



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

## Application for Water Right Temporary or Drought Temporary Transfer Part 1 of 5 – Minimum Requirements Checklist

**This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

### FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Cert 22009**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year 2016 End Year 2020.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

**Attachments:**

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

**(For Staff Use Only)**  
**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**  
 Application fee not enclosed/insufficient       Map not included or incomplete  
 Land Use Form not enclosed or incomplete  
 Additional signature(s) required       Part \_\_\_\_\_ is incomplete  
 Other/Explanation \_\_\_\_\_  
 Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
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# Aspen

Rural Land Consulting  
[ericurstadt@hotmail.com](mailto:ericurstadt@hotmail.com)  
(971)250.1520

Water Resources Department  
Attn: Temporary Transfer Section  
725 Summer Street NE, Ste. A  
Salem, OR, 97301

**Subject: Temporary Transfer - Cert 22009**

To Whom It May Concern,

Enclosed is an Application for a Temporary Transfer. As directed in the temporary transfer instructions, the following materials are provided in the following order. All items are in the same order as suggested on the Temporary Transfer Checklist except the check for the application fee, which is instead clipped to this cover letter.

1. Temporary Transfer Checklist
2. Temporary Transfer Map Checklist
3. Applicant Information Form
4. Maps for both "from" and "to" lands
5. Evidence of Use Affidavit - followed by pictorial evidence
6. Current deed for "from" lands
7. Affidavit of Consent of owner of "from" lands
8. Land Use Information form

Please call me if you have any questions or let me know if anything else is needed.

Respectfully,

***Aspen Rural Land Consulting,***

Eric Urstadt, PE, PLS  
(971)250.1520  
503.647.1919  
[ericurstadt@hotmail.com](mailto:ericurstadt@hotmail.com)

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## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT BUSINESS NAME <b>Ben VanDyke Farms, Inc.</b>		PHONE NO. <b>503.799.3873</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>15221 NW Westside Road</b>		FAX NO.	
CITY <b>Yamhill</b>	STATE <b>OR</b>	ZIP <b>97148</b>	E-MAIL

**BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

**Agent Information** - The agent is authorized to represent the applicant in all matters relating to this application.

AGENT BUSINESS NAME <b>Aspen RLC, c/o Eric Ursatdt</b>		PHONE NO. <b>971.250.1520</b>	ADDITIONAL CONTACT NO. <b>503.6457.1919</b>
ADDRESS <b>39390 NW Murtaugh Road</b>		FAX NO.	
CITY <b>Yamhill</b>	STATE <b>OR</b>	ZIP <b>97133</b>	E-MAIL

**BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

Explain in your own words what you propose to accomplish with this transfer application, and why: Laura Grady wishes to temporarily transfer the irrigation rights on her property that are part of Cert 22009 to Ben VanDyke Farms, Inc. Because the new Place of Use (POU) is a large distance from the current POU, a new Point of Diversion (POD) is needed. The new POU will be the same as the current POD used in Cert. 15060, which is downstream from the current POD.

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

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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

*[Signature]*  
Applicant's signature

**Laura Grady**  
Print Name and Title of applicant

*[Signature]*  
Date

Applicant's signature

Print Name and Title of applicant

Date

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

If NO, include signatures (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

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

DISTRICT NAME <b>None Known</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>None Known</b>	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME <b>Yamhill County Planning &amp; Development</b>	ADDRESS <b>525 NE 4th</b>	
CITY <b>McMinnville</b>	STATE <b>OR</b>	ZIP <b>97128</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**Part 5 of 5 – Water Right Information**

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

**Description of Water Delivery System**

System capacity: NA cubic feet per second (cfs) **OR**  
375-400 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **The system to move the water from the river to the crops started with a diesel powered pump placed near the point of diversion. The water was delivered to the crops via a "big gun" on a hard hose traveller.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	2 S	5 W	26	N N W E	1910	550'S & 1410'W from NE S26
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	2 S	5 W	26	N N W E	1910	1290'S & 2260'W from NE S26
A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	3 S	4 W	5	S S E E	1600	460'N & 890'W from SE S5
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Appropriation/Well (POA)                 |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) |   |

**Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):**

- |   |   |
|---|---|
| <input type="checkbox"/> Place of Use (POU)       | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Character of Use (USE)   | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD)     |

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

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

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 22009**

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
<b>EXAMPLE</b>																										
2	S	9		15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	5	W	26	NE	NE	1901	42	9.0	IRRIG	1 & 2	1950	POU/POD	3	S	4	W	5	SE	NE	1600	42	10.8	IRRIG	A	1938
2	S	5	W	26	NW	NE	1901	42	10.0	IRRIG	1&2	1950	POU/POD	3	S	4	W	5	NE	SE	1600	42	11.4	IRRIG	A	1938
2	S	5	W	26	SW	NE	1901	42	10.8	IRRIG	1 & 2	1950	POU/POD	3	S	4	W	5	SE	SE	1600	42	1.9	IRRIG	A	1938
2	S	5	W	26	SE	NE	1901	42	2.2	IRRIG	1 & 2	1950	POU/POD	3	S	4	W	4	SW	NW	1600	42	3.2	IRRIG	A	1938
														3	S	4	W	4	NW	SW	1600	42	4.6	IRRIG	A	1938
														3	S	4	W	4	SW	SW	1600	42	0.1	IRRIG	A	1938
TOTAL ACRES								30.0	TOTAL ACRES															30.0		

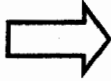
**Additional remarks: A very small part of the "From" lands is shown of the Cert map to be outside of DLC 42, but the DLC line has not been surveyed and that amount of area is assumed to be insignificant..**



**For Place of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

**AND/OR**

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

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

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
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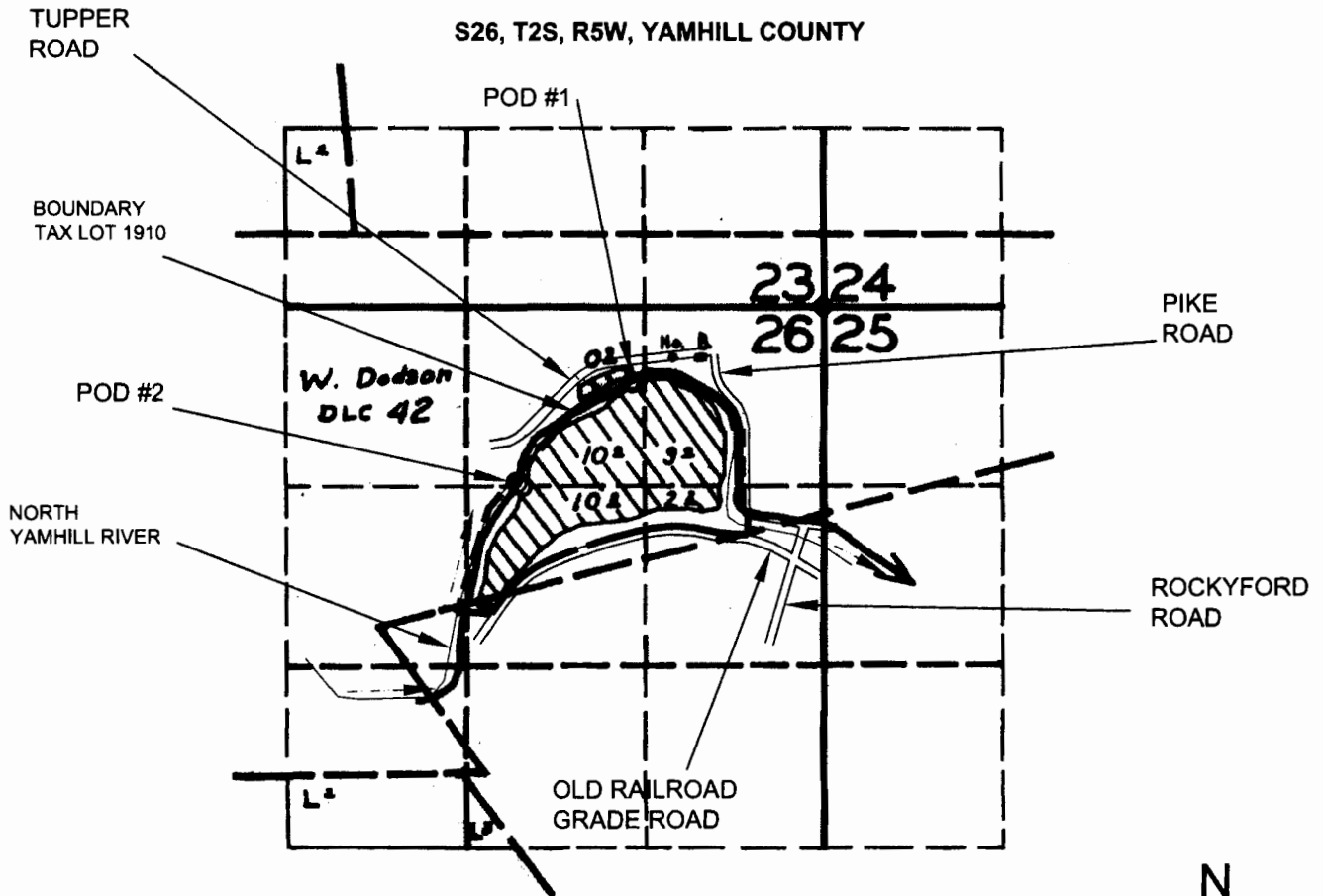
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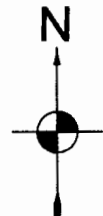
# MAP FOR TEMPORARY TRANSFER "FROM" LANDS

S26, T2S, R5W, YAMHILL COUNTY



FEET FROM NE CORNER S26

	SOUTH	WEST
POD #1	550	1410
POD #2	1290	2260



1 IN = 1320 FT  
0 660 1320

- LEGEND**
- ◆ SECTION CORNER
  - POINT OF DIVERSION (POD)
  - CURRENT PLACE OF USE FOR CERT 22009

**ACRES IRRIGATION SUBJECT TO  
TEMPORARY TRANSFER**

NE-NE	9.0
NW-NE	10.0
SW-NE	10.8
SE-NE	2.2



EXPIRES 12/31/16

MAP BY:  
**ASPEN RURAL LAND  
CONSULTING**

ERIC URSTADT, PE, PLS  
971-250-1520  
9DEC2015

GRADY TO WESTVIEW TEMP TFER

**NOTES:**

- THIS MAP IS BASED ON THE FINAL PROOF MAP FOR CERT. 22009. POD COORDINATES ARE MEASURED FROM THAT MAP.
- THE PROPERTY BOUNDARY WAS DETERMINED FROM A SCALED TAX ASSESSOR MAP. PARTS OF THE NORTHERN BOUNDARY ARE THE SAME AS THE RIVER.
- THE IRRIGATION AREA IS PER THE CERT. MAP AND VERIFIED WITH AERIAL PHOTOS.
- FARM CONVEYANCE PIPELINES ARE NOT SHOWN, AS ALL ARE WITHIN THE PROPERTY OWNERSHIP.
- THE 0.9 ACRES OF IRRIGATION NORTH OF THE NORTH YAMHILL RIVER IS NOT INCLUDED IN THIS TEMPORARY TRANSFER AS THAT AREA IS IN A DIFFERENT TAXLOT AND OWNERSHIP.

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