



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: Morse Bros. Inc. dba Knife River, an MDU Resources Company; Atten: Jeff Steyaert
First Last

Address: 32260 Old Highway 34
Tangent Oregon 97389
City State Zip

Phone: (541) 928-6491
Home Work Other

Fax: (541) 928-6494 E-Mail address: Jeff.Steyaert@kniferiver.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: _____
T 10968
City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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- 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.

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.	S-39170	S-29217	35753
2.	S-14899	S-10859	10813
3.			
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 Mill Race Rediversion 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 site is being quarried. The manufacturing use will be changed to industrial/mining and the place of use will be expanded to include additional lands (not intended to be an enlargement of the right). Certificate 10813 for stock watering is being voluntarily canceled because it is no longer used.

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.

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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.

Water is diverted from the Mill Race using a 460 volt, 50 hp centrifugal pump with a 6-inch-diameter discharge. The water is pumped through approximately 700 feet of 6-inch-diameter iron pipe to the crusher area. The lift is less than 50 feet. Water is used in the crushing area to wash the gravel.

- System capacity: about 1.9 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

The irrigation portion of the right is being voluntarily canceled.

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

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

The site is within the Springfield Utility Board (SUB) service area.

Springfield Utility Board 250 "A" Street P.O. Box 300 Springfield, OR 97477

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).

City of Springfield 225 Fifth Street Springfield, Oregon 97477

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

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- 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: _____

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- 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)

The type of use will change from manufacturing to industrial/mining and the place of use will be expanded. The manufacturing diversion rate of 1.3 cfs will not be changed. The City of Springfield is moving the river POD, which is shared by Knife River, as part of an amendment to Surface Water Registration 131. The rediversion pump POD is also being moved because the modifications the City of Springfield and U.S. Army Corps of Engineers are making to the Mill Race will leave the water depth too shallow at the authorized POD. An attached September 17, 2009 letter from the City of Springfield provides confirmation of the City's consent to the change in the POD.

In addition to the above changes, the 34.7 acres of irrigation rights under Certificate 35753 will be voluntarily canceled.

Certificate 10813 also will be voluntarily canceled. The right authorized use of 0.1 cfs of water from the Overflow Channel from Booth Kelly Lumber Company Mill Race for livestock watering.

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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: \$3,250
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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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.)

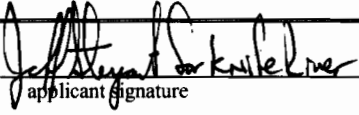
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- I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.
- I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	<u>JEFF STEWART Environmental Mgr</u> name and title if applicable (print)	<u>10/16/09</u> date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

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WATER RESOURCES DIVISION
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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: 35753

1. TYPE OF CHANGE(S) PROPOSED

(Check ***all*** that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" 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 type="checkbox"/> Additional (Both the old <i>and</i> 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"/> <u>All</u> 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"/> <u>Only a portion</u> of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <p align="center">NOTE: WATER WILL CONTINUE TO BE USED AT THE CURRENT LOCATION</p>	<p align="center">Proposed new use:</p> <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 <u>Mining</u> <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	<u>35753</u>	<u>S-29217</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	<u></u>	<u></u>
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	<u></u>	<u></u>
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<u></u>	<u></u>
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Springfield Sand and Gravel Company
- County: Lane
- Authorized Use(s) to be Affected by Transfer: 1.30 cfs for Manufacturing (washing gravel)
- Priority Date(s): October 16, 1963

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: Middle Fork Willamette River through Georgia Pacific Mill Race

Tributary to: Willamette River

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? Certificate 10813 and 29630; Springfield Utility Board (SUB) Certificates 27979, 52375, 56427, 56428, 56429, 56430, 82801 and 85831; and SUB Permits S-54378 (App S-85336), G-12845 (App G-14179), G-16147 (App G-15241), G-16148 (App G-15243) and G- 16149 (App G-15244)

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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▪ Certificate Number or other identifying number: 35753

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)

Ground Water Well ID No. (if any) or ID No. (if not)	Point of Diversion or Appropriation	Section	Range	Meridian	Acres	Lot or Block	Donation Land Claim No. (if any)	Location of Point of Diversion or Appropriation
	Mill Race, 10/16/1963	18 S	2 W	WM	8	NW NW	DLC 50	1,795 ft south and 1,671 ft east from SE corner of DLC 66
	Mill Race, 10/16/1963	18S	3W	WM	1	NE NW	TL1000	N 38° 03' 55" E, 3032 ft from W ¼ Corner Sec 1

- 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

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.

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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.

GWRD 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 screen (not to measure flow)	Static well depth
NA									

▪ **Certificate Number or other identifying number: 35753**

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	N & S Section	Tax Lot, DLO or Gov't Lot	Survey Coordinates (coordinates from a recognized survey system)
Middle Fork Willamette River via Mill Race	18 S	2 W	WM	8	NE NW	L 9	460 ft South and 70 ft West from N¼ of Section 8
Mill Race Rediversion	18S	3W	WM	1	NE NW	TL701	2270 ft East & 380 Ft South of NW Corner of Section 1

- 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:

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)	Casing depth	Est. depth to water	Est. depth to water bearing stratum	Type of pump or measuring device	Total well depth
NA										

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.)

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Supplemental Form A

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Description of Proposed Change(s) to a Water Right

▪ Certificate Number or other identifying number: 35753

Source	Township	Range	Mer	Sec	1/4 Section	Tax Inv. D.C. or Gov. Inv.	Notes
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	NW NE	TL 701	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	NE NW	Lot 11	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	NW NW	Lot 12	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	SW NW	TL 1100	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	SE NW	Lot 10	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	NE SW	Lot 3	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	NW SW	TL 1100	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	SW SW	Lot 4	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	1	SE SW	Lot 3	NA

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▪ Certificate Number or other identifying number: 35753

Source	Township	Range	Mer	Sec	M / Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	2	NE NE	Lot 10	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	2	NW NE	Lot 9	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	2	SW NE	TL 1100	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	2	SE NE	Lot 11	NA
M. Fork Willamette R. via Georgia Pacific Millrace	18 South	3 West	WM	2	NE SE	Lot 12	NA

Remarks: The current authorized place of use for the manufacturing (gravel washing) portion of Certificate 35753 will continue to be used, but the type of use will be generalized to industrial/mining and the place of use will be expanded (not an expansion of the water right because the maximum diversion rate will not change). The 34.7 acres of irrigation and related diversion rate of 0.43 cfs authorized by the right will be voluntarily canceled.

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**AFFIDAVIT FOR THE CANCELLATION OF AN ENTIRE
WATER RIGHT CERTIFICATE**

State of Oregon)
) ss
County of Lane)

I/We (or authorized agent), Jeff Steyaert of Morse Bros., Inc. dba Knife River an MDU Resources Company,
located at 32260 Old Highway 34, Tangent, OR 97389,
telephone number (541) 928-6491, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 1200,
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 18 N/S, Range 3 E/W, of the
Willamette Meridian, in Lane County, Oregon, as shown on the
attached map and described in the attached deed and legal description and made part of this affidavit;
2. Water right certificate number 10813 issued to Pratt Holverson,
with a date of priority of April 8, 1933 for use of 0.1 cubic foot per second of water
from Overflow Channel from Booth Kelly Lumber Company Mill Race (source) for the
purpose of Stock water (use) is
appurtenant to my/our property;
3. The appurtenant water right is/is not 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:* _____);
and
4. I/We have abandoned any and all interest in this water right and request the right be canceled.

Jeff Steyaert of Knife River
Signature of legal owner as listed on deed, or authorized agent

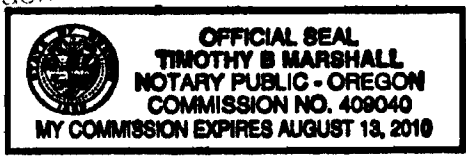
10/16/09
Date

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

Date

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Subscribed and Sworn to Before Me this 16th day of October, 2009.



Timothy B Marshall
Notary Public for Oregon

My Commission Expires Aug-13-2010

PLEASE ATTACH A LEGIBLE COPY OF: 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) A COPY OF AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH 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).

CITY OF SPRINGFIELD, OREGON



225 FIFTH STREET
SPRINGFIELD, OR 97477

PUBLIC WORKS DEPARTMENT

ADMINISTRATION / ENGINEERING DIVISION: (541) 726-3753 • FAX: (541) 736-1021

ENVIRONMENTAL SERVICES DIVISION: (541) 726-3694 • FAX: (541) 726-2309

TRANSPORTATION DIVISION: (541) 736-1006 • FAX: (541) 726-3781

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www.ci.springfield.or.us/dept_pw.htm
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SEP 21 2009

September 17, 2009

Schwabe, Williamson & Wyatt

Ms. Debbie Colbert,
Administrator, Field Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Re: Consent for Transfer Application – Certificate 35753

Dear Ms. Colbert:

The purpose of this letter is to confirm that the City of Springfield (“City”) consents to Point of Diversion change proposed by Knife River for its Certificate of Water Right 35753. The proposed change is necessary in connection with Springfield Mill Race Aquatic Ecosystem Restoration Project (Project), which is being conducted by the United States Army Corps of Engineers (Corps), with local sponsorship by the City of Springfield and support of Willamalane Parks and Recreation District (Willamalane).

The general purposes of the Project are to create a stable Mill Race inlet from the Middle Fork Willamette River to continue to supply existing authorized water uses; improve habitat conditions for anadromous salmon, red-legged frogs, western pond turtles and other species; and integrate restoration plans with the overall recreational and environmental education plans of the City. The Project involves relocation of the existing Mill Race point of diversion. (The City has already filed notice with OWRD to amend its Surface Water Registration Claim for the Mill Race (SW 131).

The existing Mill Race point of diversion, as described in SW 131, is also the authorized point of diversion under Certificate 35753, held by Knife River. The new Project point of diversion will be located a short distance upstream on land owned by Willamalane; however, the City holds a perpetual easement granted by Willamalane for the Project. The City, in turn, will use the new

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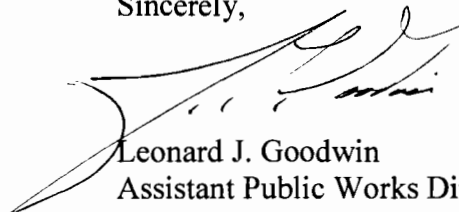
OCT 21 2009

NAT. RESOURCES DEPT.
STATE OF OREGON

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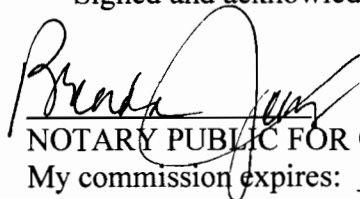
Mill Race diversion to continue to provide water under existing water rights, such as to Knife River under Certificate 35753. The change in point of diversion for Knife River will not require any structural changes to the Mill Race channel, and Knife River has committed that it will not make any changes to the channel or to park property without the consent of the City and Willamalane. Therefore, the City consents to the point of diversion change proposed by Knife River for Certificate 35753.

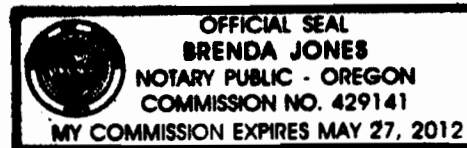
Sincerely,


Leonard J. Goodwin
Assistant Public Works Director

State of Oregon)
) ss.:
County of Lane)

Signed and acknowledged before me on 9-17, 2009, by Leonard J. Goodwin.


NOTARY PUBLIC FOR OREGON
My commission expires: _____



c: Bob Keefer, Superintendent,
Willamalane Park and Recreation District

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