

Temporary

Name Ditchen land companyAddress 7385 Howell Prairie Rd NE  
Silverton or 97381

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Wahumote riverTrib. of Wahumette riverUse irrigationCounty Polk

Quantity of water (CFS)

No. of Acres

Name of ditch

App# Per # Cert # 9480 PR DateApp# Per # Cert # 338710 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

Change in PODDate Filed 10/14/2021Initial notice date 10/26/2021

DPD issued date

PD issued date

PD notice date

Date of FO 2/9/2022 Vol 122 Page 473-710

C-Date

COBU due date

COBU Received date

Certificate issued

## FEES PAID

Date	Amount	Receipt #
10-14-2021	\$1473.30	136618

## FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments:

Irrigation District

Agent Iolly Anderson Iolly.Anderson@andersonschultz.com

CWRE

CC's list Polk County☐ - Oversized map - Location





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 9, 2022

DITCHEN LAND CO. LLC  
7385 HOWELL PRAIRIE RD NE  
SILVERTON, OR 97381

REFERENCE: District Temporary Transfer Application T-13845

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the beginning of the 2021 irrigation season. The use shall revert to the original authorized place of use at the end of the 2021 irrigation season.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at [Arla.L.Davis@oregon.gov](mailto:Arla.L.Davis@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Rights Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
Polk County Planning  
Lolly Anderson, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13845, Polk County	)	A TEMPORARY CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

DITCHEN LAND COMPANY LLC  
7385 HOWELL PRAIRIE RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On October 14, 2021, DITCHEN LAND COMPANY LLC filed an application to temporarily change the place of use under Certificates 9480 and 33876 for a period of 1 year. The Department assigned the application number T-13845.
2. Notice of the application for transfer was published on October 26, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 29, 2021, the Department contacted the agent for the applicant by email regarding a deficiency found on Page 11 of the application, specifically a misidentified Quarter-Quarter in Section 33. A deadline of December 29, 2021 was set for receipt of an amended application page.
4. On December 6, 2021, the agent for the applicant provided the Department a revised Application Page 11 by email, satisfying the deficiency.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



5. The first right to be temporarily transferred is as follows:

**Certificate:** 9480 in the name of DANE J PURVINE (perfected under Permit S-7648)  
**Use:** IRRIGATION of 65.0 ACRES  
**Priority Date:** JULY 28, 1926  
**Rate:** 0.82 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.  
**Source:** LUCKIAMUTE RIVER a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
9 S	4 W	WM	33	NE NE
9 S	4 W	WM	34	NE SW

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	27	NW SW	8.0
9 S	4 W	WM	27	SW SW	18.0
9 S	4 W	WM	28	NE SE	12.0
9 S	4 W	WM	28	SE SE	27.0
Total					65.0

6. Temporary Transfer Application T-13845 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	33	NE NW	0.1
9 S	4 W	WM	33	NW NW	25.5
9 S	4 W	WM	33	SW NW	34.9
9 S	4 W	WM	33	NW SW	4.5
Total					65.0

7. The portion of the second right to be temporarily transferred is as follows:

**Certificate:** 33876 in the name of WARNER AND LINN (a partnership)(perfected under Permit S-27763)  
**Use:** IRRIGATION of 79.9 ACRES  
**Priority Date:** DECEMBER 18, 1961  
**Rate:** 0.175 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.



Source: LUCKIAMUTE RIVER a tributary of WILLAMETTE RIVER

**Authorized Points of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Glott	DLC	Measured Distances
9 S	4 W	WM	33	NE NE	5	68	5470 FEET SOUTH AND 750 FEET EAST FROM THE NW CORNER OF DLC 68
9 S	4 W	WM	33	NE NE		68	5680 FEET SOUTH AND 160 FEET WEST FROM THE NW CORNER OF DLC 68

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	33	NE NE	5		6.1
9 S	4 W	WM	33	NE NE		49	2.2
9 S	4 W	WM	33	NW NE	6		4.4
9 S	4 W	WM	33	NW NE		49	1.2
9 S	4 W	WM	33	SE NE		49	0.1
Total							14.0

8. Temporary Transfer Application T-13845 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	33	NW SW	14.0

**Temporary Transfer Review Criteria**

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would not prevent the lands from which the water rights are removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
12. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

The temporary changes in places of use proposed in Temporary Transfer Application T-13845 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

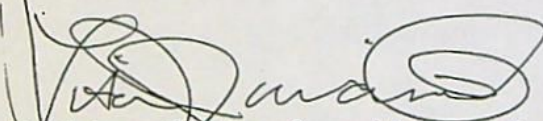


Now, therefore, it is ORDERED:

1. The temporary changes in places of use proposed in Temporary Transfer Application T-13845 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2021 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2021 irrigation season.
4. A subsequent application for permanent transfer of Certificates 9408 and 33876 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 9408 and 33876.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. The use of the remaining water right described by Certificate 33876 shall continue to be in accordance with the terms and conditions of Certificate 33876.

Dated in Salem, Oregon on

FEB 09 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date:

FEB 10 2022



## DAVIS Arla L \* WRD

**From:** DAVIS Arla L \* WRD  
**Sent:** Monday, November 29, 2021 11:59 AM  
**To:** lolly.anderson@andersonschultz.com; dean@gvfusa.com  
**Subject:** Temporary Transfer T-13845 - Deficiency - Action Required!

Good Morning,

I am the caseworker who has been assigned to Temporary Transfer T-13845. While reviewing the application, I have found a deficiency. On Page 11 of the application under Certificate 33876 this is what is being described as the off or from acres:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	33	NE NE	49	2.2
9 S	4 W	WM	33	NE NE		6.1
9 S	4 W	WM	33	NW NE	49	1.2
9 S	4 W	WM	33	NW NE		4.4
9 S	4 W	WM	33	NE SW	49	1
Total						14.0

The 0.1 acres (highlighted in green) in the NE SW does not exist on Certificate 33876 and can therefore not be transferred as it would be an enlargement of the right. The application will need to be amended in order to move forward.

I will set a deadline of December 29, 2021 for the Department to receive the amended application page. If the amended page is not received by this date, I will have to move forward with a denial of the entire application.

The application also indicates this temporary is for the 2021 irrigation season. Is that correct or should it be for the 2022 irrigation season?

If you have any questions, please feel free to contact me.

Thank you

Arla L. Davis

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



STATE OF OREGON  
COUNTY OF POLK  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WARNER AND LINN (a partnership)

of Route 1, Box 135, Independence, 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 Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 79.9 acres

under Permit No. 27763 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 December 18, 1961.

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 1.00 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 Lot 5 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Butler DLC 68, Section 33, T. 9 S., R. 4 W., W. M. Diversion points located: 5470 feet South and 750 feet East; 5680 feet South and 160 feet West; both from NW Corner, Butler \* The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eighth 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:

13.2 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Butler DLC 68  
10.8 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Butler DLC 68  
Section 27  
1.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Butler DLC 68  
24.0 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Butler DLC 68  
10.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Butler DLC 68  
Section 28  
2.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Butler DLC 68  
6.1 acres Lot 5 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
2.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Lovelady DLC 49  
1.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Lovelady DLC 49  
4.4 acres Lot 6 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
1.0 acre SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Lovelady DLC 49  
Section 33  
3.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Butler DLC 68  
Section 34  
T. 9 S., R. 4 W., W. M.

\* DLC 68. 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. April 26, 1967

CHRIS L. WHEELER

State Engineer

0.125  
79.9 | 1.0  
0.125  
x 14  
0.175

- 0.1 only



STATE OF OREGON  
COUNTY OF POLK

# CERTIFICATE OF WATER RIGHT

This is to Certify, That DANE J. PURVINE

of Independence, 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 Luckiamute River, a tributary of Willamette River, for the purpose of Irrigation

under Permit No. 7648 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 28, 1926;

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 0.82 cubic foot per second.

The point of diversion is located in the NE 1/4 of Section 34, Township 9 S, Range 4 W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 8 acres in the NW 1/4, 18 acres in the SW 1/4, Section 27, 12 acres in the NE 1/4, 27 acres in the SE 1/4, Section 28, Township 9 South, Range 4 West, Willamette Meridian, in Polk County, Oregon.

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

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5723, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 28th day  
of January 2, 1932

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 9480



List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$ , 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	N	S	E	W	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	N	S	E	W	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE														EXAMPLE															
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	2	S	9	E	1	NW	NW	500	1	10.0			POD #5	1901			
EXAMPLE														EXAMPLE															
9	S	4	W	27	NW	SW	100		8	Irrigation	POD1	1926	9	S	4	W	33	NE	NW	400		.1			POD1	1926			
9	S	4	W	27	SW	SW	100		18	Irrigation	POD1	1926	9	S	4	W	33	NW	NW	400		25.5			POD1	1926			
9	S	4	W	28	NE	SE	100		12	Irrigation	POD1	1926	9	S	4	W	33	SW	NW	400		34.9			POD1	1926			
9	S	4	W	28	SE	SE	100		27	Irrigation	POD1	1926	9	S	4	W	33	NW	SW	400		4.5			POD1	1926			
TOTAL ACRES									65						TOTAL ACRES									65					

OCT 14 2021



**Table 2. Description of Temporary Changes to Water Right Certificate # 33876**

List only the part of the right that will be changed. For the acreage in each ¼ ¼, 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.

Additional remarks: \_\_\_\_\_

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					
EXAMPLE																								
2	S	9	E 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																								
9	S	4	W 33	NE NE	200	DLC 50	6.1	Irrigation	POD 1	1961	POU	9	S	4	W 33	NW SW	400	14.0	Irrigation	POD1	1961			
9	S	4	W 33	NW NE	200	DLC 50	4.4	Irrigation	POD 1	1961	POU													
9	S	4	W 33	NE NE	200	DLC 49	2.2	Irrigation	POD 1	1961	POU	not on Cert												
9	S	4	W 33	NW NE	200	DLC 49	1.2	Irrigation	POD 1	1961	POU													
9	S	4	W 33	NE SW	200	DLC 49	.1	Irrigation	POD 1	1961	POU													

13876

RECEIVED  
OCT 14 2021  
OWRD



List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , 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	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						
EXAMPLE																										
2	S	9	E 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				
9	S	4	W 33	NE NE	200	DLC 50	6.1	Irrigation	POD 1	1961	POU	9	S	4	W 33	NW SW	400		14.0	Irrigation	POD1	1961				
9	S	4	W 33	NW NE	200	DLC 50	4.4	Irrigation	POD 1	1961	POU															
9	S	4	W 33	NE NE	200	DLC 49	2.2	Irrigation	POD 1	1961	POU															
9	S	4	W 33	NW NE	200	DLC 49	1.2	Irrigation	POD 1	1961	POU															
9	S	4	W 33	SE NE	200	DLC 49	.1	Irrigation	POD 1	1961	POU															
TOTAL ACRES							14.0																			
TOTAL ACRES							14.0	Received by QWRD																		

Tafem, OR

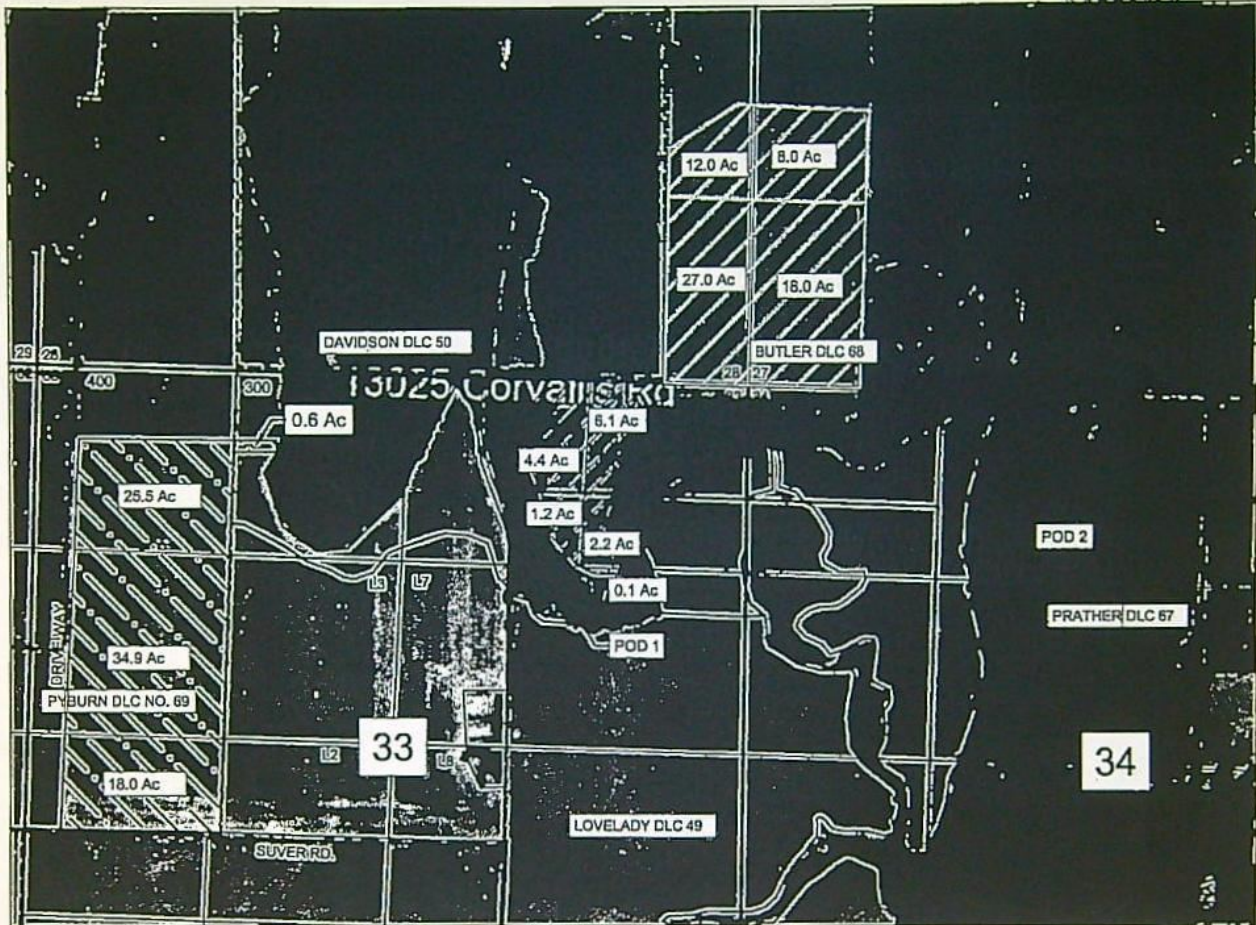


T.9S. R.4W, W.M.

RECEIVED

OCT 14 2021

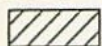
OWBD



## DITCHEN LAND COMPANY, LLC TEMPORARY TRANSFER

1" = 1,320'

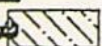
### LEGEND



TRANSFER FROM Cert. 9480 - 65 Ac.



TRANSFER FROM Cert. 33876 - 14 Ac.



TRANSFER TO - 79 Ac.

----- DLC BOUNDARY  
==== ROADS  
--- SECTION LINES

13845

Drawing Number:

Sheet Name:

DRAWING FOR INFORMATION ON  
WATER RIGHTS ONLY NOT  
LEGAL BOUNDS

TEMPORARY  
TRANSFER MAP

M3

NO.	REVISION DESCRIPTION	DATE
4		
3		
2		
1		

0 SCALE CHECK 1"



500 N 1ST, HERMISTON, OREGON 97838  
OFFICE (541) 567-0252 FAX (541) 567-4239

### DESIGNED

DRAWN SUVA SHAKYA  
DATE SEPTEMBER 07, 2021  
SCALE 1:1320  
PROJECT 517-19-001

DITCHEN LAND COMPANY, LLC  
WATER RIGHTS PROJECT



## Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

Transfer Application: T-13845

Review Due Date:

Applicant Name: Ditchen Land Co

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Joel Plahn

Date of Review: 10/21/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer?  
☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?  
☐ Yes ☐ No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?  
☐ Yes ☐ No If "Yes", explain:



12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a totalizing flow meter\*, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install staff gages\*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



**Oregon Water Resources Department**  
**Measurement Condition Information for the Applicant**  
*(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will  
 be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**  
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

**Approval of an Alternate Measurement Device**      T-  
*(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 Watermaster signature

\_\_\_\_\_  
 District

\_\_\_\_\_  
 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, OR 97301-1266





Oregon  
Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

October 20, 2021

DITCHEN LAND CO. LLC  
7385 HOWELL PRAIRIE RD NE  
SILVERTON, OR 97381

Reference: Application T-13845

On October 14, 2021, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1473.30. Our receipt number 136618 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)  
Polk County Planning Department  
Lolly Anderson, Agent

Enclosure



## Water Resources Department

Date 9/20/2021  
Type Bill  
Reference Suver

Original Amt.  
1,473.30

Balance Due  
1,473.30

9/20/2021  
Discount  
Check Amount

Payment  
1,473.30  
1,473.30

29693

RECEIVED

OCT 14 2021

OWRD

Checking

Suver

1,473.30

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 136618

INVOICE #

RECEIVED FROM: Golden Valley Farms, LLC

BY:

CASH: CHECK: OTHER: (IDENTIFY)



CHECK: #

29693



APPLICATION	
PERMIT	
TRANSFER	1-13845

TOTAL REC'D \$ 1473.30

## 1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$

OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

## 4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407 COPY &amp; TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

## WATER RIGHTS:

0201 SURFACE WATER \$

0203 GROUND WATER \$

0205 TRANSFER \$ 1473.30

## WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

## LANDOWNER'S PERMIT

OTHER (IDENTIFY)

## 0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY)

## 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

## TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 136618

DATED: 10-14-2021

BY: Mindy Gordon

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.woregon.gov/OWRD

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.

RECEIVED

OCT 14 2021

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

OWRD

- ☒ 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 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).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: 9480 and 33876**  
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: 2021 End Year: 2021.**
- ☐ ☒ 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 upon which the water right is located.)
- ☐ ☒ 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 Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. 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: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



OCT 14 2021

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.

OWRD

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°).



☐ No

Complete all of Table 2 to describe the portion of the water right to be changed.

RECEIVED

OCT 14 2021

OWRD



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Ditchen Land Company, LLC</b>			PHONE NO. <b>503-873-4541</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>7385 Howell Prairie Road NE</b>			FAX NO.	
CITY <b>Silverton</b>	STATE <b>OR</b>	ZIP <b>97381</b>	E-MAIL <b>dean@gvfusa.com</b>	
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>Lolly Anderson</b>			PHONE NO. <b>619-995-1057</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 42427</b>			FAX NO.	
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97242</b>	E-MAIL <b>lolly.anderson@andersonschultz.com</b>	
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.				

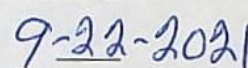
Explain in your own words what you propose to accomplish with this transfer application and why:  
We are requesting a temporary transfer to provide irrigation water to a field where the existing water right was curtailed due to drought from fields not in use this season.

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

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

  
Applicant signature

  
Print Name (and Title if applicable)

  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
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 of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

RECEIVED

OCT 14 2021

OWRD

13845

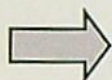


☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	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	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 and/or used.

ENTITY NAME <b>Polk County</b>	ADDRESS <b>850 Main Street</b>	
CITY <b>Dallas</b>	STATE <b>OR</b>	ZIP <b>97338</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

**RECEIVED**  
**OCT 14 2021**  
**OWRD**



## Part 5 of 5 – Water Right Information

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

Water Right Certificate # **9480**

RECEIVED

### Description of Water Delivery System

OCT 14 2021

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR

**100** gallons per minute (gpm)

OWRD

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. **POD has a floating rotary fish screen in Luckiamute River that runs up to a 60 horsepower pump to above ground mainline to big gun sprinklers.**

**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)
POD1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9 S	4 W	33	NE NE		
POD2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9 S	4 W	34	NE S W		
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- ☒ Place of Use (POU)
 ☐ Appropriation/Well (POA)
 ☐ Point of Diversion (POD)
 ☐ Additional Point of Appropriation (APOA)
 ☐ Additional Point of Diversion (APOD)

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
 ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
 ☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)

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

- ☒ 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.

RECEIVED

OCT 14 2021

OWRD



List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , 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	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						
EXAMPLE																										
2	S	9	E	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
9	S	4	W	27	NW	SW	100		8	Irrigation	POD1	1926	POU	9	S	4	W	33	NE	NW	400		.1		POD1	1926
9	S	4	W	27	SW	SW	100		18	Irrigation	POD1	1926	POU	9	S	4	W	33	NW	NW	400		25.5		POD1	1926
9	S	4	W	28	NE	SE	100		12	Irrigation	POD1	1926	POU	9	S	4	W	33	SW	NW	400		34.9		POD1	1926
9	S	4	W	28	SE	SE	100		27	Irrigation	POD1	1926	POU	9	S	4	W	33	NW	SW	400		4.5		POD1	1926
TOTAL ACRES									65	TOTAL ACRES													65			

OWRD



CERTIFICATE # \_\_\_\_\_

Water Right Certificate # **33876**

RECEIVED

OCT 14 2021

## Description of Water Delivery System

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR

**100** gallons per minute (gpm)

OWRD

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. **POD has a floating rotary fish screen in Luckiamute River that runs up to a 60 horsepower pump to above ground mainline to big gun sprinklers.**

**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)
POD1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	4	W	33	NE	NE		5470 feet south and 750 feet east from NW corner, DLC 68
POD2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		9	S	4	W	33	NE	NE		5680 feet south and 160 feet west from NW corner, DLC 68
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- ☒ Place of Use (POU)
 ☐ Appropriation/Well (POA)
- ☐ Point of Diversion (POD)
 ☐ Additional Point of Appropriation (APOA)
- ☐ Additional Point of Diversion (APOD)

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
- ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
- ☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)

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

- ☐ 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.



List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$ , 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	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	PO D(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	PO D(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	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
9	S	4	W	33	NE	NE	200	DLC 50	6.1	Irrigation	POD 1	1961	POU	9	S	4	W	33	NW	SW	400		14.0	Irrigation	POD1	1961
9	S	4	W	33	NW	NE	200	DLC 50	4.4	Irrigation	POD 1	1961	POU													
9	S	4	W	33	NE	NE	200	DLC 49	2.2	Irrigation	POD 1	1961	POU													
9	S	4	W	33	NW	NE	200	DLC 49	1.2	Irrigation	POD 1	1961	POU													
9	S	4	W	33	NE	SW	200	DLC 49	.1	Irrigation	POD 1	1961	POU													
TOTAL ACRES										14.0	TOTAL ACRES										14.0					

OWRD



**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.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- ☐ Well log(s) 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 below for any well that does not have a well log. For a *proposed well(s) 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, OW ID 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

RECEIVED

OCT 14 2021 TACS

OWRD



## Klamath Basin/County Drought Transfer Applications

**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

RECEIVED

OCT 14 2021

OWRD



T.9S. R.4W, W.M.

RECEIVED

OCT 14 2021

OWRD



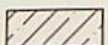
# DITCHEN LAND COMPANY, LLC TEMPORARY TRANSFER

1" = 1,320'

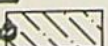
## LEGEND



TRANSFER FROM Cert. 9480 - 65 Ac.



TRANSFER FROM Cert. 33876 - 14 Ac.



TRANSFER TO - 79 Ac.



DLC BOUNDARY



ROADS



SECTION LINES

19845

Drawing Number:

TEMPORARY  
TRANSFER MAP

Sheet Name:

DRAWING FOR INFORMATION ON  
WATER RIGHTS ONLY NOT  
LEGAL BOUNDS

NO.	REVISION DESCRIPTION	DATE
4		
3		
2		
1		

0 SCALE CHECK 1"

500 N 1ST, HERMISTON, OREGON 97838  
OFFICE (541) 567-0252 FAX (541) 567-4239

DESIGNED

DRAWN SUVA SHAKYA

DATE SEPTEMBER 07, 2021

SCALE 1:1320

PROJECT

517-19-001

DITCHEN LAND COMPANY, LLC

WATER RIGHTS PROJECT

M3



RECEIVED

OCT 14 2021

OWRD

AFTER RECORDING RETURN TO:

Daniel A. Ritter, P.C.  
530 Center Street NE, Suite 700  
Salem, OR 97301-3740

MAIL TAX STATEMENTS TO:

Ditchen Land Company, LLC  
7385 Howell Prairie Road NE  
Silverton, OR 97381

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2006-016123



\$96.00

00165580200600161230150159

09/28/2006 10:14:47 AM

REC-QD Cnt=1 Stn=1 D. LESLIE  
\$75.00 \$10.00 \$11.00

QUITCLAIM DEED

DITCHEN LAND COMPANY LIMITED PARTNERSHIP, an Oregon limited partnership, also known as DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP, hereinafter called the Grantor, does hereby remise, release, and quitclaim unto DITCHEN LAND COMPANY, LLC, an Oregon limited liability company, hereinafter called Grantee, and unto Grantee's heirs, successors, and assigns all of Grantor's right, title, and interest in that certain real property which is described below, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This deed is executed and delivered unto Grantee limited liability company as a contribution to the capital of such limited liability company and no monetary consideration has been paid to Grantor.

The real property is situated in the county of Polk, and state of Oregon, and is described as follows, to wit:

**PARCEL 1: (Parcel Number R074310001300, Ref Parcel Number 158158)**

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey, Claim No. 54, Notification No. 99 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence North 14.17 chains to point 49.50 chains South of the Southwest corner of the Donation Land Claim of David Goff, Notification No. 113, Claim No. 45; thence East 64.88 chains to a point due South of the Southwest corner of the Donation Land Claim of Samuel Burch, Notification No. 100, Claim No. 47; thence South 10.59 chains to the North line of the Donation Land Claim of Alonzo Wood, Claim No. 39, Notification No. 1618; thence West along the North line of said claim 11.16 chains to the Northwest corner of said claim; thence South 45 West along the West line of said claim 440 chains; thence West 53.68 chains; thence North 82 links to the place of beginning.

SAVE AND EXCEPTING from the above, that certain tract or parcel of land sold to the State of Oregon, by and through its State Highway Commission as set forth in that certain deed recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT that Parcel laid out and described on Partition No. 1990.025 in the Northwest quarter of Section 6, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.



OCT 14 2021

OWRD

## SUBJECT TO:

1. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Rights of the public in streets, roads and highways.
3. Access Restrictions, including the terms and provisions thereof, contained in deed from O. W. Kellogg and Maud M. Kellogg, husband and wife, to the State of Oregon, by and through its Department of Transportation, dated September 29, 1953, and recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

Modification of said Access Restrictions, including the terms and provisions thereof, recorded April 20, 1954, in Volume 153, Page 612, Deed Records for Polk County, Oregon.

4. Lease, including the terms and provisions thereof, as disclosed by Subordination of Lease by and between Vincent E. Haworth and Joanna Haworth, Lessors, and Edward Brown, Lessee, recorded November 9, 1979, in Volume 144, Page 1964, Book of Records for Polk County, Oregon.
5. Easement as disclosed by Partition No. 1990025, Polk County, Oregon.
6. Any liens or encumbrances suffered or permitted by the grantees herein.

**Parcel 2: (9730 Orrs Corner Rd., Rickreall, Oregon; R 084060000100, Ref. Parcel Number 165967)**

PARCEL A:

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence East 59.20 chains to the West line of the Donation Land Claim of Alonzo Wood Claim No. 39, at a point 19.55 chains South from the Northwest corner of said Claim; thence South 45' West along the West line of said Claim, 15.45 chains to the Southeast corner of Lot 5, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon.

PARCEL B:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82.00 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim, 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land



Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by

PARCEL C:

Beginning at the quarter Section post on the line between Section 6, Township 8 South, Range 4 West, and Section 1, Township 8 South, Range 5 West of the Willamette Meridian, Polk County, State of Oregon; thence North 31.79 chains; thence East 20.00 chains; thence South 31.79 chains; thence west 20.00 chains to the place of beginning.

SAVE and EXCEPTING 2.00 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East 4.47 chains; thence North 4.47 chains to the point of beginning.

**PARCEL 3: (Parcel Number R 094280000100, Ref. Parcel Number 213693; and Parcel Number R 094330000200, Ref. Parcel Number 214434)**

Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification Number 1554, Claim Number 50, running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River, thence Southerly and Easterly, following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification Number 2567, Claim Number 68; thence Northerly along the West line to place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO the following described property: The West half of the Donation Land Claim of Elijah D. Butler and Sarah E. Butler, his wife, and marked and designated on the official plats and surveys of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at a point on the West line of the Elijah D. Butler Donation Land Claim No. 68, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, which is 2920.64 feet South of the Northeast corner of the C.X. Davidson Donation Land Claim, No. 50, in said Township and Range, thence along said Donation Land Claim line South 152.47 feet; thence South 87° East 242.00 feet; thence North 180.00 feet; thence North 87° West 242.00 feet to a point on said Donation Land Claim line; thence South 27.53 feet to the point of beginning.

SAVE AND EXCEPT: Any portion of the above described tract lying within the right of way limits of public roads and highways.



OCT 14 2021

OWRD

## SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The following matters are excluded from the coverage of the policy based on the proximity of the property to Luckiamute River,
  - 1) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Luckiamute River as it now exists or has existed.
  - 2) Any adverse claim based on the assertion that:
    - a) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
    - b) some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Luckiamute River or has been formed by accretion to such portion.
    - c) any adverse claim based upon the assertion that the Luckiamute River has changed its location.
3. An easement created by instrument, including the terms and provisions thereof, dated June 14, 1974, Recorded June 25, 1974, in Book 59, Page 665, Book of Records, Polk County, Oregon, in favor of R. C. Warner and Nadene Warner (TL 101) for maintaining water line and pump. Affects as set forth in document.
4. An easement created by instrument, including the terms and provisions thereof, dated September 1, 1992, Recorded September 10, 1992 in Book 258, Book of Records, Polk County, Oregon, in favor of adjacent property owner (TL 101) for septic drainfield.

PARCEL 4: (13025 Corvallis Road, Independence, OR 97351, Parcel Number R094330000300, Ref. Parcel Number 214447; Parcel Number R094280000400, Ref. Parcel Number 213747; Parcel Number R094280000500, Ref. Parcel Number 213750; Parcel Number R094330000100, Ref. parcel Number 214421; Parcel Number R094330000400, Ref Parcel Number 214450; and Parcel Number R094340000600, Ref Parcel Number 214517)

(Sayer Parcel)

Commencing at the Southwest corner of the property described as the West one half of the Donation Land Claim of Elijah D. Bu and Sarah E. Butler, his wife, situate in Polk County, Oregon, and marked and designated on the official plats and of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, in Township 9 South, Range 4 West of the Willamette Meridian; and running thence to the Southeast corner of the above-described premises; running thence North along the East line of said premises to the Luckiamute River; thence Westerly along the South bank of said Luckiamute River to where the said river crosses the West line of the above described premises; thence South along the West line of said premises to the place of beginning.



OCT 14 2021

OWRD

ALSO Government Lots 5 and 6 and all Government Lot 4 that lies South of the Luckiamute River in Section 28, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Government Lots 2, 3, 4, 5, 6, 7, 8, and 9, and the Southeast quarter of the Southwest quarter of Section 33 in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the northeast corner of Government Lot 1 of said Section 33; thence running South a distance of 28.59 chains to the township line; thence West along said line a distance of 13.0 chains; thence North a distance of 28.59 chains; thence East a distance of 13.0 chains to the place of beginning. All lying in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO All of the Donation Land Claim of P. W. Lovelady, Notification No. 1584, Claim No. 49, in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the Southeast corner of said Lovelady claim; thence running East to the Southeast corner of Government Lot 4 of Section 34; thence North to said Luckiamute River; thence Northerly along and following the meanderings of said river to point which is 10.44 chains West and 6.7 chains North of the Northeast corner of said P. W. Lovelady Donation Land Claim; thence South a distance of 6.77 chains to the North line of said Claim; thence East a distance of 10.44 chains to the Northeast corner of said claim; thence South along the East line of said claim, a distance of 67.36 chains to the place of beginning, lying in Section 34, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

SAVE AND EXCEPT from the above described tracts of land that certain tract of land conveyed to Ben M. Griffith et ux by deed recorded May 13, 1947, in Volume 128, Page 351, Deed Records for Polk County, Oregon, and more particularly described as follows: Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification No. 1554, Claim No. 50; and running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River thence Southerly and Easterly following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification No. 1567, Claim No. 68; thence Northerly along the West line to the place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO, SAVE AND EXCEPT that certain tract of land conveyed to Mountain States Power Co., by deed recorded May 29, 1951, in Volume 145, page 6, Deed Records for Polk County, Oregon, and more particularly described as follows: That portion of Government Lot 8 of Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon, bounded and particularly described as follows: Beginning at a point on the East boundary and said Government Lot 8 that is 167.64 feet East and North 0°13' East 1603.66 feet from the Northeast corner of the Amon Pyburn Donation Land Claim No. 67 (said Donation Land Claim corner being on the South boundary of Government Lot 9 of said Section 33) and running thence North 0°13' East along the East boundary of said Government Lot 8, a distance of 317.10 feet; thence South 89°46' West a distance of 152.15 feet; thence



South 25°03' East a distance of 350.59 feet, more or less, to the point of beginning; subject to the rights of the public in Market Roads No. 7 and 9 along the North and East sides of said parcel.

ALSO SAVE AND EXCEPT that portion of the above described tracts of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT a parcel of land lying in the Preston W. Lovelady Donation Land Claim No. 49, Township 9 South, Range 4 West, Willamette Meridian and in Government Lots 6 and 7 in Section 33, Township 9 South, Range 4 West, Willamette Meridian, in Polk County, Oregon, as described in deed conveyed to Polk County, a political subdivision of the State of Oregon, recorded June 12, 1964, in Book 190, page 674, Deed Records for Polk County, Oregon.

ALSO Beginning at the Southeast corner of the George W. Pyburn Donation Land Claim, Notification No. 1590, Claim No. 69, in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North along the East line of said Donation Land Claim a distance of 101.58 chains to the Northeast corner of said Claim; thence West a distance of 15.23 chains to the most Northerly Northwest corner of said claim; thence South a distance of 21.73 chains to the re-entrant corner on the North line of said Donation Land Claim; thence West on the North line of said Donation Land Claim a distance of 2.42 chains; thence South a distance of 79.83 chains, more or less, to the South line of said Donation Land Claim; thence East on the South line of said Donation Land Claim a distance of 17.65 chains to the place of beginning.

SAVE AND EXCEPT the West 20.0 feet of the South 66 chains of the above described tract reserved for a roadway.

**PARCEL 5: (Parcel Number R 094320002000, Ref Parcel Number 214418)**

(Sayer II Parcel)

Beginning 17.65 chains West of the Southeast corner of the George Pyburn Donation Land Claim No. 69 in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence West 17.65 chains to the Southwest corner of the East half of said Claim No. 69; thence North 20 chains to an iron rod; thence East 17.65 chains to an iron rod; thence South 20 chains to the place of beginning.

EXCEPTING a strip of land 20 feet wide off the East side of said tract for a part of roadway North and South.

FURTHER SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

**PARCEL 6: (Parcel Number R073060000202A1, Ref Parcel Number 413813; Parcel Number R073060000202, Ref Parcel Number 479378; Parcel Number R063300000406, Ref Parcel Number 265720; Parcel Number R063310000201, Ref Parcel Number 265832; Parcel Number R063310000202, Ref Parcel Number 265845; Parcel Number R063310000300, Ref Parcel Number 265858; Parcel Number R063310000400, Ref Parcel Number 265861; Parcel Number R063310000500, Ref Parcel Number 265874; Parcel Number R064360000800, Ref Parcel Number 266417; Parcel Number R073060000301, Ref Parcel**



OCT 14 2021

OWRD

Number 266871; and Parcel Number R073060000304, Ref Parcel Number 266884)

PARCEL 1: Beginning at an iron pipe which is 39.830 chains South 84°00' West 6.195 chains North and 1018.08 feet North 12°56' East and 17°00 feet South 72°50' East and 311.20 feet South 78°00' East and 1100.00 feet South 81°04' East from the Southeast corner of the Walter K. Walker Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, said iron pipe being on the Southerly right of way line of a County Road; thence South 2°50' West 97.30 feet to an iron pipe; thence North 89°19' East 25.04 feet to an iron pipe; thence North 2°50' East 96.46 feet to a point on the Southerly line of said County Road; thence North 88°46' West 25.00 feet to the place of beginning.

PARCEL 2: That portion of the following described tracts of land lying Easterly of County Road /648, (also known as Spring Valley Road) as now located: The East one-half (E ½) of the Donation Land Claim of Jesse D. Walling and Eliza Ann Walling, his wife, being Notification No. 247, Claim No. 52, in Section 31, Township 6 South, Range 3 West, Claim No. 48, in Sections 35 and 36, in Township 6 South, Range 4 West, and Claim No. 58, in Sections 1 and 2 in Township 7 South, Range 4 West, all being West of the Willamette Meridian in Polk County, Oregon.

ALSO: Beginning on the North line of said Jesse D. Walling and wife, Donation Land Claim at a point that is South 74-1/2° West 78.17 chains from the most Northerly Northeast corner of said Donation Land Claim; said beginning point being also the Northeast corner of the West one-half (W ½) of said Donation Land Claim; thence South 74 1/2 West along the North line of said Donation Land Claim 38.67 chains; thence South 15 East 22.64 chains; thence North 74-1/2 East 17 chains; thence North 15 West 7 chains; thence North 74-1/2 East 21.66 chains to the East line of the West one-half (W1/2) of said Donation Land Claim; thence North 15° West 15.25 chains to the place of beginning.

ALSO: Beginning on the South boundary line of said J. D. Walling and wife Donation Land Claim at a point North 74°40' East 21.18 chains from the Southwest corner of said Donation Land Claim; thence North 74°40' East along the south boundary of said Donation Land Claim 35.74 chains; thence North 75°17' East along the South boundary line of said Donation Land Claim 21.99 chains to the Southeast Corner of the West one-half (W ½) of said Walling Donation Land Claim; thence North 15 West along the East boundary line of the West one-half (W1/2) of said Walling Donation Land Claim 25.59 chains to the Southeast corner of a tract of land heretofore conveyed to Eliza Ann Walling by the heirs of Jesse D. Walling; thence South 74°30' West 21.66 chains; thence South 15 East 7 chains; thence South 74°30' West 36.88 chains- thence South 15 East 17.63 chains to the place of beginning, in Section 36, Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, all being a part of the Jesse D. Walling and Eliza Ann Walling, his wife, Donation Land Claim No. 52, in Township 6 South, Range 3 West and No. 48, Township 6 South, Range 4 West, and No. 58, Township 7 South, Range 4 West, all West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above described Parcel 2 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that say be produced from a depth below 5130 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or



extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 3: Beginning in the center of the County Road at a point which is 455.20 feet North 75°15' East from a stone set for the Southeast corner of the John Phillips Donation Land Claim, in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; thence South 75°15' West 455.20 feet to said stone; thence South 89°51' West, along the South line of said claim, 122.75 feet; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence North 74°41' East, along the Northerly line of the said Walling claim, 583.83 feet; thence North 0°02' East 1696.21 feet to the place of beginning.

SAVE AND EXCEPT that portion of the above described premises lying within the limits of public roads and roadways.

FURTHER SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the Surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 4: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, at a point which is 122.75 feet South 89°41' West from a stone set for the Southeast corner of said claim; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence South 74°41' West, along the Northerly line of said Walling claim, 550.28 feet to the Southeast corner of a tract of land conveyed to Frank Crawford by deed recorded in Volume 109, Page 422, Deed Records for Polk County, Oregon; thence North 0°02' East, along the East line of the said Crawford Tract, 1 78.17 feet to a point on the South line of the said Phillips claim; thence North 89°41' East, 530.65 feet to the place of beginning.

EXCEPTING THEREFROM premises described in deed to Blanche V. Snyder, recorded June 4, 1968, in Volume 210, Page 694, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM premises described in deed to Mae I. Hampton, recorded June 4, 1968, in Volume 210, Page 695, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 5: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County,



RECEIVED

OCT 14 2021

OWRD

Oregon, at a point which is 122.75 feet South 89°51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West along the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for Polk County, Oregon. 180.00 feet; thence South 89°51' West, parallel with said South line, a distance of 140.00 feet; thence North 0°02' East, parallel with the said East line, 180.00 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said Claim line, 140.00 feet to the place of beginning.

SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 6: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon, at a point which is 413.40 feet South 89°51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West parallel to the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for said county, 363.00 feet; thence South 89°51' West, parallel to said South line, 160 feet to a point; thence North 0°02' East parallel to the East line of said Crawford Tract 363 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said South line, 160 feet to the place of beginning.

TOGETHER WITH a perpetual nonexclusive easement to use a strip of land 20 feet wide, the center line of which is located as follows across the Servient Estate: Beginning at a point on the North line of Brush College Road in Polk County, Oregon, said point being North 42°27' West 1212.85 feet from the Southeast corner of the W. M. Walker Donation Land Claim No. 62, in Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence North 05°11' East 1964.96 feet; thence South 62°01' West 627.92 feet; thence North 00°52' East 2326.87 feet to a point and terminus, said terminus point being approximately 22 feet North of the North line of the W. M. Walker Donation Land Claim No. 43 and approximately South 76° West 1201.35 feet from the Northeast corner of W. M. Walker Donation Land Claim No. 43 in Section 31, Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above Parcel 6 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 7: That tract of land lying within Section 31, Township 6 South, Range 3 West, and Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the Donation Land Claim of Walter M. Walker and wife in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon,



RECEIVED

OCT 14 2021

OWRD

said point being marked by a stone 24x12x12 inches; thence North 75°17' East 3.44 chains along the South line of Donation Land Claim of Jesse O. Walling; thence South 0°02' West 73.01 chains to the County Road from which an iron pipe bears North 50 links and an oak tree 14 inches in diameter bears North 81°10' East 3.1 links; thence North 56°57' West 19 links, along the South Road; thence North 39°15' West 2.80 chains, along the County Road; thence North 49°40' West 1.80 chains, along said Road to the East line of the Donation Land Claim of Welter M. Walker; thence North 53° West 5 chains, along the County Road; thence North 79° West 3.22 chains, along the County Road; thence North 85° West 8 chains along the County Road; thence North 22.72 chains; thence South 72° West 2.74 chains; thence North 38.20 chains to the North line of the Walter M. Walker Claim; thence North 75°17' East 18.43 chains along the North line of said claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point which is 227.04 feet North 75°17' East and 2948.05 feet South 0°02' West of the Northeast corner of the Walter N. Walker Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; running thence the following bearings and distances: South 0°02' West 1903.61 feet to the center of the County road, North 56°57' West 12.54 feet along center of County Road, North 39°15' West 184.80 feet along center of County Road, North 49°40' West 118.80 feet along center of County Road, North 53°00' West 33.00 feet along center of County Road, North 79°00' West 97.16 feet along center of County Road, North 0°06'33" West 1459.63 feet to a point, East 580.00 feet to the point of beginning.

SAVE AND EXCEPT all that portion lying within public road and/or highways.

ALSO SAVE AND EXCEPT: Beginning at a 1" axle at the Northeast corner of the Walter Walker Donation land Claim No. 43 in Section 31, Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon; thence North 76°44'51" East 226.38 feet to a 5/8" rod; thence South 0°01'24" West 2914.99 feet to a 5/8" rod; thence North 89°55'23" West 580.00 feet to a 5/8" rod; thence South 0°25'04" East 289.62 feet to a 5/8" rod at the true point of beginning; thence North 89°55'23" West 349.26 feet to a 5/8" rod; thence South 4°04'05" West 1114.45 feet to a 5/8" rod on the North right of way line of Brush College Road; thence along said right of way, South 89°04'26" East 323.54 feet to a 5/8" rod; thence South 7°21'07" East 108.75 feet to a 5/8" rod; thence leaving said right of way, North 0°05'04" West 1138.36 feet to said true point of beginning; all in the Northwest quarter of Section 6, Township 7 South, Range 3 West, Willamette Meridian, Polk County, Oregon.

PARCEL 8: All of the following described property lying North of the Northerly line of County Road No. 738:

Beginning at a post 18.43 chains South 75°17' West of the Northeast corner of the Donation Land Claim of Walter M. Walker and wife, Notification No. 138, claim Nos. 43, 46, 57, and 62, being part of Sections 36, 31, 6 and 1, Townships 6 and 7 South, Ranges 3 and 4 West of the Willamette Meridian, Polk County, Oregon; and running thence South 75°17' West 30.10 chains to a post; thence South 40.00 chains to a post; thence North 72° East 29.81 chains to a post; thence North 38.20 chains to a post and the place of beginning, and being a part of aforesaid Donation Land Claim.

ALSO: Beginning at the Southeast corner of the Donation Land Claim of Walter M. Walker and wife. Notification No. 138, in Township 7 South, Range 3 West of the



OCT 14 2021

OWRD

Willamette Meridian; And running thence North 9.85 chains to the center of the County Road; thence North 53 West, following the center of said road, 5.07 chains; thence North 79 West, 3.26 chains; thence West 8.00 chains to a post in the road; thence North 22.72 chains; thence South 72° West 25.38 chains to the Township line; thence South along the Township line 33.00 chains, more or less, to the South line of said Donation Land Claim; thence North 84 East 39.80 chains to the place of beginning, and being a part of said Donation Land Claim.

ALSO: Beginning South 84 West 39.43 chains and North 6.195 chains from the Southeast corner of Walter N. Walker's Claim No. 62 in Township 7 South, Range 3 West of the Willamette Meridian, on the Range line between Ranges 3 and 4 at a 1 inch pipe; thence North along Range line 26.34 chains to a stone; thence South 72 West 7.50 chains to a stone; thence South 0 30' East 24.117 chains to a 1 inch pipe; thence North 88 51' East 6.95 chains to the place of beginning. All situated in the County of Polk, State of Oregon.

**Parcel 7: (Parcel Number R063050000100; Ref Parcel Number 275949)**

Batz Tract 1:

Beginning at the intersection of the North line of the George K. Gay Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, with the East line of the Salem-Dayton Highway; thence West along the North line of said claim to a point which is 20.96 chains East from the Northwest corner thereof; thence Southerly along the East line of an 80 acre tract conveyed by deed recorded in Volume 0, page 240, of Yamhill County Deed Records, a distance of 38.12 chains to a stone on the line dividing said Claim into North and South halves; thence East along said dividing line 3887 feet to a stone at the Southern corner of the North half of said Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Palmer Creek Water District Improvement Company by deed recorded in Film Volume 63, page 31, Deed and Mortgage Records; thence North 73°20'48" West 156 feet, more or less, to an iron pipe set on the East line of the Salem-Dayton Highway; thence Northerly along the East line of said Highway 154 feet to an iron pipe; thence South 71° East 130 feet, more or less, to the East line of said Gay Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Roy C. Gifford, et ux, by deed recorded in Film Volume 46, page 784, Deed and Mortgage Records, said point being Northeasterly along the Easterly line of said Highway 32 feet and South 71° East from the Northwest corner of said Palmer Creek tract; thence North 71° West to the Easterly line of said Highway; thence Northeasterly along the East line of said Highway to the place of beginning.

Batz Tract 2:

Parcel 1: Being a part of the Adam Matheny Donation Land Claim, Notification No. 1633, Claim No. 60 and a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 65 in Sections 32 and 33, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set in the center of the County Road at a point South 5°09' East 6.312 chains from an iron pipe at the Southwest corner of the Daniel Matheny Donation Land Claim; thence North 88°26' West along the center of ditch, 1.020 chains to angle in ditch; thence North 66°27' West along the center of ditch, 5.140 chains to angle in ditch; thence North 88°19' West along the center of ditch, 19.030 chains to angle in ditch; thence North 84°26' West along the center



of ditch, 9.934 chains to angle in ditch; thence South 71°32' West along the center of ditch, 14.385 chains to stake at bend in ditch and end of line fence; thence South 88°21' West along line fence, 17.020 chains to anchor post at the Northwest corner thence South 9°00' West along fence 23.543 chains to stake set for the Southwest corner of Lot 3 and the Northwest corner of Lot 4; thence East on line between Lots 3 and 4 of County Survey No. 2815, 67.992 chains to a point in the center of the County Road; thence North 4° 14' East along the center of County Road, 15.336 chains to angle in road; thence North 1°03' East along the center of road, 4.772 chains to angle in road; thence North 3°33' West along the center of road, 4.621 chains to the place of beginning and being designated as Lots 1, 2, and 3 of County Survey No. 2815 of Yamhill County, Oregon.

Parcel 2: Being a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 59 in Sections 4 and 5, Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a stake set North 89°25' East 25.780 chains and North 9°00' East 17.467 chains from stone ml the Southwest corner of said Claim; thence East on line between Lot 4 and 5 of County Survey No. 2815, 68.704 chains to a point in the center of the County Road; thence North 4°41' East along the center of road, 8.458 chains to the Northeast corner of Lot 4 and the Southeast corner of Lot 3; thence West on line between Lots 3 and 4, 67.992 chains to stake; thence South 9°00' West 8.540 chains to the place of beginning, and being designated as Lot 4 of County Survey No. 2815, County Surveys of Yamhill County, Oregon.

SAVE AND EXCEPT:

- (1) As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
- (2) Rights of the public in streets, roads and highways.
- (3) Anchor Permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland, Oregon, recorded August 11, 1958, in Volume 167, page 528, Deed Records for Polk County, Oregon. (Affects Tract I)
- (4) Anchor permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland Oregon, dated May 19, 1958, and recorded June 26, 1958, in Book 187, page 787, Deed Records for Polk County, Oregon. (Affects Tract I.)
- (5) Transmission line easement, given by Lloyd L. Lind and Mary Lind to Portland General Electric Co., recorded May 21, 1953, in Book 169, page 712, Yamhill County Deed Records. (Affects Tract 2.)
- (6) Anchor permit, including the terms and provisions thereof given by Lloyd L. Lind and Mary Lind to Portland General Electric Company, dated April 22, 1958, and recorded May 2, 1958, in Book 187, page 397, Yamhill County Deed Records, (Affects Tract 2.)



OCT 14 2021

OWRD

- (7) Easement, including the terms and provisions thereof, from Lloyd L. and Mary Lind to Palmer Creek Water District Improvement Company, dated July 28, 1967, and recorded August 1, 1967, in Film Volume 61, pages 849 and 850, Deed and Mortgage Records for Yamhill County, Oregon, for construction and maintenance of irrigation system. (Affects Tracts 1. and 2.)
- (8) The premises herein described are within and subject to the statutory powers of Palmer Creek Water Irrigation District of Yamhill County, Oregon. (Affects Tracts 1. and 2.)
- (9) Line easement, including the terms and provisions thereof, from John A. Bats and Dolores J. Batz, husband and wife, to Portland General Electric Company, an Oregon corporation, recorded June 22, 1973, in Film Volume 94, page 2267, Deed and Mortgage Records of Yamhill County, Oregon. (Affects Tract 2.)

**Parcel 8: (Parcel Number R084060000101, Ref Parcel Number 445841 and Parcel Number R084060000102, Ref Parcel Number 445854)**

Parcel 1:

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the D.L.C. of James Kimsey and wife Lot. No. 99. Claim No. 54 in Township Eight (8) South. Rang. Four (4) West of the Willamette Meridian in Polk County, Oregon; running thence East 59.20 chains to the West line of the D.L.C. of Alonzo Wood Claim No. 39 at a point 19.55 chains South from the Northwest corner of said claim; thence South 45 West along the West line of said claim 15.45 chains to the Southeast corner of Lot No. 5 in Section 6, Township 8 South. Range 4 West of the Willamette Meridian. in Polk County. Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the state of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in Book 152, page 202. Book of Records for Polk County. Oregon.

Parcel 2:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification Number 99, Claim Number 54. in Township 8 South. Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in book 152, page 202, Book of Records for Polk County. Oregon.

Parcel 3:

Beginning at the quarter section post on the line between Section 6. Township B South, Range 4 West and Section Township 8 South, Range 5 West of the Willamette Meridian. Polk County, State of Oregon; thence North 31.79 chains;



OCT 14 2021

OWRD

thence East 20.00 chains; thence South 31.79 chains; thence West 20.00 chains to the place of beginning.

SAVE AND EXCEPTING 2 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife. Notification No. 99, Claim No. 54. in Section 6, Township 8 South. Range 4 West of the Willamette Meridian in Polk County. Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East .4.47 chains; thence North 4.47 chains to the point of beginning.

SUBJECT TO:

The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given; The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways; Limited access provision in deed to the State of Oregon, recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon (Parcel I and II); Any lien or encumbrance made or permitted to be may by Grantee subsequent to August 15, 1990, the date of that contract recorded in Book 234, Page 2156, which this deed is given to fulfill.

To Have and To Hold the same unto the said Grantee and Grantee's heirs, successors, and assigns forever.

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352."

In construing this deed and where the context so requires, the singular includes the plural.

DATED this 11 day of September, 2006.

Ditchen Land Company Limited Partnership, an  
Oregon limited partnership

By: David L. Ditchen  
David L. Ditchen, General Partner

By: Eldon D. Ditchen  
Eldon D. Ditchen, General Partner



RECEIVED

OCT 14 2021

OWRD

STATE OF OREGON       )  
                                  ) ss.  
County of Marion       )

On this 11 day of September, 2006, before me personally appeared the above named DAVID L. DITCHEN and ELDON D. DITCHEN, GENERAL PARTNERS OF DITCHEN LAND COMPANY LIMITED PARTNERSHIP, and acknowledged the foregoing instrument to be their voluntary act and deed.



Diane L. Davis  
Notary Public for Oregon  
My Commission Expires: March 7, 2008



# Application for Water Right Transfer Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.  
Supporting documentation must be attached.

RECEIVED  
OCT 14 2021  
OWRD

State of Oregon )  
County of Marion ) ss

I, Duane Ditchen, in my capacity as farm manager

mailing address 7385 Howell Prairie Rd NE, Silverton, OR 97381

telephone number (503 873-4551), being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 33876; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



3. The water right was used for: (e.g., crops, pasture, etc.): Crops
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 5 day of Oct, 2021.



Notary Public for Oregon

My Commission Expires: Aug 23, 2022

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:  OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>  OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>  Google Earth – <a href="http://earth.google.com">earth.google.com</a>  TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



# Application for Water Right Transfer Evidence of Use Affidavit



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

RECEIVED

OCT 14 2021

OWRD

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.  
Supporting documentation must be attached.

State of Oregon )  
 ) ss  
County of Marion )

I, Duane Ditchen, in my capacity as farm manager

mailing address 7385 Howell Prairie Rd NE, Silverton, OR 97381

telephone number (503 873-4541), being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 9480; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use  
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)



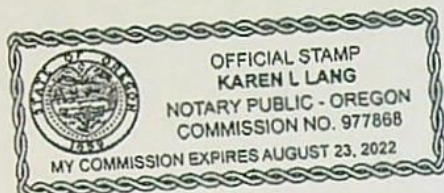
OCT 14 2021

3. The water right was used for: (e.g., crops, pasture, etc.): Crops
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete. **OWRD**

*Thane E. Stone*  
Signature of Affiant

10-5-21  
Date

Signed and sworn to (or affirmed) before me this 5 day of Oct, 2021.



*Karen L. Lang*  
Notary Public for Oregon

My Commission Expires: Aug 23, 2022

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:            OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>            OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>            Google Earth – <a href="http://earth.google.com">earth.google.com</a>            TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13845





P.O. Box 400  
Portland, Oregon 97207-0400  
1-888-221-7070  
fax 1-888-800-2851  
pacificpower.net

### Billing and Usage History\*

Agreement # 15845971-001-006  
Site Address: 0904 337700 100hp, Monmouth, Oregon

RECEIVED

OCT 14 2021

OWRD

Month	Read Date	Days	KWH Usage	Invoice
09	09/21/2021	32	15272	\$1,367.29
08	08/20/2021	30	0	\$0.00
07	07/21/2021	30	76	\$6.80
06	06/21/2021	32	18496	\$1,648.79
05	05/20/2021	29	506	\$45.10
04	04/21/2021	29	0	\$0.00
03	03/23/2021	29	0	\$0.00
02	02/22/2021	31	0	\$0.00
01	01/22/2021	31	0	\$0.00
12	12/22/2020	33	0	\$0.00
11	11/19/2020	30	11	\$1,231.82
10	10/20/2020	29	65	\$6.42
09	09/21/2020	32	6359	\$628.47
08	08/20/2020	30	6808	\$672.75
07	07/21/2020	32	5661	\$559.40
06	06/19/2020	30	7265	\$717.91
05	05/20/2020	29	384	\$37.93
04	04/21/2020	29	0	\$0.00

\* Information provided for the requested time period is valid as of the date this letter was created.  
Adjustments or other account activity may result in different information at a later date.

13845



RECEIVED

OCT 14 2021

OWRD



P.O. Box 400  
Portland, Oregon 97207-0400  
1-888-221-7070  
fax 1-888-800-2851  
pacificpower.net

## Meter Reading History \*

Meter #: 75661712

Site Address: 0904 337700 100hp, Monmouth, Oregon

Billing Month	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily Kwh	Kwh	Kwh Usage	Kw	Kw Usage	On Kwh	On Kwh Usage	Off Kwh	Off Kwh Usage	Invoice
4	04/21/2020		15		E		29	0	104446	0	0	0	0	0	0	0	\$0.00
3	03/23/2020		15		E		31	0	104446	0	0	0	0	0	0	0	\$0.00
2	02/21/2020		15		E		29	0	104446	0	0	0	0	0	0	0	\$0.00
1	01/23/2020		15		E		31	0	104446	0	0	0	0	0	0	0	\$0.00
12	12/23/2019		15		E		33	0	104446	0	0	0	0	0	0	0	\$0.00
11	11/20/2019		15		E		30	0	104446	0	0	0	0	0	0	0	\$1,194.80
10	10/21/2019		15		E		31	2	104446	51	92	0	0	0	0	0	\$5.12
9	09/20/2019		15		E		30	268	104395	8043	73495	73	0	0	0	0	\$799.52
8	08/21/2019		15		E		30	17	96352	496	69633	70	0	0	0	0	\$49.31
7	07/22/2019		15		E		32	515	95856	16484	75183	75	0	0	0	0	\$1,638.07
6	06/20/2019		15		E		30	802	79372	24050	80701	81	0	0	0	0	\$2,389.96
5	05/21/2019		15		E		29	353	55322	10242	89267	89	0	0	0	0	\$1,017.79
4	04/22/2019		15		E		31	0	45080	0	0	0	0	0	0	0	\$0.00
3	03/22/2019		15		E		29	0	45080	0	0	0	0	0	0	0	\$0.00
2	02/21/2019		15		E		29	0	45080	0	0	0	0	0	0	0	\$0.00
1	01/23/2019		15		E		33	0	45080	0	0	0	0	0	0	0	\$0.00
12	12/21/2018		15		E		31	0	45080	0	0	0	0	0	0	0	\$0.00
11	11/20/2018		15		E		32	0	45080	7	91	0	0	0	0	0	\$1,298.52
10	10/19/2018		15		E		29	2	45073	65	408	0	0	0	0	0	\$6.80
9	09/20/2018		15		E		30	2	45008	65	341	0	0	0	0	0	\$6.80
8	08/21/2018		15		E		32	283	44943	9065	73297	73	0	0	0	0	\$948.44
7	07/20/2018		15		I		31	363	35878	11244	87296	87	0	0	0	0	\$1,176.71
6	06/19/2018		15		I		28	659	24634	18458	93219	93	0	0	0	0	\$1,932.13
5	05/22/2018		15		I		28	221	6176	6176	96640	97	0	0	0	0	\$646.48
4	04/24/2018		15		S	SD	32	0	0	0	0	0	0	0	0	0	\$0.00

13845



RECEIVED

OCT 14 2021

OWRD



P.O. Box 400  
 Portland, Oregon 97207-0400  
 1-888-221-7070  
 fax 1-888-800-2851  
 pacificpower.net

13845

Billing Month	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily Kwh	Kwh	Kwh Usage	Kw	Kw Usage	On Kwh	On Kwh Usage	Off Kwh	Off Kwh Usage	Invoice
3	03/23/2018		15		S	SD	28	0	0	0	0	0	0	0	0	0	\$0.00
2	02/23/2018		15		S	SD	31	0	0	0	0	0	0	0	0	0	\$0.00
1	01/23/2018		15		S	SD	32	0	0	0	0	0	0	0	0	0	\$0.00
12	12/22/2017		15		S	SDSU	35	0	0	0	0	0	0	0	0	0	\$0.00
11	11/17/2017		15		S	SD	29	0	0	0	0	0	0	0	0	0	\$1,205.10
10	10/19/2017		15		I		28	1	24180	15	341	0	0	0	0	0	\$1.58
9	09/21/2017		15		I		30	19	24165	556	62826	63	0	0	0	0	\$58.10
8	08/22/2017		15		I		33	477	23609	15752	78739	79	0	0	0	0	\$1,646.12
7	07/20/2017		15		I		28	518	7857	14511	73704	93	0	0	0	0	\$1,516.44
6	06/22/2017		15		I		30	0	84157	6	1713	2	0	0	0	0	\$0.63
5	05/23/2017		15		I		32	0	84151	0	0	0	0	0	0	0	\$0.00
4	04/21/2017		15		S	SD	29	0	84151	0	0	0	0	0	0	0	\$0.00
3	03/23/2017		15		S		29	0	84151	0	0	0	0	0	0	0	\$0.00
2	02/22/2017		15		S		29	0	84151	0	0	0	0	0	0	0	\$0.00
1	01/24/2017		15		S		32	0	84151	0	0	0	0	0	0	0	\$0.00
12	12/23/2016		15		S		31	0	84151	0	0	0	0	0	0	0	\$0.00
11	11/22/2016		15		S		33	0	84151	0	0	0	0	0	0	0	\$1,225.70
10	10/20/2016		15		I		29	1	84151	19	340	0	0	0	0	0	\$1.96
9	09/21/2016		15		I		29	2	84132	62	334	0	0	0	0	0	\$6.43
8	08/23/2016		15		I		33	297	84070	9810	75719	76	0	0	0	0	\$1,016.69
7	07/21/2016		15		I		30	144	74260	4306	69350	69	0	0	0	0	\$446.15
6	06/21/2016		15		I		33	630	69954	20790	99108	99	0	0	0	0	\$2,152.73
5	05/19/2016		15		I		28	0	49164	0	0	0	0	0	0	0	\$0.00
4	04/21/2016		15		S		30	0	49164	0	0	0	0	0	0	0	\$0.00
3	03/22/2016		15		S		29	0	49164	0	0	0	0	0	0	0	\$0.00
2	02/22/2016		15		S		31	0	49164	0	0	0	0	0	0	0	\$0.00
1	01/22/2016		15		S		31	0	49164	0	0	0	0	0	0	0	\$0.00
12	12/22/2015		15		S		33	0	49164	0	0	0	0	0	0	0	\$0.00
11	11/19/2015		15		S		31	0	49164	0	0	0	0	0	0	0	\$586.96
10	10/19/2015		15		I		27	0	49164	12	334	0	0	0	0	0	\$1.22
9	09/22/2015		15		I		33	2	49152	70	339	0	0	0	0	0	\$7.12



RECEIVED

OCT 14 2021

OWRD

Billing  
Month**PACIFIC POWER**

POWERING YOUR GREATNESS

P.O. Box 400  
 Portland, Oregon 97207-0400  
 1-888-221-7070  
 fax 1-888-800-2851  
 pacificpower.net

Invoice

	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily Kwh	Kwh	Kwh Usage	Kw	Kw Usage	On Kwh	On Kwh Usage	Off Kwh	Off Kwh Usage	
8	08/20/2015		15		I		30	413	49082	12375	75262	75	0	0	0	0	\$1,258.56
7	07/21/2015		15		I		28	230	36707	6442	68198	68	0	0	0	0	\$655.16
6	06/23/2015		15		I		39	776	30265	30265	70464	70	0	0	0	0	\$3,075.18

\*Information provided for the requested time period is valid as of the date this letter was created. Adjustments or other account activity may result in different information at a later date.

Comments:

Sources:

A=Adjustment, C=Customer, E=Electronic (regular), F=Field Read, I=Itron Read (regular), M=Manual (regular), O=Office Estimate, S=System Estimate

13845





Oregon Water Resources Department  
Transfer Fee Calculation for Temporary Transfer

[Main](#) [Help](#)  
[Return](#) [Contact Us](#)

Today's Date: Monday, September 20, 2021

Fee Calculation

Base Fee (includes temporary change to one water right for up to 1 cfs)

Fill in information below-- Check each box that applies.

\$950.00

Enter total number of water rights included in transfer. 2

\$310.00

Check this box if you propose to change the place of use for a NON-irrigation use.

☒ Check this box if you propose to change the place of use for an irrigation use.

Enter the number of acres in the footprint of the place of use to be transferred. 79

(If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)

\$213.30

Total Transfer CFS(rounded up to the next whole cfs):

Subtotal:

\$1,473.30

The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Check the box if you are submitting the application and map in a Department-approved digital format.

Transfer Fee:

\$1,473.30

[Return to Edit](#)

RECEIVED

OCT 14 2021

OWRD



October 12, 2021

RECEIVED

OCT 14 2021

OWRD

Via U.S. Mail

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

**RE: Application for Temporary Transfer**

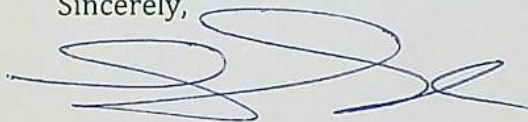
Enclosed please find Ditchen Land Company, LLC's application for temporary transfer of water rights 9480 and 33876.

Enclosed please find the following application documents:

1. Signed Application.
2. Application Fee of \$883.20.
3. Transfer Application Map.
4. Evidence of Use Affidavits (2).
5. Supporting Documentation of Past Beneficial Use.
6. Deed.

Please feel free to contact me directly if you have any questions or need additional information or documentation. Thank you for your assistance in this matter.

Sincerely,



Lolly Anderson



Checked by Jan

Date 10/18/21

**A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.**

POU Δ  
certs  
9480  
+ 33876

\$-1473.30✓

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- ☒ 2. Are fees included and correct?  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled? 9480 & 33876  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Double ✓ ~~that~~ the year of use says 2021 - may intend 2022?