

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSF	<u>ER APPLICATI</u>	ON			
Please cher	ck one	-			
 ✓ Permanent Transfer ☐ Instream Transfer ☐ Permanent 					
• total number of years:(begin year:)					
(end year:)	Other				
2. APPLICANT II	NFORMATION		•		
h Grove Cement Company					
First	Last				
3060 Shirttail Creek Road, PO Box 28	8 <u>7 </u>				
regon 97905					
City	State	Zip			
77 2246	E-Mail address: <u>r</u>	norma.job@ash@	rove.com		
	nt in all matters relati	ng to this transfer a	pplication.)		
First	Last				
City	State	Zip	RECEIVED		
	Work	Other			
			AUG 11 2008		
			WATER RESOURCES D		
ent is fisieu above, piease check <u>one</u> of	i die following:				
isa sand all garrasmandansa ta Asant Can	d conica of come	ndonos to Ammilia	anti an		
ase send all correspondence to Agent. Send ase send all correspondence to Applicant.	d <i>copies</i> of correspo	ondence to Applica	ant; <u>or</u>		
	Please che	Please check one Permanent Transfer	Permanent Transfer		

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4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

	Application / Decree	Permit / Previous Transfer	Certificate
1.		G-7982	60851
2.			
3.			
4.			
5.			
6.			
or <u>ea</u>	ch water right listed above	tal Form A (Description of Propose). Ve. included in this transfer applic	
Z P	lace of Use	nt of Diversion (POD) A	Additional Point of Diversion
	Character of Use	nt of Appropriation (POA, or	well)
□ Iı	nstream Transfer 🛘 Sur	face Water POD to Ground W	ater POA
\square S	substitution of Supplement	ntal Groundwater right for Prin	mary Surface water right
□Н	listoric POD change	□ Other	
Reaso	on(s) for change(s): Two n	ew wells were constructed to replace	the original wells - Plant Wells #1 an
		m wells 1 & 2 on other areas	
	5. V	VATER DELIVERY SYSTE	<u> </u>
within used to nvolv	the last 5 years. Included of divert, convey and appores multiple rights that has the description must be sufficed.	ivery system <u>or</u> the system that information on the pumps, cally the water at the authorized pave independent systems, described to demonstrate that the full qualities source and applied at the authorized able to exercise the right.	anals, pipelines and sprinkler place of use. If the transfer ribe each system separately. ntity of water to be transferred can
The tv	vo plant wells covered und	er Certificate 60851 which each	pump into a 65,000 gallon hol
ank. E	ach pump is capable of pum	ping 400 gallons per minute. Pump	s are step controlled to meet dem
•	m capacity: >0.86	cubic feet per second (cfs). I	

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ► Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ► Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has <u>not</u> been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

	7. AFFECTED DISTRICTS
-	Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? Yes No
•	Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?
-	Is 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? Tyes 7 No
	If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:
	8. LOCAL GOVERNMENTS
•	List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).
	local planning RECEIVED
	AUG 1 1 2008 BECEIVED
	WATER RESOURCES DEPT SALEM, OREGON JUL 2 3 2008
	SALEM, OREGON JUL 2 3 2008

WATER RESOURCES DEPT.
SALEM, OREGON

Last revised: 7/27/2007 Transfer Application/3

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Q	LAND	OWNERSHIP
7.		OWILLIAMI

Names of Currer	nt Landowner(s):	Eine.	Last
		First	Last
City		State	Zip
Does the applica	ant own the lands	FO which the right is being to	ansferred?
ৰি Yes	∏No	N/A - NOT APPLICAB	LE TO INSTREAM TRANSFERS
If " No ", provide	e the following inf	ormation:	
Names of Receiv	ving Landowner(s	:): <u>* Some areas contain divi</u>	ded interests for which we ha
	· ····g Zunue ······(e	First	Last
Address: <u>permi</u>	ssion letters attac	ched	
City		State	Zip
		State	Zip
City Check <u>one</u> of the	e following:	State	Zip
Check <u>one</u> of the	g landowner will	State be responsible for completion of tices and correspondence sho	of the proposed changes at
Check <u>one</u> of the The receiving the final order. The applicant	ng landowner will in the ser is issued. All no on the series will remain resp	be responsible for completion	of the proposed changes at ould be sent to this landown anges. Notices and
Check <u>one</u> of the The receiving the final order to corresponder	ng landowner will in the ser is issued. All not the series is a series in the series is a series in the series in the series in the series in the series is a series in the series in th	be responsible for completion of chapters of completion of chapters of the completion of chapters of the completion of chapters of the completion of the chapters of the completion of the chapters of the completion of the chapters of the chapters of the completion of the chapters of the	of the proposed changes at ould be sent to this landown anges. Notices and and applicant's agent.
Check <u>one</u> of the The receiving the final order to corresponder	ng landowner will in er is issued. All no ent will remain responde should continuately applicable. Application	be responsible for completion of chapter to be sent to the applicant a	of the proposed changes at ould be sent to this landown anges. Notices and and applicant's agent.
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Check <u>one</u> of the The receiving the final order to corresponder	ng landowner will in er is issued. All no ent will remain responde should continuately applicable. Application	be responsible for completion of tices and correspondence shows the send of the send to the applicant and the send of the send	of the proposed changes at ould be sent to this landown anges. Notices and and applicant's agent.
Check <u>one</u> of the The receiving the final order to corresponder	ng landowner will in er is issued. All no ent will remain responde should continuately applicable. Application	be responsible for completion of tices and correspondence shows the send of the send to the applicant and the send of the send	of the proposed changes at ould be sent to this landown anges. Notices and and applicant's agent.

11. ATTACHMENTS

Check each of the following attachments included with this application.

The application will be returned if all required attachments are not included.

Supplemental Form A – Description of Proposed Change(s) to a	Land Use Information For Proposed Changes: For Instream Transfers:
Water Right ✓ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.	☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream
Supplemental Form B – Evidence of Use Affidavit(s)	transfers a Land Use Information Form is not required.)
At least one Evidence of Use Affidavit documenting that the right has been used	For All Other Transfers: ✓ Land Use Information Form is enclosed; or
during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and	 All of the following criteria are met, therefore a Land Use Information Form is not required: In EFU zone or irrigation district, Change in place of use only,
☑ The Evidence of Use Affidavit must be accompanied by supporting documentation.	 No structural changes needed, including diversion works, delivery facilities, other structures, and
Мар	Irrigation only.
Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.	Fees: ✓ Amount enclosed: \$800.00 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
☐ Temporary Transfer or Historical POD	Instream Water Right Transfers, also include:
Change A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.	Supplemental Form C – Instream Water Right Transfer Complete this form to describe the desired nature
Water Well Report(s)/Well Log(s):	and attributes for the proposed instream water right.
☑ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well	Temporary Transfers, also include:
reports are attached.	Recorded Deed: The applicant must submit a copy of the current
☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.	deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved. Affidavit of Consent:
☐ N/A. The application does not involve a change in point of appropriation or a change	If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a NOT the actual owner of the actual owner of cord consenting to the proposed transfer must be submitted. RECEIVED

WATER RESOURCES DEPT SALEM, OREGON Transfer Application/5 JUL 2 3 2008

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for <u>all</u> named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

	12. SIGNATURES
Ch	eck <u>one</u> of the following, as appropriate, and sign the application in the signature box below:
\checkmark	In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer: (a) A report of ownership and lien information that has been prepared by a title company within the last three months; (b) A copy of written notification of the proposed transfer provided by the applicant to all lien
	holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and
	(c) If the landowner identified in the report of ownership and lien information is <u>not</u> the applicant, a <u>notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.</u>
	I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
	I (we) affirm that 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. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is <u>NOT</u> required to provide the above described report of ownership and lien information.
	I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.
	I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.
I (we) affirm that the information contained in this application is true and accurate.
	applicant signature TERFY KERBY Plant MANAGER 7/4/08 name and title if applicable (print) date
-	applicant signature name and title if applicable (print) date

Water Right Transfer Supplemental Form A DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only <u>one</u> water right per page. A <u>separate Supplemental Form A</u> must be completed for <u>each</u> certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

•	Certificate Number or other	r identif	ying number:	60851	 	
			_			

1. TYPE OF CHANGE(S) PROPOSED

(Check all that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
✓ Change (The old point of diversion or appropriation	✓ <u>All</u> of the right will be exercised at a different	Proposed new use:
will <u>not</u> be used for the portion of the water right affected by the transfer.)	location than currently authorized (Use of water at the current location will be	☐ Municipal
Additional (Both the old and new points of diversion	discontinued.) Only a portion of the	☐ Quasi-municipal
or appropriation will be used for the portion of the water right affected by the transfer.)	right will be exercised at a different location than	☐ Commercial☐ Industrial
☐ Historic Point of Diversion or	currently authorized (Use of water at the current location will be	☐ Instream (complete and attach Supplemental Form C)
Appropriation Change (Unauthorized point of diversion or appropriation	discontinued.)	☐ Domestic (indicate number of households)
used for more than 10 years.) Surface Water to Ground		□ Other
Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.)		☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)
Exchange (Water from another source will be used in	RECEIVED	RECEIVED
exchange for supplying an equal amount of replacement water to that source.)	AUG 1 1 2008	JUL 2 3 2008
water to that source.)	WATER RESOURCES DEPT SALEM, OREGON	WATER RESOURCES DEPT. SALEM, OREGON

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

✓	Certificated Right	60851	G7982				
<u></u>		Certificate Number	Permit Number or Decree Name				
	Adjudicated,						
Ш	Non-certificated Right	Name of Decree	Page Number				
	Permit for which Proof has						
<u>Ц</u>	been Approved	Permit Number	Date Claim of Beneficial Use Submitted				
\Box	Transferred Right for which						
<u></u>	Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted				
•	Name on Permit, Certificate,	or Decree: Ash Grove Cen	nent Company				
•	County: Baker						
•	Authorized Use(s) to be Affect	cted by Transfer: Industrial	Use for cement manufacturing				
•	Priority Date(s): February 15	, 1978					
	 provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use. Source(s) of Water to be Affected by Transfer: Plant Well #1 and #2 						
	Tributary to: Burnt River Bas	in					
	If there are multiple Sources pages 3 through 6 of this form the authorized and proposed p	n must identify which sour	ce is associated with each of				
	For applications proposing a	Change in Place of Use of	or Character of Use:				
•	Are there Other Water Rights , Permits or Ground Water Registrations associated with this land?						
	☑ Yes ☐ No ☐ Ì	N/A – No Change in Place o	f Use or Character of Use				
	If "Yes", what are the Permit	, Registration or Certificat	te Numbers? 60878				
	Pursuant to ORS 540.510, and a primary right proposed for cancelled, except as provided	transfer must be included					

•	Certificate Number or	other identify	ying number:	60851
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The following information **must be provided** <u>only</u> for those points of diversion or appropriation that **are involved in the transfer (i.e., <u>list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.</u>

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L)	Source and Priority Date	Township	Range	Mer	Sec	* *	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Well 1: 2/15/1978	128	43E	WM	11	NE NW		240' S & 1240' E
	Well 2: 2/15/1978	128	43E	WM	11	NW NW		250' S & 1340' E
								Both from NW Cor, Sec 11

 Does the water right being transferred involve a ground water source 	(s)?
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☑ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for <u>each</u> point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (<u>NOTE</u>: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)

<u>or</u>

B. If a well log is <u>not</u> available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if <u>no</u> well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
				REC	EIVE	D	REC	CEIVED	
				AUG WATER RE	1 1 20			2 3 2008	
					M, OREG	ON	SALE	SOURCES DEP M, OREGON	ī.

Certificate Number or other identifying number: 60851
• Certificate Number or other identifying number: 60851
Will the ENTIRE water right be affected by this transfer? ✓ Yes ☐ No
If "Yes", the remainder of this page does not need to be completed. Go on to the next page.
If "No", the following information must be provided <u>only</u> for those places of use that are involved in the transfer (i.e., <u>list only the portion of the water right to be affected by the change.</u>) Attach additional pages as necessary.
Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	1/4 1/4 Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
	<u> </u>						
			_				

	• Cer	tificate Nu	mber or o	ther ic	lentify	ing numl	per: 6	60851	_			
Sur acc	vey cook company Location (i.e., the "	roposed cherdinates do ing application of Proper TO" point(s)	escribed b ation map osed Poir of diversion o	the wa below s c. Attac at(s) o	ter rig should ch add f Dive	ght involved accurated it involved in the second in the se	ing pool of the core of the co	oint(s) c respond necessa opriati N/A – In	of diversion of the property. on:	on and/or points sho	r approprions on the Transfer ing propose	
	ource	Township	Range	Mer	Sec	¼ ¼ Section	7	ax Lot, DLC or ov't Lot	7.7	Survey C inates from	Coordinates a recognized s rner)	
#1 (70	1.wp1)	12 S	43 E	WM	11	NW NW	20	00	350' S & 10	30' E from th	ne NW Corner	Section 11
#2 (70	1.wp2)	12 S	43 E	WM	11	NW NW	20	00	380' S & 11	50' E from th	ne NW Corner	Section 11
Wo	well liste If "" well the i http. If "I follo	(s) already d above. Yes", attack table below high way a description of 1 already and 1 already are a description of 1 alre	ch and cle l log(s) are w. (<u>NOTE:</u> l.state.or.us ribe the are	arly la e <u>not</u> a You m	✓ Ye whel the swailance of the content of the con	s ne corresp ble, descr rch for we onstruction	□ No conding the point of the	g well is e construction the integral to the property or We	N/A - No log(s) for ruction of Department posed well	o propos <u>each</u> pro f the well nt's web p	l(s) using page at:	nd
show Well already built? (Yes/No)	If an exwell, Cowell Log (or Well No. L-	xisting DWRD g ID No. ID Tag	ng applicati	Type an size of casing	d N	et of per	ervals sing is forated a feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
		_						EIVE I			IVED	_

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WATER RESOURCES DEPT SALEM, OREGON

•	Certificate Number or other identifying number:	60851
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Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) \square N/A – Instream Water Right Transfer (NOTE: Complete this table **only** if a <u>Change in Place of Use</u> is being proposed.)

Source	Township	Range	Mer	Sec	¼¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	11	W 1/2		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	10	S 1/2		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	15	N 1/2 N 1/2		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	14	NW 1/4 NW 1/4		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	16	NE 1/4		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	10	NE 1/4		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	10	SE 1/4 NW 1/4		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	11	NW 1/4 SE 1/4		NA
#1 (701.wp1), #2 (701.wp2)	12 S	43 E	WM	11	SW 1/4 SE 1/4		NA
	_						
							-

Remarks: We want the ability to use the water from Well #1 and Well #2 on other locations within the plant property and the quarry property (listed in the table above) without requesting any additional water.

Upon approval of this transfer Ash Grove Cement does not intend to complete the changes under T-10235.