2

8. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13429 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Glott	Measured Distances
9 S	5 W	WM	7	SE NW	51	1730 FEET NORTH AND 670 FEET WEST FROM THE NW CORNER OF SECTION 7

9. The third right to be temporarily transferred is as follows:

Certificate: 58749 in the name of J. L. HENDRICKSON (perfected under Permit S-21626)

Use: IRRIGATION of 38.9 ACRES

Priority Date: JULY 21, 1952

Rate: 0.49 CUBIC FOOT PER SECOND

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

Source: LITTLE LUCKIAMUTE RIVER, a tributary of LUCKIAMUTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
8 S	5 W	WM	31	NW SW	2	2330 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 31
8 S	6 W	WM	36	NE NE	1	1280 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
8 S	5 W	WM	31	SW SW		55	0.3
8 S	5 W	WM	31	SW SW	3		11.1
8 S	6 W	WM	36	NW NE	1		0.1
8 S	6 W	WM	36	NW NE		56	6.9
8 S	6 W	WM	36	SW NE		56	7.5
8 S	6 W	WM	36	SE NW		56	12.5
8 S	6 W	WM	36	NE SW		56	0.5
Total							38.9

10. Temporary Transfer Application T-13429 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	6	NE SW	52	27.3
9 S	5 W	WM	6	SE SW	52	7.0
9 S	5 W	WM	7	NW SE	52	0.9
9 S	5 W	WM	7	SW SE	52	3.4
9 S	5 W	WM	1	SE SE	38	0.3
Total						38.9

11. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13429 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Glod	Measured Distances
9 S	5 W	WM	7	SE NW	51	1730 FEET NORTH AND 670 FEET WEST FROM THE NW CORNER OF SECTION 7

Temporary Transfer Review Criteria

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and the additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13429 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

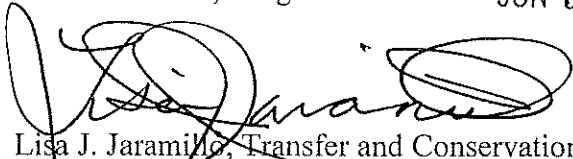
Now, therefore, it is ORDERED:

1. The temporary change in place of use and the additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13429 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2020, 2021, 2022, 2023 and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 36427, 37470, and 58749, 37470, and 58749 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 36427, 37470, and 58749, 37470, and 58749.

7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water right described by Certificate 36427, 37470, and 58749 shall continue to be in accordance with the terms and conditions of Certificate 36427, 37470, and 58749.

Dated in Salem, Oregon on

JUN 30 2020



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

Mailing Date:

JUL 01 2020

DAVIS Arla L * WRD

From: Bill Ferber <bill@bkwrc.com>
Sent: Monday, June 8, 2020 10:09 AM
To: DAVIS Arla L * WRD
Subject: RE: Temporary Transfer T-13429 for Kauer Family Farms
Attachments: C 36427 From To table update for Arla - 20200608.pdf

Morning Arla,

Don't know what I was thinking, it should be 11.4 in 8S 6W Section 36 SE NE Lot 200 DLC 56 and 0.9 in 8S 6W Section 36 SE NE Lot 200 Lot 2. Attached is the updated page. Do you need me to send you an updated map?

Thanks for catching my error Arla. Have a great week,
Bill

*William (Bill) Ferber CWRE, PE
BK Water Right Consulting LLC
PO Box 13434
Salem, Oregon 97309*

Phone: 503.910.9212
FAX: 1 503.339.9536
Email: bill@bkwrc.com

From: DAVIS Arla L * WRD [mailto:Arla.L.Davis@oregon.gov]
Sent: Thursday, June 04, 2020 14:08
To: Bill Ferber
Subject: Temporary Transfer T-13429 for Kauer Family Farms

Hi Bill,

I have come across a discrepancy in Temporary Transfer Application T-13429 for Kauer Farms.

On the from lands:

8S 6W Section 36 SE NE Lot 200 DLC 56 – 11.7 acres proposed – there are only 11.4 acres available in this location.
8S 6W Section 36 SE NE Lot 200 Lot 2 – 0.6 proposed – there are 2.2 acres available in this location.

Is the 11.7 a typo or should the 0.3 be added to the 0.6 and be 0.9? I know its minor but I like to make sure I am processing this correctly. Thank in advance for your help on this!

[Arla L. Davis](#)

Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Direct; 503-986-0806

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 36427

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date								
EXAMPLE																														
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901				
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901				
8	S	6	W	36	SW	NE	200	56	1.0	Irrigation	Div.Pt.	1962	POU	9	S	5	W	6	SE	SW	600	51	0.4	N/A	Div. Pt. 1	1962				
8	S	6	W	36	SE	NE	200	56	11.4	Irrigation	Div. Pt.	1962	POU	9	S	5	W	6	SE	SW	600	52	4.9	N/A	Div. Pt. 1	1962				
8	S	6	W	36	SE	NE	200	2	0.9	Irrigation	Div. Pt.	1962	POU	9	S	5	W	7	NE	NW	500	52	0.7	N/A	Div. Pt. 1	1962				
8	S	6	W	36	NE	SE	200	56	1.6	Irrigation	Div. Pt.	1962	POU	9	S	5	W	7	SE	NW	600	51	0.3	N/A	Div. Pt. 1	1962				
													POU	9	S	5	W	7	SW	NE	600	51	1.4	N/A	Div. Pt. 1	1962				
													POU	9	S	5	W	7	SE	NW	201	53	5.3	N/A	Div. Pt. 1	1962				
													POU	9	S	5	W	7	NE	SW	201	53	0.3	N/A	Div. Pt. 1	1962				
													POU	9	S	5	W	7	SW	NE	201	53	1.4	N/A	Div. Pt. 1	1962				
													POU	9	S	5	W	7	NW	SE	201	53	0.2	N/A	Div. Pt. 1	1962				
													APOD	9	S	5	W	7	SE	NW	201	51	N/A	N/A	Div. Pt. 1	1962				
TOTAL ACRES									14.9	TOTAL ACRES																14.9				



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 30, 2020

DAVE KAUER
7325 SE AMITY DAYTON HWY
AMITY, OR 97101

Reference: Application T- 13429

On , we received your water right Transfer application. The application was accompanied by \$1539.00. Our receipt number 132378 is enclosed.

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

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

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

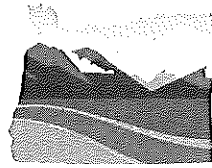
If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #22 (via email)
William Earl Ferber, Agent
Polk County

Enclosure

Watermaster Review Form:

Water Right Transfer



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

Transfer Application: T-13429

Review Due Date:

Applicant Name: Kauer Farms

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

Reviewer(s): Joel Plahn

Date of Review: 06/04/2020

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

✓

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir	☐ Submerged Orifice
☐ Parshall Flume	☐ Flow Restrictor
☐ Other: ____	

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

Transfer #: T- 13429

In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:at each point of diversion/appropriation (new and existing) **OR**

at each new point of diversion/appropriation.

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

Watermaster name: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-986-0889

Email: joel.m.plahn@oregon.gov

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

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

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

Watermaster signature

District

Date

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

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **132378**

INVOICE # _____

RECEIVED FROM: Triple K Farms, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13429</u>

CASH: ☐ CHECK: # 1535 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,539.30

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$

0205 TRANSFER \$ 1,539.20

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **132378**

DATED: 4-24-2020 BY: [Signature]

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



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: C 36427, C 37470, C 58749**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2020 End Year: 2024.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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Revised 5/13/2019

Temporary Transfer Application – Page 2 of 15

13429

TACS

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: <u>3 (2a)</u> Subtract 1 from the number in 3a above: <u>2 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »	2	\$520.00
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres for the portions of the rights to be transferred: <u>91.0 (4a)</u> Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	\$209.30
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » » » Subtotal:	5	\$1,539.30
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	\$1539.30

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

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

13429

Part 4 of 5 – Applicant Information and Signature

Applicant Information

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

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

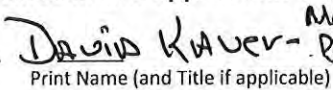
AGENT/BUSINESS NAME Bill Ferber/BK Water Right Consulting, LLC			PHONE NO. 503.910.9212	ADDITIONAL CONTACT NO.
ADDRESS PO Box 13434				FAX NO.
CITY Salem	STATE Oregon	ZIP 97309	E-MAIL bill@bkwrc.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY.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

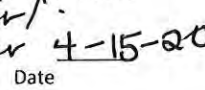
Explain in your own words what you propose to accomplish with this transfer application and why:
Temporarily transfer senior water rights place of use to lands planted with high value crop.

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

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


Applicant signature


Print Name (and Title if applicable)


Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Affidavits of Consent attached.

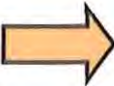
13429

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Polk county	ADDRESS 850 Main Street	
CITY Dallas	STATE Oregon	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 rows to tables within the form.

Water Right Certificate # 36427

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Description of Water Delivery System

APR 24 2020

System capacity: 4.02 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Two (2) 50 hp Berkley pumps connect to 6" mainlines which supply water to big guns and handlines. The number of big guns and handlines varies depending upon the shape of the irrigated area and number of acres being irrigated

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)
Div. Pt.	☒ Authorized ☐ Proposed		8	S	5	W	31	N W	S W	2	1250' N and 870' W from NW Corner Bowman DLC 55.
Div. PT. 1	☐ Authorized ☒ Proposed		9	S	5	W	7	SE	N W	51	1730' N and 670' W from NW Corner, Lot 1 (NW SE), Section 7
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

- ☒ Place of Use (POU)
☐ Point of Diversion (POD)
☒ Additional Point of Diversion (APOD)

☐ Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)

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

- ☐ Place of Use (POU)
☐ Character of Use (USE)
☐ Point of Diversion (POD)

☐ Point of Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)
☐ Additional Point of Diversion (APOD)

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

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

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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 Temporary Changes to Water Right Certificate # 36427

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
8	S	6	W	36	SW	NE	200	56	1.0	Irrigation	Div.Pt.	1962	POU	9	S	5	W	6	SE	SW	600	51	0.4	N/A	Div. Pt. 1	1962
8	S	6	W	36	SE	NE	200	56	11.7	Irrigation	Div. Pt.	1962	POU	9	S	5	W	6	SE	SW	600	52	4.9	N/A	Div. Pt. 1	1962
8	S	6	W	36	SE	NE	200	2	0.6	Irrigation	Div. Pt.	1962	POU	9	S	5	W	7	NE	NW	500	52	0.7	N/A	Div. Pt. 1	1962
8	S	6	W	36	NE	SE	200	56	1.6	Irrigation	Div. Pt.	1962	POU	9	S	5	W	7	SE	NW	600	51	0.3	N/A	Div. Pt. 1	1962
													POU	9	S	5	W	7	SW	NE	600	51	1.4	N/A	Div. Pt. 1	1962
													POU	9	S	5	W	7	SE	NW	201	53	5.3	N/A	Div. Pt. 1	1962
													POU	9	S	5	W	7	NE	SW	201	53	0.3	N/A	Div. Pt. 1	1962
													POU	9	S	5	W	7	SW	NE	201	53	1.4	N/A	Div. Pt. 1	1962
													POU	9	S	5	W	7	NW	SE	201	53	0.2	N/A	Div. Pt. 1	1962
													APOD	9	S	5	W	7	SE	NW	201	51	N/A	N/A	Div. Pt. 1	1962
TOTAL ACRES							14.9	TOTAL ACRES																		14.9

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Additional remarks: _____

For Place 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: The POU on tax lot 9 S 5 W Sect. 7, 201 has an existing water right, C 37427, that will not be used on the listed POU during the period of time this Temporary Transfer is in effect. G 4480, G 8747 for Group Domestic use for another entity. These rights are not part of this Temporary Transfer.

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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

Water Right Certificate # **37470**

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Description of Water Delivery System

System capacity: **4.02** cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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. **Two (2) 50 hp Berkley pumps connect to 6"**

mainlines which supply water to big guns and handlines. The number of big guns and handlines varies depending upon the shape of the irrigated area and number of acres being irrigated

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)
DIV. PT.	☒ Authorized ☐ Proposed		8	S	5	W	31	N W	S W	2	2640' S and 880' E from most southerly SE Corner of Hart DLC 39
Div. PT. 1	☐ Authorized ☒ Proposed		9	S	5	W	7	SE	N W	51	1730' N and 670' W from NW Corner, Lot 1 (NW SE), Section 7
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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

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

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

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

13429

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 37470

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date								
EXAMPLE																												
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901								
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901								
										POU	9	S	5	W 7 SW NW	201	53	16.5	N/A	Div. Pt. 1	1963								
										POU	9	S	5	W 7 SE NW	201	53	20.1	N/A	Div. Pt. 1	1963								
										POU	9	S	5	W 7 NE SW	201	53	0.5	N/A	Div. Pt. 1	1963								
										POU	9	S	5	W 7 NW SW	201	53	0.1	N/A	Div. Pt. 1	1963								
										APOD	9	S	5	W 7 SE NW	201	51	N/A	N/A	Div. Pt. 1	1963								
13429																												
																		RECEIVED										
																		APR 24 2020										
																		OWRD										
TOTAL ACRES						37.2																TOTAL ACRES						37.2

Additional remarks: The total POU of this Water Right is part of this Temporary Transfer.

For Place 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: The POU on tax lot 9 S 5 W Sect. 7, 201 has an existing water right, C 37427, that will not be used on the listed POU during the period of time this Temporary Transfer is in effect. G 4480, G 8747 for Group Domestic use for another entity. These rights are not part of this Temporary Transfer.

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Description of Water Delivery SystemSystem capacity: **4.02** cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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. **Two (2) 50 hp Berkley pumps connect to 6"**

mainlines which supply water to big guns and handlines. The number of big guns and handlines varies depending upon the shape of the irrigated area and number of acres being irrigated

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)
Div. Pt.	☒ Authorized ☐ Proposed		8	S	5	W	31	N W	S W	2	2330' N and 80' E from SW Corner of Section 31
Div. PT. 1	☐ Authorized ☒ Proposed		9	S	5	W	7	SE	N W	51	1730' N and 670 ' W from NW Corner, Lot 1 (NW SE), Section 7
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 58749

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POU	9	S	6	W 1 SE SE	500	38	0.3	N/A	Div. Pt. 1	1952		
										POU	9	S	5	W 6 SW SW	500	52	27.3	N/A	Div. Pt. 1	1952		
										POU	9	S	5	W 6 SE SW	500	52	7.0	N/A	Div. Pt. 1	1952		
										POU	9	S	5	W 7 NE NW	500	52	0.9	N/A	Div. Pt. 1	1952		
										POU	9	S	5	W 7 NW NW	500	52	3.4	N/A	Div. Pt. 1	1952		
										APOD	9	S	5	W 7 SE NW	600	51	N/A	N/A	Div. Pt. 1	1952		
TOTAL ACRES						38.9							TOTAL ACRES						38.9			

Additional remarks: The total POU of this Water Right is part of this Temporary Transfer.

APR 24 2020

Water Right Certificate # 58749**For Place of Use Changes****OWRD**

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

If YES, list the certificate, water use permit, or ground water registration numbers: G 4480, G 8747 for Group Domestic use for another entity. These rights are not part of this Temporary Transfer.

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

RECEIVED

APR 24 2020

OWRD

This Is To Certify, That DR. C. J. MOSER

of 312 Wing Building, Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Little Luckiamate River a tributary of Willamette River for the purpose of irrigation of 94.5 acres under Permit No. 27996 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 26, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.18 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, T. 8 S., R. 5 W., W. M. Diversion point located 1250 feet North and 870 feet West from NW Corner, Bowman DLC 55.

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

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

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

7.4 acres Lot 2 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
7.2 acres Lot 3 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
3.2 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Bowman DLC 55
3.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Bowman DLC 55
Section 31
T. 8 S., R. 5 W., W. M.

13429

1.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Burns DLC 56
 11.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Burns DLC 56
 2.2 acres Lot 2 (SE $\frac{1}{4}$ NE $\frac{1}{4}$)
 19.5 acres Lot 2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
 7.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Burns DLC 56
 18.8 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Burns DLC 56
 0.1 acre Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 1.4 acres Lot 3 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
 2.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Burns DLC 56
 6.5 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 36

T. 8 S., R. 6 W., W. M.

0.3 acre NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Bowman DLC 39
 1.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Bowman DLC 39
 0.3 acre Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

Section 6

T. 9 S., R. 5 W., W. M.

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APR 24 2020

OWRD

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

WITNESS the signature of the State Engineer, affixed

this 13 day of October, 1969

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 28, page 36427

13429

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

RECEIVED

APR 24 2020

OWRD

This Is to Certify, That C. J. MOSER

of 124 N.W. Midland Avenue, Grants Pass, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Little Luckiamute River

a tributary of Luckiamute River for the purpose of irrigation of 37.2 acres

under Permit No. 28913 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 24, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.47 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 2 (NW¼ SW¼), Section 31, T. 8 S., R. 5 W., W. M. Diversion point located: 2640 feet South and 880 feet East from most southerly SE Corner, Hart DLC 39.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

0.5 acre NE¼ NE¼
3.2 acres NW¼ NE¼
22.6 acres SW¼ NE¼
1.7 acres SE¼ NE¼
1.6 acres SE¼ NW¼
0.2 acre NE¼ SE¼
7.4 acres NW¼ SE¼

all as projected within Burns DLC 56
Section 36
T. 8 S., R. 6 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. March 19, 1971

CHRIS L. WHEELER

State Engineer

62781

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

RECEIVED

APR 24 2020

OWRD

THIS CERTIFICATE ISSUED TO

J. L. HENDRICKSON
16405 AIRLIE ROAD
MONMOUTH, OREGON 97361

confirms the right to use the waters of LITTLE LUCKIAMUTE RIVER, a tributary of LUCKIAMUTE RIVER, for the purpose of IRRIGATION OF 38.9 ACRES.

The right has been perfected under Permit 21626. The date of priority is JULY 21, 1952. The right is limited to not more than 0.49 cubic foot per second, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION; NE 1/4 SW 1/4, SECTION 6, T 9 S, R 5 W, W.M. or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

LOT 2 (NW 1/4 SW 1/4), SECTION 31, T 8 S, R 5 W, W.M.
AND LOT 1 (NE 1/4 NE 1/4), SECTION 36, T 8 S, R 6 W, W.M.; 2330 FEET NORTH & 80 FEET EAST FROM SW CORNER SECTION 31, 1280 FEET SOUTH & 630 FEET WEST FROM NE CORNER SECTION 36.

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

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

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

SEE NEXT PAGE

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LOT 3 (SW 1/4 SW 1/4) 11.1 ACRES
 SW 1/4 SW 1/4 0.3 ACRE
 AS PROJECTED WITHIN BOWMAN DLC 55
 SECTION 31
 TOWNSHIP 8 SOUTH, RANGE 5 WEST, W.M.

LOT 1 (NW 1/4 NE 1/4) 0.1 ACRE
 NW 1/4 NE 1/4 6.9 ACRES
 SW 1/4 NE 1/4 7.5 ACRES
 SE 1/4 NW 1/4 12.5 ACRES
 NE 1/4 SW 1/4 0.5 ACRE
 LAST AS PROJECTED WITHIN BURNS DLC 56
 SECTION 36
 TOWNSHIP 8 SOUTH, RANGE 6 WEST, W.M.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 29, 1977, and supersedes certificate 24210, State Record of Water Right Certificates.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 9, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 58749

T-3541

13429

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, DAVE KAUER, in my capacity as TENENT FARMER, PARTNER IN TRIPLE K AND KAUER FAMILY FARMS,
mailing address 7145 SE AMITY DAYTON HWY, AMITY, OREGON 97101

telephone number (503)437-4027, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

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2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 36427, 37470, 58749; **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)

13429

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

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.

Dave Kamm
Signature of Affiant

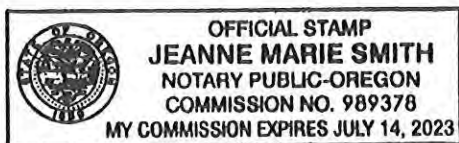
4-10-20
Date

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Signed and sworn to (or affirmed) before me this 10 day of April, 2020



Jeanne Marie Smith
Notary Public for Oregon

My Commission Expires: July 14, 2023

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.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13429

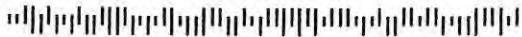
**CONSUMERS POWER INC.**

P.O. BOX 1180
6990 WEST HILLS ROAD
PHILOMATH, OR 97370

(541) 929-3124 • (800) 872-9036

107 1 SP 0.500
TRIPLE K LLC
7145 SE AMITY DAYTON HWY
AMITY OR 97101-2004

4 107
C-1 P-2



Account Number [REDACTED]

Statement Date 06/10/2019

Due Date 07/01/2019

Billing Summary

LAST MONTH'S BILL	\$37,894.20
NO PAYMENTS RECEIVED	\$0.00
A/R Adjust	\$37,894.20 CR
BALANCE FORWARD	\$0.00
Current Charges	\$2,842.91

Account Balance	\$2,842.91
------------------------	-------------------

Page 1 of 2

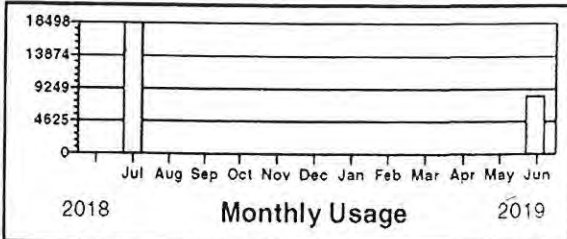
Any BALANCE FORWARD is subject
to DISCONNECTION of services.

Messages

If you are working on a home improvement project be sure to give us a call to see if we offer a rebate. CPI offers rebates on everything from new windows and insulation to heat pumps and water heaters. For more information you can also visit us online at www.cpi.coop/rebate or at our Philomath office.

Location J L HENDRICKSON PL - Irrigation

Meter	From	Through	Days	Type	End Read	Start Read	Mult	Usage	Code	Rate
TD875	04/30/19	05/31/19	31	KWH	26733	18498	1	8235		034
TD875	04/30/19	05/31/19	31	KW	67.500		1	67.500		034
TD875	04/30/19	05/31/19	31	KVAR	0.000		1	0.000		034

**Detail of Charges - Electric**

Basic Service Charge	\$59.00
KWH Revenue	\$527.04
KW Revenue	\$287.50
Load Factor - 16%	
Total This Service	\$873.54

Average KWH per Day: 266

Triple K Farms, LLC

Consumers Power Inc
880.00 • Utilities

6/18/2019

1461

2,885.15

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US Bank

2,885.15

Pennington Seed Proprietary Final Payment

01/06/2020

TRIPLE K FARMS LLC
7145 SE AMITY DAYTON HWY
AMITY OR 97101

Payment Amt: 134,506.38

Contract: 3311 Crop Year: 2019

Contract Pounds: 231,000

Contract Price/Cwt: 87.50

Contract Value: 202,125.00

Payments to Date: 134,506.38

Payment Plan

Pmt Date	Paid Date	Plan %	Est. Pounds	Actual Pmt	Pmt Adj.	Comment
01/15/2020	01/15/2020	100.00%	154,000	134,506.38		Payment is based upon 154,000# clean weight.

Purchase Order Details

PO / Item	Variety Seed Lot	Pounds	Price/Cwt	Comm	Testing	Other	Adj Price
4500725452/1 0	REBEL XTREME Y28-19-TF86	52,500	87.50	-160.78	76.00		45,852.72
4500725452/2 0	REBEL XTREME Y28-19-TF87	52,500	87.50	-160.78	76.00		45,852.72
4500725452/3 0	REBEL XTREME Y28-19-TF88	49,000	87.50	-150.06	76.00		42,800.94
Total		154,000		-471.62	228.00		134,506.38

Purchase Order Inbounds

Variety	Pounds
REBEL XTREME	154,000
Total	154,000

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13429

433086

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
3311-19 9376	01/06/2020 12/26/2018	FINAL PAYMENT 3311-19 <i>seed</i>	134,506.38 -4,000.00	0.00 0.00	134,506.38 -4,000.00
		<i>Comm - 471.62</i> <i>tests + 228.00</i>			
TRIPLE K FARMS LLC 1019444 TOTALS --->			130,506.38	0.00	130,506.38

GEM STATE FORMS (200) 043-7731 FAX (200) 345-3885

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▼ REMOVE DOCUMENT ALONG THIS PERFORATION ▼

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JACKLIN SEED

by Simplot

GROWER INVOICE 068694

REMIT TO: 23403 E MISSION AVE. #222
LIBERTY LAKE, WA 99019

HEADQUARTERS
P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

DATE: 01/06/20

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

CONTRACT: 9526
ACRES: 160
NET POUNDS: 52,500

QUEST TALL FESCUE

COND'NG COMPLTE

FIELD: 70.17 32NC+17-19 08 4

OR

LOT: Y28-19-TF75
CERTIFIED
160 ACRES

***** CHARGES *****
COMMISSIONS 161.70

99.91 PURE .00 CROP .09 INERT .00 WEED 97 GERM
+++++ WEEDS +++++ +++++ CROPS +++++
NONE FOUND NONE FOUND

NOXIOUS WEEDS:
NONE FOUND

RECEIVED

APR 24 2020

OWRD

=====

		GROSS		NET
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	= PAYMENT

=====

88.00 52,500 46,200.00

=====

46,200.00

161.70

46,038.30

<PAY THIS AMOUNT

01/15/20

13429

NOTICE TO BUYER

1. EXCLUSION OF WARRANTIES AND LIMITATION OF DAMAGES AND REMEDY. THE J.R. SIMPLOT COMPANY warrants that this seed conforms to the label description, as required by federal and state seed laws. WE MAKE NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE, CONCERNING THE PERFORMANCE OF THIS SEED. LIABILITY for damages for any cause, including, but not limited to, breach of contract or breach of warranty or negligence, with respect to this sale of seed IS LIMITED TO A REFUND OF THE PURCHASE PRICE OF THE SEED. THIS REMEDY IS EXCLUSIVE. IN NO EVENT SHALL THE J.R. SIMPLOT COMPANY BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOSS OF PROFITS.

2. REQUIRED ARBITRATION. UNDER THE SEED LAWS OF SOME STATES, (INCLUDING IDAHO), ARBITRATION IS REQUIRED AS A PRECONDITION OF MAINTAINING CERTAIN LEGAL ACTIONS COUNTERCLAIMS OR DEFENSES AGAINST A SELLER OF SEED. THE BUYER MUST FILE A COMPLAINT ALONG WITH THE FILING FEE WITHIN SUCH TIME AS TO PERMIT INSPECTION OF THE CROPS, PLANTS OR TREES AND NOTIFY SELLER OF COMPLAINT BY CERTIFIED MAIL. None of these products may be exported outside the USA without written consent from Jacklin Seed.

3. If these commodities are exported from the United States, the export must be in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited

JACKLIN SEED

by Simplot

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LIBERTY LAKE, WA 99019

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P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

DATE: 01/06/20

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

CONTRACT: 9526
ACRES: 160
NET POUNDS: 52,500

QUEST TALL FESCUE

COND'NG COMPLTE

FIELD: 70.17 32NC+17-19 08 4

OR

LOT: Y28-19-TF76
CERTIFIED
160 ACRES

***** CHARGES *****
COMMISSIONS 161.70

99.86 PURE .00 CROP .14 INERT .00 WEED 98 GERM
+++++ WEEDS +++++ +++++ CROPS +++++
NONE FOUND NONE FOUND

EC O/PLANT SPEC
NONE FOUND

RECEIVED

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		GROSS		NET	
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	=	PAYMENT
88.00	52,500	46,200.00			
		46,200.00	161.70	46,038.30	<PAY THIS AMOUNT

01/15/20

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Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

DATE: 01/06/20

CONTRACT: 9526
ACRES: 160
NET POUNDS: 52,500

QUEST TALL FESCUE

COND'NG COMPLTE

FIELD: 70.17 32NC+17-19 08 4

OR

LOT: Y28-19-TF77
CERTIFIED
160 ACRES

***** CHARGES *****
COMMISSIONS 161.70

99.96 PURE .00 CROP .04 INERT .00 WEED 98 GERM
+++++ WEEDS +++++
NONE FOUND
NOXIOUS WEEDS:
NONE FOUND

RECEIVED

APR 24 2020

OWRD

=====

		GROSS		NET	
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	=	PAYMENT
88.00 52,500	=	46,200.00			
		46,200.00	161.70		46,038.30

=====

<PAY THIS AMOUNT

01/15/20

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Boise, Idaho 83707-0113

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Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

DATE: 01/06/20
CONTRACT: 9526
ACRES: 160
NET POUNDS: 52,500

QUEST TALL FESCUE

COND'NG COMPLTE

FIELD: 70.17 32NC+17-19 08 4

OR

LOT: Y28-19-TF78
CERTIFIED
160 ACRES

***** C H A R G E S *****
COMMISSIONS 161.70

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99.94 PURE .00 CROP .06 INERT .00 WEED 97 GERM
+++++ W E E D S +++++
NONE FOUND
NOXIOUS WEEDS:
NONE FOUND

		GROSS		NET		
\$/CWT X POUNDS	=	PAYMENT	-	CHARGES	=	PAYMENT
88.00 52,500	=	46,200.00				
		46,200.00		161.70	=	46,038.30
						<PAY THIS AMOUNT
						01/15/20

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GROWER INVOICE 068698

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LIBERTY LAKE, WA 99019

HEADQUARTERS
P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

DATE: 01/06/20

CONTRACT: 9526
ACRES: 160
NET POUNDS: 52,500

QUEST TALL FESCUE

COND'NG COMPLTE

FIELD: 70.17 32NC+17-19 08 4

OR

LOT: Y28-19-TF79
CERTIFIED
160 ACRES

***** C H A R G E S *****
COMMISSIONS 161.70

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APR 24 2020

OWRD

99.99 PURE .00 CROP .01 INERT .00 WEED 97 GERM
+++++ W E E D S +++++
NONE FOUND
NOXIOUS WEEDS:
NONE FOUND

		GROSS		NET		
\$/CWT X POUNDS	=	PAYMENT	-	CHARGES	=	PAYMENT
88.00 52,500	=	46,200.00				
		46,200.00		161.70	=	46,038.30
						<PAY THIS AMOUNT
						01/15/20

NOTICE TO BUYER

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JACKLIN SEED

by Simplot

GROWER INVOICE 068699

REMIT TO: 23403 E MISSION AVE. #222
LIBERTY LAKE, WA 99019

HEADQUARTERS
P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

DATE: 01/06/20

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

CONTRACT: 9526
ACRES: 160
NET POUNDS: 44,750

QUEST TALL FESCUE

COND'NG COMPLTE

FIELD: 70.17 32NC+17-19 08 4

OR

LOT: Y28-19-TF80
UNCERTIFIED
160 ACRES

***** C H A R G E S *****
COMMISSIONS 137.83

99.72 PURE .00 CROP .28 INERT .00 WEED 96 GERM
+++++ W E E D S +++++ +++++ C R O P S +++++
NONE FOUND NONE FOUND
NOXIOUS WEEDS:
NONE FOUND

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APR 24 2020

OWRD

		GROSS		NET	
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	=	PAYMENT
88.00 44,750	=	39,380.00			
		39,380.00	137.83		39,242.17

<PAY THIS AMOUNT
01/15/20

13429

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1. EXCLUSION OF WARRANTIES AND LIMITATION OF DAMAGES AND REMEDY. THE J.R. SIMPLOT COMPANY warrants that this seed conforms to the label description, as required by federal and state seed laws. WE MAKE NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE, CONCERNING THE PERFORMANCE OF THIS SEED. LIABILITY for damages for any cause, including, but not limited to, breach of contract or breach of warranty or negligence, with respect to this sale of seed IS LIMITED TO A REFUND OF THE PURCHASE PRICE OF THE SEED. THIS REMEDY IS EXCLUSIVE. IN NO EVENT SHALL THE J.R. SIMPLOT COMPANY BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOSS OF PROFITS.

2. REQUIRED ARBITRATION. UNDER THE SEED LAWS OF SOME STATES, (INCLUDING IDAHO), ARBITRATION IS REQUIRED AS A PRECONDITION OF MAINTAINING CERTAIN LEGAL ACTIONS COUNTERCLAIMS OR DEFENSES AGAINST A SELLER OF SEED. THE BUYER MUST FILE A COMPLAINT ALONG WITH THE FILING FEE WITHIN SUCH TIME AS TO PERMIT INSPECTION OF THE CROPS. PLANTS OR TREES AND NOTIFY SELLER OF COMPLAINT BY CERTIFIED MAIL. None of these products may be exported outside the USA without written consent from Jacklin Seed.

3. If these commodities are exported from the United States, the export must be in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

JACKLIN SEED

by Simplot

GROWER INVOICE 068700

REMIT TO: 23403 E MISSION AVE. #222
LIBERTY LAKE, WA 99019

HEADQUARTERS
P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

DATE: 01/06/20
CONTRACT: 9608
ACRES: 85
NET POUNDS: 52,500

TOP GUN II PER RYEGRASS

COND'NG COMPLTE

FIELD: 153.17 NC153.17

OR

LOT: Y28-19-PR45
UNCERTIFIED
85 ACRES

***** CHARGES *****
COMMISSIONS 78.75

98.51 PURE .00 CROP 1.49 INERT .00 WEED 97 GERM
FLUORESCENCE: 4.15
+++++ WEEDS +++++
NONE FOUND
NOXIOUS WEEDS:
NONE FOUND
+++++ CROPS +++++
NONE FOUND

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=====

		GROSS		NET	
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	=	PAYMENT
78.00 52,500		40,950.00			
		=====			
		40,950.00	78.75	40,871.25	<PAY THIS AMOUNT
				=====	

=====

01/15/20

13429

NOTICE TO BUYER

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3. If these commodities are exported from the United States, the export must be in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

JACKLIN SEED

by Simplot

GROWER INVOICE 068701

REMIT TO: 23403 E MISSION AVE. #222
LIBERTY LAKE, WA 99019

HEADQUARTERS
P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

DATE: 01/06/20
CONTRACT: 9608
ACRES: 85
NET POUNDS: 45,500

TOP GUN II PER RYEGRASS

COND'NG COMPLTE

FIELD: 153.17 NC153.17

OR

LOT: Y28-19-PR46
UNCERTIFIED
85 ACRES

***** CHARGES *****
COMMISSIONS 68.25

97.75 PURE .04 CROP 2.21 INERT .00 WEED 91.5 GERM
FLUORESCENCE: 2.46
+++++ WEEDS +++++
NONE FOUND
NOXIOUS WEEDS:
NONE FOUND
+++++ CROPS +++++
ANNUAL RG .04

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QWRD

		GROSS		NET	
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	=	PAYMENT
78.00 45,500	=	35,490.00			
		35,490.00	68.25		35,421.75
					<PAY THIS AMOUNT
					01/15/20

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NOTICE TO BUYER

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3. If these commodities are exported from the United States, the export must be in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

JACKLIN SEED

by Simplot

GROWER INVOICE 068702

REMIT TO: 23403 E MISSION AVE. #222
LIBERTY LAKE, WA 99019

HEADQUARTERS
P.O. Box 70013
Boise, Idaho 83707-0113

LIBERTY LAKE SALES OFFICE
Jacklin Seed-Simplot
23403 E Mission Ave. #222
Liberty Lake, Washington 99019
Fax (509) 319-3181
Phone (509) 321-8873
Toll Free (800) 688-7333

GROWER: TRIPLE K FARMS
7145 SE AMITY DAYTON HWY
AMITY OR 97101

GROWER #: 200284

DATE: 01/06/20
CONTRACT: 9608
ACRES: 85
NET POUNDS: 18,400

TOP GUN II PER RYEGRASS

COND'NG COMPLTE

FIELD: 153.17 NC153.17

OR

LOT: Y28-19-PR47
UNCERTIFIED
85 ACRES

***** CHARGES *****
COMMISSIONS 27.60

98.84 PURE .10 CROP 1.06 INERT .00 WEED 96 GERM
FLUORESCENCE: 1.9
+++++ WEEDS +++++
NONE FOUND
LESS THAN 0.01%
NOXIOUS WEEDS:
RUBUS FRUTICO- 9
SUS AGGREGATE

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OWRD

		GROSS	NET	
\$/CWT X POUNDS	=	PAYMENT	- CHARGES	= PAYMENT
78.00 18,400	=	14,352.00		
		14,352.00	27.60	14,324.40

<PAY THIS AMOUNT
01/15/20

13429

NOTICE TO BUYER

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3. If these commodities are exported from the United States, the export must be in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

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APR 24 2020

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After recording, return to:
Wallace O. Felsted
Kirtou & McConkie
60 East South Temple, #1800
P. O. Box 45120
Salt Lake City, UT 84145-0120

Tax statements to be sent to:
C/O LDS Church Tax Division
50 East North Temple St., 22nd Floor
Salt Lake City, Utah 84150-3620

Property No. 544-1412
(OR, Falls City - Orig Acq - Three Sisters)

RECORDED IN POLK COUNTY
VALERIE UNGER, COUNTY CLERK

2003-000299



\$46.00

00005932200308002000050058

01/07/2003 02:15:36 PM

REC-WD Cnt=1 Str=1 A. CAPTAIN
\$25.00 \$10.00 \$11.00

SPECIAL WARRANTY DEED

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, Grantor, with its principal office located at 50 East North Temple, Salt Lake City, Utah 84150, conveys and specially warrants to FARMLAND RESERVE, INC., a Utah nonprofit corporation, Grantee, of 50 East North Temple, Salt Lake City, Utah 84150, the following described real property, free of encumbrances created or suffered by the Grantor, except as specifically set forth herein:

See Exhibit "A" attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit "A," and all of Grantor's interest in and to oil, gas, geothermal, water and mineral rights, wells, all water rights appurtenant to said real property described on Exhibit "A," and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

Subject to current taxes and assessments, reservations, easements, rights-of-way, covenants, conditions, restrictions, zoning matters, liens, and encumbrances and all other matters of record or enforceable at law or equity.

The true consideration for this conveyance is Zero Dollars (\$0.00).

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO

13429

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Fidelity National Title

DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES
AS DEFINED IN ORS 30.930.

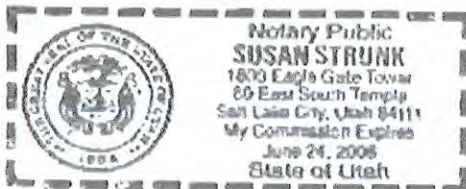
Dated this 31st day of December, 2002.

CORPORATION OF THE PRESIDING BISHOP OF
THE CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, a Utah corporation sole

By: John W. Creer
Its Authorized Agent

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 31st day of December, 2002,
by John W. Creer, as Authorized Agent of Corporation of the Presiding Bishop of The Church of
Jesus Christ of Latter-day Saints, a Utah corporation sole.



Susan Strunk
Notary Public

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EXHIBIT A

LEGAL DESCRIPTION

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PARCEL I:

A tract of land in Sections 6 and 7, Township 9, South, Range 5 West of the Willamette Meridian and in Section 1, Township 9 South, Range 6 West of the Willamette Meridian, Polk County, Oregon, said tract being bound by the following:

Beginning at a 2 inch brass disk set in concrete at the Southeast corner of the Julianna Jones Donation Land Claim No. 52 in said Section 7; thence North $05^{\circ}33'15''$ West, on an Easterly line of said Claim No. 52, 1475.18 feet to a 1 inch pipe; thence North $89^{\circ}36'36''$ West 2027.47 feet to the Easterly right of way line of Airlie Road (Market Road No. 8); thence South $12^{\circ}28'44''$ East, on the said right of way line, 577.62 feet to a 5/8 inch rod which is 40 feet from the centerline of said Airlie Road; thence South $09^{\circ}49'07''$ East, on the said right of way line, 200.54 feet to a 5/8 inch rod which is 30 feet from the said centerline; thence South $12^{\circ}27'41''$ East, on the said right of way line, 1299.03 feet to a 5/8 inch rod; thence South $14^{\circ}03'45''$ East, on the said right of way line, 349.76 feet to a 5/8 inch rod which is 40 feet from the said centerline; thence South $11^{\circ}49'09''$ East, on the said right of way line, 450.13 feet to a point which is 35 feet from the said centerline; thence South $11^{\circ}37'53''$ East, on the said right of way line, 339.74 feet to a point which is 30 feet from a point of spiral curve on the said centerline; thence continuing on the said right of way line on a non-circular curve left (40 feet from a spiral curve on the said centerline), the chord of which bears South $16^{\circ}56'36''$ East 441.19 feet; thence continuing on the said right of way line, 346.54 feet on a 924.93 foot radius circular curve left, the chord of which bears South $36^{\circ}43'13''$ East 344.52 feet to a 5/8 inch rod; thence South $57^{\circ}46'15''$ East, on the said right of way line, 440.99 feet to a 5/8 inch rod which is 40 feet from a point of tangent on the said centerline; thence South $60^{\circ}57'08''$ East, on the said right of way line, 1840.64 feet; thence South $89^{\circ}43'54''$ East 513.08 feet to a 5/8 inch rebar; thence North $01^{\circ}18'21''$ East, on an Easterly line of the Jonathan Liggett Donation Land Claim No. 53 in said Section 7, 264.14 feet to a 2 inch brass disk set in concrete marking the Northwest corner of the David R. Lewis Donation Land Claim No. 55; thence North $22^{\circ}45'19''$ West, on an Easterly line of said Claim No. 53, 214.14 feet to a 2 inch brass disk set in concrete marking the Southwest corner of the Sarah Bowman Donation Land Claim No. 51; thence North $22^{\circ}43'22''$ West, on an Easterly line of said Claim No. 53, 3283.36 feet to the point of beginning.

PARCEL II:

A tract of land in Section 36, Township 8 South, Range 6 West of the Willamette Meridian, the North 1/2 of Section 1, Township 9 South, Range 6 West of the Willamette Meridian, the Northwest 1/4 of Section 6, Township 9 South, Range 5 West of the Willamette Meridian, and the Southwest 1/4 of Section 31, Township 8 South, Range 5 West of the Willamette Meridian, all in Polk County, Oregon, said tract being bound by the following:

Beginning at a point on the center of the present channel of the Little Luckiamute River which is 95.65 feet North $42^{\circ}15'$ East and 264.00 feet, more or less, South $42^{\circ}09'29''$ East from the angle corner on the Northeast boundary of the William Burns Donation Land Claim No. 56 in said Section 36; thence Easterly, on the center of the said present channel, 890 feet, more or less, to the point at which the said center of the present channel intersects the center of an old channel of the said river; thence North $15^{\circ}52'40''$ East, on the center of the said old channel, 314 feet, more or less, to an angle point on the said center of the old channel; thence North $31^{\circ}16'09''$ East on the center of the said old channel, 108.46 feet to the point at which the center of

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the said old channel intersects the Westerly line of the John Chamberlain Donation Land Claim No. 40 in said Section 36 at a point 82.00 feet South $14^{\circ}16'05''$ East from the most Southerly Southeast corner of the Thomas Hart Donation Land Claim No. 39 in said Section 36; thence South $14^{\circ}15'05''$ East, on the said Westerly Claim Line, 477.88 feet to a point on the center of the said old channel; thence South $06^{\circ}55'36''$ West, on the center of the said old channel, 225 feet, more or less, to the center of the said present channel; thence Southerly, on the center of the said present channel, 610 feet, more or less, to the point at which the center of an old channel of the said river intersects the center of the said present channel; thence South $60^{\circ}33'23''$ East, on the center of the said old channel, 185 feet, more or less, to the said Westerly line of said Claim No. 40; thence South $14^{\circ}16'05''$ East, on the said Westerly Claim Line, 529.06 feet to an angle corner on the said Westerly Claim Line; thence South $40^{\circ}54'41''$ East, on the said Westerly Claim Line, 2400.45 feet to the Southwest corner of the John Chamberlain Donation Land Claim No. 54 in said Section 31; thence North $80^{\circ}09'16''$ East, on the South line of said Claim No. 54, 380 feet, more or less, to the center of the said river; thence Southerly, on the center of the said river 1770 feet, more or less, to a point which is 71.10 feet North $01^{\circ}23'40''$ East and 1280.00 feet, more or less, North $61^{\circ}30'58''$ East from the most Westerly Southwest corner of the Preston Bowman Donation Land Claim No. 39 in said Section 6; thence South $61^{\circ}30'58''$ West 3930 feet, more or less, to the Northerly right of way line of Airlie Road (Market Road No. 8); thence North $40^{\circ}31'07''$ West, on the said right of way line, 41.55 feet to a 5/8 inch rod which is 40 feet from a point of spiral curve on the centerline of said Airlie Road; thence North $43^{\circ}28'41''$ West, on the said right of way line, 182.77 feet to a 5/8 inch rod which is 30 feet from the said centerline; thence North $40^{\circ}22'56''$ West, parallel with said centerline, 599.69 feet to a 5/8 inch rod; thence North $37^{\circ}32'31''$ West, on the said right of way line, 204.69 feet to a 5/8 inch rod which marks a point 40 feet from a point of tangent on the said centerline; thence continuing on the said right of way line on a non-circular curve left (40 feet from a spiral curve on the said centerline) the chord of which bears North $43^{\circ}04'15''$ West 405.11 feet; thence continuing on the said right of way line 55.86 feet on a 1472.39 foot radius circular curve left, the chord of which bears North $49^{\circ}28'22''$ West 55.85 feet; thence continuing on the said right of way line on a non-circular curve left (40 feet from a spiral curve on the said centerline) the chord of which bears North $55^{\circ}52'56''$ West 405.05 feet to a 5/8 inch rod which is 40 feet from a point of spiral on the said centerline; thence North $61^{\circ}32'19''$ West, on the said right of way line, 191.20 feet to a point 30 feet from the said centerline; thence North $58^{\circ}33'26''$ West, on the said right of way line, 205.96 feet to a 5/8 inch rebar with a yellow plastic cap; thence North $27^{\circ}49'03''$ East 2273.81 feet to a point which is 892.29 feet North $42^{\circ}10'45''$ West and 2200.79 feet South $27^{\circ}49'03''$ West from the Northeast corner of the said Claim No. 56 in said Section 36; thence North $47^{\circ}12'35''$ West 1229.94 feet; thence South $38^{\circ}08'27''$ West 2198.51 feet to the Northerly right of way line of said Airlie Road; thence North $34^{\circ}49'10''$ West, on the said right of way line, 178.58 feet to a point which is 40.00 feet from a point of curve to spiral on the said centerline; thence continuing on the said right of way line, 192.08 feet on a 1185.92 foot radius circular curve left, the chord of which bears North $45^{\circ}35'16''$ West 191.87 feet; thence North $56^{\circ}21'02''$ West, on the said right of way line, 203.34 feet to a 5/8 inch rod which is 30 feet from a centerline point of spiral; thence North $55^{\circ}13'08''$ West, on the said right of way line, 179.08 feet to the point of intersection of the said Northerly right of way line with the Easterly right of way line of King's Valley Highway (State Highway No. 223); thence continuing on the said Easterly right of way line, 136.59 feet on a 2814.79 foot radius circular curve right, the chord of which bears North $37^{\circ}36'25''$ East 136.58 feet; thence continuing on the said right of way line on a non-circular curve right (50 feet from a spiral curve on the centerline of the said highway) the chord of which bears North $41^{\circ}41'32''$ East 396.22 feet; thence North $43^{\circ}00'57''$ East, 50 feet from and parallel with the said highway centerline, 3790

CONTINUED

4/5

feet, more or less, to the center of the Little Luckiamute River; thence Easterly on the center of the said river, 350 feet, more or less, to the point of beginning.

- - - - -

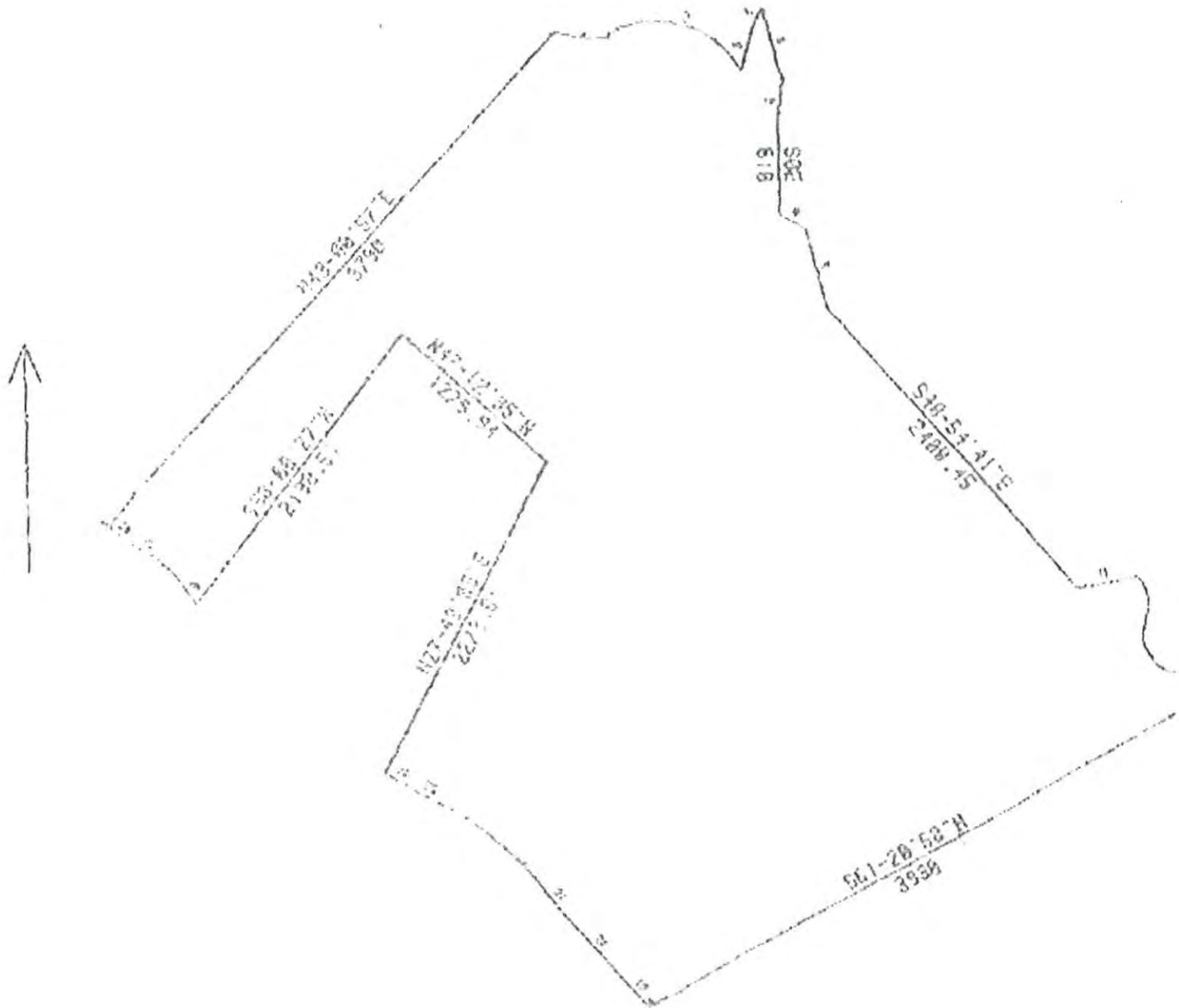
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APR 24 2020

OWRD

EXHIBIT "A"
Continued

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OWRD



Application for Water Right
Transfer
Consent by Deeded Landowner



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

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APR 24 2020

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State of Washington)
County of Benton)ss

I Patrick Tolman in my/our capacity as Farmland Reserve, Inc – Vice President,
mailing address 6716 W Rio Grande Kennewick, WA 99336,
telephone number (509) 734-1195, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 36427, 37470, 58749
described in a Transfer Application (T-unknown) submitted by Kauer Family Farms,
(transfer number, if known)
on the property in tax lot number(s) 201, 500, 600, Township 9 South, Range 5 West, Sections 6
& 7 AND Township 9 South, Range 6 West, Section 1. Located at unassigned (site address).

Patrick Tolman
Signature of Affiant

04/21/2020
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 21st day of April, 2020.



Linda A. Headley
Notary Public for Washington

My commission expires 5/23/23

OWRD

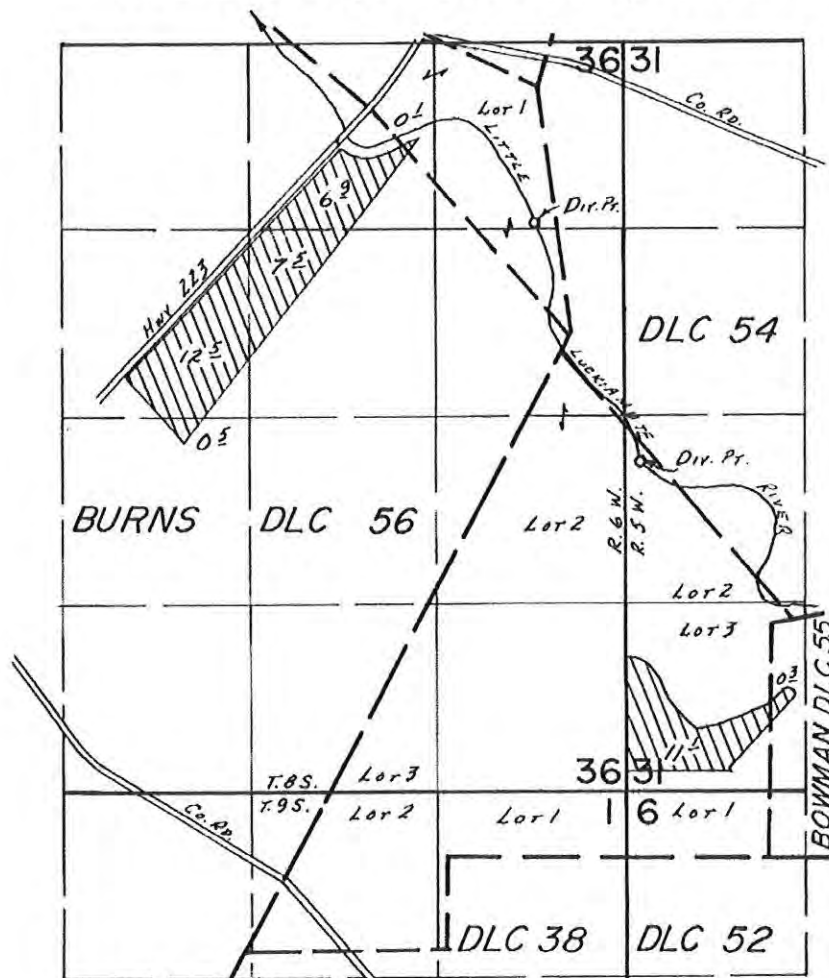
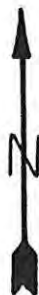
111

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T. 8 & 9 S., R. 5 & 6 W., W.M.



Div. Prs. Loc.: 2330' N. & 80' E. FROM SW COR SEC. 31 & 1280' S.
& 630' W. FROM NE COR. SEC. 36.

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Transfer No. 3541

IN NAME OF

J. L. HENDRICKSON

Surveyed AUG. 8, 1983, by L. M. TOLL

13429

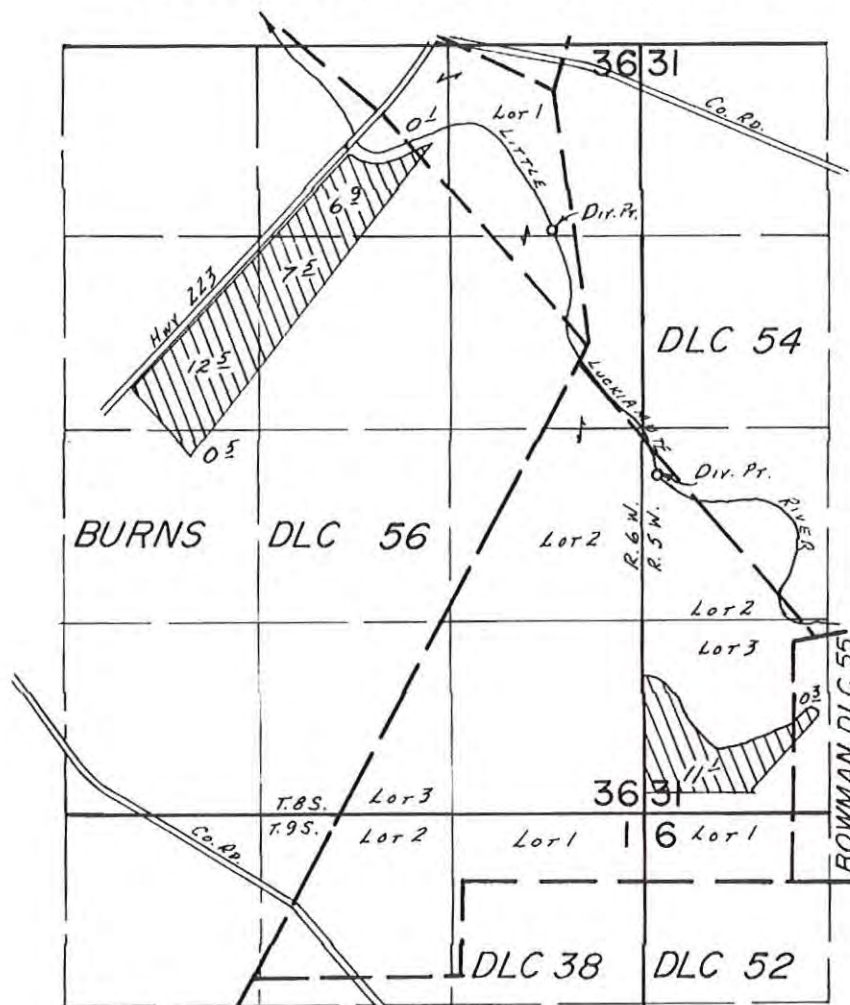
Kauer Farms 2020 Temporary Transfer for Riverbend
FROM Lands

RECEIVED

APR 24 2020

OWRD

T. 88 & 9 S., R. 58 & 6 W., W.M..



Div. Pts. Loc.: 2330' N. & 80' E FROM SW COR SEC. 31 & 1280' S.
& 630' W. FROM NE COR. SEC. 36.

SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

Transfer No. 3541

IN NAME OF

J. L. HENDRICKSON

Surveyed Aug. 8..... 19.83, by L.M. TOLL.....

13429

Kauer Farms 2020 Temporary Transfer for Riverbend

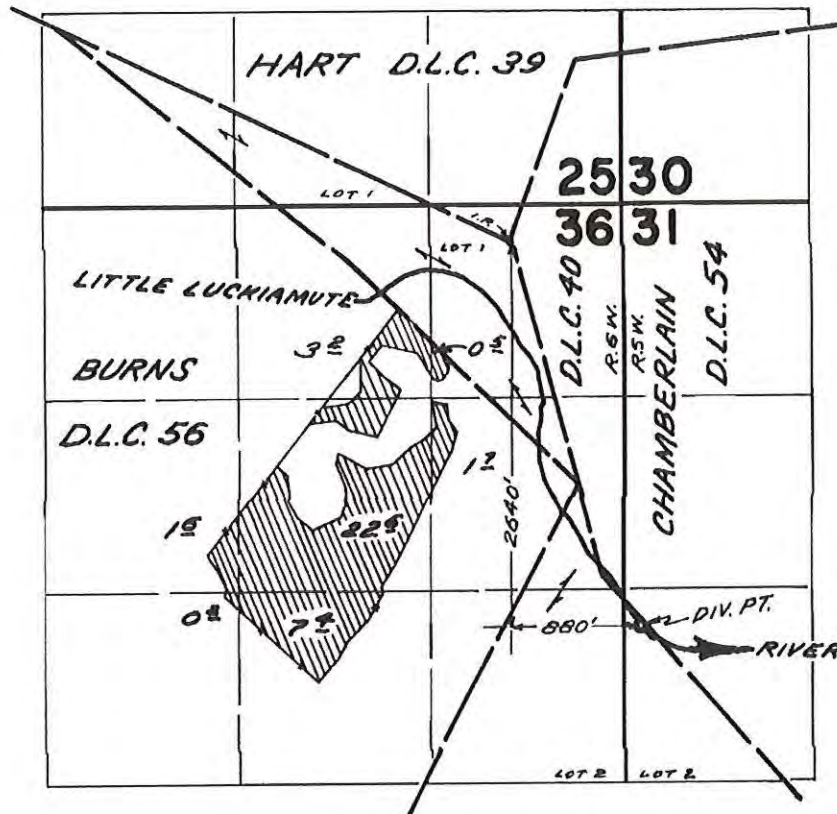
FROM Lands

T.8S.R.5&6W.W.M.

RECEIVED

APR 24 2020

OWRD



FINAL PROOF SURVEY UNDER

Application No. 38923 Permit No. 28913
IN NAME OF

C. J. MOSER

Surveyed MAR 26 1969, by D. BUELL

13429

Kauer Farms 2020 Temporary Transfer for Riverbend

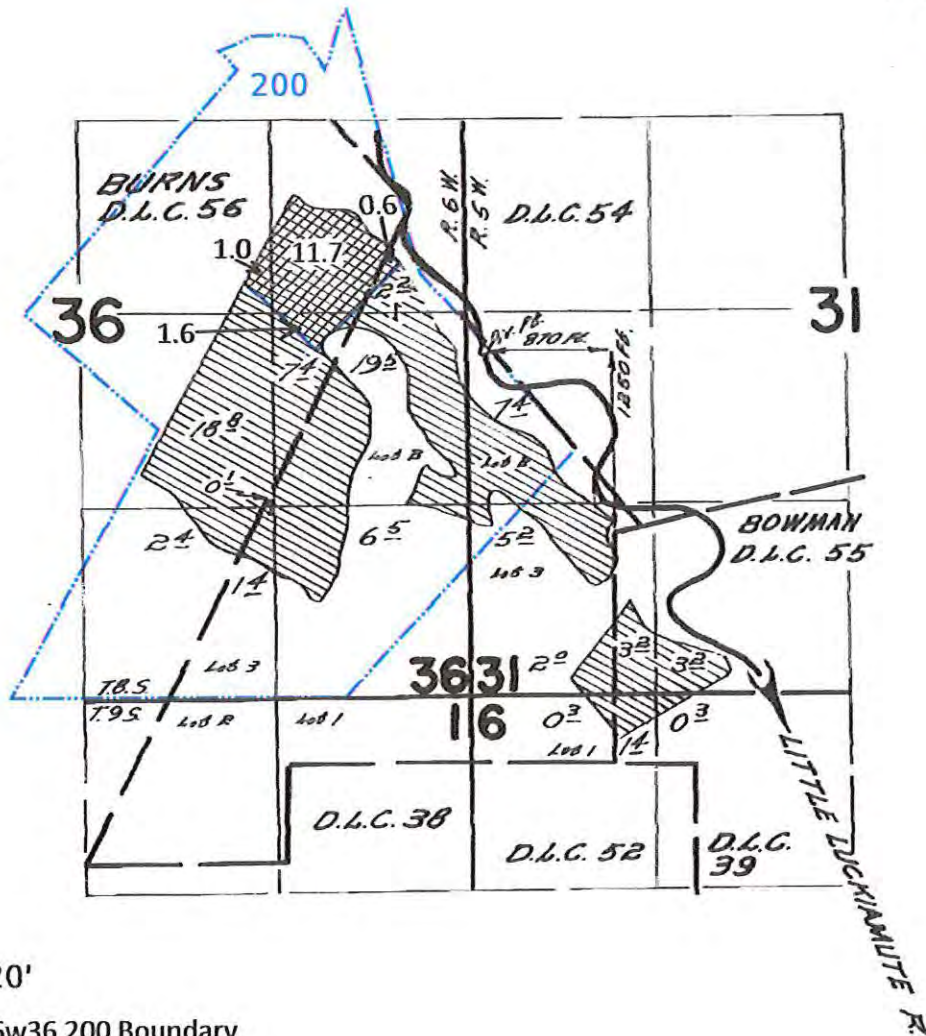
T.88&9S. R.5&6W. W.M.

FROM Lands

RECEIVED

APR 24 2020

OWRD



Legend

Scale: 1" = 1320'

----- Tax lot 8s6w36 200 Boundary

From Lands involved in this
Temporary Transfer

Lands not involved in this
Temporary Transfer

FINAL PROOF SURVEY UNDER

Application No. 37579 Permit No. 27996
IN NAME OF

DR. C. J. MOSER

Surveyed Sept. 6, 1968, by W. D. Rypperd.

13429

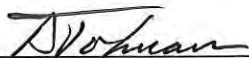
**Application for Water Right
Transfer
Consent by Deeded Landowner**



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

State of Washington)
)ss
County of Benton)

I Patrick Tolman in my/our capacity as Farmland Reserve, Inc – Vice President,
mailing address 6716 W Rio Grande Kennewick, WA 99336,
telephone number (509) 734-1195, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 36427, 37470, 58749
described in a Transfer Application (T-unknown) submitted by Kauer Family Farms,
(transfer number, if known)
on the property in tax lot number(s) 201, 500, 600, Township 9 South, Range 5 West, Sections 6
& 7 AND Township 9 South, Range 6 West, Section 1. Located at unassigned(site address).


Signature of Affiant

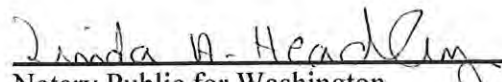
04/21/2020
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 21st day of April, 2020.




Notary Public for Washington

My commission expires 5/23/23

Land Use Information Form



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

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Applicant(s): Dave Kauer/Kauer Family Farms

Mailing Address: 7325 SE Amity Dayton Hwy

City: Amity

State: Oregon Zip Code: 97101

Daytime Phone: 503.835.1006

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>9 S</u>	<u>5 W</u>	<u>6</u>	_____	<u>500, 600</u>	<u>EFU</u>	☒ Diverted ☐ Conveyed ☒ Used	<u>Irrigation</u>
<u>9 S</u>	<u>5 W</u>	<u>7</u>	_____	<u>201, 600</u>	<u>EFU</u>	☒ Diverted ☐ Conveyed ☒ Used	<u>Irrigation</u>

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) Little Luckiamute River

Estimated quantity of water needed: 1.2 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

Transfer water rights to ground planted to a high value crop.

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. →

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POLK COUNTY
COMMUNITY DEVELOPMENT

APR 24 2020

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A) "Farm Use" irrigation
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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 comments

Name: Miranda Muller Title: Assistant Planner

Signature: [Signature] Phone: 503-623-9237 Date: 4/9/2020

Government Entity: Polk County Community Development

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: _____

THIS MAP IS FOR ASSESSMENT AND
TAXATION PURPOSES ONLY

SEC. 7 T.9S. R.5W. W.M.
Polk County
1" = 400'

9.5.7

12 7

6 5
7 8

See Map 9.5.6

N.E. CORNER
JONATHAN LEGGETT
DLC NO. 51

S.E. CORNER
JULIANNA JONES
DLC NO. 52

100
80.50 AC.

ANGLE CORNER
DLC NO. 51

201
115.02 AC.

207
4.71 AC.

202
5.33 AC.

203
5.40 AC.

See Map 9.5.12

2-26

100

600

600
143.34 AC.

2-27

800
51 AC.

Canceled No.

200
205
206
208
300
505
606
601
700

S. 1/2 Sec. 7

400
89.40 AC.

604
10.67 AC.

602
7.28 AC.

603
9.37 AC.

607
4.65 AC.

S.W. CORNER
DLC NO. 51

ANGLE CORNER
DLC NO. 51

603
4.80 AC.

N.W. CORNER
DAVID H. LEWIS
DLC NO. 50

401
2.10 AC.

609
28.86

601
45.94 AC.

S.E. CORNER
GARANT A. BOWMAN
DLC NO. 51

602
71 AC.

S.W. CORNER
JOHN H. SMITH
DLC NO. 50

N.E. CORNER
DAVID H.
DLC NO.

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See Map 9.5.18

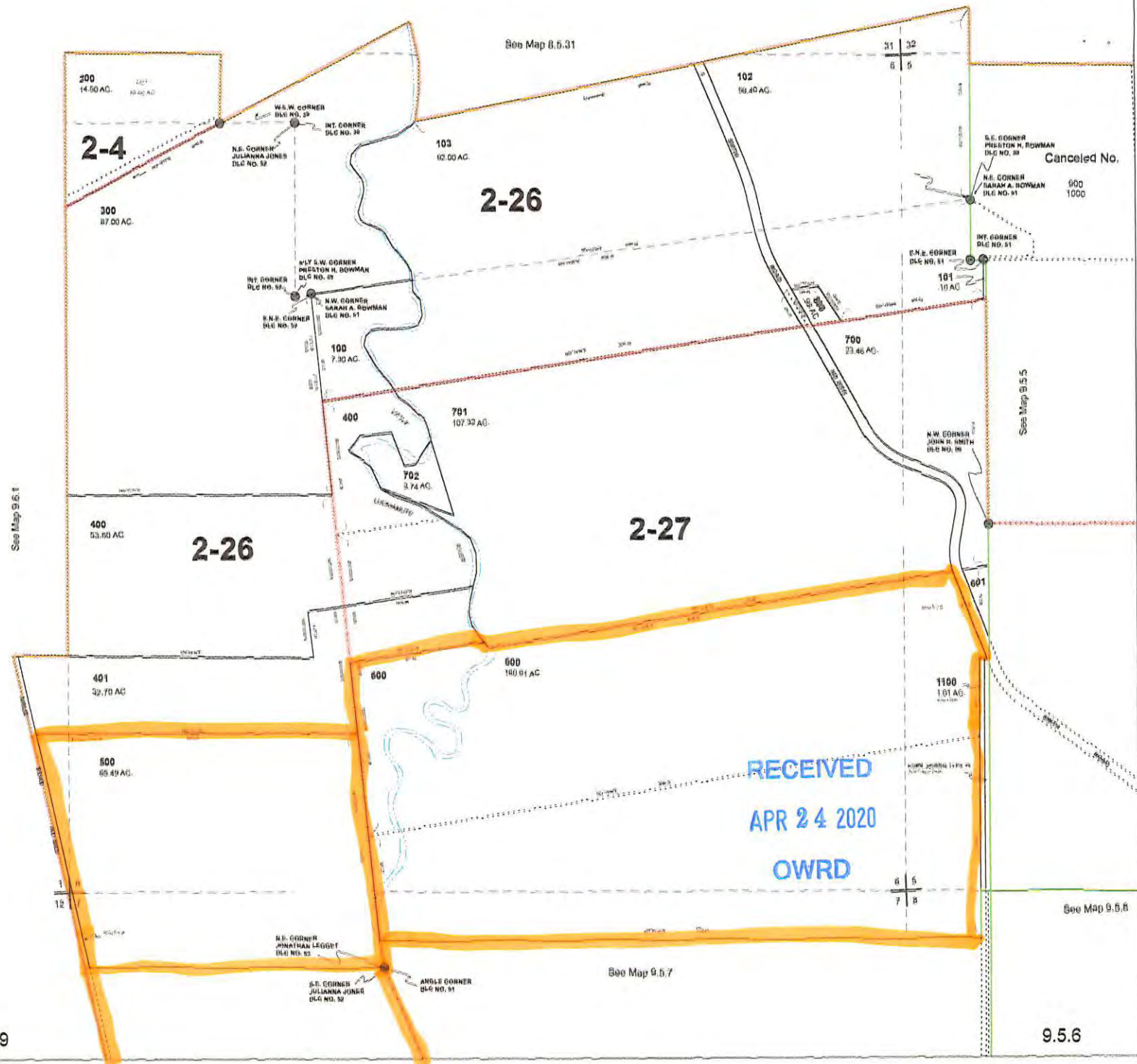
N.W. CORNER
JOHN LEWIS
DLC NO. 49

12 7
13 18

7 8
18 17

2/13/2019

9.5.7



* The applicant has indicated that the point of diversion is existing, therefore no development is proposed. Nevertheless, the subject properties are located within the regulated 100-year floodplain. Any non-structural floodplain development such as removal/fill, excavating, drilling, etc would first require a land use application and approval to demonstrate compliance with Polk County Zoning Ordinance (PCZO) 178 standards.

In addition, the subject properties contain significant wetlands according to the NWI map and the Polk County SRA map. Any activities that are listed as a conflicting use pursuant to PCZO 182.070 (A) & (C) would first require a management plan that has been coordinated with DSL and ODFW to demonstrate compliance with PCZO 182.040(E).

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Transaction Receipt

POS - 41843

Polk County
Community Development Dept
850 Main St.
Dallas, OR 97338
503-623-9237
Fax: 503-623-6009
cd.permits@co.polk.or.us

Receipt Number: 30253

Receipt Date: 4/9/20

www.co.polk.or.us/cd

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
4/9/20	1.00 Amount	PLN-Land Use Compatability Sign-Off	100-6300-310-PLAN	\$40.00	\$40.00
Payment Method: Check number: 260 Payer: BK Water Right Consulting LLC				Payment Amount:	\$40.00
Cashier: Miranda Muller				Receipt Total:	\$40.00

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Regular Temporary Water Right Transfer Application Checklist

Checked by Scott

Date 4/29/20

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

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

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? evidence submitted / missing check mark on Affidavit page 2
- ☒ 2. Are fees included and correct? 1539.30
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom? yes
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled? yes N/C
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

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

Kauer Farms 2020 Temporary Transfer for Riverbend

Township 9 S, Range 5 W, Section 6 & 7



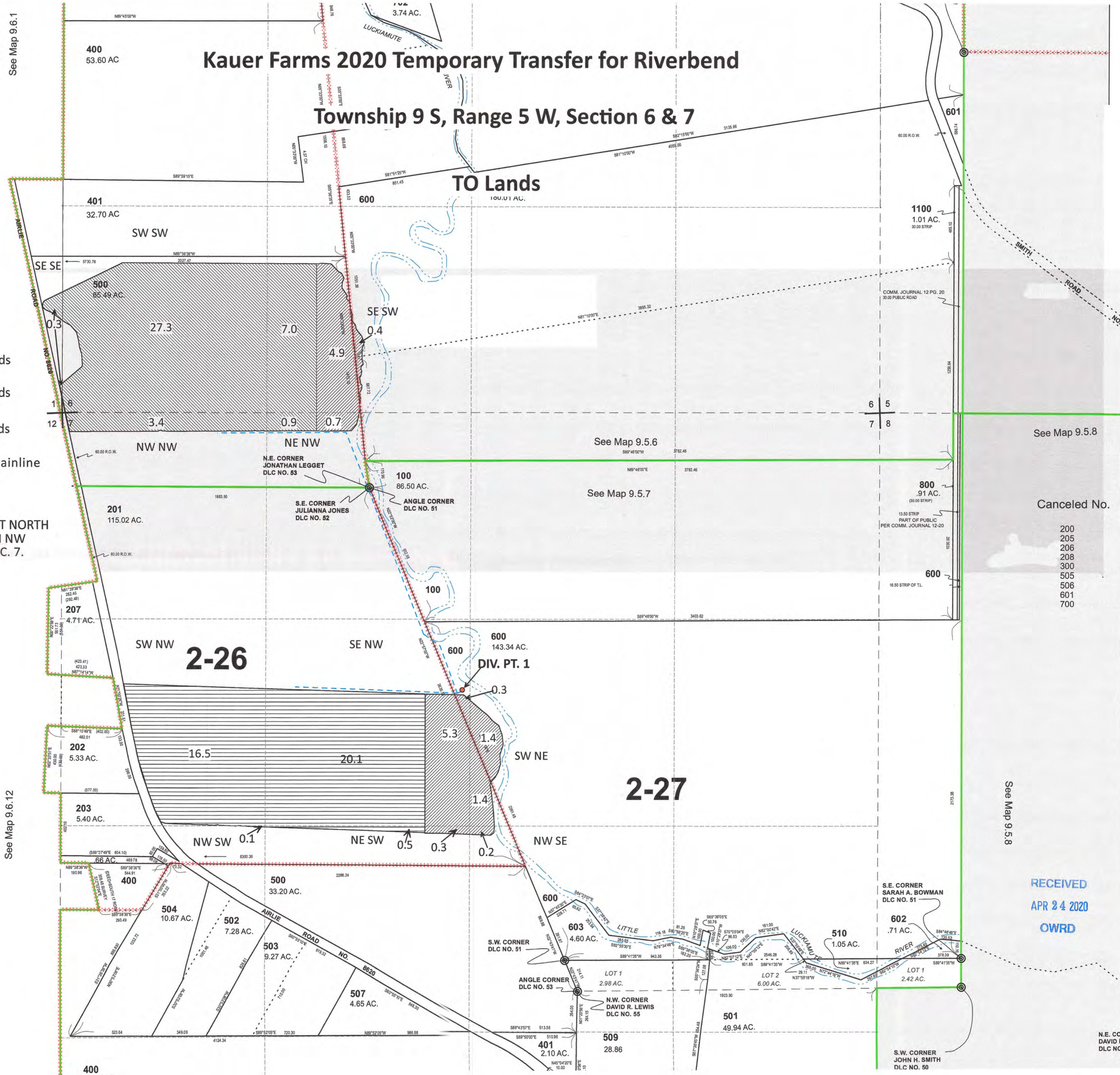
Scale 1" = 400'

Legend

- C 36427 - TO Lands
- C 37470 - TO Lands
- C 58749 - TO Lands

Approximate mainline route

DIV. PT. Location: 1730 FEET NORTH AND 670 FEET WEST FROM NW CORNER, LOT 1 (NWSE), SEC. 7.



See Map 9.5.6

See Map 9.5.7

See Map 9.5.8

Canceled No.
200
205
206
208
300
505
506
601
700

See Map 9.5.8

RECEIVED
APR 24 2020
OWRD

N.E. CORNER
DAVID R. LEWIS
DLC NO. 55