

Regular

SCANNED

AUG 04 2026

Name MDD Holding  
auth David King  
Address 4386 Desert Rd NE  
Silverton Oregon 97381

Change in POA  
Date Filed 5/21/2020  
Initial notice date 6/9/2020  
DPD issued date 10/27/2021  
PD issued date 2/16/2022  
PD notice date 2/22/2022  
Date of FO 6/22/2022 Vol 125 Page 241-4

C-Date 10/6/2023  
COBU due date 10/6/2024  
COBU Received date  
Certificate issued 98509 issued 8-15-2026

DESCRIPTION OF WATER RIGHT(s)

Name of Stream well  
Trib. of pudding river  
Use irrigation County marion  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
App# 69253 Per # 68686 Cert # 52663 PR Date 9/23/1979  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_  
App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

| FEES PAID        |                  |               |
|------------------|------------------|---------------|
| Date             | Amount           | Receipt #     |
| <u>5-21-2020</u> | <u>\$1570.00</u> | <u>132572</u> |
| <u>1-21-2022</u> | <u>\$205.78</u>  | <u>137320</u> |

| FEES REFUNDED |        |           |
|---------------|--------|-----------|
| Date          | Amount | Receipt # |
|               |        |           |
|               |        |           |
|               |        |           |
|               |        |           |
|               |        |           |

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Deann Hamilton - Pacific hydro geology Phgdmh@gmail.com

CWRE \_\_\_\_\_  
CC's list marion county Planning

☐ - Oversized map - Location \_\_\_\_\_

# Mailing List for Final Transfer Certificate(s)

Transfer Application: T-13449

Certificate: 98509 (C-52663)

Certificate/Transfer Holder: (include copy of map)

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

**Copies of Final Transfer Certificate(s) to be sent to:**

1. Watermaster District #: 16
2. Water Availability
3. Vault
4. File

**Other persons to receive copies: (include map):**

5. Doann Hamilton, CWRE

**Record Marking(s):**

1. Original Application# G-9253
2. Old Certificate# 52663

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| <p><b>Copies Mailed</b></p> <p>by: <u>TM</u><br/>(STAFF)</p> <p>on: <u>AUG 15 2025</u><br/>(DATE)</p> |
|-------------------------------------------------------------------------------------------------------|



# Oregon

Tina Kotek, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

Date Mailed: AUG 15 2025

## NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in order than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This statement of judicial review rights is required under ORS 536.075 it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Jonnine Skaug at 503-979-3943.

## STATE OF OREGON

## COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON OR 97381

confirms the right to the use of water perfected under the terms of Permit G-8686. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL A TRIBUTARY OF PUDDING RIVER

PURPOSE OR USE: IRRIGATION OF 10.7 ACRES

MAXIMUM RATE: 0.13 CUBIC FOOT PER SECOND

DATE OF PRIORITY: MAY 23, 1979

The well is located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                            |
|-----|-----|-----|-----|-------|-----|---------------------------------------------------------------|
| 7 S | 1 W | WM  | 6   | NW SW | 53  | 1320 FEET SOUTH AND 700 FEET EAST FROM W1/4 CORNER, SECTION 6 |

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 not to exceed 2.5 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 is as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Acres |
|-----|-----|-----|-----|-------|-----|-------|
| 7 S | 1 W | WM  | 6   | NW SW | 53  | 8.4   |
| 7 S | 2 W | WM  | 1   | NE SE | 56  | 2.3   |

The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation described as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                       |
|-----|-----|-----|-----|-------|-----|----------------------------------------------------------|
| 7 S | 2 W | WM  | 1   | NE SE | 56  | 560 FEET SOUTH AND 2330 FEET EAST FROM NW CORNER, DLC 56 |

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered June 22, 2022, at Special Order Volume 125, Page 261, approving Transfer Application T-13449, and together with Certificate 96150, supercedes Certificate 52663, State record of Water Right Certificates.

Issued **AUG 15 2025**.



Katherine Ratcliffe  
Water Right Services Division Administrator, for  
Ivan Gall, Director  
Oregon Water Resources Department

## TRANSFER

## Memo- Proof to Satisfaction

|                                      |                       |
|--------------------------------------|-----------------------|
| Transfer App # <u>T-13449</u>        |                       |
| WRD Reviewer (CW) <u>SKUNG</u>       | Date: <u>May 2025</u> |
| WRD Peer Reviewer (PR) <u>holmes</u> | Date: <u>June 25</u>  |

| ORIGINAL CERT: | CHANGE REQUESTED:            |                                             |                                    |                              |  | RR Cert:     |
|----------------|------------------------------|---------------------------------------------|------------------------------------|------------------------------|--|--------------|
| <u>52463</u>   | <input type="checkbox"/> POU | <input checked="" type="checkbox"/> POD/POA | <input type="checkbox"/> APOD/APOA | <input type="checkbox"/> USE |  | <u>96150</u> |
|                | <input type="checkbox"/> POU | <input type="checkbox"/> POD/POA            | <input type="checkbox"/> APOD/APOA | <input type="checkbox"/> USE |  |              |
|                | <input type="checkbox"/> POU | <input type="checkbox"/> POD/POA            | <input type="checkbox"/> APOD/APOA | <input type="checkbox"/> USE |  |              |
|                | <input type="checkbox"/> POU | <input type="checkbox"/> POD/POA            | <input type="checkbox"/> APOD/APOA | <input type="checkbox"/> USE |  |              |

APP  
G-9253

## PREPARATION:

| CW                                  | PR                       | RESEARCH:                                              |                                                                                                                |                                                                         |                                                     |
|-------------------------------------|--------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> CBU Report/Map     | <input checked="" type="checkbox"/> Transfer Order<br>Ord Vol <u>spo v 125</u><br>Issued Date <u>6/22/2022</u> | <input type="checkbox"/> Assignment                                     | <input type="checkbox"/> Transfer Extension         |
|                                     |                          | <b>Electronic Folder:</b>                              |                                                                                                                |                                                                         |                                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Create CBU folder             | <input checked="" type="checkbox"/> Create Work Packet Folder                                                  |                                                                         |                                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | SCAN: Above documents into "CBU Folder"                |                                                                                                                |                                                                         |                                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | SAVE: other documents in "Work Packet Folder"          |                                                                                                                |                                                                         |                                                     |
|                                     |                          | <input type="checkbox"/> Certificate(s)                | <input type="checkbox"/> Transfer App Maps (To/From)                                                           | <input type="checkbox"/>                                                |                                                     |
|                                     |                          | <input checked="" type="checkbox"/> OrMap Tax Lot Map  | <input checked="" type="checkbox"/> Ownership Report                                                           | <input checked="" type="checkbox"/> BLM Cadastral Survey                | <input type="checkbox"/> GW Logs                    |
|                                     |                          | <input type="checkbox"/> GW Conditions                 | <input type="checkbox"/> Mitigation                                                                            | <input type="checkbox"/> POU Report (conflict)<br>[POU ONLY] <u>N/A</u> | <input type="checkbox"/> Others:                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <b>SEARCH:</b>                                         |                                                                                                                |                                                                         |                                                     |
|                                     |                          | <input checked="" type="checkbox"/> Interactive Mapper | <input type="checkbox"/> AOI                                                                                   | <input checked="" type="checkbox"/> Map and TaxLot ID<br><u>1700</u>    | <input type="checkbox"/> Receiving LO:<br><u>va</u> |
|                                     |                          | New Landowner: <u>Same</u>                             |                                                                                                                |                                                                         |                                                     |

## REVIEW OF CLAIM:

| ORDER REQ'D                                                        | CERTIFICATE REQ'D                                       | COMPLIED YES/NO                                                  | CONDITIONS:              | NOTES:                               |
|--------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Fish Condition           |                                      |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Meter/Measuring Device   |                                      |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Water Use Reporting      |                                      |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | SWL (Month)              |                                      |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Dedicated MMS tube       |                                      |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Well Id                  |                                      |
| <input type="checkbox"/> Y <input type="checkbox"/> N/A            | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N            | Other:                   |                                      |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A | <input type="checkbox"/> Y <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | C-date: <u>10/1/2023</u> | EXT C-Date: <u>Claim Says 5-2023</u> |

## REVIEW OF MAP: (Only the changes approved)

| CW                                  | PR                       | Notes:                                                                                                        |
|-------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Verify POA/POD Location (New Only)                                                                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Verify POU (New only)                                                                                         |
| <input type="checkbox"/>            | <input type="checkbox"/> | POU clearly identified by Use Type/Certificate                                                                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | DLC/GOV'T LOT                                                                                                 |
|                                     |                          | <input type="checkbox"/> Original Cert Map for <i>unchanged</i> POU/POD/POA (Attached for Peer Reviewer/Data) |
|                                     |                          | <input type="checkbox"/> Note Maps for Reference                                                              |

## POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

| POD/POA-NEW/ADD'T | AUTHORIZED RATE | CLAIM RATE | CALCULATED RATE | NOTES:                |
|-------------------|-----------------|------------|-----------------|-----------------------|
|                   | <u>0.13 cfs</u> |            | <u>0.65 cfs</u> | <u>See Calc Sheet</u> |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |

**DETERMINATION:**

| CW                                  | PR                       | DOCUMENT                 | NOTES:            |
|-------------------------------------|--------------------------|--------------------------|-------------------|
| <input type="checkbox"/>            | <input type="checkbox"/> | LETTER FOR CLARIFICATION |                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | DRAFT (PLEASE EXPLAIN)   |                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PROPOSED                 |                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | FINAL                    | <i>made proof</i> |
| <input type="checkbox"/>            | <input type="checkbox"/> | PROPOSED ORDER TO CANCEL |                   |

**FINAL CHECKS: Review your document; BEFORE printing proposed for Support**

| CW                       | PR                       | DID YOU CHECK?                                              | NOTES:                                                                              |
|--------------------------|--------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | DATA REVIEW                                                 |                                                                                     |
|                          |                          | <input type="checkbox"/> POA/POD/DAM<br>TABLES/DESCRIPTIONS | <input type="checkbox"/> PLACE OF USE TABLES,<br>INCLUDING ACRES FOR GOV'T LOTS/DLC |
| <input type="checkbox"/> | <input type="checkbox"/> | SPELL CHECK DOC                                             |                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | MAPS: Identified for Reference                              |                                                                                     |
| <input type="checkbox"/> |                          | CERT NUMBER ISSUED:                                         |                                                                                     |
|                          |                          | Original Cert #      App                                    | New Cert #                                                                          |
|                          |                          | Original Cert #      App                                    | New Cert #                                                                          |
|                          |                          | Original Cert #      App                                    | New Cert #                                                                          |
|                          |                          | Original Cert #      App                                    | New Cert #                                                                          |

**EXTRAS: BEFORE Printing your Final Certificate**

| CW                       | PR                       | DID YOU CHECK?                  | NOTES: |
|--------------------------|--------------------------|---------------------------------|--------|
| <input type="checkbox"/> | <input type="checkbox"/> | DATA REVIEW COMMENTS<br>UPDATED |        |
| <input type="checkbox"/> | <input type="checkbox"/> | SPELL CHECKED DOC               |        |

**CASEWORKER REVIEW COMMENTS:****PEER REVIEWER COMMENTS:**

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13449, Marion County

)  
)

FINAL ORDER APPROVING A CHANGE IN  
POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On June 3, 2020, MDD HOLDING LLC, C/O DAVID KING filed an application to change the point of appropriation under Certificate 52663. The Department assigned the application number T-13449.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 27, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13449 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 29, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On February 16, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13449 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 22, 2022, and in the Silverton Appeal newspaper on March 2 and 9, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 52663 in the name of KING FARMS (perfected under Permit G-8686)  
**Use:** IRRIGATION of 10.7 ACRES  
**Priority Date:** MAY 23, 1979  
**Rate:** 0.13 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:** A WELL, a tributary of PUDDING RIVER

**Authorized Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                    |
|-----|-----|-----|-----|-------|-----|---------------------------------------------------------------------------------------|
| 7 S | 2 W | WM  | 1   | NE SE | 56  | AUTHORIZED WELL - 560 FEET SOUTH AND 2330 FEET EAST FROM THE NW CORNER OF SHAW DLC 56 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 7 S        | 1 W | WM  | 6   | NW SW | 53  | 8.4   |
| 7 S        | 2 W | WM  | 1   | NE SE | 56  | 2.3   |
| Total      |     |     |     |       |     | 10.7  |

6. Transfer Application T-13449 proposes to move the authorized point of appropriation approximately 2084 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                  |
|-----|-----|-----|-----|-------|-----|-------------------------------------------------------------------------------------|
| 7 S | 1 W | WM  | 6   | NW SW | 53  | PROPOSED WELL - 1320 FEET SOUTH AND 700 FEET EAST FROM THE W1/4 CORNER OF SECTION 6 |

**Transfer Review Criteria (OAR 690-380-4010)**

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

30 HP 90 PSI, 96 = 0.65 CFS

8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13449.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

#### Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13449 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

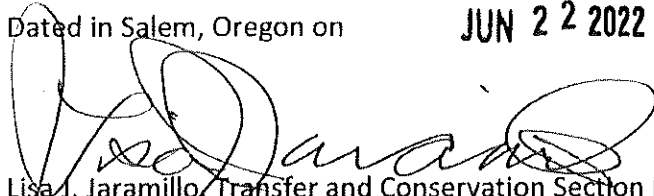
Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13449 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52663 and any related decree.
3. Water right Certificate 52663 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation (Proposed Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Authorized Well).
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**JUN 22 2022**



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

Mailing date:                     **JUN 23 2022**

## STATE OF OREGON

COUNTY OF

MARION

## CERTIFICATE OF WATER RIGHT

This is to certify, That KING FARMS

of 4285 Desart Road NE, Silverton, State of Oregon 97381, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Pudding River for the purpose of irrigation of 109.0 acres

under Permit No. G-8686 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 May 23, 1979

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 1.36 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NE 1/4 SE 1/4 as projected within Shaw DLC 56, Section 1, T7S, R2W, WM; 560 feet South and 2330 feet East from NW Corner Shaw DLC 56.

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 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:

10.2 acres NW 1/4 SW 1/4 as projected within Shaw DLC 53  
Section 6  
Township 7 South, Range 1 West, WM

23.3 acres NE 1/4 SW 1/4 as projected within Shaw DLC 56  
36.3 acres NE 1/4 SE 1/4 as projected within Shaw DLC 56  
39.2 acres NW 1/4 SE 1/4 as projected within Shaw DLC 56  
Section 1  
Township 7 South, Range 2 West, WM

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 Water Resources Director, affixed

this date. December 17, 1984

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52663

3381C/6

4 POTA  
T7S R1W  
sec 4  
NW SW DLC  
53  
13201 S 1/2 70W  
2 from  
W 1/4 corner  
sec 4

**CLAIM OF  
BENEFICIAL USE  
for Transfer New or Additional  
POA Only**



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

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

Example – A transfer involves 5 rights and one of the rights  
has a priority date of July 9, 1987, or later, the fee is required.

**SECTION 1  
GENERAL INFORMATION**

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a  
change in point(s) of appropriation or additional point(s) of appropriation, or  
a combination of both.

YES

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

RECEIVED  
OCT 05 2023  
OWRD

**1. File Information**

APPLICATION #  
**T-13449**

**2. Property Owner (current owner information)**

|                                                   |                    |                     |                        |
|---------------------------------------------------|--------------------|---------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>MDD Holding LLC</b> |                    | PHONE NO.           | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>4386 Desart Rd NE</b>               |                    |                     |                        |
| CITY<br><b>Silverton</b>                          | STATE<br><b>OR</b> | ZIP<br><b>97381</b> | E-MAIL                 |

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

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

|                                                                    |                    |                     |  |
|--------------------------------------------------------------------|--------------------|---------------------|--|
| TRANSFER HOLDER OF RECORD<br><b>MDD Holding LLC c/o David King</b> |                    |                     |  |
| ADDRESS<br><b>4386 Desart Rd NE</b>                                |                    |                     |  |
| CITY<br><b>Silverton</b>                                           | STATE<br><b>OR</b> | ZIP<br><b>97381</b> |  |

**4. Date of Site Inspection:**

**July 19, 2023**

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

| NAME       | DATE          | ASSOCIATION WITH THE PROJECT            |
|------------|---------------|-----------------------------------------|
| David King | July 19, 2023 | Secretary of MDD Holding LLC / operator |

**6. County**

Marion County

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

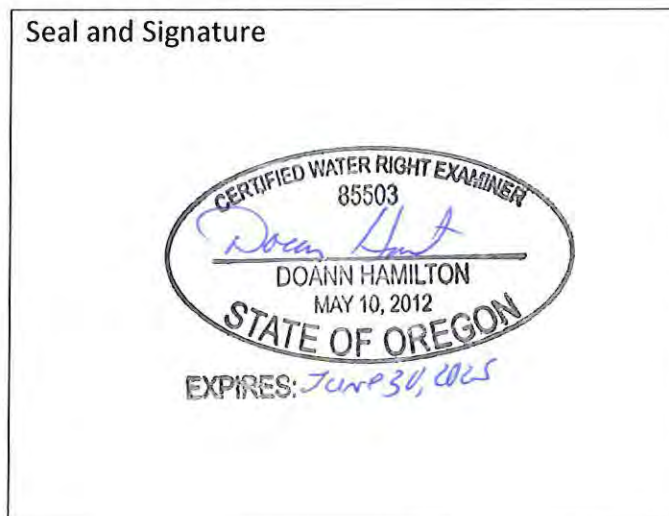
|                 |       |     |
|-----------------|-------|-----|
| OWNER OF RECORD |       |     |
| NA              |       |     |
| ADDRESS         |       |     |
| CITY            | STATE | ZIP |

Add additional tables for owners of record as needed

**SECTION 2  
SIGNATURES**

CWRE Statement, Seal and Signature

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



**RECEIVED**  
**OCT 06 2023**  
**OWRD**

|                                              |                    |                                    |                                                 |
|----------------------------------------------|--------------------|------------------------------------|-------------------------------------------------|
| CWRE NAME<br><b>Doann Hamilton</b>           |                    | PHONE NO.<br><b>(503) 632-5016</b> | ADDITIONAL CONTACT NO.<br><b>(503) 349-6946</b> |
| ADDRESS<br><b>18487 S. Valley Vista Road</b> |                    |                                    |                                                 |
| CITY<br><b>Mulino</b>                        | STATE<br><b>OR</b> | ZIP<br><b>97042</b>                | E-MAIL<br><b>phgdmh@gmail.com</b>               |

## Transfer Holder of Record Signature or Acknowledgement

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

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

| SIGNATURE         | PRINT OR TYPE NAME | TITLE                    | DATE           |
|-------------------|--------------------|--------------------------|----------------|
| <i>David King</i> | <i>David King</i>  | <i>Secretary, member</i> | <i>9/23/23</i> |
|                   |                    |                          |                |
|                   |                    |                          |                |

### SECTION 3 CLAIM DESCRIPTION

**Note:** The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

**1. New or additional point of appropriation name or number:**

| POINT OF APPROPRIATION<br>(POA) NAME OR NUMBER<br>(CORRESPOND TO MAP) | WELL LOG ID # FOR ALL<br>WORK PERFORMED ON<br>THE WELL<br>(IF APPLICABLE) | WELL TAG #<br>(IF APPLICABLE) | SOURCE<br>(IF LISTED IN TRANSFER FINAL ORDER) |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------|-----------------------------------------------|
| <b>Well</b>                                                           | <b>MARI 6109</b>                                                          | <b>NA</b>                     | <b>A Well, a tributary of Pudding River</b>   |

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

*If well logs are available, items A and B below can be deleted*

**RECEIVED**  
**OCT 05 2023**  
**OWRD**

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

None

3. Claim Summary:

| NEW OR ADDITIONAL POA<br>NAME OR # | MAXIMUM RATE<br>AUTHORIZED | CALCULATED THEORETICAL<br>RATE BASED ON SYSTEM | AMOUNT OF WATER MEASURED |
|------------------------------------|----------------------------|------------------------------------------------|--------------------------|
| Well                               | 0.13 cfs                   | 0.95 cfs                                       | Not Measured             |

SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

NO

If "YES" you will need to copy and complete a separate Section 4.

POA Name or Number this section describes (only needed if there is more than one):

Well

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

| SOURCE       | MANUFACTURER  | MODEL          | SERIAL<br>NUMBER | TYPE<br>(CENTRIFUGAL,<br>TURBINE OR<br>SUBMERSIBLE) | INTAKE<br>SIZE | DISCHARGE<br>SIZE |
|--------------|---------------|----------------|------------------|-----------------------------------------------------|----------------|-------------------|
| Main pump    | Jacuzzi Bros. | 6C/5X5X1/T 452 | SUE 20163        | Turbine                                             | 8 inch         | 6 inch            |
| Booster pump | Paco          | 3070-030001    | 01B00219         | Centrifugal                                         | 4 inch         | 3 inch            |

2. Motor Information

| SOURCE       | MANUFACTURER | HORSEPOWER |
|--------------|--------------|------------|
| Main pump    | Newman       | 30 Hp      |
| Booster pump | Baldor       | 15 Hp      |

RECEIVED  
OCT 05 2023  
OWRD

### 3. Theoretical Pump Capacity

| SOURCE       | HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP<br>*IF A WELL, THE WATER LEVEL DURING PUMPING           | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|--------------|------------|---------------|----------------------------------------------------------------------------------|--------------------------------|----------------------------|
| Main pump    | 30 Hp      | 90 psi        | 96 feet (estimated from pump test recorded on well log)                          | 0 feet                         | 0.65 cfs                   |
| Booster pump | 15 Hp      | 90 psi        | 99 feet (combined with main pump, estimated from pump test recorded on well log) | 0 feet                         | 0.95 cfs                   |

### 4. Provide pump calculations:

|                               |                                                                                                                                                                                                                             |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Main pump                     | $Q \text{ Pump} = \frac{(30 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})}{(96 \text{ ft lift} + 228.6 \text{ ft pressure head})} = 0.65 \text{ cfs}$                                                                |
| Main pump – plus Booster pump | $Q \text{ Pump} = \frac{[(30 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})] + [(15 \text{ Hp}) \times (6.61 \text{ ft}^4/\text{sec Hp})]}{(99 \text{ ft lift} + 228.6 \text{ ft pressure head})} = 0.95 \text{ cfs}$ |

### 5. Measured Pump Capacity (using meter if meter was present and system was operating)

| INITIAL METER READING         | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-------------------------------|----------------------|---------------------------|----------------------------|
| Not running during site visit |                      |                           |                            |

Reminder: For pump calculations use the reference information at the end of this document.

### B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

NO

*If "NO", items 4 through 6 relating to this section may be deleted.*

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

### C. Additional notes or comments related to the system:

This well also supplies Certificates 39805, 46796, 51897, and 68209.  
The well has a turbine pump with an option of using a centrifugal pump as a booster when needed.

RECEIVED  
OCT 05 2023  
OWRD

## SECTION 5 CONDITIONS

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

### 1. Time Limits:

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

|                                     | DATE FROM TRANSFER | DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE<br>*THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE<br>"COMPLETENESS DATE" |
|-------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| ISSUANCE DATE                       | June 22, 2022      |                                                                                                                                             |
| COMPLETENESS DATE<br>FROM ORDER (C) | October 1, 2023    | May 2023                                                                                                                                    |

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

2. Is there an extension final order(s)? NO

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

### 3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? NO

*If "NO", items b through f relating to this section may be deleted.*

### 4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

*If "NO", item b relating to this section may be deleted.*

### 5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards? NO

b. Was submittal of a ground water monitoring plan required? NO

c. Other conditions? YES

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

#### c) Condition:

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

#### Compliance:

Certificate 52663:

Original Well (MARI 6470) develops water from the alluvial aquifer between the depths of

105 and 175 feet within large conglomerate.

New approved Well (MARI 6109) develops water from the alluvial aquifer between the depths of 83 and 137 feet within loose gravel with sand.

It appears this well obtains water from the alluvial aquifer; therefore, this condition has been met.

## SECTION 6 ATTACHMENTS

RECEIVED  
OCT 05 2023

OWRD

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

| ATTACHMENT NAME                     | DESCRIPTION                                                              |
|-------------------------------------|--------------------------------------------------------------------------|
| Claim of Beneficial Use Map         | Claim of Beneficial Use Map                                              |
| State Water Well Report – MARI 6109 | Well log and driller's notes for MARI 6109 – Well                        |
| BLM Cadastral Map                   | BLM Cadastral Map T. 7S. R. 1W. showing DLC and Government Lot locations |

## SECTION 7 CLAIM OF BENEFICIAL USE MAP

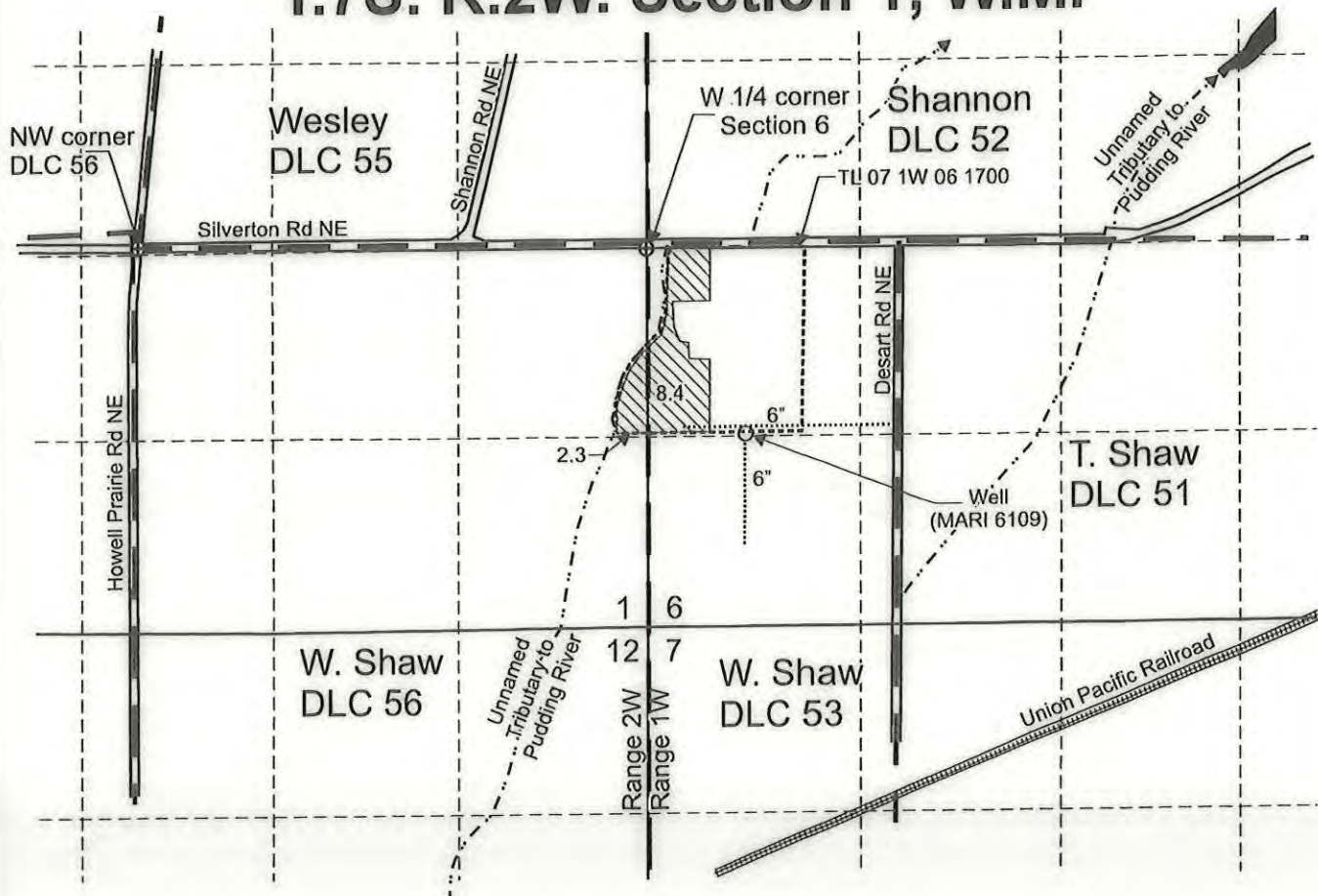
The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The COBU map was prepared using tax assessor's maps 07 1W 01 and 06, overlain by a 2014 aerial photo titled USDA-FSA-APFO NAIP County Mosaic and obtained on line from the Natural Resources Conservation Service, Image Metadata:  
<http://datagateway.nrcs.usda.gov/Catalog/ProductDescription/NAIPM.html>.

# T.7S. R.1W. Section 6 T.7S. R.2W. Section 1, W.M.



Well (MARI 6109) is located 1,320 feet south and 700 feet east from the W 1/4 corner, Section 6.

 Area (10.7 Acres) irrigated under T-13449 formerly Certificate 52663, priority date May 23, 1979.

----- Tax lot boundary

— • — Donation Land Claim boundary

..... Water main line

RECEIVED  
OCT 06 2012



Scale: 1" = 1,320'



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

Pacific Hydro-Geology Inc.

09/2023

Claim of Beneficial Use Map  
T-13449 formerly Certificate 52663

MDD Holding LLC c/o David King  
T.7S. R.1W. Section 6,  
T.7S. R.2W. Section 1, W.M.

## Map Checklist

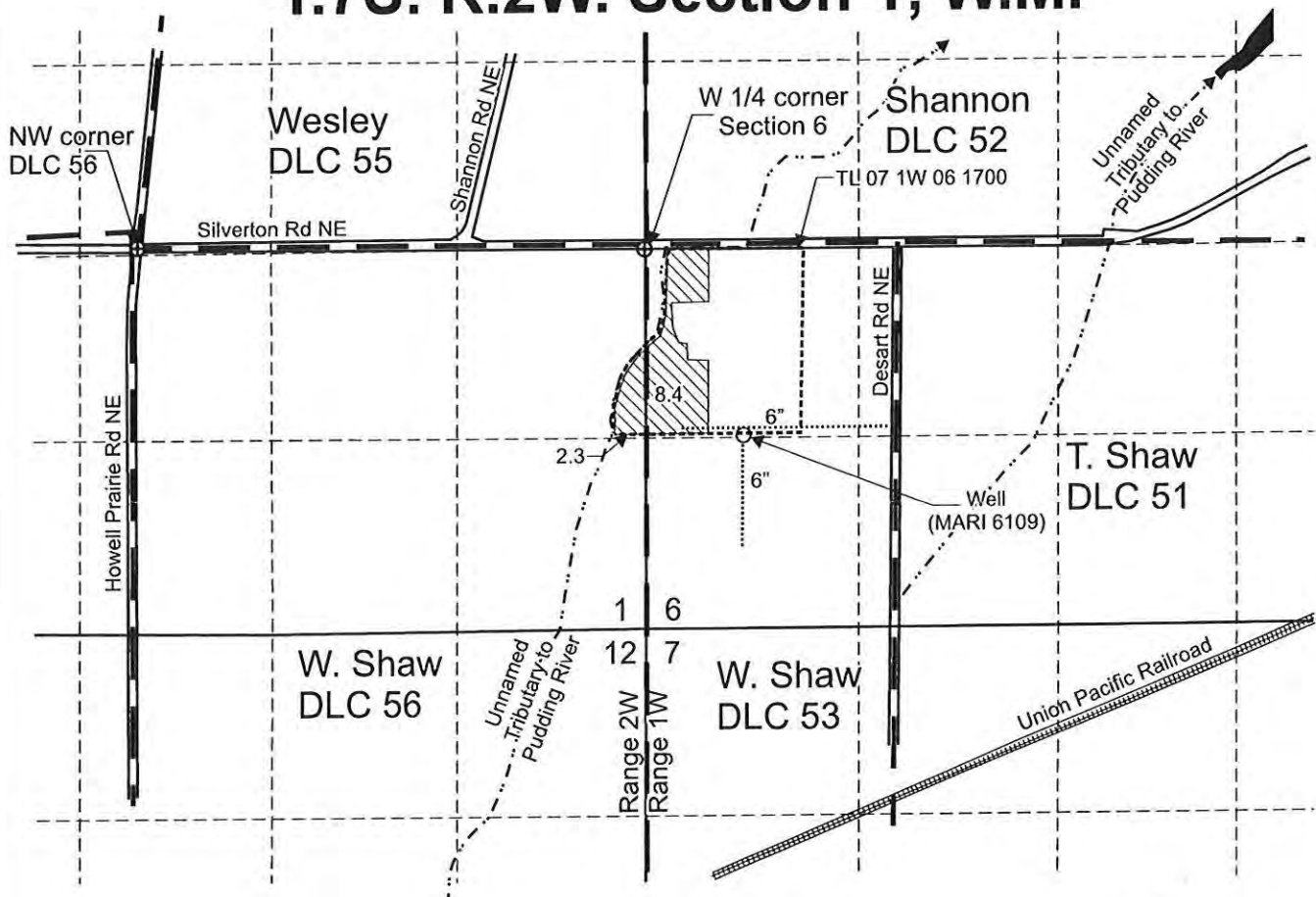
Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

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

RECEIVED  
OCT 05 2023  
OWRD

# T.7S. R.1W. Section 6 T.7S. R.2W. Section 1, W.M.



Well (MARI 6109) is located 1,320 feet south and 700 feet east from the W 1/4 corner, Section 6.

 Area (10.7 Acres) irrigated under T-13449 formerly Certificate 52663, priority date May 23, 1979.

----- Tax lot boundary

— ■ — Donation Land Claim boundary

..... Water main line

RECEIVED

OCT. 05 2023

OWRD



EXPIRES: JUN 30, 2025

Scale: 1" = 1,320'



0 1,320  
Feet

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

Claim of Beneficial Use Map  
T-13449 formerly Certificate 52663

MDD Holding LLC c/o David King  
T.7S. R.1W. Section 6,  
T.7S, R.2W. Section 1, W.M.

Pacific Hydro-Geology Inc.

09/2023

## NOTICE TO WATER WELL CONTRACTOR

The original and first copy  
of this report are to be  
filed with the

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion

STATE OF OREGON

(Please type or print)

(Do not write above this line)

STATE ENGINEER

No.

G-4905

SALEM, OREGON

## (1) OWNER:

Name M.E. King  
Address Rt. 2 Box 280 B. Silverton, Ore

## (2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

## (3) TYPE OF WELL:

Rotary ☐ Driven ☐  
Cable ☒ Jetted ☐  
Dug ☐ Bored ☐

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

## (5) CASING INSTALLED:

Threaded ☐ Welded ☒

10 3/4" diam. from 1-0 ft. to 139 ft. Gage 250  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

## (6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills

Size of perforations 3/8 in. by 2 in.  
1090 perforations from 83 ft. to 137 ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

## (7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name  
Type Model No.  
Diam. Slot size Set from ft. to ft.  
Diam. Slot size Set from ft. to ft.

## (8) WATER LEVEL: Completed well.

Static level 28 ft. below land surface Date 4/8/69  
Artesian pressure lbs. per square inch Date

## (9) WELL TESTS:

Drawdown is amount water level is  
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Stettler  
Yield: 600 gal./min. with 76 ft. drawdown after 1 hrs.  
500 " " 74 " 1 "  
400 " " 71 " 1 "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water Was a chemical analysis made? ☐ Yes ☐ No

## (10) CONSTRUCTION:

Well seal—Material used Clay  
Depth of seal 18 ft.  
Diameter of well bore to bottom of seal 14 in.  
Were any loose strata cemented off? ☐ Yes ☐ No Depth  
Was a drive shoe used? ☒ Yes ☐ No  
Did any strata contain unusable water? ☐ Yes ☐ No  
Type of water? depth of strata  
Method of sealing strata off  
Was well gravel packed? ☐ Yes ☒ No Size of gravel:  
Gravel placed from ft. to ft.

## (11) LOCATION OF WELL:

County Marion Driller's well number 7/1W-6M  
SW 1/4 SW 1/4 Section T. R. W.M.

Bearing and distance from section or subdivision corner

## (12) WELL LOG:

Diameter of well below casing 10

Depth drilled 139 ft. Depth of completed well 139 ft.

Formation: Describe color, texture, grain size and structure of materials;  
and show thickness and nature of each stratum and aquifer penetrated,  
with at least one entry for each change of formation. Report each change  
in position of Static Water Level as drilling proceeds. Note drilling rates.

| MATERIAL                    | From | To  | SWL |
|-----------------------------|------|-----|-----|
| Top soil                    | 0    | 2   |     |
| Yellow clay                 | 2    | 28  |     |
| Grey clay                   | 28   | 43  |     |
| Brown clay                  | 43   | 48  |     |
| Brown sand                  | 48   | 58  |     |
| Brown clay                  | 58   | 68  |     |
| Cemented gravel             | 68   | 83  |     |
| Loose gravel with brwn sand | 83   | 137 |     |
| Grey clay                   | 137  | 140 |     |

RECEIVED

OCT 05 2023

OWNED

Work started 3/17 1969 Completed 4/8/69 19  
Date well drilling machine moved off of well 4/8/69 19

## Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Harry A. Robinson Date 4/14/69 1969  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 63

## Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Harry A. Robinson  
(Person, firm or corporation) (Type or print)

Address 2214 Front NE Salem, Ore.

[Signed] Harry A. Robinson  
(Water Well Contractor)

Contractor's License No. 22 Date 4/14/69 1969





# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

10/6/2023

MDD Holding LLC

Attn: David King

4386 Desart Rd NE

Silverton, OR 97381

On October 5<sup>th</sup>, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Application T-13449

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

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

Customer Service phone: (503) 986-0900

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

Cc: file T-13449

# Checklist for Claims of Beneficial Use Received at CSG Counter

|                              |                          |
|------------------------------|--------------------------|
| Application #:               | WRD Reviewer: Nick Reece |
| Transfer #: T-13449          |                          |
| Date Received: 10/5/2023     |                          |
| CWRE Name: Doann Hamilton    |                          |
| Priority Date (s): 5/23/1979 |                          |

## Fees Required:

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

Fill in App  
or Transfer  
Number

## Map Review:

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

## Report Review:

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

**MONEY SLIP**

DATE: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_ APPLICATION: \_\_\_\_\_  
PERMIT: \_\_\_\_\_  
TRANSFER: \_\_\_\_\_

CASH CHECK # OTHER (IDENTIFY) TOTAL RECEIVED: \_\_\_\_\_

0100 TREASURY 0100 MISC CASH ACCT. \_\_\_\_\_

0407 COPIES (IDENTIFY) \_\_\_\_\_

0407 OTHER (IDENTIFY) \_\_\_\_\_

0100 TREASURY 0100 MISC CASH ACCT. \_\_\_\_\_

0407 MISCELLANEOUS 4611 \_\_\_\_\_

0407 COPY & TAPE FEES \_\_\_\_\_

0407 RESEARCH FEES \_\_\_\_\_

0407 MISC REVENUE (IDENTIFY) \_\_\_\_\_

0407 DEPOSIT (WAS IDENTIFY) \_\_\_\_\_

0407 EXTENSION OF TIME \_\_\_\_\_

0200 WATER RIGHTS \_\_\_\_\_

0200 SURFACE WATER \_\_\_\_\_

0200 GROUND WATER \_\_\_\_\_

0200 TRANSFER \_\_\_\_\_

0200 WELL CONSTRUCTION \_\_\_\_\_

0200 WELL DRILL CONSTRUCTION \_\_\_\_\_

0200 LANDOWNER'S PERMIT \_\_\_\_\_

0200 OTHER (IDENTIFY) \_\_\_\_\_

0200 TREASURY 0200 HYDROELECTRIC \_\_\_\_\_

0200 POWER LICENSE FEE (FVWACH) \_\_\_\_\_

0200 HYDRO LICENSE FEE (FVWACH) \_\_\_\_\_

0200 HYDRO APPLICATION \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

☐ RETURN TO APPLICANT - LETTER ATTACHED

## Groundwater File Review:

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



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 22, 2022

KING FAMILY FARMS INC.  
DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

REFERENCE: Transfer Application T-13449

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

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

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

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

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at [Corey.A.Courchane@oregon.gov](mailto:Corey.A.Courchane@oregon.gov).

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)  
Marion County Planning Department  
Doann Hamilton, Agent

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

|                                       |   |                                   |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A CHANGE IN |
| T-13449, Marion County                | ) | POINT OF APPROPRIATION            |

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On June 3, 2020, MDD HOLDING LLC, C/O DAVID KING filed an application to change the point of appropriation under Certificate 52663. The Department assigned the application number T-13449.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 27, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13449 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 29, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On February 16, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13449 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 22, 2022, and in the Silverton Appeal newspaper on March 2 and 9, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the right to be transferred is as follows:

**Certificate:** 52663 in the name of KING FARMS (perfected under Permit G-8686)  
**Use:** IRRIGATION of 10.7 ACRES  
**Priority Date:** MAY 23, 1979  
**Rate:** 0.13 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:** A WELL, a tributary of PUDDING RIVER

**Authorized Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                    |
|-----|-----|-----|-----|-------|-----|---------------------------------------------------------------------------------------|
| 7 S | 2 W | WM  | 1   | NE SE | 56  | AUTHORIZED WELL - 560 FEET SOUTH AND 2330 FEET EAST FROM THE NW CORNER OF SHAW DLC 56 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 7 S        | 1 W | WM  | 6   | NW SW | 53  | 8.4   |
| 7 S        | 2 W | WM  | 1   | NE SE | 56  | 2.3   |
| Total      |     |     |     |       |     | 10.7  |

6. Transfer Application T-13449 proposes to move the authorized point of appropriation approximately 2084 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                  |
|-----|-----|-----|-----|-------|-----|-------------------------------------------------------------------------------------|
| 7 S | 1 W | WM  | 6   | NW SW | 53  | PROPOSED WELL - 1320 FEET SOUTH AND 700 FEET EAST FROM THE W1/4 CORNER OF SECTION 6 |

**Transfer Review Criteria (OAR 690-380-4010)**

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13449.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

#### Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13449 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

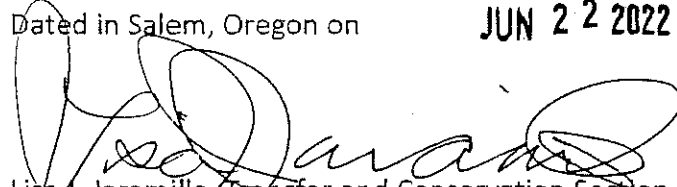
Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13449 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52663 and any related decree.
3. Water right Certificate 52663 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation (Proposed Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Authorized Well).
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**JUN 22 2022**



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

Mailing date:           **JUN 23 2022**

STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KING FARMS  
4285 DESART RD NE  
SILVERTON, OR 97381

confirms the right to use the waters of A WELL, a tributary of PUDDING RIVER for IRRIGATION of 98.3 ACRES.

This right was perfected under Permit G-8686. The date of priority is MAY 23, 1979. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.23 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the well.

The well is located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                |
|-----|-----|-----|-----|-------|-----|-------------------------------------------------------------------|
| 7 S | 2 W | WM  | 1   | NE SE | 56  | 560 FEET SOUTH AND 2330 FEET EAST<br>FROM THE NW CORNER OF DLC 56 |

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

A description of the place of use to which this right is appurtenant is as follows:

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 7 S        | 1 W | WM  | 6   | NW SW | 53  | 1.8   |
| 7 S        | 2 W | WM  | 1   | NE SW | 56  | 23.3  |
| 7 S        | 2 W | WM  | 1   | NE SE | 56  | 34.0  |
| 7 S        | 2 W | WM  | 1   | NW SE | 56  | 39.2  |
| Total      |     |     |     |       |     | 98.3  |

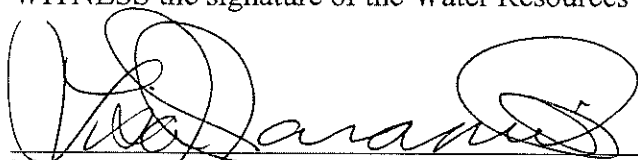
This certificate describes that portion of water right Certificate 52663, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 22 2022, approving Transfer Application T-13449.

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.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

JUN 22 2022

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over a horizontal line.

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

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13449

Transfer Specialist:

Transfer Type: Regular

Corey

|                                                                                                    |  |                                                                                                                                   |  |
|----------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Applicant:</b><br>DAVID KING<br>4386 DESART RD NE<br>SILVERTON, OR 97381<br>Email: Phone:       |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>DOANN HAMILTON<br>18487 S VALLEY VISTA RD<br>MULINO, OR 97042-8741<br>Email: Phone: |  |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email:                                 |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email:                                                                               |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Marion Countyplanning Dept<br>Email: |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email:                                               |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email:           |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email:                                                                |  |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit | Certificate | RR/CR Needed                                                        | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|---------------------------------------------------------------------|------------|
| <input type="checkbox"/> | G-9253                     | G-8686 | 52663       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 96150      |
| <input type="checkbox"/> |                            |        |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
| <input type="checkbox"/> |                            |        |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

## Key Dates & Initial Actions:

|                                                                 |                                                   |                                              |
|-----------------------------------------------------------------|---------------------------------------------------|----------------------------------------------|
| Rec'd: June 3, 2020                                             | Proposed Action(s): POINT OF APPROPRIATION        |                                              |
| Fees Pd: 1570.00                                                | WM District: 16                                   | ODFW District:                               |
| Initial Public Notice: June 9, 2020                             | WM Review sent:                                   | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                   | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/>          | BOR notified (date): <input type="checkbox"/> N/A |                                              |
| Newspaper quote requested: 1/5/2022                             | Request for news \$ sent: 1/13/22                 | News \$ received: 1/21/22                    |
| Request to publish sent:                                        | Affidavit of publication received:                | Last day of publication:                     |

Silverton Appeal

| Document | Drafted                        | Peer Review                      | Changes Made                   | Coordinator                     | Changes Made                   | Signature Bin     | Signature Date  |
|----------|--------------------------------|----------------------------------|--------------------------------|---------------------------------|--------------------------------|-------------------|-----------------|
| DPD      | Date: 10/14/21<br>Initials: CC | Date: 1/16/22<br>Initials: Scott | Date: _____<br>Initials: _____ | Date: 10/26/21<br>Initials: PKS | Date: 10/27/21<br>Initials: CC | CW Sent: 10/27/21 | N/A             |
| PD       | Date: 11/17/21<br>Initials: CC | Date: 1/19/22<br>Initials: Scott | Date: _____<br>Initials: _____ | Date: 12/17/21<br>Initials: PKS | Date: 1/5/2022<br>Initials: CC | Date: 2/2/22      | Date: 2/16/22   |
| FO       | Date: 3/3/22<br>Initials: CC   | Date: 3/7/22<br>Initials: Scott  | Date: _____<br>Initials: _____ | Date: 3/15/22<br>Initials: PKS  | Date: 3/18/22<br>Initials: CC  | Date: 5/20/22     | Date: 6/22/2022 |

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 125 Pages 261-64

## COURCHANE Corey A \* WRD

---

**From:** BUCHHOLZ Sheila L \* WRD  
**Sent:** Tuesday, January 11, 2022 10:47 AM  
**To:** COURCHANE Corey A \* WRD; BAUSTIAN Julie C \* WRD  
**Cc:** MARTIN Duff A \* WRD  
**Subject:** PD T-13449  
**Attachments:** PD T-13449.pdf

Hello!

This PD Transfer has been completed through data without any issues.

Thanks so much!

[Sheila Buchholz](#)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: [Sheila.L.Buchholz@water.oregon.gov](mailto:Sheila.L.Buchholz@water.oregon.gov)



OREGON  
WATER  
RESOURCES  
DEPARTMENT

[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

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 # 137320

INVOICE # \_\_\_\_\_

RECEIVED FROM: King Family Farms, Inc.  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-13449 |

CASH: ☐ CHECK: # 4728 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 205.78

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$  
0807 OTHER: (IDENTIFY) Newspaper Notice \$ 205.78  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ CARD# \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 137320

DATED: 1-21-2022 BY: Mindy Carlson

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



Statesman Journal

A GANNETT COMPANY

# AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 12 2022

OWRD

OREGON DEPT OF WATER RESOURCES  
725 SUMMER ST NE STE A  
SALEM, OR 97301

Notice of Preliminary Determination  
for Water Right Transfer T-13449

T-13449 filed by MDD Holding LLC, c/o David King, 4386 Desert Rd. NE, Silverton, OR 97381, proposes a change in point of appropriation under Certificate 52663. The right allows the use of 0.13 cubic foot per second from a well in Sec. 1, T7S, R2W, WM for irrigation in Sec. 6, T7S, R1W, WM, and Sec. 1, T7S, R2W, WM. The applicant proposes to move the point of appropriation to Sec. 6, T7S, R1W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 03-09-2022. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.  
Silverton Appeal March 2, 9, 2022

I D. Roberts  
being first duly sworn, dispose and say that I am the principal clerk of the Statesman Journal, Silverton Appeal and Stayton Mail newspapers of general circulation as defined by Sections 193.010 to 193.110, Oregon revised Statutes; printed and Published at Salem in the aforesaid county and state; that this Public Notice is printed copy of which is hereby annexed, was published in said newspaper in the following issue(s) dated-

03/02/2022, 03/09/2022

Dated this 9 day of March, 2022

D. Roberts

Public Notice Clerk

Subscribed and sworn to me this

Shelly Hora

Notary Public for State of Wisconsin, Brown County

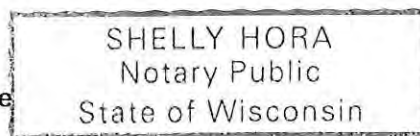
Notary Expires on 8-25-23

Ad#:0005146138

P O : T-13449

This is not an invoice

# of Affidavits 1





**Oregon**  
Kate Brown, Governor

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

February 16, 2022

VIA CERTIFIED MAIL AND E-MAIL

**Applicant**

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

**SUBJECT:** Water Right Transfer Application T-13449

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13449. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

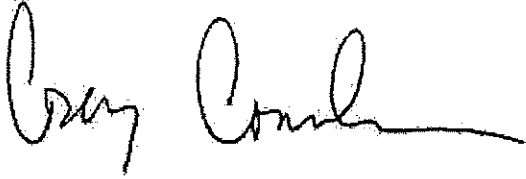
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13449  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
Doann Hamilton, Agent for the applicant (*via e-mail*)

encs

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

|                                       |   |                                   |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION         |
| T-13449, Marion County                | ) | PROPOSING APPROVAL OF A CHANGE IN |
|                                       | ) | POINT OF APPROPRIATION            |

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On June 3, 2020, MDD HOLDING LLC, C/O DAVID KING filed an application to change the point of appropriation under Certificate 52663. The Department assigned the application number T-13449.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 27, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13449 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 29, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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

**Certificate:** 52663 in the name of KING FARMS (perfected under Permit G-8686)  
**Use:** IRRIGATION of 10.7 ACRES  
**Priority Date:** MAY 23, 1979  
**Rate:** 0.13 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:** A WELL, a tributary of PUDDING RIVER

**Authorized Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                    |
|-----|-----|-----|-----|-------|-----|---------------------------------------------------------------------------------------|
| 7 S | 2 W | WM  | 1   | NE SE | 56  | AUTHORIZED WELL - 560 FEET SOUTH AND 2330 FEET EAST FROM THE NW CORNER OF SHAW DLC 56 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 7 S        | 1 W | WM  | 6   | NW SW | 53  | 8.4   |
| 7 S        | 2 W | WM  | 1   | NE SE | 56  | 2.3   |
| Total      |     |     |     |       |     | 10.7  |

5. Transfer Application T-13449 proposes to move the authorized point of appropriation approximately 2084 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                  |
|-----|-----|-----|-----|-------|-----|-------------------------------------------------------------------------------------|
| 7 S | 1 W | WM  | 6   | NW SW | 53  | PROPOSED WELL - 1320 FEET SOUTH AND 700 FEET EAST FROM THE W1/4 CORNER OF SECTION 6 |

**Transfer Review Criteria (OAR 690-380-4010)**

6. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13449.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

10. All other application requirements are met.

#### **Determination and Proposed Action**

The change in point of appropriation proposed in Transfer Application T-13449 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

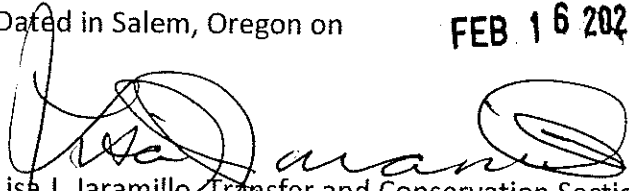
*If Transfer Application T-13449 is approved, the final order will include the following:*

1. *The change in point of appropriation proposed in Transfer Application T-13449 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52663 and any related decree.*
3. *Water right Certificate 52663 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation (Proposed Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Authorized Well).*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

FEB 16 2022

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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



# Oregon

Kate Brown, Governor

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

January 13, 2022

**Applicant**

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

**SUBJECT:** Water Right Transfer Application T-13449

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

**Items needed before the next phase of processing...**

At this time you need to:

1. submit a check for \$205.78 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-13349 NOTICE" on the front of your check,** and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than February 14, 2022.**

**What happens next...**

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Silverton Appeal newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

**If we do not receive payment for newspaper notice by February 14, 2022, a Preliminary Determination may be issued denying the application as incomplete.**

✂-----

**Attached is a check for \$205.78 (PCA #46118) for Newspaper Notice for Transfer T-13449 made out to Oregon Water Resources Department ( or WRD)**

- **"for T-13449 NOTICE" written on front of check**

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

Caseworker: cc

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13449  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
Doann Hamilton, Agent for the applicant (*via e-mail*)

## COURCHANE Corey A \* WRD

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Monday, January 10, 2022 12:49 PM  
**To:** STARNES Patrick K \* WRD  
**Cc:** COURCHANE Corey A \* WRD  
**Subject:** RE: Newspaper Estimate for Transfer Application T-13449

Hey Corey,

The quote came in for this notice. Total cost will be \$205.78.

Thanks,

[Stacy H. Phillips](#)

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Thursday, January 06, 2022 9:35 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** COURCHANE Corey A \* WRD <Corey.A.COURCHANE@water.oregon.gov>  
**Subject:** Newspaper Estimate for Transfer Application T-13449

Hi Stacy –

Corey will need a quote for the attached **TRANSFER** Application notice to run in the Silverton Appeal. Run time is two weeks.

Thanks!

Kelly

\*\*\*\*\*

Kelly Starnes, Transfer Program Analyst

Oregon Water Resources Department

725 Summer St NE Suite A

Salem OR 97301-1271

Cell phone: 503-979-3511 Fax: 503-986-0903

E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

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

## COURCHANE Corey A \* WRD

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Monday, January 10, 2022 12:49 PM  
**To:** STARNES Patrick K \* WRD  
**Cc:** COURCHANE Corey A \* WRD  
**Subject:** RE: Newspaper Estimate for Transfer Application T-13449

Hey Corey,

The quote came in for this notice. Total cost will be \$205.78.

Thanks,

[Stacy H. Phillips](#)

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

---

**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Thursday, January 06, 2022 9:35 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** COURCHANE Corey A \* WRD <Corey.A.COURCHANE@water.oregon.gov>  
**Subject:** Newspaper Estimate for Transfer Application T-13449

Hi Stacy –

Corey will need a quote for the attached **TRANSFER** Application notice to run in the Silverton Appeal. Run time is two weeks.

Thanks!

Kelly

\*\*\*\*\*

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

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

## **COURCHANE Corey A \* WRD**

---

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Thursday, November 11, 2021 1:30 PM  
**To:** COURCHANE Corey A \* WRD; Kingfamilyfarms97381@yahoo.com; Greg Kupillas  
**Subject:** Fwd: Document Delivery Notice - Order #WAPR2112078LER Ref 1: , Mulino OR 97042 Ref 2:  
**Attachments:** 2112078ler-1 Report.pdf; WD for 71W 6 1700 + addtl lots.pdf; WD into MDD Holdings 2828 43 .pdf; Lot Line Adj Deed 4281204.pdf; 071W06 1700 MAP.pdf; Info for 071W06 1700.pdf

Hi Corey

I am forwarding the list pack for our King Family Farms, Inc. c/o David King T-13449, from the title company.

We trust this full-fills the requirement of land ownership as required in the Draft Preliminary Determination dated October 27, 2021.

In addition to the report of ownership, we would like to respond on behalf of the applicant, King Family Farms, Inc. c/o David King that we agree to the proposed action and conditions set out in this Draft Preliminary Determination.

Thank you

Doann Hamilton

Pacific Hydro-Geology, Inc.

503-349-6946

----- Forwarded message -----

**From:** Amy Alexander <amy.alexander@fnf.com>  
**Date:** Thu, Nov 11, 2021 at 12:50 PM  
**Subject:** Document Delivery Notice - Order #WAPR2112078LER Ref 1: , Mulino OR 97042 Ref 2:  
**To:** Doann Hamilton <phgdmh@gmail.com>  
**Cc:** Greg Kupillas <phggek@bctonline.com>



Please click on the attachment(s) to access your documents.

---

Hello Doann & Greg,

Please see the attached DOR, map and additional relevant documents for King order T-13449  
71W 6 Lot 1700

If you have any questions, please let me know.  
Thank you for your business.

FYI, I will be on vacation next week starting Monday November 15th - 19th returning on November 22nd.  
If you need a DOR please contact my department at 503-796-6616 or email May Patel at [May.Patel@fnf.com](mailto:May.Patel@fnf.com)

Amy Alexander  
Title Officer  
WAPR/Fidelity National Title Co.

---



From: **Amy Alexander - Fidelity National Title Company of Oregon**  
[amy.alexander@fnf.com](mailto:amy.alexander@fnf.com)

This message was secured by **Zix**<sup>®</sup>#174.

--  
Pacific Hydro-Geology, Inc.  
18487 S. Valley Vista Rd.  
Mulino, OR 97042  
(503) 349-6946  
Fax: (503) 632-5983  
email: [phgdmh@gmail.com](mailto:phgdmh@gmail.com)



# Fidelity National Title<sup>®</sup>

Company of Oregon

900 SW Fifth Avenue, Portland, OR 97204

Phone: (503)796-6616 / Fax: (503)229-0615

## DEED ONLY REPORT

Received by OWRD

NOV 11 2021

Salem, OR

Prepared For: Pacific Hydro-Geology Inc.  
Attn: Greg Kupillas  
18487 S. Valley Vista Rd  
Mulino, OR 97214

Date: November 11, 2021  
Order: WAPR2112078LER-1  
Ref. No: 071W06 1700  
Charge: \$25.00

Effective Date: November 5, 2021  
Title Officer: Amy Alexander

A search of the public records of Marion County as of the effective date shown above, shows the last deed of record runs to:

MDD Holding, LLC.

(A) Legal Description:

The Property described in Exhibit 'A' attached hereto and made a part hereof.

Tax Account No: [REDACTED]  
Map Identification No: 071W06 1700

THIS INFORMATION IS A PLANT SERVICE OF FIDELITY NATIONAL TITLE. IT IS NOT TITLE INSURANCE OR A GURANTEE. THIS SERVICE DOES NOT INCLUDE ANY SUPPLEMENTAL REPORTS OR ANY OTHER INFORMATION. LIABILITY FOR ERRORS IS LIMITED TO THE AMOUNT CHARGED.

Thank you very much for doing business with Fidelity National Title Company/Western American Property Research. If you have any questions, please contact Amy Alexander, Title Examiner or May Patel, Unit Supervisor at 796-6616.

Fidelity National Title Company of Oregon  
Amy Alexander, Title Examiner

EXHIBIT A

The Westerly one-half of the following described property:

Beginning at the Northeast corner of the Donation Land Claim of William Shaw and Sarah Shaw, his wife, it being Claim No. 53, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West 80 rods, on the North line of said Claim; thence South 80 rods; thence East 80 rods; thence North 80 rods to the place of beginning.

ALSO: A tract of land situated in the Southwest and Northwest quarters of section 6, Township 7 South, Range 1 West and the Southeast one-quarter of Section 1, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, described as follows:

Beginning at the Southwest corner of that property conveyed to MDD Holding, LLC, an Oregon limited liability company, being described as Parcel II in that instrument recorded in Reel 2828, Page 43, Marion County Deed Records, said point recorded as being 80 rods South and 80 rods West of the Northeast corner of the William Shaw Donation Land Claim No. 53 in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence: North 89° 54' 00" West 690.63 feet along the South line of that property described in that instrument recorded in Reel 3752, Page 78, Marion County Deed Records, to the center of a drainage ditch; thence leaving said South line along the center of said drainage ditch the following eleven courses: thence North 21° 44' 45" East 31.35 feet: thence North 00° 05' 19" West 158.56 feet: thence North 14° 04' 03" East 205.85 feet: thence North 31° 04' 46" East 100.55 feet: thence North 39° 57' 20" East 160.03 feet; thence North 48° 39' 15" East 145.36 feet: thence North 23° 01' 54" East 80.55 feet: thence North 06° 07' 20" East 150.38 feet; thence North 00° 45' 02" East 213.66 feet: thence North 06° 07' 20" East 128.43 feet: thence North 58° 49' 40" East 40.56 feet to a point on the South line of that parcel of land conveyed to the State of Oregon, by and through its State Highway Commission, by that instrument recorded in Volume 395, Page 146, Marion County Deed Records; thence South 89° 56' 24" East 271.51 feet along said South line to the Northwest corner of the aforementioned MDD Holding, LLC property: thence South 00° 13' 00" West 1279.07 feet along the West line of said property to the point of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Division, by deed recorded October 16, 1948, in Book 395, Page 474, Deed Records, Marion County, Oregon.



TICOR TITLE

200502435

Title No. 200502435

Escrow No. 200502435



After Recording Return To:

David Mark W. King  
4386 Desart Road NE  
Silverton OR 97381

Send Tax Statements To:

David Mark W. King  
4386 Desart Road NE  
Silverton OR 97381

Title Order No. 200502435  
Escrow No. 200502435  
Tax Account No.:  
[REDACTED]

WARRANTY DEED  
(ORS 93.850)

Betty L. King, Personal Representative of the Estate of Melvin E. King, deceased,  
Grantor, conveys and warrants to Mark W. King, David M. King, and Donald King,  
as tenants in common

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

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

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$27,734.00.

Dated this 2 day of November, 2005.

ESTATE OF MELVIN E. KING

Betty L. King  
By: Betty L. King, Personal Representative

State of Oregon, County of Marion )ss.

This instrument was acknowledged before me on Nov 2, 2005  
by Betty L. King, as Personal Representative, of Estate of Melvin E. King.

[Signature]

My commission expires: 6/16/07

Notary Public



Received by OWRD

NOV 11 2021

Salem, OR

**EXHIBIT 'A'**Legal Description:**PARCEL I**

The Easterly one-half of the following described property:

Beginning at the Northeast corner of the Donation Land Claim of William Shaw and Sarah Shaw, his wife, it being Claim No. 53, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West 80 rods on the North line of said Claim; thence South 80 rods; thence East 80 rods; thence North 80 rods to the place of beginning.

SAVE AND EXCEPT therefrom the 430 foot by 297 foot tract in the Northeasterly corner thereof, more particularly described as: Beginning at the intersection of the South right of way boundary line of the Salem-Silverton Highway with the West right of way boundary line of County Road No. 735 (Desart Road NE); thence South along the West right of way boundary line of said County Road 430 feet; thence West parallel with the South right of way boundary line of the Salem-Silverton Highway 297 feet; thence North parallel with the West right of way boundary line of said County Road 430 feet to the South right of way boundary line of the Salem-Silverton Highway; thence East along said highway boundary line 297 feet to the point of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon by and through its State Highway Division, by deed recorded October 16, 1948, in Book 395, Page 474, Deed Records, Marion County, Oregon.

ALSO SAVE AND EXCEPT that portion conveyed to Marion County, a political subdivision of the State of Oregon, by deed recorded October 14, 1966, in Book 623, Page 169, Deed Records, Marion County, Oregon.

**PARCEL II**

The Westerly one-half of the following described property:

Beginning at the Northeast corner of the Donation Land Claim of William Shaw and Sarah Shaw, his wife, it being Claim No. 53, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West 80 rods on the North line of said Claim; thence South 80 rods; thence East 80 rods; thence North 80 rods to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon by and through its State Highway Division, by deed recorded October 16, 1948, in Book 395, Page 474, Deed Records, Marion County, Oregon.

**PARCEL III**

Beginning at an iron pipe in the center of the County Road, said pipe being located South 0°19' West 20.00 chains from the Northwest corner of the Donation Land Claim of T.C. Shaw and wife in Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 89°47' West 39.91 chains to an iron pipe; thence South 0°2' East 12.31 chains to an iron pipe; thence South 89°48' East 39.84 chains to an iron pipe in the center of the County Road; thence North 0°10' East 12.31 chains to the place of beginning.

**SAVE AND EXCEPT**

Beginning at the Southeast corner of that certain tract of land conveyed by H.E. King to W.L. King and Daisy King, his wife, on the 15<sup>th</sup> day of March, 1842 which said deed is recorded in Book 272, Page 341, Deed Records of Marion County, Oregon; thence in a Northerly direction along the County Road 265 feet; thence in a Westerly direction parallel to the South line of the tract of property described in said deed 114 feet; thence in a Southerly direction parallel to said County Road 265 feet, more or less, to the South line of the said premises described in said deed; thence in an Easterly direction along said South line 114 feet, more or less, to the place of beginning, being a portion of the premises described in said deed and situated in Marion County, Oregon.

SAVE AND EXCEPT that portion thereof conveyed to Marion County, Oregon by deed dated October 14, 1966 and re recorded October 31, 1966 in Volume 623, Page 782, Deed Records

Title No. 200502435  
for Marion County, Oregon.

Escrow No. 200502435

Subject to:

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,

For: maintain pipeline  
Dated: February 7, 1957  
Recorded: April 22, 1957  
Volume: 499 Page: 238  
in Marion County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Pacific Northwest Pipeline Company and El Paso Natural Gas Company  
For: right of way  
Dated: October 19, 1959  
Recorded: October 20, 1959  
Book: 527 Page: 778  
in Marion County, Oregon.

The Interest of Pacific Northwest Pipeline corporation was conveyed to El Paso Natural Gas Company, a Delaware corporation by instrument,

Recorded: January 10, 1961  
Book: 541 Page: 355  
In Marion County, Oregon.

Received by OWRD

NOV 11 2021

Salem, OR

**REEL:2562**

**PAGE: 47**

**November 04, 2005, 10:52 am.**

CONTROL #: 154099

State of Oregon  
County of Marion

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

FEE: \$ 36.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

WARRANTY DEED  
(Statutory Form)

Mark W. King, David M. King and Donald King, Grantors, convey and warrant to MDD Holding, LLC, an Oregon Limited Liability Corporation, Grantee, the real property described on Exhibit A attached hereto, free of encumbrances except as specifically set forth herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature, and terms of any right or indemnification available to Grantor under any title insurance policy, and grantor shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantor under any such title insurance policy.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

In Witness Whereof, the Grantor has executed this instrument this 12<sup>th</sup> day of April, 2007.

Mark W. King  
Mark W. King  
Donald King  
Donald King

David M. King  
David M. King

Received by OWRD

NOV 11 2021

Salem, OR

STATE OF OREGON )  
County of Marion ) ss.

On the 12<sup>th</sup> day of April, 2007, personally appeared before me the above named Mark W. King and David M. King and acknowledged the foregoing Warranty Deed to be their voluntary act and deed.



Kimberly D. Mengucci  
Notary Public for Oregon

STATE OF OREGON )  
County of Marion ) ss.

On the 13<sup>th</sup> day of April, 2007, personally appeared before me the above named Donald King and acknowledged the foregoing Warranty Deed to be his voluntary act and deed.



Kimberly D. Mengucci  
Notary Public for Oregon

Send tax statements to:  
No change

After recording return to:  
Roger W. Gracey  
P.O. Box 565  
Silverton, Oregon 97381

## EXHIBIT 'A'

### Legal Description:

#### PARCEL I

The Easterly one-half of the following described property:

Beginning at the Northeast corner of the Donation Land Claim of William Shaw and Sarah Shaw, his wife, it being Claim No. 53, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West 80 rods on the North line of said Claim; thence South 80 rods; thence East 80 rods; thence North 80 rods to the place of beginning.

SAVE AND EXCEPT therefrom the 430 foot by 297 foot tract in the Northeasterly corner thereof, more particularly described as: Beginning at the intersection of the South right of way boundary line of the Salem-Silverton Highway with the West right of way boundary line of County Road No. 735 (Desert Road NE); thence South along the West right of way boundary line of said County Road 430 feet; thence West parallel with the South right of way boundary line of the Salem-Silverton Highway 297 feet; thence North parallel with the West right of way boundary line of said County Road 430 feet to the South right of way boundary line of the Salem-Silverton Highway; thence East along said highway boundary line 297 feet to the point of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon by and through its State Highway Division, by deed recorded October 16, 1948, in Book 395, Page 474, Deed Records, Marion County, Oregon.

ALSO SAVE AND EXCEPT that portion conveyed to Marion County, a political subdivision of the State of Oregon, by deed recorded October 14, 1966, in Book 623, Page 169, Deed Records, Marion County, Oregon.

#### PARCEL II

The Westerly one-half of the following described property:

Beginning at the Northeast corner of the Donation Land Claim of William Shaw and Sarah Shaw, his wife, it being Claim No. 53, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West 80 rods on the North line of said Claim; thence South 80 rods; thence East 80 rods; thence North 80 rods to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon by and through its State Highway Division, by deed recorded October 16, 1948, in Book 395, Page 474, Deed Records, Marion County, Oregon.

#### PARCEL III

Beginning at an iron pipe in the center of the County Road, said pipe being located South 0°19' West 20.00 chains from the Northwest corner of the Donation Land Claim of T.C. Shaw and wife in Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 89°47' West 39.91 chains to an iron pipe; thence South 0°2' East 12.31 chains to an iron pipe; thence South 89°48' East 39.84 chains to an iron pipe in the center of the County Road; thence North 0°10' East 12.31 chains to the place of beginning.

#### SAVE AND EXCEPT

Beginning at the Southeast corner of that certain tract of land conveyed by H.E. King to W.L. King and Daisy King, his wife, on the 15<sup>th</sup> day of March, 1842 which said deed is recorded in Book 272, Page 341, Deed Records of Marion County, Oregon; thence in a Northerly direction along the County Road 265 feet; thence in a Westerly direction parallel to the South line of the tract of property described in said deed 114 feet; thence in a Southerly direction parallel to said County Road 265 feet, more or less, to the South line of the said premises described in said deed; thence in an Easterly direction along said South line 114 feet, more or less, to the place of beginning, being a portion of the premises described in said deed and situated in Marion County, Oregon.

SAVE AND EXCEPT that portion thereof conveyed to Marion County, Oregon by deed dated October 14, 1966 and re recorded October 31, 1966 in Volume 623, Page 782, Deed Records

Title No. 200502435  
for Marion County, Oregon.

Escrow No. 200502435

Subject to:

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,

For: maintain pipeline  
Dated: February 7, 1957  
Recorded: April 22, 1957  
Volume: 499 Page: 238  
In Marion County, Oregon.

Received by OWRD

NOV 11 2021

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Pacific Northwest Pipeline Company and El Paso Natural Gas Company  
For: right of way  
Dated: October 19, 1959  
Recorded: October 20, 1959  
Book: 527 Page: 778  
in Marion County, Oregon.

Salem, OR

The Interest of Pacific Northwest Pipeline corporation was conveyed to El Paso Natural Gas Company, a Delaware corporation by instrument,

Recorded: January 10, 1961  
Book: 541 Page: 355  
In Marion County, Oregon.

**REEL:2828**

**PAGE: 43**

**June 20, 2007, 03:49 pm.**

CONTROL #: 198693

State of Oregon  
County of Marion

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

FEE: \$ 36.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

Fidelity National Title # Co2224905733

**After recording, return to:**

MDD Holding, LLC  
4386 Desart Rd. NE  
Silverton, OR 97381

**Send tax statements to:**

MDD Holding, LLC  
4386 Desart Rd. NE  
Silverton, OR 97381

Consideration = \$ 0

REEL 4281 PAGE 204  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
12-23-2019 02:54 pm.  
Control Number 581930 \$ 131.00  
Instrument 2019 00063242

Received by OWRD

NOV 11 2021

Salem, OR

## Property Line Adjustment Deed

CMP Roth Farms, LLC, an Oregon limited liability company, hereinafter called Grantor, 6791 River Heights Ln S., Salem, OR 97306, are the owners of real property located in Marion County, Oregon, referred to herein as Property A, more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. MDD Holding, LLC, an Oregon limited liability company, hereinafter called Grantee, 4386 Desart Rd. NE, Silverton, OR 97381, are the owners of real property located in Marion County, Oregon, referred to herein as Property B, and more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 13.91 acres and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 13.91 acres and will hereafter consist of the land more particularly described on Exhibit D, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured property as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Marion County, Oregon, described on Exhibit E.

"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."

The true and actual consideration for this transfer, stated in terms of dollars is \$ Ø; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 20 day of Dec, 2019.

GRANTOR

CMP Roth Farms, LLC

By: [Signature]  
Matthew Devries Roth, Member

By: [Signature]  
Jaimee Roth, Member

Received by OWRD

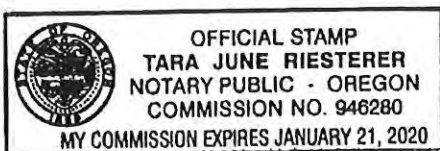
NOV 11 2021

Salem, OR

State of OREGON           )  
                                      ) ss.  
County of MARION        )

This instrument was acknowledged before me on Dec 20, 2019,  
by Matthew Devries Roth and Jaimee Roth as Members of CMP Roth Farms, LLC, an Oregon  
limited liability company.

Before me: TARA JUNE RIESTERER



[Signature]  
Notary Public for Oregon  
My Commission Expires: 01/21/2020

GRANTEE

MDD Holding, LLC

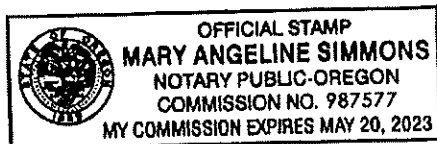
By: Mark King  
Mark King, Member

By: David King  
David King, Member

State of OREGON            )  
                                      ) ss.  
County of MARION        )

This instrument was acknowledged before me on 20 December, 20 19,  
by Mark King and David King as Members of MDD Holding, LLC, an Oregon limited liability  
company.

Before me: Mary A Simmons



Mary A Simmons  
Notary Public for Oregon  
My Commission Expires: May 23

EXHIBIT "A"

Received by OWRD

NOV 11 2021

Salem, OR

Legal Description For:  
Original Property "A"

That certain real property located at and commonly known as 9272 Silverton Road, NE, Silverton, Oregon 97381, in the County of Marion, State of Oregon, more particularly described as follows:

Beginning on the West line of the William Shaw Donation Land Claim, 8.25 chains from the Northwest corner of said claim, in Township 7 South, of Range 2 West of the Willamette Meridian in Marion County, Oregon; thence South  $89^{\circ}54'$  East 5.00 chains to an iron bar; thence North 5.32 chains to an iron rod; thence South  $89^{\circ}54'$  East 1.91 chains to an iron bar; thence North 2.926 chains; thence South  $89^{\circ}54'$  East, along the North line of said claim, 54.33 chains; thence South  $00^{\circ}13'$  West 20.00 chains to an iron bar; thence North  $89^{\circ}54'$  West 61.14 chains; thence North, along the West line of said claim, 11.75 chains to the point of beginning, in the William Shaw Donation Land Claim in Township 7 South, of Ranges 1 and 2 West, Marion County, Oregon.

EXCEPTING THEREFROM, the following: Beginning at a point on the Northerly line of the William Shaw Donation Land Claim No. 56 in Township 7 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, said beginning point being 2,323.46 feet East from the Northwest corner of said claim; thence South 175.00 feet to an iron pipe; thence East 239.20 feet to an iron pipe; thence North  $45^{\circ}$  East 14.14 feet to an iron pipe; thence North 165.00 feet to the Northerly line of aforesaid claim; thence along the Northerly line of said claim, West 249.20 feet to the place of beginning.

ALSO SAVE AND EXCEPT those parcels of land conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded in Volume 395, Page 146, Marion County Deed Records.

SUBJECT TO the rights of the public in and to that portion of the above described property lying within roads and roadways.

## EXHIBIT "B"

Legal Description For:  
Original Property "B"

The Westerly one-half of the following described property:

Beginning at the Northeast corner of the Donation Land Claim of William Shaw and Sarah Shaw, his wife, it being Claim No. 53, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West 80 rods on the North line of said Claim; thence South 80 rods; thence East 80 rods; thence North 80 rods to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon by and through its State Highway Commission, by deed recorded October 16, 1948, in Book 395, Page 474, Deed Records, Marion County, Oregon.

EXHIBIT "C"

Received by OWRD

NOV 11 2021

Salem, OR

Legal Description For:  
Adjusted Property "A"

A tract of land situated in Section 1, Township 7 South, Range 2 West and the southwest and northwest quarters of Section 6, Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, more particularly described as follows:

Beginning at the most Westerly northwest corner of that property conveyed to CMP Roth Farms, LLC, an Oregon limited liability company, by that instrument recorded in Reel 3752, Page 78, Marion County Deed Records, said point recorded as being 8.25 chains South of the northwest corner of the William Shaw Donation Land Claim No. 56 in Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence along the boundary of said property the following four courses:

thence South 89°54'00" East 330.00 feet;

thence North 351.12 feet;

thence South 89°53'56" East 126.06 feet;

thence North 163.74 feet to the southwest corner of that parcel of land conveyed to the State of Oregon, by and through its State Highway Commission, by that instrument recorded in Volume 395, Page 146, Marion County Deed Records;

thence South 89°50'29" East 1867.35 feet along the south line of said parcel to the west line of that property described in that instrument recorded in Volume 728, Page 613, Marion County Deed Records;

thence South 0°06'00" West 143.46 feet along the west line of said property to the southwest corner thereof;

thence South 89°54'00" East 239.20 feet along the south line of said property to an angle point;

thence North 45°06'00" East 14.14 feet to an angle point in the east line of said property;

thence North 0°06'00" East 133.20 feet along said east line to a point on the aforementioned south line of the State of Oregon parcel, said point being the beginning of a non-tangent curve concave to the North;

thence Easterly along the arc of a 116235.54-foot radius curve to the left (whose radius point bears North 0°09'17" East and the chord of which bears South 89°53'33" East 192.56 feet) 192.56 feet along said south line to a point of tangency;  
thence South 89°56'24" East 987.97 feet along said south line to an angle point;  
thence South 0°03'36" West 10.00 feet to an angle point;  
thence South 89°56'24" East 16.59 feet along said south line to the center of a drainage ditch;  
thence leaving said south line along the center of said drainage ditch the following eleven courses:  
thence South 58°49'40" West 40.56 feet;  
thence South 6°07'20" West 128.43 feet;  
thence South 0°45'02" West 213.66 feet;  
thence South 6°07'20" West 150.38 feet;  
thence South 23°01'54" West 80.55 feet;  
thence South 48°39'15" West 145.36 feet;  
thence South 39°57'20" West 160.03 feet;  
thence South 31°04'46" West 100.55 feet;  
thence South 14°04'03" West 205.85 feet;  
thence South 0°05'19" East 158.56 feet;  
thence South 21°44'45" West 31.35 feet to the south line of the aforementioned CMP Roth Farms, LLC property;  
thence North 89°54'00" West 3345.75 feet along the south line of said property to the southwest corner thereof, said point being on the west line of the aforementioned William Shaw Donation Land Claim;  
thence North 775.50 feet along said west line to the Point of Beginning, containing 100.36 acres of land, more or less.

SUBJECT TO the rights of the public in and to that portion of the above described property lying within roads and roadways.

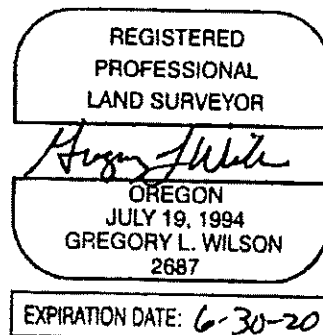


EXHIBIT "D"

Legal Description For:  
Adjusted Property "B"

Received by OWRD

NOV 11 2021

Salem, OR

A tract of land situated in the southwest and northwest quarters of Section 6, Township 7 South, Range 1 West and the southeast one-quarter of Section 1, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, described as follows:

Beginning at the southeast corner of that property conveyed to MDD Holding, LLC, an Oregon limited liability company, being described as Parcel II in that instrument recorded in Reel 2828, Page 43, Marion County Deed Records, said point recorded as being 80 rods South and 40 rods West of the northeast corner of the William Shaw Donation Land Claim No. 53 in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence:

North 89°54'00" West 1350.63 feet along the south line of said property and along the south line of that property described in that instrument recorded in Reel 3752, Page 78, Marion County Deed Records, to the center of a drainage ditch;

thence leaving said south line along the center of said drainage ditch the following eleven courses:

thence North 21°44'45" East 31.35 feet;

thence North 0°05'19" West 158.56 feet;

thence North 14°04'03" East 205.85 feet;

thence North 31°04'46" East 100.55 feet;

thence North 39°57'20" East 160.03 feet;

thence North 48°39'15" East 145.36 feet;

thence North 23°01'54" East 80.55 feet;

thence North 6°07'20" East 150.38 feet;

thence North 0°45'02" East 213.66 feet;

thence North 6°07'20" East 128.43 feet;

thence North 58°49'40" East 40.56 feet to a point on the south line of that parcel of land conveyed to the State of Oregon, by and through its State Highway Commission, by that instrument recorded in Volume 395, Page 146, Marion County Deed Records;

thence South 89°56'24" East 583.21 feet along said south line and along the south line of that parcel of land conveyed to the State of Oregon, by and through its State Highway Commission, by that instrument recorded in Volume 395, Page 474, Marion County Deed Records, to an angle point thereof;

thence North 0°03'36" East 10.00 feet to an angle point in last mentioned parcel;

thence South 89°56'24" East 348.33 feet along the south line of said parcel to the northeast corner of the aforementioned MDD Holding, LLC property;

thence South 0°13'00" West 1289.54 feet along the east line of said property to the Point of Beginning, containing 33.37 acres of land, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gregory L. Wilson*  
OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
2687

EXPIRATION DATE: 7-31-2021

EXHIBIT "E"

Legal Description For:  
Transferred Property ("A" To "B")

A tract of land situated in the southwest and northwest quarters of Section 6, Township 7 South, Range 1 West and the southeast one-quarter of Section 1, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, described as follows:

Beginning at the southwest corner of that property conveyed to MDD Holding, LLC, an Oregon limited liability company, being described as Parcel II in that instrument recorded in Reel 2828, Page 43, Marion County Deed Records, said point recorded as being 80 rods South and 80 rods West of the northeast corner of the William Shaw Donation Land Claim No. 53 in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence:

North 89°54'00" West 690.63 feet along the south line of that property described in that instrument recorded in Reel 3752, Page 78, Marion County Deed Records, to the center of a drainage ditch;

thence leaving said south line along the center of said drainage ditch the following eleven courses:

thence North 21°44'45" East 31.35 feet;

thence North 0°05'19" West 158.56 feet;

thence North 14°04'03" East 205.85 feet;

thence North 31°04'46" East 100.55 feet;

thence North 39°57'20" East 160.03 feet;

thence North 48°39'15" East 145.36 feet;

thence North 23°01'54" East 80.55 feet;

thence North 6°07'20" East 150.38 feet;

thence North 0°45'02" East 213.66 feet;

thence North 6°07'20" East 128.43 feet;

thence North 58°49'40" East 40.56 feet to a point on the south line of that parcel of land conveyed to the State of Oregon, by and through its State Highway Commission, by that instrument recorded in Volume 395, Page 146, Marion County Deed Records;

thence South 89°56'24" East 271.51 feet along said south line to the northwest corner of the aforementioned MDD Holding, LLC property;

thence South 0°13'00" West 1279.07 feet along the west line of said property to the Point of Beginning, containing 13.91 acres of land, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gregory L. Wilson*  
OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
2687

EXPIRATION DATE: 6-30-20

**REEL: 4281**

**PAGE: 204**

**December 23, 2019, 02:54 pm.**

**CONTROL #: 581930**

Received by OWRD

State of Oregon  
County of Marion

NOV 11 2021

Salem, OR

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

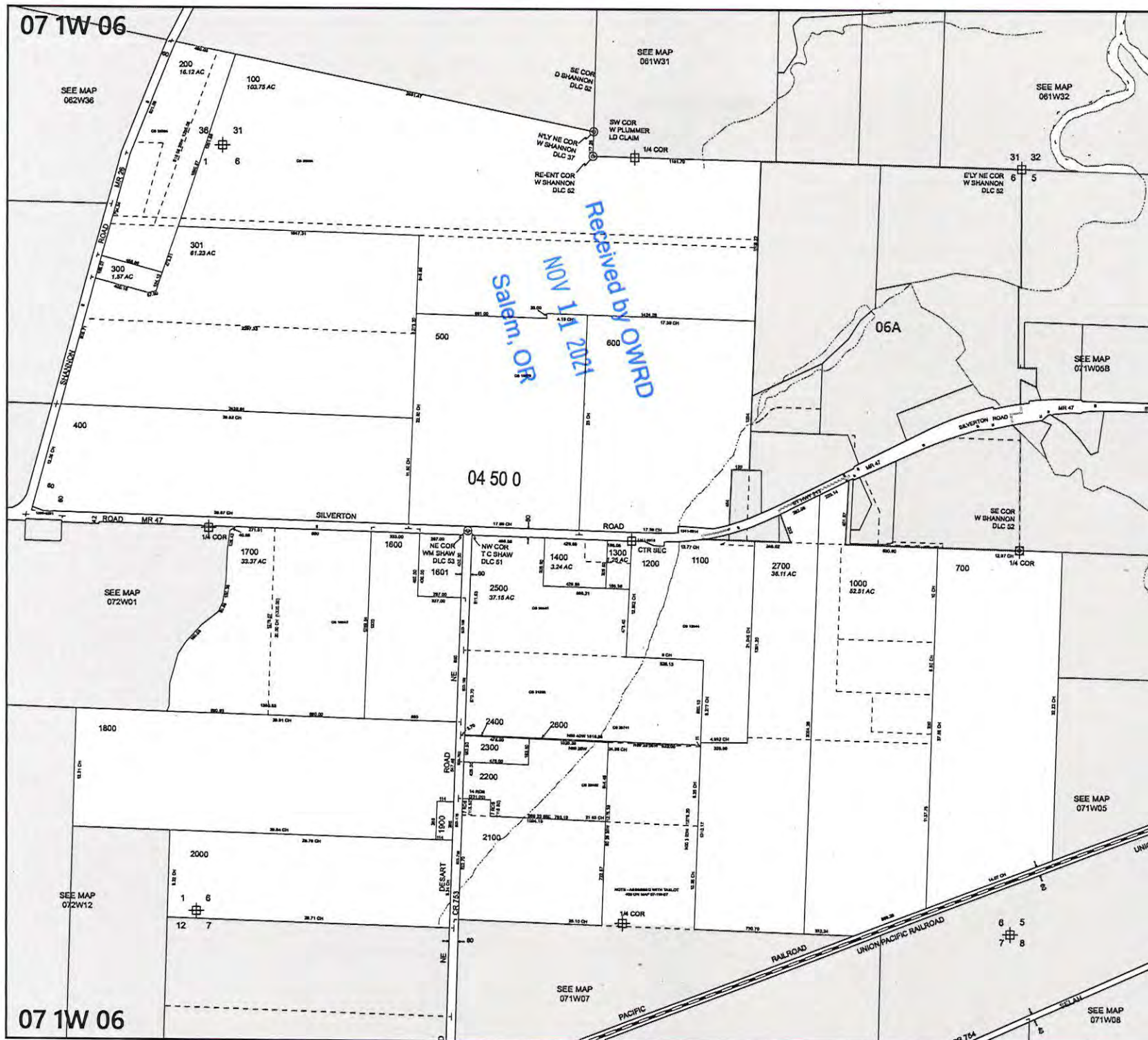
FEE: \$ 131.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

07 1W 06

07 1W 06



## MARION COUNTY, OREGON

SEC 6 T7S R1W W.M.

SCALE 1" = 400'

## LEGEND

## LINE TYPES

|                          |                       |
|--------------------------|-----------------------|
| Taxlot Boundary          | Historical Boundary   |
| Road Right-of-Way        | Easement              |
| Railroad Right-of-Way    | Railroad Centerline   |
| Private Road ROW         | Taxcode Line          |
| Subdivision/Plat Bndry   | Map Boundary          |
| Waterline - Taxlot Bndry | Waterline - Non Bndry |

## CORNER TYPES

|                       |                                   |
|-----------------------|-----------------------------------|
| + 1/16TH Section Cor. | 1/4 Section Cor.                  |
| ⊙ DLC Corner          | 16, 15<br>Section Corner<br>21 22 |

## NUMBERS

Tax Code Number  
00 00 0Acreage  
0.25 AC  
All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

## NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

## CANCELLED NUMBERS

|      |  |  |  |
|------|--|--|--|
| 800  |  |  |  |
| 800  |  |  |  |
| 1500 |  |  |  |

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
www.co.marion.or.us

PLOT DATE: 10/16/2020

07 1W 06

November 11, 2021

Property Identification

Account ID:

██████████

Tax Account ID:

██████████

Tax Roll Type:

Real Property

Situs Address:

Map Tax Lot:

071W060001700

Owner:

MDD HOLDING LLC

FARM CREDIT SERVICES

4386 DESART RD NE

SILVERTON, OR 97381

Manufactured Home Details:

Other Tax Liability:

SPEC

Subdivision:

Related Accounts:

Received by OWRD

NOV 11 2021

Salem, OR

Owner History

| Grantee                                                                                      | Grantor                                                   | Sales Info                          | Deed Info                                           |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------|-----------------------------------------------------|
| MDD HOLDING LLC<br>4386 DESART RD NE<br>SILVERTON OR 97381                                   |                                                           |                                     | 12/23/2019<br>42810205<br>WD<br>██████████          |
| MDD HOLDING LLC<br>4386 DESART RD NE<br>SILVERTON OR 97381                                   |                                                           |                                     | 12/23/2019<br>42810204<br>MI<br>██████████          |
| MDD HOLDING LLC<br>4386 DESART RD NE<br>SILVERTON OR 97381                                   |                                                           |                                     | 4/13/2007<br>28280043<br>WD<br>████████████████████ |
| KING, MARK W &<br>KING, DAVID M &<br>KING, DONALD<br>4386 DESART RD NE<br>SILVERTON OR 97381 | KING, MELVIN E<br>4285 DESART RD NE<br>SILVERTON OR 97381 | 11/2/2005<br>\$27,734.00<br>06<br>3 | 11/2/2005<br>25620047<br>WD<br>████████████████████ |
| MISSING OWNERSHIP INFORMATION                                                                |                                                           |                                     | 7/1/1998<br>07400632<br>DE<br>██████████            |
| MISSING OWNERSHIP INFORMATION                                                                |                                                           |                                     | 7/1/1998<br>01520291<br>MI<br>████████████████████  |

## Property Details

**Property Class:**

551

**Levy Code Area:**

04500

**Zoning:**

EFU (Contact Local Jurisdiction)

**Notes:****Exemption (Begin/End):****Deferral (Begin/End):****Land/On-Site Developments Information:**

| ID | Type                               | Acres | Sq Ft   |
|----|------------------------------------|-------|---------|
| 1  | 004 Rural Tract 2BI TWO BENCH IRR  | 28.34 | 1234490 |
| 2  | 004 Rural Tract 4BI FOUR BENCH IRR | 2.93  | 127631  |
| 3  | 004 Rural Tract WOOD FARM WOODLOT  | 2.1   | 91476   |

**Improvements/Structures:**

| ID | Type | Stat CClass | Make/Model | Class | Area/Count | Year Built |
|----|------|-------------|------------|-------|------------|------------|
|----|------|-------------|------------|-------|------------|------------|

No Improvement Details

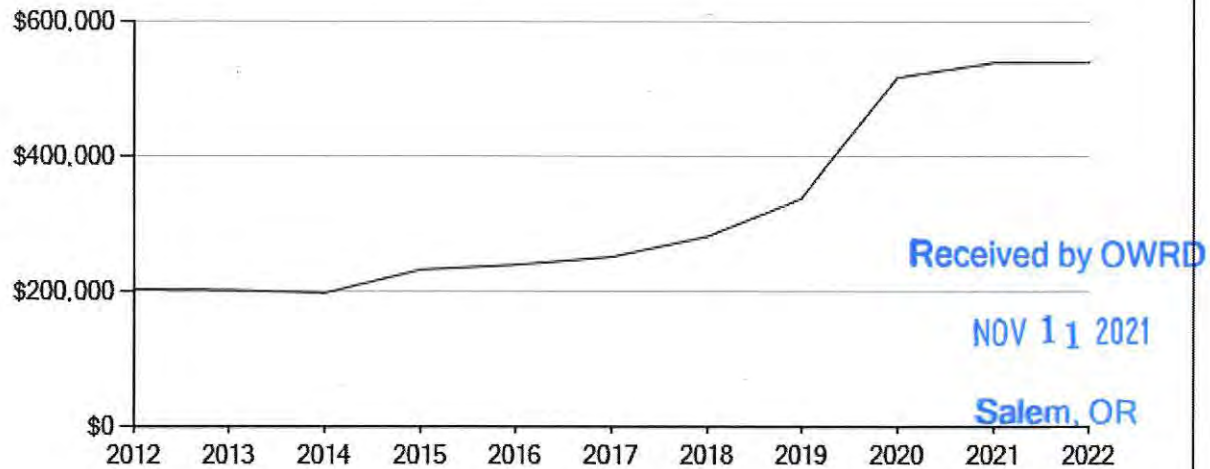
## Value Information (per most recent certified tax roll)

**RMV Land Market:** \$540,490**RMV Land Spec.** \$540,490**Assess.:****RMV Structures:** \$0**RMV Total:** \$540,490**AV:** \$48,940**SAV:** \$163,560**Exception RMV:** \$0**Exemption Value:** \$0**Exemption Description:** None**M5 Taxable:** \$163,560**MAV:** \$0**MSAV:** \$48,940

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years.

For a detailed explanation, please see definition of Assessed Value above (hover over the "i").

— Real Market Value — Maximum Assessed Value



#### Assessment History

| Year | Improvements RMV | Land RMV  | Special Mkt/Use    | Exemptions | Total Assessed Value |
|------|------------------|-----------|--------------------|------------|----------------------|
| 2021 | \$0              | \$540,490 | \$540,490/\$48,940 | None       | \$48,940             |
| 2020 | \$0              | \$518,300 | \$518,300/\$47,500 | None       | \$47,500             |
| 2019 | \$0              | \$0       | \$338,990/\$28,610 | None       | \$28,610             |
| 2018 | \$0              | \$0       | \$282,520/\$26,970 | None       | \$26,970             |
| 2017 | \$0              | \$0       | \$252,250/\$26,970 | None       | \$26,970             |
| 2016 | \$0              | \$0       | \$240,230/\$26,180 | None       | \$26,180             |
| 2015 | \$0              | \$0       | \$232,850/\$25,420 | None       | \$25,420             |
| 2014 | \$0              | \$0       | \$198,400/\$24,680 | None       | \$24,680             |
| 2013 | \$0              | \$0       | \$202,460/\$24,080 | None       | \$24,080             |
| 2012 | \$0              | \$0       | \$204,020/\$23,390 | None       | \$23,390             |
| 2011 | \$0              | \$0       | \$196,370/\$22,700 | None       | \$22,700             |

#### Taxes: Levy, Owed

**Taxes Levied 2021-22:** \$626.56  
**Tax Rate:** 12.8029  
**Tax Roll Type:** R  
**Current Tax Payoff Amount:** \$607.76

| Year | Total Tax Levied | Tax Paid |
|------|------------------|----------|
|------|------------------|----------|

| Year | Total Tax Levied | Tax Paid |
|------|------------------|----------|
| 2021 | \$626.56         | \$0.00   |
| 2020 | \$611.04         | \$611.04 |
| 2019 | \$367.44         | \$367.44 |
| 2018 | \$347.36         | \$347.36 |
| 2017 | \$349.94         | \$349.94 |
| 2016 | \$341.48         | \$341.48 |
| 2015 | \$331.61         | \$331.61 |
| 2014 | \$321.92         | \$321.92 |

#### Tax Payment History

| Year | Receipt ID | Tax Paid  | Discount | Interest | Amount Paid | Date Paid  |
|------|------------|-----------|----------|----------|-------------|------------|
| 2020 | 3857040    | -\$611.04 | \$18.33  | \$0.00   | \$592.71    | 11/10/2020 |
| 2019 | 61127      | -\$367.44 | \$11.02  | \$0.00   | \$356.42    | 11/18/2019 |
| 2018 | 221742     | -\$347.36 | \$10.42  | \$0.00   | \$336.94    | 11/15/2018 |
| 2017 | 368626     | -\$349.94 | \$10.50  | \$0.00   | \$339.44    | 11/14/2017 |
| 2016 | 509448     | -\$341.48 | \$10.24  | \$0.00   | \$331.24    | 11/16/2016 |
| 2015 | 719828     | -\$331.61 | \$9.95   | \$0.00   | \$321.66    | 11/6/2015  |
| 2014 | 863127     | -\$321.92 | \$9.66   | \$0.00   | \$312.26    | 11/12/2014 |



# Oregon

Kate Brown, Governor

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

October 27, 2021

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

Reference: Water Right Transfer Application T-13449

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13449. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by November 29, 2021.

***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by NOVEMBER 29, 2021, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

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

**Please note the proposed date by which all conditions must be met: October 1, 2023.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

**What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

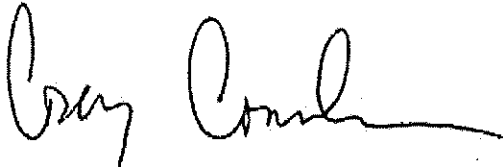
Issuance of the Preliminary Determination will occur shortly after we receive:

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

**If we do not receive the items listed above by November 29, 2021, a Preliminary Determination may be issued denying the application as incomplete.**

Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

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

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13449  
Gregory J. Wacker, District 16 Watermaster *(via e-mail)*  
Doann Hamilton, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Transfer Application  
T-13449, Marion County

)  
) **D R A F T** PRELIMINARY  
)  
) DETERMINATION PROPOSING APPROVAL  
) OF A CHANGE IN POINT OF  
) APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MDD HOLDING LLC  
C/O DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On June 3, 2020, MDD HOLDING LLC, C/O DAVID KING filed an application to change the point of appropriation under Certificate 52663. The Department assigned the application number T-13449.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:  

|                       |                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Certificate:</b>   | 52663 in the name of KING FARMS (perfected under Permit G-8686)                                                                                                                                                                                                                                                                                                                                        |
| <b>Use:</b>           | IRRIGATION of 10.7 ACRES                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Priority Date:</b> | MAY 23, 1979                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Rate:</b>          | 0.13 CUBIC FOOT PER SECOND                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Limit/Duty:</b>    | 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:** A WELL, a tributary of PUDDING RIVER

**Authorized Point of Appropriation:**

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                       |
|-----|-----|-----|-----|-------|-----|------------------------------------------------------------------------------------------|
| 7 S | 2 W | WM  | 1   | NE SE | 56  | AUTHORIZED WELL - 560 FEET SOUTH AND 2330 FEET EAST FROM THE NW CORNER OF SHAW<br>DLC 56 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 7 S        | 1 W | WM  | 6   | NW SW | 53  | 8.4   |
| 7 S        | 2 W | WM  | 1   | NE SE | 56  | 2.3   |
| Total      |     |     |     |       |     | 10.7  |

4. Transfer Application T-13449 proposes to move the authorized point of appropriation approximately 2084 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                                  |
|-----|-----|-----|-----|-------|-----|-------------------------------------------------------------------------------------|
| 7 S | 1 W | WM  | 6   | NW SW | 53  | PROPOSED WELL - 1320 FEET SOUTH AND 700 FEET EAST FROM THE W1/4 CORNER OF SECTION 6 |

***Transfer Review Criteria (OAR 690-380-4010)***

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record 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 were present within the five-year period prior to submittal of Transfer Application T-13449.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

**Determination and Proposed Action**

The change in point of appropriation proposed in Transfer Application T-13449 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-13449 is approved, the final order will include the following:*

- 1. The change in point of appropriation proposed in Transfer Application T-13449 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 52663 and any related decree.*
- 3. Water right Certificate 52663 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of appropriation (Proposed Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Authorized Well).*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov)

# Groundwater Transfer Review Summary Form

Transfer/PA # T- 13449

GW Reviewer Travis Brown Date Review Completed: 10/4/2021

## Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

## Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

## Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

## Ground Water Review Form:

- ☒ **Water Right Transfer**  
☐ **Permit Amendment**  
☐ **GR Modification**  
☐ **Other**

Application: T-13449

Applicant Name: King Family Farms

Proposed Changes: ☒ POA ☐ APOA ☐ SW→GW ☐ RA  
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Travis Brown

Date of Review: 10/4/2021

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 10/8/21

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: Applicant proposes to change the POA for 10.7 acres of Certificate 52663, which currently authorizes Irrigation of 109.0 acres from a single POA (MARI 6470) at a maximum rate of 1.36 cfs. The proportional maximum rate for the proposed To-POA (MARI 6109) would be ~0.134 cfs based on the subject acreage. The proposed To-POA (MARI 6109) is the sole authorized POA under overlapping water right Certificates 39805, 46796, 51897, and 68209, summarized below:

| Overlapping Water Rights for Proposed To-POA (MARI 6109) |                    |                                             |
|----------------------------------------------------------|--------------------|---------------------------------------------|
| Certificate                                              | Maximum Rate [cfs] | Use                                         |
| 39805                                                    | 0.6                | Irrigation (48.0 ac / 120 ac-ft)            |
| 46796                                                    | 0.24               | Irrigation (19.5 ac / 48.75 ac-ft)          |
| 51897                                                    | 0.27               | Irrigation (21.8 ac / 54.5 ac-ft)           |
| 68209                                                    | 0.2                | Irrigation (16.0 ac / 40 ac-ft)             |
| <b>Total</b>                                             | <b>1.31</b>        | <b>Irrigation (105.3 ac / 263.25 ac-ft)</b> |

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: \_\_\_\_\_
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No \_\_\_\_\_
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): \_\_\_\_\_

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: The proposed To-POA (MARI 6109) is ~1,580 ft northwest of neighboring well MARI 3055, whereas the authorized From-POA (MARI 6470) is ~3,670 ft northwest of MARI 3055. The reduced intervening distance will likely result in an increase in interference with MARI 3055.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: MARI 3055 is the sole authorized POA under Claim GR-1634 (priority date 8/31/1950) and Certificate 94716 (priority date 2/7/1978); it also one of two authorized POA approved per transfer T-12982. The Theis (1935) solution to drawdown in a confined aquifer was used to estimate the amount of interference with MARI 3055 likely to result from the proposed change (see attached Theis Drawdown Analysis). Results of the analysis indicate that the proposed change is unlikely to result in MARI 3055 or similarly located wells not receiving water to which they are legally entitled.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: Both the authorized From-POA (MARI 6470) and proposed To-POA (MARI 6109) are at comparable distances from the nearest hydraulically-connected surface water source: an unnamed tributary to the Pudding River. Due to the thick layer of fine-grained sediment which underlies this stream, any difference in interference due to the proposed change is likely to be negligible.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: \_\_\_\_\_ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: \_\_\_\_\_

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: None

8. Any additional comments: An Initial Review (IR) dated July 29, 2011 for Application G-17387 determined that the proposed To-POA (MARI 6109) does not meet minimum construction standards. It appears the seal material ("clay") and/or the seal depth (18 ft) may not comply with well construction standards per OAR 690-210. The IR required that MARI 6109 must be repaired and/or demonstrated to comply with well construction rules and approved by the Well Construction Enforcement Section. However, the application was withdrawn prior to permit issuance. Therefore, it is unknown whether the well was repaired to comply with well construction standards and whether documentation was submitted to the Department demonstrating compliance. This transfer (T-13449) should not be approved until compliance of the proposed To-POA (MARI 6109) with well construction standards can be demonstrated to the satisfaction of the Well Construction Coordinator.

**References**

Application File: T-12982, T-13449

Certificate: 39805, 46796, 51897, 52663, 68209, 94716

Claim: GR-1634

Pumping Test Reports: MARI 6095, 6125, 6489, 6965, 17590, 58904

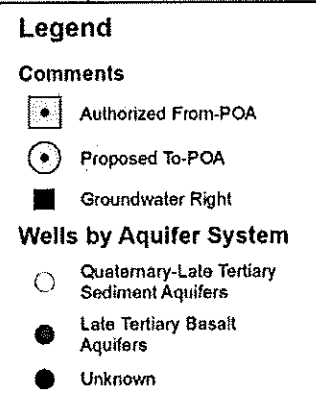
Domenico, P.A. and Mifflin, 1965, Water from low-permeability sediments and land subsidence: Water Resource Research, v. 1, no. 4, p. 563-576.

Freeze, R.A. and Cherry, J.A., 1979, Groundwater, Prentice Hall, Englewood Cliffs, New Jersey, 604 p.

McFarland, W.D., and Morgan, D.S., 1996, Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington, Water Supply Paper 2470-A, 58 p: U. S. Geological Survey, Reston, VA.

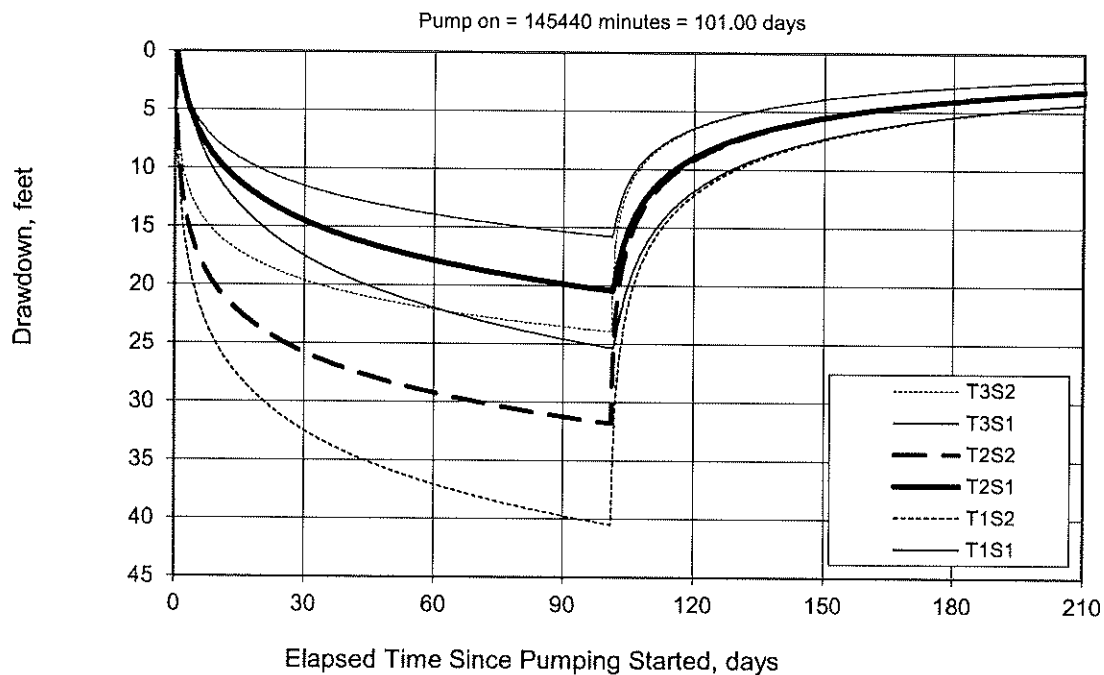
Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.

## T-13449 King Family Farms



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community  
Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## Theis Drawdown Analysis – MARI 6109 Interference with MARI 3055

Theis Drawdown and Recovery at  $r = 1580$  ft From Pumping Well

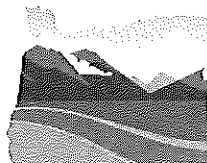
Pumping Rate = 1.444 cfs [combined maximum pumping rate for MARI 6109 under all applicable water rights, authorized and proposed]

Pumping Time = 101 days [time to reach maximum combined duty (290 af) at combined maximum rate]

Transmissivity:  $T1=1500 \text{ ft}^2/\text{day}$ ,  $T2=2000 \text{ ft}^2/\text{day}$ ,  $T3=2800 \text{ ft}^2/\text{day}$  [pumping test reports]

Storativity:  $S1=0.003$ ,  $S2=0.0003$  [Domenico and Mifflin, 1965; Freeze and Cherry, 1979; McFarland and Morgan, 1996]

# 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](http://www.oregon.gov/OWRD)

Transfer Application: T-13449

Review Due Date:

Applicant Name: King Family Farms Inc

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:

|                                         |                                            |
|-----------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Weir           | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor   |
| <input type="checkbox"/> Other: ____    |                                            |

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

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

\*\*\*\*\*

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 Watermaster signature

\_\_\_\_\_  
 District

\_\_\_\_\_  
 Date

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

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



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 3, 2020

DAVID KING  
4386 DESART RD NE  
SILVERTON, OR 97381

Reference: Application T- 13449

On June 3, 2020, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 132572 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. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

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

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

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

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

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

Cc: Watermaster Dist. #16 (*via email*)  
Doann Hamilton, Agent  
Marion County Planning

Enclosure

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

RECEIVED

MAY 21 2020

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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 Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 52336**

Please include a separate Part 5 for each water right. (See instructions on page 6)

### Attachments:

- ☒ Completed Transfer Application Map
- ☒ Complete documentation.
- ☐ ☒ N/A Affidavit (Applicant does not own the land the water right is on)
- ☐ ☒ N/A Supplemental Information Form (Issued in the name of an irrigation district. Complete the irrigation district.)
- ☒ ☐ N/A Oregon Water Resources Department signature (Information Form with approval and signature of each local land use authority in which water is to be diverted, required if water is to be diverted, conveyed, or used for a purpose other than the following apply: a) a change in place of use, b) a change in the use of water is for irrigation only, and d) the use is for a purpose other than intensive farm use zone.)
- ☒ ☐ N/A Water Well (Appropriation (well(s)) or additional point(s) of a well)
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

*\* Please note - they transposed cert numbers on Pg 1 and Pg 6. I chose the WR that goes w/ King property & Marion County. Julie*

(For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

MAY 21 2020

## Part 2 of 5 – Transfer Application Map

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

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

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

13449 -

| <b>FEE WORKSHEET</b> for PERMANENT TRANSFER (except Substitution) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |          |         |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|----------|---------|
| <b>1</b>                                                          | <b>Base Fee</b> (includes one type of change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  | <b>1</b> | \$1,160 |
|                                                                   | Types of change proposed:<br><input type="checkbox"/> Place of Use<br><input type="checkbox"/> Character of Use<br><input checked="" type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = <u>  <b>1</b>(<b>2a</b>)  </u><br>Subtract 1 from the number in line 2a = <u>  <b>0</b>(<b>2b</b>)  <i>If only one change, this will be 0</i><br/> <b>Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »</b> <div style="position: absolute; top: -80px; left: 70%; color: blue;">RECEIVED<br/>MAY 21 2020<br/><br/>OWRD</div> </u>                                                  |  |  | <b>2</b> | \$0     |
| <b>3</b>                                                          | Number of water rights included in transfer <u>  <b>1</b>(<b>3a</b>)  </u><br>Subtract 1 from the number in 3a above: <u>  <b>0</b>(<b>3b</b>)  <i>If only one water right this will be 0</i><br/> <b>Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »</b> </u>                                                                                                                                                                                                                                                                                                                                               |  |  | <b>3</b> | \$0     |
| <b>4</b>                                                          | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » » » »<br><input checked="" type="checkbox"/> Yes: enter \$410 » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                    |  |  | <b>4</b> | \$410   |
| <b>5</b>                                                          | Do you propose to change the place of use or character of use?<br><input checked="" type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ ( <b>5a</b> )<br>Subtract 1.0 from the number in 5a above: _____ ( <b>5b</b> )<br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ ( <b>5c</b> ) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » |  |  | <b>5</b> | \$0     |
| <b>6</b>                                                          | <b>Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  | <b>6</b> | \$1,570 |
| <b>7</b>                                                          | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »<br>If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                           |  |  | <b>7</b> | \$0     |
| <b>8</b>                                                          | <b>Subtract line 7 from line 6 » » » » » » » » » » » Transfer Fee:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |  | <b>8</b> | \$1,570 |

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

| FEE WORKSHEET for SUBSTITUTION |                                                                                                                                                  |   |          |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                              | Base Fee (includes change to one well)                                                                                                           | 1 | \$840.00 |
|                                | Number of wells included in substitution _____ (2a)<br>Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> |   |          |
| 2                              | Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »                                                                              | 2 |          |
| 3                              | Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>                                                                  | 3 | NA       |

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                             |                    |                     |                                    |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>MDD Holding LLC c/o David King</b>                                                                                                            |                    |                     | PHONE NO.<br><b>(503) 874-9175</b> | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>4386 Desart Rd NE</b>                                                                                                                                         |                    |                     | FAX NO.                            |                        |
| CITY<br><b>Silverton</b>                                                                                                                                                    | STATE<br><b>OR</b> | ZIP<br><b>97381</b> | E-MAIL                             |                        |
| 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<br><b>Doann Hamilton / Pacific Hydro-Geology, Inc.</b>                                                                                                  |                    |                     | PHONE NO.<br><b>(503) 632-5016</b> | ADDITIONAL CONTACT NO.<br><b>(503) 349-6946 (cell)</b> |
| ADDRESS<br><b>18487 S. Valley Vista Road</b>                                                                                                                                |                    |                     | FAX NO.<br><b>(503) 632-5983</b>   |                                                        |
| CITY<br><b>Mulino</b>                                                                                                                                                       | STATE<br><b>OR</b> | ZIP<br><b>97042</b> | E-MAIL<br><b>phgdmh@gmail.com</b>  |                                                        |
| 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:  
**We just purchased some of the land on the east end of Certificate 52663 and need to water this area with our existing well.**

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

### Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Silverton Appeal.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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



|                                           |                                                                 |                        |
|-------------------------------------------|-----------------------------------------------------------------|------------------------|
| <u>David King</u><br>Applicant Signature  | <u>David King, member</u><br>Print Name and title if applicable | <u>5/12/20</u><br>Date |
| <u>Mark A King</u><br>Applicant Signature | <u>Mark A King member</u><br>Print Name and title if applicable | <u>5/12/20</u><br>Date |

RECEIVED  
MAY 21 2020  
OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

|                                       |       |     |           |                        |
|---------------------------------------|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME<br><b>NA</b> |       |     | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS                               |       |     | FAX NO.   |                        |
| CITY                                  | STATE | ZIP | E-MAIL    |                        |

**RECEIVED**  
**MAY 21 2020**

Describe any special ownership circumstances here: **NA**

**OWRD**

- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

|                                       |         |     |
|---------------------------------------|---------|-----|
| IRRIGATION DISTRICT NAME<br><b>NA</b> | 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<br><b>NA</b> | ADDRESS |     |
| CITY                     | STATE   | ZIP |

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

|                                                       |                                          |                     |
|-------------------------------------------------------|------------------------------------------|---------------------|
| ENTITY NAME<br><b>Marion County Planning Division</b> | ADDRESS<br><b>5155 Silverton Road NE</b> |                     |
| CITY<br><b>Salem</b>                                  | STATE<br><b>Oregon</b>                   | ZIP<br><b>97305</b> |

13449 -

## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 52663

RECEIVED

MAY 21 2020

OWRD

### Description of Water Delivery System

System capacity: 1.36 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. Water is discharged from the well using a 30 hp turbine pump with a 10 hp booster pump to convey water through 6-inch buried mainline where a wheel line equipped with impact sprinklers is used to irrigate peas and grass seed.

**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)              |
|------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|-----|---|-----|---|-----|-----|----|---------------------------|-------------------------------------------------------------------|
| Authorized Well        | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | MARI 6470                                          | 7   | S | 2   | W | 1   | NE  | SE | DLC 56                    | 560 feet south and 2,330 feet east from the NW corner, DLC 56     |
| Proposed Well          | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed | MARI 6109                                          | 7   | S | 1   | W | 6   | NW  | SW | DLC 53                    | 1,320 feet south and 700 feet east from the W ¼ corner, Section 6 |

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

- |                                                                        |                                                                       |
|------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)     |
| <input type="checkbox"/> Character of Use (USE)                        | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA)     |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                           |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                  |

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

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

13449 -

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

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

**Table 2. Description of Changes to Water Right Certificate # 52663**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

| AUTHORIZED (the “from” or “off” lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  | Proposed<br>Changes (see<br>“CODES” from<br>previous<br>page) | PROPOSED (the “to” or “on” lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|-----|---|-----|----|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------|---|-----|---|-----|----|---------|----------------------|-------|--------------------|---------------------------------------------------|------------------|--|--|
| Twp                                                                                                                                                                                      | Rng |   | Sec |   | ¼ ¼ |    | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date |                                                               | Twp                                                                                                     | Rng          |   | Sec |   | ¼ ¼ |    | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type<br>of USE | POD(s)/<br>POA(s) to be<br>used (from<br>Table 1) | Priority<br>Date |  |  |
| 7                                                                                                                                                                                        | S   | 1 | W   | 6 | NW  | SW | 1700    | DLC<br>53            | 8.4   | IR                                      | Authorized<br>Well                                      | May 23,<br>1979  | POA                                                           | 7                                                                                                       | S            | 1 | W   | 6 | NW  | SW | 1700    | DLC<br>53            | 8.4   | IR                 | Proposed<br>Well                                  | May 23,<br>1979  |  |  |
| 7                                                                                                                                                                                        | S   | 2 | W   | 1 | NE  | SE | 1700    | DLC<br>56            | 2.3   | IR                                      | Authorized<br>Well                                      | May 23,<br>1979  | POA                                                           | 7                                                                                                       | S            | 2 | W   | 1 | NE  | SE | 1700    | DLC<br>56            | 2.3   | IR                 | Proposed<br>Well                                  | May 23,<br>1979  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
|                                                                                                                                                                                          |     |   |     |   |     |    |         |                      |       |                                         |                                                         |                  |                                                               |                                                                                                         |              |   |     |   |     |    |         |                      |       |                    |                                                   |                  |  |  |
| TOTAL ACRES:                                                                                                                                                                             |     |   |     |   |     |    |         |                      | 10.7  |                                         |                                                         |                  |                                                               |                                                                                                         | TOTAL ACRES: |   |     |   |     |    |         |                      |       | 10.7               |                                                   |                  |  |  |

Additional remarks: None.

13449

RECEIVED  
MAY 31 2020  
OWRD

**For Place of Use or Character of Use Changes - NA**

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

If YES, list the certificate, water use permit, or ground water registration numbers: NA.

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

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

RECEIVED

MAY 31 2020

OWRD

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # NA

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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 |
|-------------------------------------------|------------------------------------|-------------------------------------------------|------------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|------------------------------------------------------------------------|
| Authorized Well                           | YES                                | MARI 6470                                       | See well log MARI 6470 |                 |                         |                           |                                            |                                                |                                             |                                                                        |
| Proposed Well                             | YES                                | MARI 6109                                       | See well log MARI 6109 |                 |                         |                           |                                            |                                                |                                             | Not less than full rate of water right                                 |

13449 -

# 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 MARION)

I, DAVID KING, in my capacity as OPERATOR,

mailing address 4386 DESART RD NE, SILVERTON, OR 97381

telephone number (503) 874-9175, 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 # \_\_\_\_; **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<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 52663         | 7        | S | 1     | W | WM  | 6   | NW  | SW | DLC 53              | 8.4                      |
| 52663         | 7        | S | 2     | W | WM  | 1   | NE  | SE | DLC 56              | 2.3                      |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |

**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)

RECEIVED  
MAY 31 2020  
OWRD

3. The water right was used for: (e.g., crops, pasture, etc.): PEAS AND GRASS SEED

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.

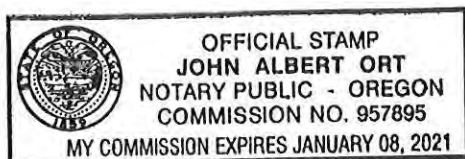
David Kipp  
Signature of Affiant

RECEIVED  
MAY 21 2020

OWRD

5/11/20  
Date

Signed and sworn to (or affirmed) before me this 11 day of May, 2020.



John Ort  
Notary Public for Oregon

My Commission Expires: 1-08-2021

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water                                  | <ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>                                                                                                                                                                                                                                                                                                                                                                                   |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>                                                                                                                                                                                                                                                                           |
| <input checked="" type="checkbox"/> 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.<br>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.<br><br>Sources for aerial photos:<br>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br>Google Earth – <a href="http://earth.google.com">earth.google.com</a><br>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## NOTICE TO WATER WELL CONTRACTOR

The original and first copy  
of this report are to be  
filed with the

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date  
of well completion

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

STATE ENGINEER

SALEM, OREGON

G-4905

SALEM, OREGON

## (1) OWNER:

Name M.E. King  
Address Rt. 2 Box 280 B. Silverton, Ore

## (2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

## (3) TYPE OF WELL:

Rotary ☐ Driven ☐  
Cable ☒ Jetted ☐  
Dug ☐ Bored ☐

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

## (5) CASING INSTALLED:

Threaded ☐ Welded ☒  
10 3/4" diam. from 1-0 ft. to 139 ft. Gage 250  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

## (6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills

Size of perforations 3/8 in. by 2 in.  
1090 perforations from 83 ft. to 137 ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

## (7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name  
Type Model No.  
Diam. Slot size Set from ft. to ft.  
Diam. Slot size Set from ft. to ft.

## (8) WATER LEVEL: Completed well.

Static level 28 ft. below land surface Date 4/8/69  
Artesian pressure lbs. per square inch Date

## (9) WELL TESTS:

Drawdown is amount water level is  
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Stettler  
Yield: 600 gal./min. with 76 ft. drawdown after 1 hrs.  
500 " 74 " 1 "  
" 400 " 71 " 1 "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water Was a chemical analysis made? ☐ Yes ☐ No

## (10) CONSTRUCTION:

Well seal—Material used Clay  
Depth of seal 18 ft.  
Diameter of well bore to bottom of seal 14 in.  
Were any loose strata cemented off? ☐ Yes ☐ No Depth  
Was a drive shoe used? ☒ Yes ☐ No  
Did any strata contain unusable water? ☐ Yes ☐ No  
Type of water? depth of strata  
Method of sealing strata off  
Was well gravel packed? ☐ Yes ☒ No Size of gravel:  
Gravel placed from ft. to ft.

## (11) LOCATION OF WELL:

County Marion Driller's well number 7/1W-6M  
SW 1/4 SW 1/4 Section T. R. W.M.

Bearing and distance from section or subdivision corner

## (12) WELL LOG:

Diameter of well below casing 10

Depth drilled 139 ft. Depth of completed well 139 ft.

Formation: Describe color, texture, grain size and structure of materials;  
and show thickness and nature of each stratum and aquifer penetrated,  
with at least one entry for each change of formation. Report each change  
in position of Static Water Level as drilling proceeds. Note drilling rates.

| MATERIAL                       | From | To  | SWL |
|--------------------------------|------|-----|-----|
| Top soil                       | 0    | 2   |     |
| Yellow clay                    | 2    | 28  |     |
| Grey clay                      | 28   | 43  |     |
| Brown clay                     | 43   | 48  |     |
| Brown sand                     | 48   | 58  |     |
| Brown clay                     | 58   | 68  |     |
| Cemented gravel                | 68   | 83  |     |
| Loose gravel with brwn<br>sand | 83   | 137 |     |
| Grey clay                      | 137  | 140 |     |

Work started 3/17 1969 Completed 4/8/69 19  
Date well drilling machine moved off of well 4/8/69 19

## Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Harry A. Robinson Date 4/14, 1969  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 63

## Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Harry A. Robinson  
(Person, firm or corporation) (Type or print)

Address 2214 Front NE Salem, Ore.

[Signed] Harry A. Robinson  
(Water Well Contractor)

Contractor's License No. 22 14 4/14/69, 1969

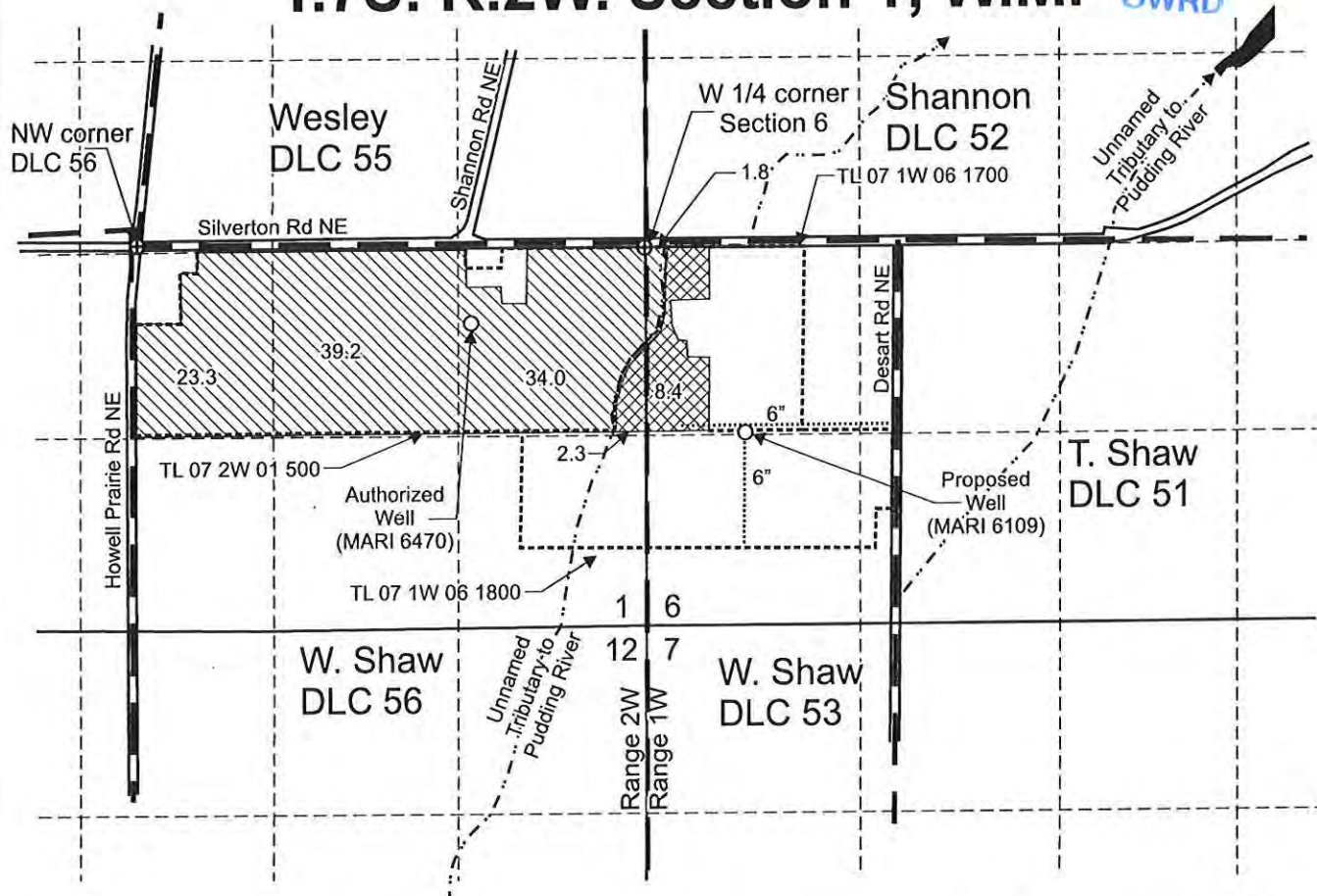


# T.7S. R.1W. Section 6 T.7S. R.2W. Section 1, W.M.

RECEIVED

MAY 31 2020

OWRD



Authorized Well (MARI 6470) is located 560 feet south and 2,330 feet east from the NW corner, DLC 56.  
Proposed Well (MARI 6109) is located 1,320 feet south and 700 feet east from the W 1/4 corner, Section 6.

 Area (98.3 Acres) irrigated under Certificate 52663, priority date May 23, 1979, not affected by this transfer

 Area (10.7 Acres) irrigated under Certificate 52663, priority date May 23, 1979, affected by this transfer

----- Tax lot boundary

— • — Donation Land Claim boundary

..... Water main line

Scale: 1" = 1,320'



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

## Transfer Application Map Certificate 52663

MDD Holding LLC c/o David King  
T.7S. R.1W. Section 6,  
T.7S, R.2W. Section 1, W.M.

04/2020

Pacific Hydro-Geology Inc.

13449

13449 -



MAY 21 2020

OWRD

# 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

RECEIVED

MAY 31 2020

OWRD

Applicant(s): MDD Holding LLC c/o David King

Mailing Address: 4386 Desart Rd NE

City: Silverton

State: OR

Zip Code: 97381

Daytime Phone: (503) 874-9175

## 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>7S</u> | <u>1W</u> | <u>6</u> | _____ | <u>1700</u> | <u>BFU</u>                                      | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>IR</u>          |
| _____     | _____     | _____    | _____ | _____       | _____                                           | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            | _____              |
| _____     | _____     | _____    | _____ | _____       | _____                                           | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            | _____              |
| _____     | _____     | _____    | _____ | _____       | _____                                           | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            | _____              |

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

Marion County

## B. Description of Proposed Use

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

- ☐ Permit to Use or Store Water    ☒ Water Right Transfer    ☐ 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) \_\_\_\_\_

Estimated quantity of water needed: 0.13    ☐ 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:

This Land Use Information Form is to accompany a water right transfer application that proposes to change the point of appropriation (well) for a portion of an existing water right (Certificate 52663).

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. →

RECEIVED

MAY 31 2020

OWRD

## 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): MCC 17.136
- ☐ 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<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                      |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

Name: LISA MILLIMAN Title: ASSOCIATE PLANNER

Signature: Lisa Milliman Phone: 503 588 5080 Date: 5/18/20

Government Entity: MARION COUNTY

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

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Regular Permanent Water Right Transfer Application Checklist

Checked by Joan Date 6/1/20

(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? Fee paid: 1570.00

If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_

► If a Government Action POD change (see: Page 5): NO CHARGE

\*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

- ☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?

If no, whose signature is missing? \_\_\_\_\_

- ☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?

If no, 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.

Certs & acres involved: \_\_\_\_\_

Changes: \_\_\_\_\_

# cfs involved: \_\_\_\_\_

Source: \_\_\_\_\_

T-13449