



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

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 TRANSFER APPLICATION

Please check one	
<input checked="" type="checkbox"/> Permanent Transfer <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: River-Bend Sand and Gravel Company Attention: Ed McGill
First Last

Address: P.O. Box 12095

Salem OR 97309
City State Zip

Phone: _____ (503) 363-9281 _____
Home Work Other

Fax: (503) 363-384 E-Mail address: emcgill@oldcastlematerials.com

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: _____
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

- If an agent is listed above, please check one of the following:
 - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (*Attach additional pages as necessary.*)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-896	G-795	30302
2.	G-11472	G-10764	83034
3.	G-10336	G-9364	83893
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion (POD) Additional Point of Diversion
 - Character of Use Point of Appropriation (POA, or well) Additional POA
 - Instream Transfer Surface Water POD to Ground Water POA
 - Substitution of Supplemental Groundwater right for Primary Surface water right
 - Historic POD change Other
- Reason(s) for change(s): The farmland is being converted to an aggregate mining operation. Water is seasonally needed for aggregate washing, dust control, misc. cleanup, and industrial use. Water will also need to be seasonally diverted to a reservoir for off-season mining and industrial use.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

See attached Claim information for Wells 1, 2, and 3 under Certificate 83893. These pumping and irrigation systems were in place within the last 5 years. Well 1 is also the source for Certificate 30302. Well 4 is reported to have a 50 hp irrigation pump and is connected to the piping and irrigation systems used for Wells 1, 2, and 3.

- System capacity: 4.22 (total) cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

As indicated in the attached Claim information, the Well 1 system capacity for Certificate 30302 is 1.52 cfs, which exceeds the right. The system capacity for Wells 1, 2, and 3 under Certificates 83034 and 83893 is 3.35 cfs based on the information in the same Claim

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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 **not** 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? Yes No
- 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? Yes No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

Santiam Water Control District 284 East Water Street

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).

Marion County Planning Department 555 Court Street NE Salem, Oregon 97301

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? Yes No

If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
 Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check **one** of the following:
 The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

A pre-application conference was held on May 12, 2008 with Dorothy Pedersen and Mike McCord. Water is needed for aggregate washing, dust control, misc. cleanup (mining use), and industrial use. 64.8 acres of irrigation rights under Cert. 83893 will be converted to seasonal mining use to compensate for consumptive use. 13.4 acres of irrigation rights under Cert 30302 will be converted to storage for off-season mining use. The sources for all uses would be Wells 1, 2, 3, 4, and a proposed sump. In addition, 0.8 acres of primary right under Cert 83034 and 13.4 acres of supplemental rights under Certificate 83893 will be canceled. River-Bend is requesting 5 years to complete the transfer.

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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 Water Right

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- At least one Evidence of Use Affidavit documenting that the right has been used 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
- The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- 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.
- Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- 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.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- 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 transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$1,600
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- 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 notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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SALMON, OREGON 7/27/2007

Transfer Application/5

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

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** 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

▪ Check **one** of the following, as appropriate, and sign the application in the signature box below:

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 **not** the applicant, a 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.

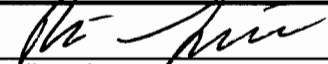
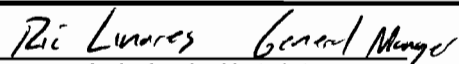
I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized 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 **NOT** 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	 name and title if applicable (print)	<u>July 14, 2009</u> date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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

List only one water right per page. A separate Supplemental Form A must be completed for each 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 identifying number: 30302

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input checked="" type="checkbox"/> Other Storage for Off-season Mining & Industrial Use <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certified Right	30302	G-795
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Anna Etzel
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 13.4 acres
- Priority Date(s): March 19, 1958

*If there are **multiple Priority Dates** identified on the water right, any information 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: A Well (Well 1)

Tributary to: Mill Creek

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? Cert 83893 provides supplemental irrigation for the 13.4 acres. This portion of the supplemental right will be voluntarily canceled.

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to primary right proposed for transfer **must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).***

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 SALEM, OREGON

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Description of Proposed Change(s) to a Water Right

- Certificate Number or other identifying number: 30302

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., **list only the portion of the water right you propose to transfer.**) 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 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	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
MARI 11267	A well (Well 1); 3/19/1958	8 S	2 W	WM	33	SW SE	TL 300	1,150 ft N & 2,050 ft W of SE corner of Section 33

- Does the water right being transferred involve a ground water source(s)?

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

or

B. If a well log is **not** 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 no 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
See MARI 11267									

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▪ Certificate Number or other identifying number: 30302

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** only for those places of use that **are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)** 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	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
A well; 3/19/1958	8 South	2 West	WM	33	NE SE	TL 100	13.4

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SALEM, OREGON
Supplemental Form A

- Certificate Number or other identifying number: 30302

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well 1	8 S	2 W	WM	33	SW SE	TL 300	1,150 ft N and 2,050 ft W of SE corner of Section 33
Well 2	8 S	2 W	WM	33	SE SE	TL 300	1,170 ft N and 90 ft W of SE corner of Section 33
Well 3	8 S	2 W	WM	33	SE NE	TL 100	3,600 ft N and 1,290 ft W of SE corner of Section 33
Well 4	8 S	2 W	WM	33	NE SE	TL 100	380 ft S and 2,590 ft E of center of Section 33
Sump	8 S	2 W	WM	33	SW NE	TL 100	Sump will move in quarter-quarter sections as mining occurs
				33	SE NE	TL 100	
				33	NE SE	TL 200	

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes, except sump No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

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

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▪ Certificate Number or other identifying number: 30302

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	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
Yes	Well 1 - see MARI 11267									
Yes	Well 2 - see MARI 11265									
Yes	Well 3 - see MARI 11266									
Yes	Well 4 - see MARI 18478									
No	Sump	5 ft square (approx.)	None	0	0	0	5 ft	0	None	Will remain at bottom of mine as depth increases

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) N/A - Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Wells 1,2,3, 4, and sump; 3/19/1958	8 South	2 West	W M	33	SW NE	TL 100	NA
Wells 1,2,3, 4, and sump; 3/19/1958	8 South	2 West	W M	33	SE NE	TL 100	NA
Wells 1,2,3, 4, and sump; 3/19/1958	8 South	2 West	W M	33	NE SE	TL 100	NA
Wells 1,2,3, 4, and sump; 3/19/1958	8 South	2 West	W M	34	NW SW	TL 100 & TL 2100	NA

Remarks: The application requests approval to convert 13.4 acres of the right to storage for off-season mining and industrial use. The previous land owner raised sweet corn, mint, and grass seed as well as irrigated pasture. Page 46 of the Extension Miscellaneous 8530 (Cuenca,

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Supplemental Form A

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Description of Proposed Change(s) to a Water Right

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 SALEM OREGON

- Certificate Number or other identifying number: 30302

et al; 199) shows the net irrigation water use for spring grass seed would be 25.2 inches 19 out of 20 years or 2.1 AF/acre. Based on this information, the 13.4 acres would yield 28.1 AF of water for off-season water use.

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

List only one water right per page. A separate Supplemental Form A must be completed for each 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 identifying number: 83893

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certified Right	83893	G-9364
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: River-Bend Sand & Gravel
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 68.4 acres & supplemental irrigation of 13.4 acres
- Priority Date(s): May 21, 1981

*If there are **multiple Priority Dates** identified on the water right, any information 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: Well 4

Tributary to: Mill Creek Basin

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes No N/A – *No Change in Place of Use or Character of Use*

If “Yes”, what are the Permit, Registration or Certificate Numbers? Cert 30302 provides primary irrigation for the 13.4 acres.

Pursuant to ORS 540.510, any “layered” water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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▪ Certificate Number or other identifying number: 83893

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) 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 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	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
MARI 18478	Well 4	8 South	2 West	WM	33	NE SE	TL 100	380 ft S and 2,590 ft E from center of Sec 33, T8S, R2W

- Does the water right being transferred involve a ground water source(s)?
 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 each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** 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 no 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
See MARI 18478									

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▪ Certificate Number or other identifying number: 83893

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** only for those places of use that are **involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)** 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	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Well 4; 5/21/1981	8 South	2 West	WM	33	SW NE	TL 100	26.8 P
Well 4; 5/21/1981	8 South	2 West	WM	33	SE NE	TL 100	27.5 P
Well 4; 5/21/1981	8 South	2 West	WM	33	NE SE	TL 100	10.0 P; 13.4 S
Well 4; 5/21/1981	8 South	2 West	WM	34	N SW W	TL 100	0.5 P

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- Certificate Number or other identifying number: 83893

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well 1	8 S	2 W	WM	33	SW SE	TL 300	1,150 ft N and 2,050 ft W of SE corner of Section 33
Well 2	8 S	2 W	WM	33	SE SE	TL 300	1,170 ft N and 90 ft W of SE corner of Section 33
Well 3	8 S	2 W	WM	33	SE NE	TL 100	3,600 ft N and 1,290 ft W of SE corner of Section 33
Well 4	8 S	2 W	WM	33	NE SW	TL 100	380 ft S and 2,590 ft E of center of Section 33
Sump	8 S	2 W	WM	33	SW NE	TL 100	Sump will move in quarter-quarter sections as mining occurs
				33	SE NE	TL 100	
				33	NE SE	TL 200	

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? Yes No N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

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Supplemental Form A

T 10933

▪ Certificate Number or other identifying number: 83893

Construction of Proposed Point(s) of Appropriation or Well(s)

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	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
Yes	Well 1 – see MARI 11267									
Yes	Well 2 – see MARI 11265									
Yes	Well 3 – see MARI 11266									
Yes	Well 4 – see MARI 18478									
No	Sump	Approx. 5 feet square	None	0	0	0	5	5	None	Will remain at bottom of mine as depth increases

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) N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Wells 1, 2, 3, 4, and sump	8 South	2 West	WM	33	SW NE	TL 100	NA
Wells 1, 2, 3, 4, and sump	8 South	2 West	WM	33	SE NE	TL 100	NA
Wells 1, 2, 3, 4, and sump	8 South	2 West	WM	33	NE SE	TL 100	NA
Wells 1, 2, 3, 4, and sump	8 South	2 West	WM	34	NW SW	TL 100	NA

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SALEM, OREGON Supplemental Form A

▪ Certificate Number or other identifying number: 83893

Remarks: The application requests approval to convert the right to mining and industrial use. The water would be used to make up irrigation-season consumptive losses from aggregate washing and for dust control, misc. cleanup, and industrial uses. The 13.4 acres of supplemental rights in the NE SE of Section 33, T8S, R2W, WM, would be canceled if the transfer is approved.

The previous land owner raised sweet corn, mint, and grass seed as well as irrigated pasture. Page 46 of the OSU Extension Miscellaneous 8530 (Cuenca, et al; 199) shows the net irrigation water use for spring grass seed would be 25.2 inches 19 out of 20 years or 2.1 AF/acre. Based on this information, the 64.8 acres of right would yield 136 AF for the proposed industrial and mining use.

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WATER RESOURCES DEPT
SALEM, OREGON

Supplemental Form A

**AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE**

State of Oregon)
) ss
County of Marion)

I/We (or authorized agent), Ed McGill of River-Bend Sand & Gravel Company,
residing at P.O. Box 12095 Salem, Oregon 97309,
telephone (503) 363-9281, being first duly sworn depose and say:

- I/We are the legal owner(s) of the property described as tax lot number 2100, within the NW 1/4 SW 1/4, Section 34, Township 8 S N/S, Range 2 W E/W, of the Willamette Meridian, in Marion County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- A portion of water right certificate number 83034 issued to Donald J. Etzel & Dent Veteran's Aff., with a date of priority of 9/25/1987 for use of 0.856 cubic foot per second of water from three wells in the Willamette Basin (source) for the purpose of primary irrigation of 58.5 acres and supplemental of 10.0 acres (use) is appurtenant to my/our property;
- The appurtenant water right is located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: Santiam Water Control District); and

4. I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows:
The right to the use of 0.010 cubic foot per second from three wells
for _____, and irrigation of 0.8 acres located:
(use) _____ (if applicable)

<u>NW 1/4</u>	<u>SW 1/4</u>	<u>0.8</u> Acres
<u>-- 1/4</u>	<u>-- 1/4</u>	<u>--</u> Acres
<u>-- 1/4</u>	<u>-- 1/4</u>	<u>--</u> Acres

Section _____
Township 8 S, Range 2 W, WM; and

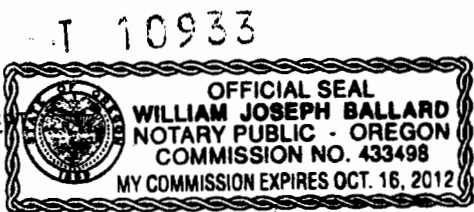
5. I/We request the portion of the water right described above be canceled, subject to the Oregon Water Resources Department's approval of a related water right transfer.

[Signature] _____ Date July 7, 2009
Signature of legal owner as listed on deed, or authorized agent

Signature of legal co-owner as listed on deed (if applicable) Date _____

Subscribed and Sworn to Before Me this 7 day of July, 2009.

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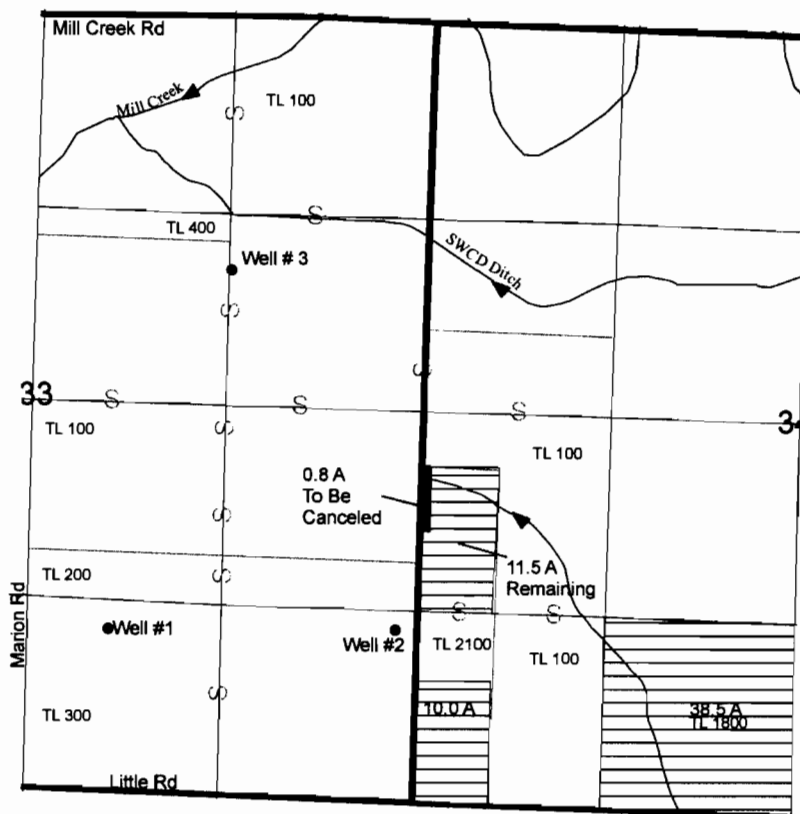


[Signature]
Notary Public for Oregon

My Commission Expires 10-16-2012

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).

T8S, R2W, Section 33 & 34, WM Marion County Voluntary Cancellation of 0.8 Acres of Water Right



Well # 1 located 1150 ft N and 2050 ft W from SE corner of Section 33.
 Well # 2 located 1170 ft N and 90 ft W from SE corner of Section 33.
 Well # 3 located 3600 ft N and 1290 ft W from SE corner of Section 33.


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Irrigation Right to Be Canceled

 Certificate 83034-Primary (Source: Wells 1, 2, 3)
 (0.8 Acres)

Lands to Remain in Place

 Certificate 83034-Primary

THIS MAP IS NOT INTENDED TO
 PROVIDE LEGAL DIMENSIONS OR
 LOCATIONS OF PROPERTY
 OWNERSHIP LINES.



FIGURE 1

EnviroLogic Resources, Inc.
 ENVIRONMENTAL WATER RESOURCES SCIENTISTS

1 inch = 1,320 feet

River-Bend Sand & Gravel Co.

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE

State of Oregon)
County of Marion) ss

I/We (or authorized agent), Ed McGill of River-Bend Sand & Gravel Company, residing at P.O. Box 12095 Salem, Oregon 97309, telephone (503) 363-9281, being first duly sworn depose and say:

- 1. I/We are the legal owner(s) of the property described as tax lot number 100, within the NE 1/4 SE 1/4, Section 33, Township 8 S N/S, Range 2 W E/W, of the Willamette Meridian, in Marion County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 83893 issued to River-Bend Sand & Gravel, with a date of priority of May 21, 1981 for use of 1.91 cubic foot per second of water from Well 4 (source) for the purpose of primary and supplemental irrigation (use) is appurtenant to my/our property;
3. The appurtenant water right is located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: Santiam Water Control District); and

4. I/We have abandoned any and all interest in the portion of this water right shown on the attached map and described as follows: The right to the use of 0.168 cubic foot per second from Well 4 for supplemental irrigation of 13.4 acres located: (use) (if applicable)

Table with 3 columns: NE 1/4 SE 1/4, Acres. Row 1: 13.4 Acres. Row 2: -- 1/4 -- 1/4 -- Acres. Row 3: -- 1/4 -- 1/4 -- Acres.

Section Township 8 S, Range 2 W, WM; and

5. I/We request the portion of the water right described above be canceled, subject to the Oregon Water Resources Department's approval of a related water right transfer.

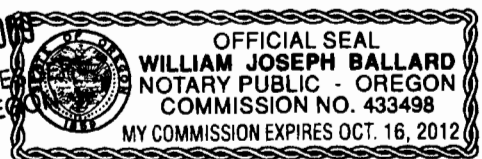
Signature of legal owner as listed on deed, or authorized agent Date July 14, 2009

Signature of legal co-owner as listed on deed (if applicable) Date

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Subscribed and Sworn to Before Me this 14 day of July, 2009.

JUL 29 2009 WATER RESOURCE SALEM, OREGON



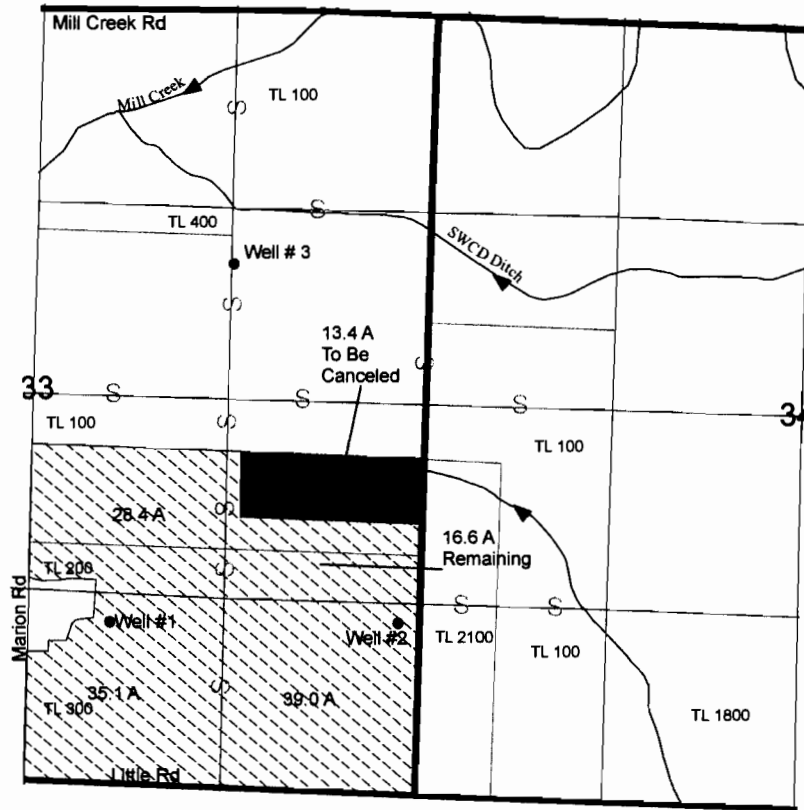
10933

Notary Public for Oregon

My Commission Expires 10-16-2012

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE ABANDONED RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).


T8S, R2W, Section 33 & 34, WM Marion County Voluntary Cancellation of 13.4 Acres of Water Right




Well # 1 located 1150 ft N and 2050 ft W from SE corner of Section 33.
 Well # 2 located 1170 ft N and 90 ft W from SE corner of Section 33.
 Well # 3 located 3600 ft N and 1290 ft W from SE corner of Section 33.

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Irrigation Right to Be Canceled

 Certificate 83983-Supplemental (Source: Well 4)
 (13.4 Acres)

Lands to Remain in Place

 Certificate 83983-Supplemental

THIS MAP IS NOT INTENDED TO
 PROVIDE LEGAL DIMENSIONS OR
 LOCATIONS OF PROPERTY
 OWNERSHIP LINES.

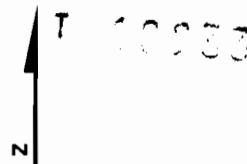


FIGURE 1