

Temporary

terminated

Name Eagle Eye Farms LLC
attn: Doug Silbermagel
 Address 20095 Hubbard Cutoff NE
Aurora Oregon 97002

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Rickreall CreekTrib. of Willamette riverUse irrigationCounty Polk

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S25677Per # S20241Cert # 24217PR Date 02/20/1951

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in POW
 Date Filed 6/22/2020
 Initial notice date 9/30/2020
 DPD issued date
 PD issued date
 PD notice date
 Date of FO 10/13/2020 Vol 117 Page 679-681
termin 6/22/2021 120 961-2
 C-Date
 COBU due date
 COBU Received date
 Certificate issued

FEES PAID
 Date 6-22-2020 Amount \$876.93 Receipt # 132859

FEES REFUNDED
 Date Amount Receipt #

Assignments:

Irrigation District _____

Agent Doug Silbermagel Eagle Eye Farms dsilbermagel24@gmail

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

June 29, 2021

EAGLE EYE FARMS LLC
DOUG SILBERNAGEL
20095 HUBBARD CUTOFF NE
AURORA, OR 97002

Re: Termination of Transfer T-13476

The Department received a voluntary request of Termination on June 29, 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. xxx Page xxx.

Transfer T-13476 is of no further force or effect.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support
Transfers and Conservation Section

cc: Watermaster Dist. # (via email)
Polk County
Doug Siebernagel, Agent

Enclosure

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

In the Matter of Temporary Transfer T-13476, Polk County, Oregon	))	ORDER TERMINATING A TEMPORARY TRANSFER
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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

EAGLE EYE FARMS LLC
Attn. DOUG SILBERNAGEL
20095 HUBBARD CUTOFF NE
AURORA, OR. 97002

Findings of Fact

1. On November 9, 2020, the Water Resources Department issued an order approving the temporary changes proposed in Application T-13476. The order was recorded in Special Order Volume 118, Page 37.
2. Under the order, the water right would revert to the authorized place of use at the end of the 2023 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 June 14, 2021, Doug Silbernagel, the applicant, submitted a written request that the temporary transfer be voluntarily terminated.

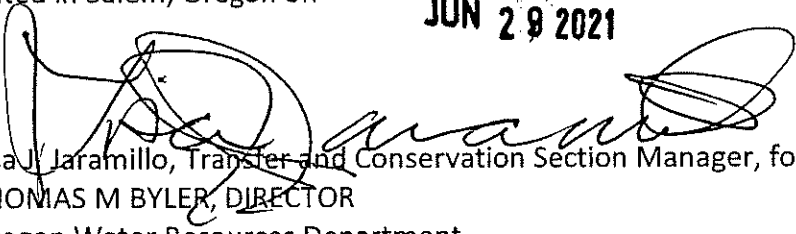
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review 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-13476 is terminated. The use shall revert to the place of use authorized under Certificate 24217. 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

JUN 29 2021



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

Mailing date:

JUN 30 2021

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13476

Transfer Specialist:

Transfer Type: Temporary Transfer

Applicant: EAGLE EYE FARMS LLC DOUG SILBERNAGEL 20095 HUBBARD CUTOFF NE AURORA, OR 97002 Email: _____ Phone: _____		Agent: ☐ N/A DOUG SILBERNAGEL 20095 HUBBARD CUTOFF NE AURORA, OR 97002 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-25677	S-20241	24217	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: June 22, 2020	Proposed Action(s): PLACE OF USE	
Fees Pd: 876.93	WM District: 22	ODFW District:
Initial Public Notice: June 30, 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: 8-26-20 Initials: JBM	Date: 9-1-20 Initials: SJOFF	Date: _____ Initials: _____	Date: 9/8/20 Initials: PKS	Date: _____ Initials: _____	Date: _____	Date: 10/13/2020
Termination Fee 6/15/21 Special Issues: cc 6/15/21 PKS 6/23/21 cc							

Special Order Volume: Vol. 117 Pages 679-81

COURCHANE Corey A * WRD

From: STARNES Patrick K * WRD
Sent: Tuesday, June 15, 2021 3:48 PM
To: COURCHANE Corey A * WRD
Subject: Re: Temporary transfer T13476

No edits needed. Free to proceed to signature.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cellphone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Sent: Tuesday, June 15, 2021 1:52:54 PM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: Temporary transfer T13476

Kelly,

When you have a moment, please review and save track changes. I would like to get this in on Monday for signature.

Thank you,

Corey

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Monday, June 14, 2021 11:46 AM
To: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: Re: Temporary transfer T13476

👉 Thank you!

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cellphone: 503-979-3511 Fax: 503-986-0903

E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Sent: Monday, June 14, 2021 11:44:57 AM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: Temporary transfer T13476

Yeah I can add it to my list for this week. It's a simple 1 pager😊

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Monday, June 14, 2021 11:40 AM
To: PLAHN Joel M * WRD <Joel.M.Plahn@oregon.gov>; COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: Re: Temporary transfer T13476

Thank you Joel,

Looks like we have what we need with that e-Mail.

Corey, do you want this, or should I get someone else?

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cellphone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: PLAHN Joel M * WRD <Joel.M.Plahn@oregon.gov>
Sent: Monday, June 14, 2021 10:32:20 AM
To: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>; COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Subject: FW: Temporary transfer T13476

Not sure who I send termination request to. Thanks, Joel

From: doug@imperialgardensnursery.com <doug@imperialgardensnursery.com>
Sent: Monday, June 14, 2021 10:31 AM
To: PLAHN Joel M * WRD <Joel.M.Plahn@oregon.gov>
Cc: sidsilbernagel@yahoo.com
Subject: Temporary transfer T13476

Jocl

As discussed in our phone conversation, please cancel temporary transfer T13476 under water certificate #24217 in Rickreall OR. Rights need to be under the original water certificate.

Feel free to contact me if you have any questions.

Thanks

Doug Silbernagel
Eagle Eye Farms
503-679-3436



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 13, 2020

DOUG SILBERNAGEL
20095 HUBBARD CUTOFF NE
AURORA, OR 97002

REFERENCE: Temporary Transfer Application T-13476

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 2021 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@oregon.gov.

Sincerely,

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

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Doug Silbernagel, Agent
Polk County

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13476, Polk County	)	TEMPORARY CHANGE IN PLACE
	)	OF USE

Authority

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

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

Applicant

EAGLE EYE FARMS LLC
Attn. DOUG SILBERNAGEL
20095 HUBBARD CUTOFF NE
AURORA, OR. 97002

Findings of Fact

1. On May 16, 2014, EAGLE EYE FARMS LLC, Attn. Doug Silbernagel filed an application to temporarily change the place of use under Certificate 24217 for a period of one year. The Department assigned the application number T-13476.
2. Notice of the application for transfer was published on May 20, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:

Certificate:	24217 in the name of W. A. MIDDLETON (perfected under Permit S-20241)
Use:	IRRIGATION of 29.1 ACRES
Priority Date:	FEBRUARY 26, 1951
Rate:	0.36 CUBIC FOOT PER SECOND

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

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

Source: RICKREALL CREEK a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
7 S	5 W	WM	36	NW NE	72

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	5 W	WM	36	NE NE	72	15.3
7 S	5 W	WM	36	NW NE	72	0.4
7 S	5 W	WM	36	SW NE	72	3.2
7 S	5 W	WM	36	SE NE	72	10.2
Total:						29.1

4. Temporary Transfer Application T-13676 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
7 S	4 W	WM	31	SW NW	100	1.0
7 S	5 W	WM	25	SE SE	1400	7.0
7 S	5 W	WM	36	NE NE	100	1.1
7 S	5 W	WM	36	SE NE	100	14.8
7 S	5 W	WM	36	NE SE	100	5.2
Total:						29.1

Temporary Transfer Review Criteria

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

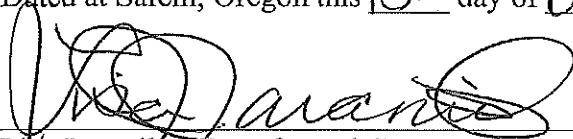
Conclusions of Law

The temporary change in place of use proposed in application Temporary Transfer Application T-13476 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13476 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2020 and 2021 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 24217 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 24217.
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.

Dated at Salem, Oregon this 13th day of October 2020.



Lisa Jaramillo, Transfer and Conservation Manager for,
Thomas M. Byler, Director
Oregon Water Resources Department

OCT 14 2020

Mailing Date: _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13476

Transfer Specialist:

Transfer Type: Temporary Transfer

Applicant: EAGLE EYE FARMS LLC DOUG SILBERNAGEL 20095 HUBBARD CUTOFF NE AURORA, OR 97002 Email: _____ Phone: _____		Agent: ☐ N/A DOUG SILBERNAGEL 20095 HUBBARD CUTOFF NE AURORA, OR 97002 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-25677	S-20241	24217	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

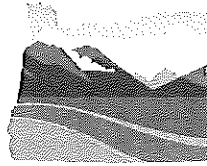
Rec'd: June 22, 2020	Proposed Action(s): PLACE OF USE	
Fees Pd: 876.93	WM District: 22	ODFW District:
Initial Public Notice: June 30, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☐		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote 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: <u>8-26-20</u> Initials: <u>JS</u>	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: <u>8-26-20</u> Initials: <u>JS</u>	Date: <u>9-1-20</u> Initials: <u>Steff</u>	Date: _____ Initials: _____	Date: <u>7/8/20</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

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-13476

Review Due Date:

Applicant Name: Doug Silbernagel

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

Reviewer(s): Joel Plahn

Date of Review: 07/16/2020

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



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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

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

Transfer #: T- 13476



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: 16

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 25, 2020

DOUG SILBERNAGEL
20095 HUBBARD CUTOFF NE
AURORA, OR 97002

Reference: Application T- 13476

On June 22, 2020, we received your water right Transfer application. The application was accompanied by \$876.93. Our receipt number 132859 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)

Doug Silbernagel, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **132859**

INVOICE # _____

RECEIVED FROM: Eagle Eye Farms LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13476</u>

CASH: ☐ CHECK: # 1826 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 876.93

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 <u>46110</u>			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$ <u>876.93</u>	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	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 (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **132859**

DATED: 6-22-2020 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.

RECEIVED

JUN 22 2020

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 24217**
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: 2021.**
- ☐ ☒ 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: 13476 -

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres for the portions of the rights to be transferred: _____ Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	66.93
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	876.93
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 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	876.93

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

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

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Doug Silbernagel / Eagle Eye Farms LLC			PHONE NO. 503-679-3436	ADDITIONAL CONTACT NO.
ADDRESS 20095 Hubbard Cutoff Ne				FAX NO.
CITY Aurora	STATE OR	ZIP 97002	E-MAIL dsilbernagl224@gmail.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 Doug Silbernagel / Eagle Eye Farms LLC			PHONE NO. 503-679-3436	ADDITIONAL CONTACT NO.
ADDRESS 20095 Hubbard Cutoff NE				FAX NO.
CITY Aurora	STATE OR	ZIP 97002	E-MAIL dsilbernagl224@gmail.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:
Allow crop rotation to maximize economic value of water to be used ie move water to new ground so a higher value crop can be grown.

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

Doug Silbernagel Member
Print Name (and Title if applicable)

6-4-2020
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

If NO, include signatures of all 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.

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☐ 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 N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all 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	
CITY Dallas	STATE Oregon	ZIP

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 # 24217

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Description of Water Delivery System

System capacity: .37 cubic feet per second (cfs) OR

163 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. Water is pumped from Rickreal Creek through buried mainline to reel irrigation system.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	☒ Authorized ☐ Proposed		7	S	5	W	36	N W	NE	100	Not identified on certificate
	☐ Authorized ☐ Proposed										
	☐ 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.

13476 -

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

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.

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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:

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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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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JUN 22 2020

OWRD

State of Oregon)
)ss
County of Polk)

I J.A. Wolhaupter in my/our capacity as sole representative of Andy's Gift LLC,

mailing address p.o. Box 10, Amity, OR 97101,

telephone number 503-302-1999, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 24217

described in a Transfer Application (T-____) submitted by Doug Silbernagel,
(transfer number, if known)

on the property in tax lot number(s) 100, 1400, Section 36, Township 7

South, Range 5 West, W.M., located at 535 Pacific Hwy W, Rickreall, OR 97351.
(site address)

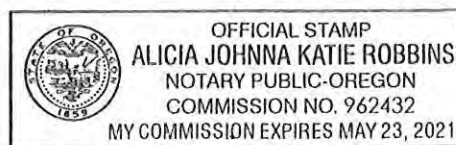
J.A. Wolhaupter
Signature of Affiant

6-12-20
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 12 day of June, 2012.



Alicia Johnna Katie Robbins
Notary Public for Oregon

My commission expires May 23, 2021

13476 -

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of POLK) ss

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JUN 22 2020

OWRD

I, DOUG SILBERNAGEL, in my capacity as APPLICANT,

mailing address 20095 HUBBARD CUTOFF NE, AURORA OR 97002

telephone number (503)679-3436, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 24217; **OR**

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

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

OR

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

(continues on reverse side)

13476 -

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

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

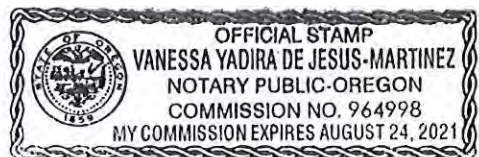

Signature of Affiant

6-5-2020
Date

RECEIVED

JUN 22 2020

Signed and sworn to (or affirmed) before me this 5 day of June, 2020.




Notary Public for Oregon

My Commission Expires: August 24, 2021

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

13476 -

SIDNEY SILBERNEGEL
20095 HUBBARD CUTOFF RD NE
AURORA OR 97002-9413



Inquiries? Call your
Business Solutions Team
Toll free 1-866-870-3419,
M-F, 6am-6pm PT
pacificpower.net



BILLING DATE: Jul 31, 2018

ACCOUNT NUMBER: [REDACTED]

DUE DATE: Aug 16, 2018

AMOUNT DUE: \$741.48



Your Balance With Us

Previous Account Balance	542.64
Payments/Credits	-542.64
New Charges	+741.48
Current Account Balance	\$741.48

Payments Received

DATE	DESCRIPTION	AMOUNT
Jul 26, 2018	Payment Received - Thank You	542.64
Total Payments		\$542.64

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

535 S Pacific Hwy W # Pmp Rickreall OR
Seasonal Rec 4/29/09 20 Hp Schedule 41X
Service ID: 778442335-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
77422841	Jun 19, 2018 Jul 19, 2018	30	3110 6687	1.0	3,577 kwh
77422841	Demand Jul 19, 2018		11.704	1.0	12 kw
77422841	Reactive Jul 19, 2018		7.63	1.0	8 kvar

Next scheduled read date: 08-20. Date may vary due to scheduling or weather.

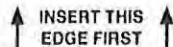
NEW CHARGES - 07/18	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	3,577 kwh	0.0364100	130.24
Reactive Power Charge Sec (Season End Est Charge Sec Is \$210.00)	3 kvar	0.6500000	1.95
Supply Energy Sec Summer Public Purpose	3,577 kwh	0.0598300	214.01
Energy Conservation Charge	3,577 kwh	0.0300000	10.39
Low Income Assistance	3,577 kwh	0.0033200	11.88
J C Boyle Dam Removal Surcharge	3,577 kwh	0.0006900	2.47
for 14 day(s)	1,669 kwh	0.0003700	0.62
for 16 day(s)	1,908 kwh	0.0003800	0.73
Copco Iron Gate Dams Remv Schg for 14 day(s)	1,669 kwh	0.0011200	1.87

See reverse

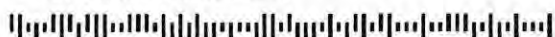
Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.



PACIFIC POWER
PO BOX 26000
PORTLAND OR 97256-0001



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Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING	JUL 2018	JUL 2017
Avg. Daily Temp.	69	68
Total kwh	3577	0
Avg. kwh per Day	119	0
Cost per Day	\$12.55	\$0.00

Support renewable energy through the Blue Sky program and gain visibility via social media, newsletters and more. Enroll today at pacificpower.net/bluesky or call 1-800-769-3717.

Looking for other ways to pay?

Visit pacificpower.net/pay for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

Late Payment Charge for Oregon

A late payment charge of 2.0% may be charged on any balance not paid in full each month.

Change of Mailing Address or Phone?

Check here & provide information on back.

Account Number: [REDACTED]

Date Due: Aug 16, 2018

AMOUNT DUE: \$741.48

Please enter the amount enclosed.

SIDNEY SILBERNEGEL
20095 HUBBARD CUTOFF RD NE
AURORA OR 97002-9413

BILLING DATE: Jul 31, 2018 ACCOUNT NUMBER: [REDACTED] DUE DATE: Aug 16, 2018 AMOUNT DUE: \$741.48

NEW CHARGES - 07/18 - CONTINUED

	UNITS	COST PER UNIT	CHARGE
For 16 day(s)	1,908 kwh	0.0011600	2.21
Total New Charges			376.37

ITEM 3 - ELECTRIC SERVICE

930 Independence Hwy # 25HP Independence OR
Horse Power Rating : 0025.0 Schedule 41X
Service ID: 404217157-001

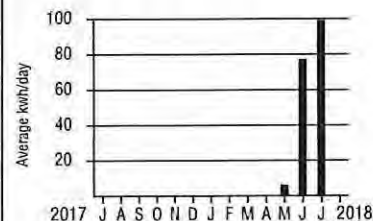
METER NUMBER	SERVICE PERIOD	ELAPSED DAYS	METER READINGS	METER MULTIPLIER	AMOUNT USED THIS MONTH
	From To		Previous Current		
61484099	Jun 27, 2018 Jul 1, 2018		2705 3672	1.0	
79805527	Jul 2, 2018 Jul 31, 2018		0 2397	1.0	
Total		34			3,364 kwh
61484099	Demand Jul 1, 2018		19.399	1.0	
79805527	Demand Jul 31, 2018		19.486	1.0	19 kw
Total					19 kw
61484099	Reactive Jul 1, 2018		9.599	1.0	
79805527	Reactive Jul 31, 2018		9.594	1.0	10 kvar
Total					10 kvar

Next scheduled read date: 08-27. Date may vary due to scheduling or weather.

NEW CHARGES - 07/18

	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	3,364 kwh	0.0364100	122.48
Reactive Power Charge Sec (Season End Est Charge Sec Is \$300.00)	2 kvar	0.6500000	1.30
Supply Energy Sec Summer	3,364 kwh	0.0598300	201.27
Public Purpose		0.0300000	9.75
Energy Conservation Charge	3,364 kwh	0.0033200	11.17
Low Income Assistance	3,364 kwh	0.0006900	2.32
J C Boyle Dam Removal Surcharge			
for 26 day(s)	2,572 kwh	0.0003700	0.95
for 8 day(s)	792 kwh	0.0003800	0.30
Copco Iron Gate Dams Remv Schg			
for 26 day(s)	2,572 kwh	0.0011200	2.88
for 8 day(s)	792 kwh	0.0011600	0.92

Historical Data - ITEM 3



Your Average Daily kwh Usage by Month

PERIOD ENDING	JUL 2018	JUL 2017
Avg. Daily Temp.	72	70
Total kwh	3364	0
Avg. kwh per Day	99	0
Cost per Day	\$10.74	\$0.00

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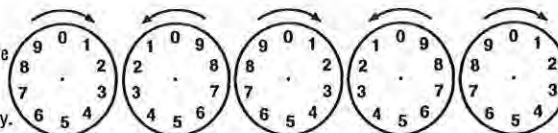
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New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER: 69738053-001 7

If you feel your meter read is incorrect, draw lines where the hands appear on the dials or for digital meters record the numbers shown on the display.



LAST

FIRST

M.I.

NEW STREET ADDRESS

CITY

ST

ZIP

TELEPHONE NUMBER

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This product contains
fiber from well-managed,
independently
certified forests.



Questions about your bill: Call toll free 1-866-870-3419 pacificpower.net

BILLING DATE: Jul 31, 2018 ACCOUNT NUMBER: [REDACTED] DUE DATE: Aug 16, 2018 AMOUNT DUE: \$741.48

NEW CHARGES - 07/18 - CONTINUED	UNITS	COST PER UNIT	CHARGE
City Of Independence Fee		0.0350000	11.77
Total New Charges			365.11

Effective July 6, 2018, the Oregon Public Utility Commission has approved a price decrease to the Klamath Dam Removal charges. These charges appear on your bill as JC Boyle Dam Removal and Copco & Iron Gate Dams Removal. Oregon law and the Klamath Hydroelectric Settlement Agreement authorizes the collection of the dam removal charges from customers. Your bill will reflect charges billed at old and new rates.

When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

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AFTER RECORDING RETURN TO:

SEND TAX STATEMENTS TO:

No Change

CONSIDERATION: \$ - 0 -

Space for Recording Label

RECORDED IN POLK COUNTY 2020-000665
Valerie Unger, County Clerk

 \$121.00

00371612202000006650070072 01/15/2020 03:52:48 PM

REC-BS Cnt=1 Stn=1 K. WILLIAMS
\$35.00 \$10.00 \$11.00 \$60.00 \$5.00

BARGAIN AND SALE DEED
(Termination of Life Estate)

Sandra L. Norman, Grantor, conveys to Andy's Gift LLC, a Washington limited liability company, Grantee, all of Grantor's right, title and interest in the real property described in the Statutory Warranty Deed recorded in Polk County, Oregon, document #2017-011147.

The life estate established by deed recorded in Polk County, Oregon, document #2016-007877 was terminated on July 3, 2019, the date Richard E. Norman and Sandra L. Norman, husband and wife, moved from the premises. Richard E. Norman died January 8, 2020.

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

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Bargain and Sale Deed

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DATED: 1-10, 2020

Rhonda L. Herbert
Sandra L. Norman
By: Rhonda L. Herbert, Attorney in Fact

STATE OF OREGON,)
County of Polk) ss.

The foregoing instrument was acknowledged before me this 10th day of January, 2019, by Rhonda L. Herbert, Attorney in Fact for Sandra L. Norman.



Christina Eleis Bunnell
NOTARY PUBLIC FOR OREGON

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DURABLE POWER OF ATTORNEY

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I, Sandra L. Norman, of Rickreall, Oregon, appoint my spouse, Richard E. Norman as my Agent and attorney-in-fact ("my Agent"), with power and authority to:

1. Support. Make expenditures for my health, education, support, maintenance, and general welfare.
2. Managing and Disposing of Assets. Take possession of, retain, change the form of, manage, maintain, improve, lease, grant options on, encumber, sell, exchange, or otherwise dispose of any of my real or personal property or any interest in property, in any manner and on any terms my Agent considers to be in my best interests. Such real property shall include 535 So. Pacific Hwy, Rickreall, Polk County, OR 97371 or any subsequent residence or any other real property specifically described in Exhibit A attached hereto. No compensation may be paid to my agent that would require my agent to be licensed under Oregon Revised Statutes chapter 696 or other applicable law pertaining to professional real estate activity.
3. Checks and Notes. Receive, endorse, sign, sell, discount, deliver, and deposit checks, drafts, notes, and negotiable or nonnegotiable instruments, including any drawn on the Treasury of the United States or the state of Oregon or any other state or governmental entity.
4. Financial Institutions. Enter into any transaction with and contract for any services rendered by a financial institution, including continuing, modifying, or terminating existing accounts; opening new accounts; drawing, endorsing, or depositing checks, drafts, and other negotiable instruments; acquiring and transferring certificates of deposit; withdrawing funds deposited in my name alone or in my name and the name of any other person or persons; and providing or receiving financial statements. "Financial institutions" means banks, trust companies, savings banks, commercial banks, savings and loan associations, credit unions, loan companies, thrift institutions, mutual fund companies, investment advisors, brokerage firms, and other similar institutions.
5. Investments and Securities Transactions. Invest and reinvest in common or preferred stocks, bonds, mutual funds, common trust funds; money market accounts, secured and unsecured obligations, mortgages, and other real or personal property; engage in investment transactions with any financial institution; and hold my securities in the name of my Agent's nominee or in unregistered form.
6. Insurance and Annuity Contracts. Purchase, maintain, modify, renew, convert, exchange, borrow against, surrender, cancel, and collect or select payment options under any insurance or annuity contract. This power shall not extend to any insurance I own on the life of my Agent. Any receipt, release, or other instrument executed by my Agent in connection with any insurance or annuity contract shall be binding and conclusive upon all persons.

7. Voting. Appear and vote for me in person or by proxy at any corporate or other meeting.
8. Flower Bonds. Purchase U.S. Treasury bonds redeemable at par in payment of federal estate tax, and borrow funds and pledge the bonds as collateral to make the purchase.
9. Retirement Plans. Establish, modify, contribute to, select payment options under, make elections under, receive payments from, make rollovers to, and take any other steps I might take with respect to IRA accounts and other retirement plans.
10. Credit Cards. Cancel or continue my credit cards and charge accounts, use my credit cards to make purchases, and sign charge slips on my behalf.
11. Collections. Demand and collect any money or property owed to me and give a receipt or discharge for the money or property collected.
12. Debts. Pay my debts and other obligations.
13. Litigation. Sue upon, defend, compromise, or submit to arbitration any controversies in which I may be interested; and act in my name in connection with any complaint, proceeding, or suit.
14. Taxes and Assessments. Do the following with respect to the years 2004 through 2050: pay any tax or assessment; appear for and represent me, in person or by attorney, in all tax matters; execute any power of attorney forms required by the Internal Revenue Service, the Oregon Department of Revenue, or any other taxing authority; receive confidential information from any taxing authority; prepare, sign, and file federal, state, and local tax returns and reports for all tax matters, including income, gift, estate, inheritance, generation-skipping, sales, business, FICA, payroll, and property tax matters; execute waivers, including waivers of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of a claim for credit or refund; execute consents, closing agreements, and other documents related to my tax liability; make any elections available under federal or state tax law; and delegate authority or substitute another representative with respect to all matters described in this paragraph.
15. Borrowing. Borrow in any manner and on any terms my Agent considers to be in my best interests, and give security for repayment.
16. Government Benefits. Perform any act necessary or desirable in order for me or my spouse to qualify for and receive all types of government benefits, including Medicare, Medicaid, Social Security, veterans', and workers' compensation benefits, and to serve as my representative payee.

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17. Transfers to Spouse. Transfer my interest in individual and jointly held property to or for the sole benefit of my spouse. I intend to protect my spouse from impoverishment if I need long term care. This power includes the authority to transfer my interest in our residence.

18. Support For My Spouse. To enter into any agreement or stipulated support order to provide my spouse with sufficient income and resources to live in the community in the manner to which he is accustomed in the event that I need long term care.

19. Assistance in Home. Use my funds and property to pay for care and services that I may need in order to remain in my own home in the event that I require long term care. This power includes the authority to pay my Agent, family members and/or friends who provide in home care or services for me or who arrange for or manage care and services for me at the current fair market rates for the services they provide.

20. Long Term Care Outside the Home. Use my funds and property to contract and pay for long term care outside of my home if my Agent determines that I cannot receive the services that I may need in my home. If my spouse is in a long term care facility, I prefer to be in the same facility.

21. Gifts. Make gifts and consent to split gifts on my behalf, whether outright, in trust, or in custodianship, to or for the benefit of my spouse and my lineal descendants. Gifts made under this paragraph may be in any amount as long as such gifts are consistent with my existing estate plan to the extent reasonably possible. I understand that this power to make gifts creates a conflict of interest for my Agent and, in order to encourage the exercise of this power, I expressly waive any claims against my Agent relating to the exercise of said power.

22. Disclaimer. Disclaim any property, interest in property, or power to which I may be entitled; and take all steps required to make the disclaimer effective under state and federal laws, including Section 2518 of the Internal Revenue Code or any successor statute. In deciding whether to disclaim, my Agent shall consider the effect of disclaimer on taxes that may be payable, on qualification for government benefits, and on my existing estate plan.

23. Fiduciary Positions. Resign from or renounce on my behalf fiduciary positions, including personal representative, trustee, conservator, guardian, attorney-in-fact, and officer or director of a corporation; and discharge me from further responsibility by filing accountings with a court or settling by formal or informal methods.

24. Safe Deposit Box. Have access to and make deposits to or withdrawals from any safe deposit box rented in my name alone or in my name and the name of any other person or persons.

25. Mail. Redirect my mail.

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26. Custody of Documents. Take custody of important documents, including any Will, trust agreements, deeds, life insurance policies, and contracts.

27. Employees and Advisors. Employ, compensate, and discharge attorneys, accountants, investment advisors, property managers, custodians, physicians, dentists, nurses, household help, and others to render services to me or for my benefit.

28. Trusts. Transfer any of my real or personal property to the trustee of the Richard & Sandra Norman Family Trust, or establish a new revocable or irrevocable trust, or amend or terminate an existing trust, and transfer any real or personal property, including the right to receive income, to said trust, provided that the income and principal are payable during my lifetime solely to me and/or my spouse and that the trust is consistent with any existing estate plan to the extent possible.

29. Nomination of Guardian and Conservator. To the extent permitted by state law, I nominate my Agent to act as my guardian and conservator if I become incapacitated.

30. Perform Other Acts to Carry Out the Powers Granted. Execute and deliver any written instrument and perform any other act necessary or desirable to carry out any of the powers granted under this power of attorney, as fully as I might do personally. I ratify and confirm all acts performed pursuant to this power of attorney.

31. Third Party Reliance. Third parties who rely in good faith on the authority of my Agent under this power of attorney shall not be liable to me, to my estate, or to my heirs, successors, or assigns. Third parties without actual notice of revocation may conclusively rely on the continued validity of this power of attorney. If requested, my Agent shall furnish, and a third party may conclusively rely on, an affidavit or certificate stating that (1) I was competent at the time this power of attorney was executed, (2) the power of attorney has not been revoked, (3) my Agent continues to serve as attorney-in-fact under the power of attorney, and (4) my Agent is acting within the scope of authority granted under the power of attorney. My Agent may sue or pursue other action against any third party who refuses to honor this power of attorney after such an affidavit or certificate has been provided.

32. Missing. If I am determined missing without a determination of death, then my agent shall continue to operate under the terms of this durable power of attorney until I am determined to be dead by the appropriate authorities.

33. Alternate Agent. If my spouse is unable or unwilling to act as my Agent, I appoint my daughter, Rhonda L. Herbert as my agent and attorney in fact. If Rhonda L. Herbert is unable or unwilling to act as my Agent, I appoint my son, Jeffrey D. Norman, as my agent and attorney in fact. If Jeffrey D. Norman is unable or unwilling to act as my Agent, I appoint my son, Robert S. Norman as my agent and attorney in fact. If Robert S. Norman is unable or unwilling to act as my Agent, I appoint my son-in-law, John Herbert Jr., as my agent and attorney in fact. An alternate agent may act during any period when my Agent is temporarily

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unable to act. The term "my Agent" in this power of attorney shall include any alternate agent who is authorized to act under this paragraph.

34. Durability. The powers granted to my Agent under this power of attorney shall continue to be exercisable even though I have become disabled or incompetent.

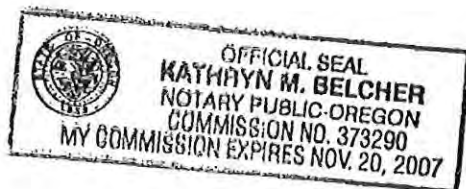
35. Governing Law. The validity and construction of this power of attorney shall be determined under Oregon law.

I have signed this power of attorney this 25th day of January, 2006.

Sandra L. Norman
Sandra L. Norman

STATE OF OREGON)
) ss.
County of Marion)

On this 25th day of January, 2006, before me personally appeared Sandra L. Norman and acknowledged to me that she executed this power of attorney freely and voluntarily.



Kathryn M. Belcher
Notary Public for Oregon
My commission expires: 11/20/07

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TICOR TITLE 471817061443

RECORDING REQUESTED BY:



315 Commercial St SE, Ste 150
Salem, OR 97301

GRANTOR'S NAME:

Richard & Sandra Norman Family Trust

GRANTEE'S NAME:

Andy's Gift, LLC, a Washington limited liability company

AFTER RECORDING RETURN TO:

Order No.: 471817061443-LN
Andy's Gift, LLC, a Washington limited liability company
PO Box 10
Amity, OR 97101

SEND TAX STATEMENTS TO:

Andy's Gift, LLC, a Washington limited liability company
PO Box 10
Amity, OR 97101

APN:

158918

157854

158020

165079

165066

Map:

07525-D0-01400

07430-C0-05400

07431-00-00400

07536-00-00200

07536-00-00100

535 Pacific Hwy S, Rickreall, OR 97371

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2017-011147

09/15/2017 03:44:02 PM

REC-WD Cnt=1 Sln=0 V. UNGER
\$30.00 \$11.00 \$10.00 \$20.00 \$5.00

\$76.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Richard E Norman and Sandra L. Norman, Trustees of the Richard & Sandra Norman Family Trust, Grantor, conveys and warrants to Andy's Gift LLC, a Washington limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Polk, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,400,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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

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STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 9/15/2017

Richard & Sandra Norman Family Trust

BY: Richard E. Norman
Richard E Norman, Trustee

BY: Sandra L. Norman
Sandra L Norman, Trustee

State of OR
County of Polk

This instrument was acknowledged before me on 9/15/2017
by Richard E. Norman and Sandra L. Norman, Trustees of the Richard & Sandra Norman Family Trust.

Kim Davis
Notary Public - State of Oregon

My Commission Expires: 1/15/2018



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EXHIBIT "A"
Legal Description

PARCEL I:

Beginning at an iron rod 24.25 chains West and 40.41 chains North of the Southeast corner of the Donation Land Claim of James Kimsey and Wife, Notification No. 99, Claim No. 54, in Section 6 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence West 4.83 chains to an iron pipe; thence South 89° 38' West 24.09 chains to an iron pipe; thence South 4.26 chains to the North boundary of the right of way of Southern Pacific Railroad Co.; thence along the right of way North 82° 08' East 29.20 chains; thence North .40 links to the place of beginning.

ALSO a part of the Donation Land Claim of James Kimsey and wife, Notification No. 99 in Township 7 South, Range 4 West and 5 West of the Willamette Meridian in Polk County, Oregon and more particularly described as beginning at an iron pipe which is North 89° 45' West 23.95 chains from the Northeast corner of said Kimsey Donation Land Claim, which said point is on the North boundary line of said Kimsey Donation Land Claim; and running thence South 0° 15' East 28.37 chains; thence North 88° 20' West 5.35 chains; thence South 0° 34' East 15.40 chains to an iron pipe; thence South 89° 38' West 24.09 chains to an iron pipe on the East line of Kimsey's land; thence North 35.56 chains; thence North 52° 0' East 8.80 chains; thence North 20° 0' East 3.85 chains to a point on the North boundary of said Kimsey Donation Land Claim; thence South 89° 45' East 20.77 chains to the place of beginning.

ALSO beginning 44.72 chains North 89° 45' West from the Northeast corner of the James Kimsey Donation Land Claim No. 53 in Township 7 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; and running thence South 20° West 3.85 chains; thence South 52° West 8.80 chains; thence North 9.40 chains to the North line of said Donation Land Claim; thence South 89° 45' East 8.25 chains to the place of beginning.

EXCEPTING THEREFROM the right of way of the Salem Falls City and Western Railway Co., said right of way being 40 feet in width, being 20 feet on each side of the center line of said railroad track.

PARCEL II:

Beginning at a 3/4" bolt on the South line of the Nathaniel Ford Donation Land Claim No. 44 and 37 in Township 7 South, Range 4 and 5 West, of the Willamette Meridian in Polk County, Oregon at a point 903.38 feet North 89° 11- 1/2' West from the Southeast corner of said Donation Land Claim; thence North 89° 11-1/2' West 6.62 feet; thence North 25.0 feet; thence North 89° 11-1/2' West 950.0 feet; thence South 25 feet; North 89° 11-1/2' West 30.54 feet to a 3/4 inch bolt; thence North 0° 34' East 466.44 feet to a 3/4 inch bolt; thence South 89° 11-1/2' East 982.54 feet to a bolt; thence South 466.42 feet to the place of beginning.

TOGETHER WITH the following described parcel:

Beginning at a point 910 feet West of the Southeast corner of the Donation Land Claim of Nathaniel Ford and wife, No. 122, Claim No. 44 in Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon and running thence North 25 feet; thence West 950 feet; thence South 25 feet; thence East 950 feet to the place of beginning.

EXCEPTING portions conveyed to Richard E. Norman, et ux, by deed recorded May 2, 1968 in Volume 210, Page 354, Deed Records for Polk County, Oregon.

PARCEL III:

Beginning at a spike in the pavement at the Northeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 53, in Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; running thence West 991 feet; thence South 25 feet; thence East 991 feet; thence North 25 feet to the place of beginning.

PARCEL IV:

That portion of the following described property lying South of the Southerly line of the present Dallas-Salem Highway, otherwise known as Highway No. 223, to-wit: Beginning at a point 36.25 chains East of the Southwest corner of the "L" of the Donation Land Claim of Nathaniel Ford and wife Notification No. 122, Claim No. 37, in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; running thence North 20.00 chains; thence West 4.55 chains, thence North 3.56 chains, to an iron pin; thence East 3.16-1/2 chains to an iron pin; thence South 3.16-1/2 chains to an iron pin; thence North 76° 45' East 4.25 chains to an iron pin; thence South 2.27 chains; thence East 5.03 chains, to a point in the center of the LaCreole River; thence down said river along the center thereof to a point which is 3.00 chains West and 18.28 chains, North of the Section corner common to Sections 30, 31, 25, and 36 and in Township 7 South, Ranges 4 and 5 West of the Willamette Meridian; thence South 22.42 chains to the South line of said Nathaniel Ford D.L.C.; thence West 20.25 chains along said line to the place of beginning.

SAVE AND EXCEPT: Parcels 1 and 2 of Partition Plat No. 1994-0020, recorded June 23, 1994 in Volume 1994,

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EXHIBIT "A"
Legal Description

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Page 20, Book of Records for Polk County, Oregon, as Fee No. 389228.

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PARCEL V:

Beginning at a point 25 feet South of the Northeast corner of the Donation Land Claim of James Kimsey and wife, Not. No. 99, Claim No. 53 in Township 7 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence West a distance of 991 feet; thence North a distance of 25 feet to the North line of said Kimsey Donation Land Claim; thence West a distance of 589.70 feet; thence South 15' East a distance of 19.20 chains; thence East a distance of 23.91 chains to the East line of said Kimsey Donation Land Claim; thence North a distance of 1242.20 feet to the place of beginning.

SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways, including those certain tracts of land conveyed to the State of Oregon, by and through its State Highway Commission.

FURTHER SAVE AND EXCEPT:

Beginning at a point 6.39 chains South of the Northeast corner of the James Kimsey Donation Land Claim in Township 7 South, Range 4 West of the Willamette Meridian in the County of Polk, State of Oregon; running thence South along center of County Road 3.17 chains; thence West 6.34 chains; thence North 3.17 chains; thence East 6.34 chains to the place of beginning.

FURTHER SAVE AND EXCEPT: Any portion of said premises as lies within the boundaries of the Mill Race as described in that certain deed recorded February 6, 1866, in Volume 4, Page 711, Deed Records for Polk County, Oregon.

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EXHIBIT "B"

Exceptions

Subject to:

A Life Estate in Parcels I, II and III for Richard E. Norman and Sandra L. Norman, as tenants by the entirety

The Land has been classified as farmland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within streets, roads and highways.

Any adverse claim based upon the assertion that:

- A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Mill Race and Rickreall Creek or has been formed by accretion or reliction to any such portion.
- B) Some portion of said property has been created by deposit of artificial fill.
- And Excepting;
- C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the Mill Race and Rickreall Creek.
- D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Mill Race and Rickreall Creek.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Poles and anchors
Recording Date: April 27, 1951
Recording No.: Book 144, page 521
(Affects Parcel II and III)

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor: W.A. Middleton
Grantee: State of Oregon by and through the State Highway Division
Recording Date: August 21, 1958
Recording No.: Book 3, Page 211
(Affects Parcel I)

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor: Dean Allen
Grantee: State of Oregon by and through the State Highway Division
Recording Date: August 1, 1960
Recording No.: Book 174-690
(Affects Parcel V)

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor: William A. Middleton and Della R. Middleton, husband and wife
Grantee: State of Oregon by and through the State Highway Division
Recording Date: August 31, 1960
Recording No.: Book 175-64
(Affects Parcel II and III)

Covenants, conditions, restrictions and maintenance agreement created by instrument, including the terms and provisions thereof,

Recording Date: August 5, 1968
Recording No.: Book 212, Page 540
Purpose: Water easement-reservoir type well for water supply
(Affects Parcel V)

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EXHIBIT "B"
Exceptions

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor: Elsie M. Monson
Grantee: State of Oregon by and through the State Highway Division
Recording Date: October 29, 1971
Recording No.: Book 23, Page 406 and 409
(Affects Parcel IV)

Maintenance Agreement for easement as created by instrument, including the terms and provisions thereof

Recording Date: May 17, 1973
Recording No.: Book 43, page 744
(Affects Parcel II and III)

Road Maintenance Agreement

Recording Date: January 25, 1993
Recording No.: Book 263, page 1058
(Affects Parcels II and III)

The effect, if any, of property line adjustment as set forth in deed,

Recording Date: October 24, 2011
Recording No.: 2011-009787

The effect, if any, of property line adjustment as set forth in deed

Recording Date: October 24, 2011
Recording No.: 2011-009788

The effect, if any, of easement as set forth in deed

Recording Date: December 6, 2011
Recording No.: 2011-011272

Note: Said easement is invalid unless conveyed to a third party.

Covenants, conditions, restrictions and maintenance agreement created by instrument, including the terms and provisions thereof,

Entitled: Deed Creating Life Estate
Recording Date: July 20, 2016
Recording No.: 2016-007877

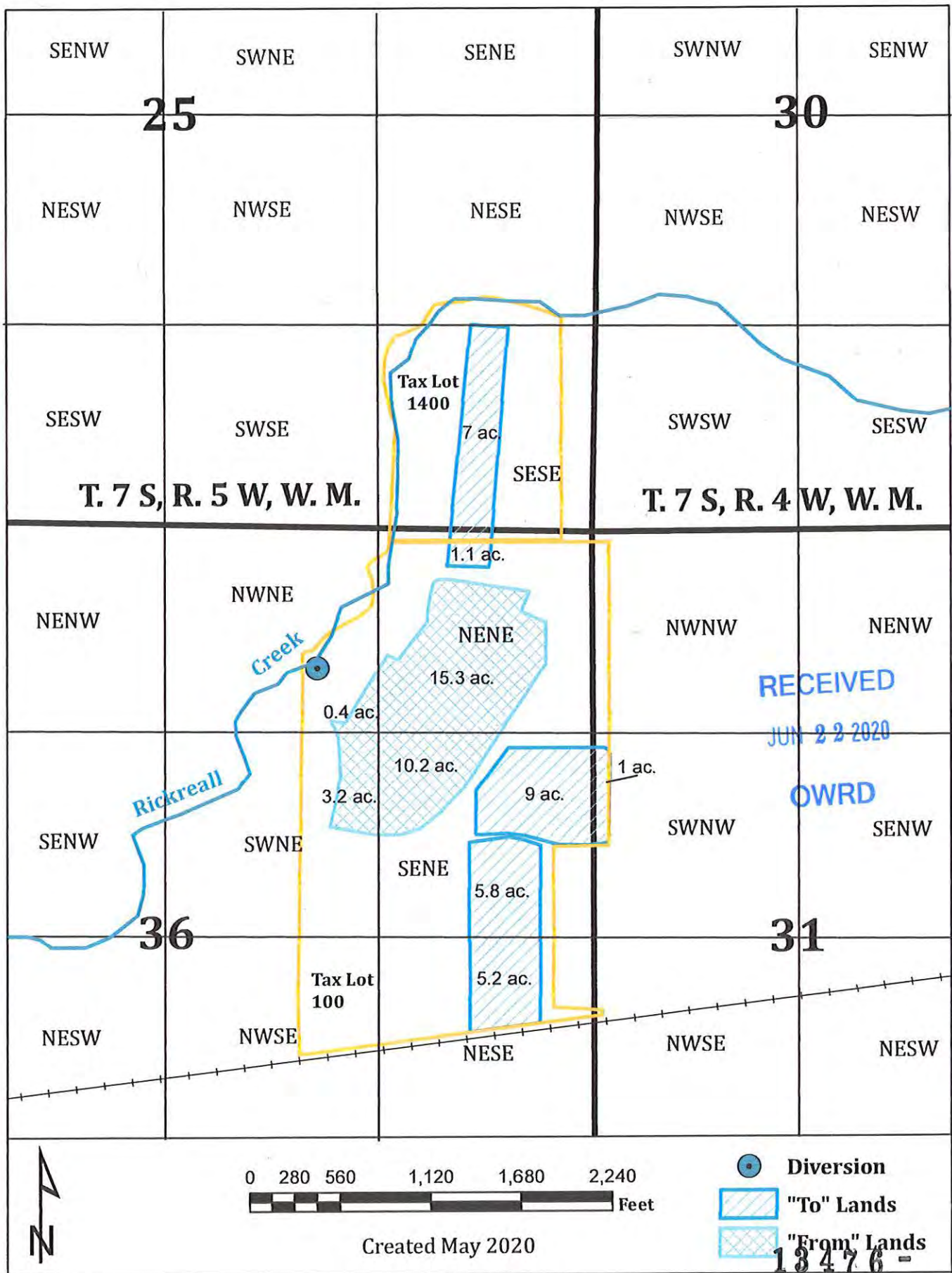
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Temporary Transfer of Place of Use under Certificate #24217



P.O.D. located in the NW 1/4 of the NE1/4 as projected within the James Kinsey DLC #72;
Section 36, Township 7 South, Range 5 West, W.M.

Regular Temporary Water Right Transfer Application Checklist

Checked by Jan

Date 6/25/20

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.

24217-NC Polk Co.
Polk Co.

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

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

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

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

Jan - GTG