

Table 2. Description of Changes to Water Right Certificate # 28702

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

AUTHORIZED (the "from" or "off" lands) 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	¼ ¼	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	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
11	S	2	W 3 NE NW	700	77	5.1	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W 34 SW SE	1200	60	15.5	Irrigation	Well 1, 2	1957		
11	S	2	W 3 NW NW	700	77	18.2	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W 34 SE SE	1200	60	7.8	Irrigation	Well 1, 2	1957		
TOTAL ACRES:						23.3					TOTAL ACRES:						23.3					

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Additional remarks: The transfer acreage was amended to total 23.3 acres to match the rate of Certificate 40569 involved in the proposed voluntary cancellation.



Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Cancel Certificate 40569 to get T-14018 approved as agreed upon by OWRD.

Certificate of Water Right Information:

Certificate Number: 40569

Issued for use within the State of Oregon, County of Linn.

Issued in the name of: Lynn E. & Orvillis F. Shumaker.

Date of priority: July 10, 1970

Rate or Volume on entire certificate: 0.29 (cubic foot per second *or* gallons per minute *or* acre-feet).

Source(s) of water on certificate: Crabtree Creek.

Use(s) of water listed on certificate: irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 23.3, supplemental IR 0.

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Statements of Oath:

I/We (or authorized agent), Dale Arthur,

residing at 27456 Canal Rd., Clovis, CA 93619,

with a mailing address of (if different) __,

and a telephone number of (559) 269-9233, being **first duly sworn depose and say:**

1. I/We are the legal owners of property appurtenant to all *or* a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter-quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T10S, R2W, Sec. 34, SWSE & SESE, TL 1200.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # **40569**.

voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # _____.

voluntary diminution of the ENTIRE water right Certificate # _____.

voluntary diminution of a PORTION of water right Certificate # _____.

3. The appurtenant water right is **or** is **not (check one box)** located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: _____.

a. The water right, or portion thereof, being cancelled **or** diminished **(check one box)** is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager Printed Name

Date _____

4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) _____
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled _____
- In the amount of _____ cubic foot per second
- From the water source (s) _____
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

AND/OR (less common)

- One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____¹/₄, Section _____, Township _____ (N or S), Range _____ (E or W, W.M.
 - Location Description (if given on the certificate) _____

5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- I/We have found a more dependable source of primary water, and therefore request the water right certificate in its entirety, **or** as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- I/We agree that if this change is approved, it is permanent and the right to the use of water from _____ (source) cannot be changed back to the primary use unless otherwise provided by law.
- I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from _____ (source of water) for primary use on these lands.

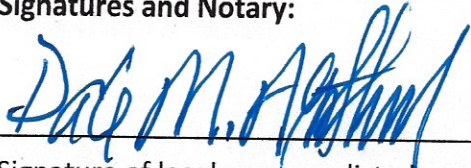
6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of _____ (cfs) from _____ (sources) for irrigation (if applicable) of _____ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:



Signature of legal owner as listed on deed, or authorized agent

Printed Name Dale M. Arthur

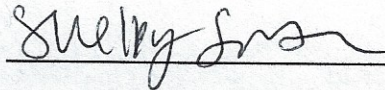
Date 3/21/24

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

Printed Name _____

Date _____

Subscribed and Sworn to Before Me this 21 day of March, 2024.



Signature of Notary Public for Oregon

My Commission Expires April 9, 2026

REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno

Subscribed and sworn to (or affirmed) before me on this 21
day of March, 2024, by Daly M.

Arthur
proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature Shelby Raine Smith

STATE OF OREGON
 COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **LYNN E. & ORVILLIS F. SHUMAKER**
 97374
 of **Route 3, Box 95, Scio**, State of **Oregon**, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Crabtree Creek

a tributary of **South Santiam River** for the purpose of
irrigation of 23.3 acres

under Permit No. **35352** of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from **July 10, 1970**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.29 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$** , as projected within **Howell DLC 60**,
Section 34, T. 10 S., R. 2 W., W. M., 3310 feet South and 2040 feet West from
NW Corner, Howell DLC 60.

The amount of water used for irrigation, together with the amount secured under any other
 right existir for the same lands, shall be limited to **one-eightieth** of one cubic foot per second
 per acre, or its equivalent for each acre irrigated and shall be further limited to
 a diversion of not to exceed **2 $\frac{1}{2}$ acre feet per acre** for each acre irrigated during
 the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is
 appurtenant, is as follows:

15.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Both as projected within **Howell DLC 60**
Section 34
T. 10 S., R. 2 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

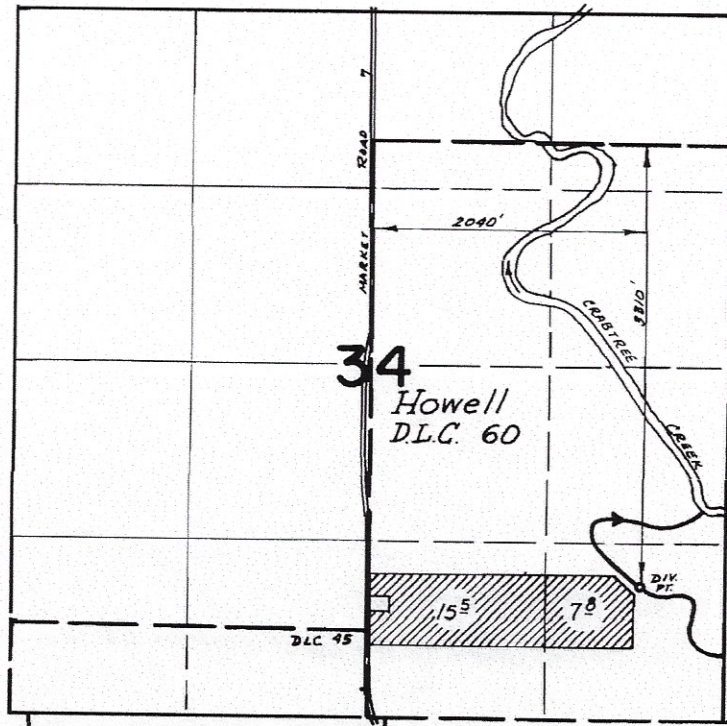
this date. **June 28, 1974**

.....**Chris L. Wheeler**.....

State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40569**

T.10S., R.2W., W.M.



FINAL PROOF SURVEY
UNDER

Application No. 47191 Permit No. 35352
IN NAME OF

LYNN E. AND ORVILLIS F. SHUMAKER

Surveyed Aug 30 1972, by D. Norby

RECORDING REQUESTED BY:



400 SW 4th St, Ste 100
Corvallis, OR 97333

LINN COUNTY, OREGON	2021-12824
D-WD	
Stn=10131 FORBISJ	05/25/2021 03:39:00 PM
\$20.00 \$11.00 \$10.00 \$60.00 \$19.00	\$120.00
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

AFTER RECORDING RETURN TO:

FarmTogether Shumaker, LLC
c/o FarmTogether Management LLC,
16192 Coastal Highway
Lewes, DE 19958-3608

SEND TAX STATEMENTS TO:

FarmTogether Shumaker, LLC
c/o FarmTogether Management LLC,
16192 Coastal Highway
Lewes, DE 19958-3608

APN: 39194
61578
61586
926167
Map: 10S02W3400 01200
11S02W0300 00700

11S02W0300 00800
11S02W0300 00800
36887 Gilkey Road (Parcel I), Scio, OR 97374
36700 Gilkey Road (Parcel II), Scio, OR 97374
36500 Gilkey Road (Parcel III), Scio, OR 97374

TICOR TITLE: 471321106923

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Vicenergy, LLC, a Texas limited liability company, Grantor, conveys and warrants to

FarmTogether Shumaker, LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

PARCEL I:

Beginning on the West boundary line and North 8.50 chains distant from the Southwest corner of the Donation Land Claim of George Howell and wife, Notification No. 1865, and Claim No. 60, in Township No. 10 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; and from thence running North on the West boundary line 8.06 chains; thence East 32 chains, more or less, to the center of Crabtree Creek; thence following the meanderings of said creek upstream and in the center thereof, to a point which is North 8.50 chains distant from the South boundary line of said Claim No. 60, thence West 34 chains, more or less, to the Place of Beginning, all lying and being situate in Linn County, Oregon.

PARCEL II:

Part of the Robert Clelen Claim No. 77 in Township 11 South, Range 2 West of the Willamette Meridian, in Linn County, Oregon described as follows:

Beginning at an iron pipe on the West line of and South 9.63 chains distant from the Northwest corner of Section 3 in said Township and Range; thence South 9.87 chains to an iron pipe; thence East 39.90 chains to a stone marked CS on the East line of the Northwest Quarter of said Section; thence North 9.87 chains to a point which is South 9.75 chains distant from the Northeast corner of the Northwest Quarter of the said Section; thence West 39.90 chains to the Place of Beginning.

PARCEL III:

A tract of land in the West half of Section 3, Township 11 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, being a portion of the land described and conveyed per Volume 686, page 547, Microfilm Records of Linn County, and being more particularly described as follows:

Beginning at a point on the West line of the Robert Clelen Donation Land Claim No. 77 in said Township and Range, 1947.00 feet (118 rods) South of the North line of said Claim, (being Claim No. 45 is said Township 10 South); thence South on said West line 1947.00 feet; thence East to the East line of said Claim; thence North on said East Line 1947.00 feet; thence West to the Point of Beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE MILLION TWO HUNDRED SEVENTY-NINE THOUSAND NINE HUNDRED SIXTY-FOUR AND 50/100 DOLLARS (**\$3,279,964.50**). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

STATUTORY WARRANTY DEED

(continued)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 5/24/2021

Vicenergy, LLC, a Texas Limited Liability Company

BY: [Signature]
Authorized Signer

State of Florida

County of Walton

This instrument was acknowledged before me on May 24, 2021 by Dan Victor as Member of Vicenergy, LLC, a Texas Limited Liability Company.

[Signature]
Notary Public - State of ~~Oregon~~ ~~Texas~~ Florida

My Commission Expires: _____

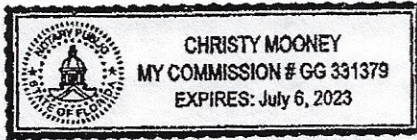


EXHIBIT "A"
Exceptions

Subject to:

1. The Land has been classified as farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 39194, 61578, 61586 and 926167

2. Rights of the public to any portion of the Land lying within the limits of streets, roads and highways.
3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Crabtree Creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Crabtree Creek.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Crabtree Creek.

- Parcel I
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Consumers Power, Inc., an Oregon corporation
Purpose: as stated in said easement
Recording Date: August 7, 1970
Recording No: Book 351, Page 607
Affects: Parcel I

5. An unrecorded oil and gas lease for the term therein provided, with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, disclosed by document

Entitled: Memorandum of Oil and Gas Lease
Dated: November 15, 1975
Lessor: Lynn Shumaker and Orvillis Shumaker, husband and wife
Lessee: Mobil Oil Corporation, a New York corporation
Recording Date: February 25, 1976
Recording No.: Volume 128, Page 237
Fifty percent of the Lessee's interest in said Oil and Gas Lease was assigned by instrument,

Assignee: Quasar Petroleum Company of New Mexico
Recording Date: July 9, 1982
Recording No.: Volume 316, Page 124

- Parcel I
6. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Linn County, a political subdivision of the State of Oregon
Purpose: as stated in said easement
Recording Date: August 8, 1980
Recording No: Volume 268, Page 650
Affects: Parcel I

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Consumers Power, Inc., an Oregon corporation
Purpose: as stated in said easement
Recording Date: February 25, 1987
Recording No: Volume 435, Page 795
Affects: Parcel III

8. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Agreement for Easement

Recording Date: May 20, 2002
Recording No.: Volume 1294, Page 155

Parcel III

EXHIBIT "A"
Exceptions

9. Hazardous Substances Certificate and Indemnity Agreement, including the terms and provisions thereof
- Recording Date: September 23, 2011
Recording No.: 2011-13401
- Parcel II
10. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
- Recording Date: December 24, 2020
Recording No: 2020-26957
- Parcel I
11. A deed of trust to secure an indebtedness in the amount shown below,
- Amount: \$575,000.00
Dated: December 21, 2020
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company
Trustee: AmeriTitle, LLC
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Lynn Shumaker Family Trust, dated January 12, 1995
Recording Date: December 24, 2020
Recording No: 2020-26958
- Parcels I and III
12. A deed of trust to secure an indebtedness in the amount shown below,
- Amount: \$575,000.00
Dated: December 21, 2020
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company
Trustee: AmeriTitle, LLC
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Orvilliss Shumaker Family Trust, dated January 12, 1995
Recording Date: December 24, 2020
Recording No: 2020-26959
- Parcels I and III
13. A deed of trust to secure an indebtedness in the amount shown below,
- Amount: \$900,000.00
Dated: December 21, 2020
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company
Trustee: AmeriTitle, LLC
Beneficiary: Shumaker Family Farms LLC
Recording Date: December 24, 2020
Recording No: 2020-26960
- Parcel II
14. Additional existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.
15. SUBJECT TO the Life Estate of Lynn Shumaker and Orvilliss Shumaker, as to Parcel 1, as reserved in Warranty Deed recorded December 24, 2020 as Document No. 2020-26957, Linn County Deed Records.