

T-14018

T-14018

regular

RA

Name Farm together Shumaker LLCAddress 116192 Coastal Hwy  
Lewes DE 19958Change in POA POADate Filed 5/26/2022Initial notice date 6/14/2022DPD issued date 1/29/2024PD issued date 5/28/2024

PD notice date

Date of FO 8/22/2024 Vol 131 Page 989-995

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream leaneu wellTrib. of Santiam riverUse irrigationCounty linn

Quantity of water (CFS)

No. of Acres

Name of ditch

App# GlobePer # G538Cert # 28702

PR Date

App#

Per #

Cert # 40569

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

## FEES PAID

Date	Amount	Receipt #
5-26-2022	\$3,340.00	138274
8-8-2022	\$125.00	138867
9-8-2022	\$2,018.75	139086
5-15-2024	\$459.24	142915

## FEES REFUNDED

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

Assignments:

Irrigation District

Agent Will McGull Surveying willmcgullsurveying@gmail

CWRE

CC's list linn county☐ - Oversized map - Location



# Oregon

Water Resources Department  
Water Right Services Division  
725 Summer St NE Ste A  
Salem, OR 97301-1266



US POSTAGE<sup>®</sup> PITNEY BOWES



ZIP 97301 \$ 000.45<sup>5</sup>  
02 4W  
0000361889 SEP 13 2022

NO COMPANY BY THIS NAME

FARM TOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

RETURN TO SENDER  
Registered Agents

RECEIVED

SEP 26 2022

OWRD

NIXIE 171 DC 1266 9009/23/22

RETURN TO SENDER  
REFUSED  
UNABLE TO FORWARD

REF

97301>1266

HLB-A5B 19958

BC: 97301126673 \*1119-00187-23-03



# Oregon



Water Resources Department  
Transfers and Conservation Section (TACS)  
725 Summer St NE Ste A  
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

RECEIVED

JUN 30 2022

OWRD

WILMINGTON DE 197

21 JUN 2022 PM 1 T

First-Class Mail  
Certified Mail



T-14018

"RETURN TO SENDER"  
Registered Agents  
No Authorization to Receive

FARM TOGETHER SHOMAKER LLC

16192 COAS  
LEWES, DE

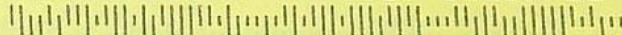
NIXIE 171 DC 1260 0006/27/22

RETURN TO SENDER  
UNCLAIMED  
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UNC

BC: 97301126673 \*1527-00157-21-44

97301>1266  
ELB-A5B 19958



EA

Oregon

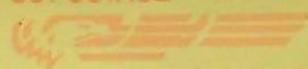
Water Resources Department  
Transfers and Conservation Section (TACS)  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

FIRST-CLASS



US POSTAGE

ZIP 97301 \$ 000.97<sup>0</sup>02 7W  
0008029484 AUG 26 2024

T-14018

Farm Together Shumaker, LLC  
16192 Coastal Highway  
Lewes, DE 19958

Received

SEP 16 2024

OWRD

RETURN TO SENDER  
REGISTERED AGENTS  
NO AUTHORIZATION TO  
RECEIVE MAIL  
FOR ADDRESSEE

NIXIE

171 DE 1

0009/08/24

RETURN TO SENDER

REFUSED

UNABLE TO FORWARD

REF

97301&gt;1266

SC: 97301126673

\*2792-01142-08-12



ER

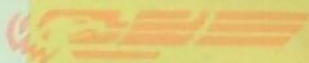
# Oregon

Water Resources Department  
Transfers and Conservation Section (TACS)  
725 Summer St NE, Suite A  
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

**CERTIFIED MAIL®**

7022 3330 0000 2912 2578

US POSTAGE PAID BY ADDRESSEE

ZIP 97301 \$008.93<sup>0</sup>  
02 TW  
0008029484 MAY 29 2024

**T-14018**

Corey

FarmTogether Shumaker, LLC  
16192 Coastal Highway  
Lewes, DE 19958

**RETURNED**

Received

JUN 10 2024

OWRD

**RETURNED**

NIXIE

171 DE 1

0006/04/24

RETURN TO SENDER

REFUSED

UNABLE TO FORWARD

.. 9308310060310944

REF

97301126673

BC: 97301126673

\*1119-02273-04-38



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 22, 2024

Farm Together Shumaker, LLC  
16192 Coastal Highway  
Lewes, DE 19958

REFERENCE: Transfer Application T-14018

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at [Corey.a.courchane@water.oregon.gov](mailto:Corey.a.courchane@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)  
William E. McGill, Agent.

Linn County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14018, Linn County	)	POINT OF APPROPRIATION, A CHANGE IN
	)	PLACE OF USE, AND CANCELLATION OF A
	)	WATER RIGHT

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

FARMTOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

**Findings of Fact**

1. On May 26, 2022, FARMTOGETHER SHUMAKER LLC, filed an application to change the point of appropriation and to change the place of use under Certificate 28702 and for a diminution of Certificate 40569 from irrigation to supplemental irrigation. The Department assigned the application number T-14018.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. On February 24, 2023, at the request of the applicant, the Department shared the Groundwater Review that was completed January 3, 2023.
4. On March 8, 2023, the Department received questions from the applicant to resolve the issues raised in the groundwater review, which were shared with the Department's Groundwater Section on March 9, 2023:
  - Is there a radius that could be proposed outside of the zone of interference with Crabtree Creek;
  - Is there a rate reduction that could be requested to avoid interference?
5. On April 7, 2023, the Department provided feedback to the applicant and indicated that to expedite the process, they could hire a consulting hydrogeologist to perform analysis of the proposed points of appropriation and the interference with Crabtree Creek. The consultant would need to draft a work plan which could be reviewed by the Department's Groundwater section.
6. On May 24, 2023, the applicant's agent informed the Department that the applicant was hiring a consultant hydrogeologist to perform a study, and that they were developing a plan for review by the Department.
7. On September 15, 2023, the Department was informed that a response on proceeding with the study or not was expected. Due to the property owners being out of state, the response was moving slower than expected.
8. On December 11, 2023, the Department notified the applicant's agent, that the Department will move forward with a draft Preliminary Determination proposing to deny T-14018 for potential surface interference with another water source, if a resolution was not received by January 12, 2024.
9. As of January 29, 2024, a resolution from the applicant has not been received.
10. On January 29, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14018 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 29, 2024, for the applicant to respond. The applicant responded by asking if cancellation of Certificate 40569, being the "TO" lands, and reducing the acres/rate being transferred under Certificate 28702 to equal Certificate 40569, could be an option to proceed with an approval of T-14018.
11. On February 26, 2024, the Department contacted the District 16 Watermaster, inquiring if regulation has occurred on Certificate 40569, and if reducing the acres/rate for Certificate 28702 to equal the amount authorized under Certificate 40569, along with the cancellation of Certificate 40569 would be of any value and create a net benefit.

12. On February 27, 2024, the Department extended the time for a response from the applicant to March 29, 2024, as a response from the Watermaster was anticipated.
13. On March 4, 2024, the Watermaster indicated regulation under Certificate 40569 has not occurred, and that the rate reduction and cancellation as proposed would be of equal value or potentially create a net benefit.
14. On March 25, 2024, the Department received a revised Table 2 and map for Certificate 20872. The Department also received an Affidavit for the Voluntary Cancellation of a Water Right Certificate from Dale Arthur. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
15. On May 28, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14018 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 4, 2024, and in the Albany Democrat-Herald newspaper on June 4 and 11, 2024 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
16. On May 30, 2024, the applicant's agent requested to extend the date to complete beneficial use of the water to October 1, 2029, in order to accommodate driller schedules and develop the new water delivery system.
17. The portion of the right to be transferred is as follows:

**Certificate:** 28702 in the name of SAM & OPAL LOONEY (perfected under Permit G-538)  
**Use:** IRRIGATION of 23.3 ACRES  
**Priority Date:** APRIL 26, 1957  
**Rate:** 0.29 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:** LOONEY WELL #1, a tributary of SANTIAM RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	3	NW NW	77	LOONEY WELL #1 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	77	5.1
11 S	2 W	WM	3	NW NW	77	18.2
Total						23.3

18. Transfer Application T-14018 proposes to change the authorized point of appropriation from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
10 S	2 W	WM	34	SW SE	60	WELL 1 - 820 FEET NORTH AND 2545 FEET WEST FROM THE SE CORNER OF SECTION 34	0.56 mi.
10 S	2 W	WM	34	SW SE	60	WELL 2 - 1020 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER OF SECTION 34	0.59 mi.

19. Transfer Application T-14018 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	7.8
Total						23.3

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2), and 690-380-2200]**

20. Water has been used within the last five years prior to the submittal of Transfer Application T-14018 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
21. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14018.
22. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
23. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
24. The proposed changes, as conditioned, would not result in enlargement of the right.

25. The proposed changes, as conditioned, would not result in injury to other existing water rights.

26. All other application requirements are met.

***Cancellation of a Water Right***

27. On March 25, 2024, an affidavit certifying that an entire water right has been abandoned was received from Dale Arthur, Senior Farm Manager for FarmTogether Shumaker LLC. The right to be cancelled is as follows:

**Certificate:** 40569 in the name of LYNN E. & ORVILLIS F. SHUMAKER (perfected under Permit S-35352)  
**Use:** IRRIGATION of 23.3 ACRES  
**Priority Date:** JULY 10, 1970  
**Rate:** 0.29 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:** CRABTREE CREEK, a tributary of SOUTH SANTIAM RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	34	SE SE	60	3310 FEET SOUTH AND 2040 FEET WEST FROM THE NW CORNER OF HOWELL DLC 60

**Authorized Place of Use to be Cancelled:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	7.8
Total						23.3

**Conclusions of Law**

The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled.

**Now, therefore, it is ORDERED:**

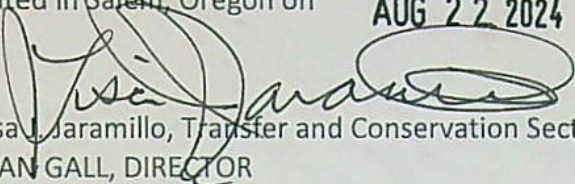
1. The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 are approved. The right that has been abandoned is cancelled.

2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 28702 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation and the new place of use.
4. Water right Certificates 28702 and 40569 are cancelled. A new certificate will be issued describing that portion of Certificate 28702 not affected by this transfer and cancellation.
5. The quantity of water diverted at the new points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Looney Well #1).
6. Water use measurement conditions:
  - 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 appropriation (new and existing).
  - 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.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**AUG 22 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing date: **AUG 23 2024**

## STATE OF OREGON

## COUNTY OF LINN

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SAM & OPAL LOONEY  
1208 OAK ST  
ALBANY, OR 97321

Has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of LOONEY WELL #1, a tributary of SANTIAM RIVER for IRRIGATION of 12.7 ACRES.

This right was perfected under Permit G-538. The date of priority is APRIL 26, 1957.

The amount of water to which this right is entitled is limited and hereby confirmed, for the purposes aforesaid, is limited to an amount actually used beneficially, and shall not exceed 0.16 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:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	3	NW NW	77	LOONEY WELL #1 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3

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

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	77	12.7

Land on which water is to be used is part of that described as follows:

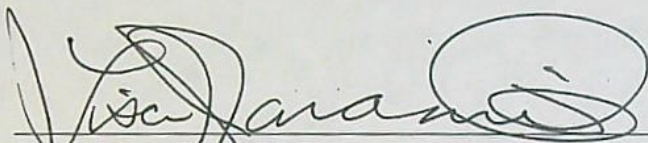
Part of the Robert Clelen Claim 77 in T. 11 S., R. 2 W. of the Willamette Meridian described as: Beginning at an iron pipe on the West line of and South 9.63 chains distant from the Northwest corner of Section 3, in said T. and R.; thence South 9.87 chains to an iron pipe; thence East 39.90 chains to a stone marked CS on the East line of the Northwest quarter of said Section; thence North 9.87 chains to a point which is South 9.75 chains distant from the Northeast corner of the Northwest quarter of said Section; thence West 39.90 chains to the place of beginning.

This certificate describes that portion of water right Certificate 28702, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 22 2024, approving Transfer Application T-14018.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed AUG 22 2024.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14018

Transfer Type: Regular Transfer

POW/POA / DIM

RA

Transfer Specialist:

Carey

<b>Applicant:</b> FARM TOGETHER SHUMAKER LLC 16192 COASTAL HIGHWAY LEWES, DE 19958 Email: Phone:		<b>Agent:</b> <input type="checkbox"/> N/A WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392 Email: Phone:	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email:		<b>CWRE:</b> <input type="checkbox"/> N/A Email:	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Linn County Email:		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email:	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email:		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email:	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G626	G538	28702	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		→	40569	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Deny to App cancel
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: May 26, 2022	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 3340.00	WM District: 16	ODFW District:
Initial Public Notice: June 14, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	Albany Dem. Herald *
Newspaper quote requested:	Request for news \$ sent: 5/14/24	News \$ received: 5/15/24
Request to publish sent:	Affidavit of publication received: 6/11/24	Last day of publication: 6/11/24

Electronic

Peer Review of Denial

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD 12/19/23	Date: 12/19/23 Initials: CC	Date: 1/16/24 Initials: CC	Date: 1/23/24 Initials: CC	Date: 1/23/24 Initials: PKS	Date: 1/29/24 Initials: CC	CW Sent: 1/29/24	N/A
PD	Date: 4/16/24 Initials: CC	Date: 4/19/24 Initials: SJA	Date: _____ Initials: _____	Date: 5/2/24 Initials: PKS	Date: 5/3/24 Initials: CC	Date: 5/23/24	Date: 5/28/24
FO	Date: 6/4/24 Initials: CC	Date: 6/6/24 Initials: ADD	Date: _____ Initials: _____	Date: 6/6/24 Initials: PKS	Date: 6/24/24 Initials: CC	Date: 8/21/24	Date: 8/22/24

Special Issues: Deny - PSI w/ Crabtree Creek Change to Approval

Special Order Volume: Vol. 131 Pages 989-995

**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 # **142915**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Will McGinnis Surveying LLC

BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-14018

CASH: ☐ CHECK: # 2257 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 459.24

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

46118

\$ \_\_\_\_\_

0207

OTHER:

(IDENTIFY)

Newspaper Notice

\$ 459.24

0243 I/S Lease \_\_\_\_\_

0244 Muni Water Mgmt. Plan \_\_\_\_\_

0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$ \_\_\_\_\_

0410 RESEARCH FEES

\$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$ \_\_\_\_\_

0240 EXTENSION OF TIME

\$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$ \_\_\_\_\_

0202

\$ \_\_\_\_\_

0203 GROUND WATER

\$ \_\_\_\_\_

0204

\$ \_\_\_\_\_

0205 TRANSFER

\$ \_\_\_\_\_

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR

\$ \_\_\_\_\_

**EXAM FEE**

\$ \_\_\_\_\_

0219

\$ \_\_\_\_\_

LANDOWNER'S PERMIT

0220

\$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$ \_\_\_\_\_

CARD# \_\_\_\_\_

0210 MONITORING WELLS

\$ \_\_\_\_\_

CARD# \_\_\_\_\_

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: **142915**

DATED: 5/15/24 BY: Leon D. Miller

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

**RECEIVED  
OVER THE COUNTER**

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Gazette Times - Democrat Herald  
600 Lyon St SW  
(541) 926-2211

State of Pennsylvania, County of Lancaster, ss:

Casey Allen, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Gazette Times - Democrat Herald, a newspaper of general circulation in Counties of Linn and Benton, as defined by section 193.010 O.R.S, published at 600 Lyon St. SW, Albany, OR in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.

**PUBLICATION DATES:**

Jun. 4, 2024

Jun. 11, 2024

NOTICE ID: N1OUr5SariqTB9PlkZtm  
PUBLISHER ID: COL-OR-100208  
NOTICE NAME: Legal Notice - T-14018  
Publication Fee: \$382.70

*Casey Allen*

(Signed) \_\_\_\_\_

**VERIFICATION**

State of Pennsylvania  
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal  
Nicole Burkholder, Notary Public  
Lancaster County  
My commission expires March 30, 2027  
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 06/11/2024

*Nicole Burkholder*

Notary Public  
Notarized remotely online using communication technology via Proof.

*Rec'd  
6/11/24*

**Notice of Preliminary Determination for Water Right Transfer T-14018**

T-14018 filed by FarmTogether Shumaker LLC, 16192 Coastal Highway, Lewes, DE 19958, proposes a change in point of appropriation and change in place of use under Certificate 28702. The right allows the use of 0.29 cubic foot per second from a well in Sec. 3, T 11S, R2W, WM for irrigation in Sec. 3, T11S, R2W, WM. The applicant proposes to move the point of appropriation to Sec. 34, T10S, R2W, WM, and to change the place of use to Sec. 34, T10S, R2W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 06/11/2024. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

6/4, 6/11 COL-OR-100208

Rec'd  
5/11/24

## COURCHANE Corey A \* WRD

---

**From:** ELLIOTT Chloe \* WRD  
**Sent:** Thursday, May 9, 2024 11:10 AM  
**To:** COURCHANE Corey A \* WRD; WRD\_DL\_is\_data\_techs  
**Subject:** RE: FarmTogether Shumaker, T-14018

Good Morning Corey,  
Data has completed work on T-14018.

However, for RR Cert 97759, do you have a map that shows 12.7 acres? The transfer map shows 10.8 acres remaining while document describes 12.7 acres remaining.

Best Wishes,



Chloe Elliott

Data Tech 1  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, Oregon 97301



OREGON  
WATER  
RESOURCES  
DEPARTMENT

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

---

**From:** COURCHANE Corey A \* WRD <Corey.A.COURCHANE@water.oregon.gov>  
**Sent:** Friday, May 3, 2024 7:47 AM  
**To:** WRD\_DL\_is\_data\_techs <WRD\_DL\_is\_data\_techs@water.oregon.gov>  
**Subject:** FarmTogether Shumaker, T-14018

Good morning,

The PD for T-14018 is ready for review, with only 1 remaining right.

Thank you,

AMENDED 3/12/2024

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

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

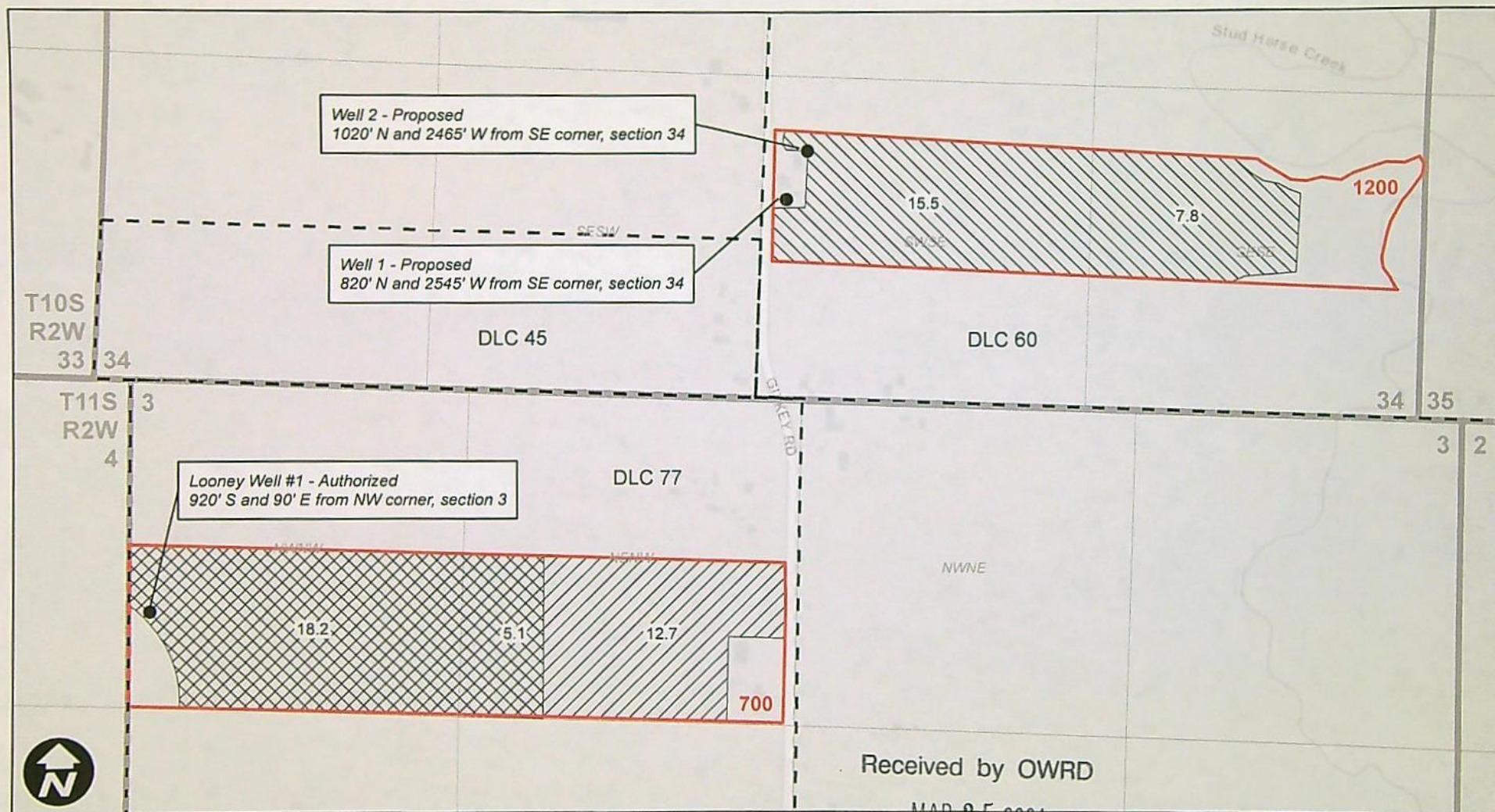
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng			Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng			Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date	
11	S	2	W	3	NE	NW	700	77	5.1	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W	34	SW	SE	1200	60	15.5	Irrigation	Well 1, 2	1957	
11	S	2	W	3	NW	NW	700	77	18.2	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W	34	SE	SE	1200	60	7.8	Irrigation	Well 1, 2	1957	
TOTAL ACRES:									23.3					TOTAL ACRES:									23.3				

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

Received by OWRD  
MAR 25 2024  
Salem, OR

# Certificate 28702 - Transfer Application

AMENDED 3/12/2024



## Legend

Cert. 28702 Transfer From 
 Cert. 28702 Transfer To 
 Cert. 28702 No Change 
 Tax Lot 
 DLC



## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

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

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

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

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

### Certificate of Water Right Information:

Certificate Number: 40569

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

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

Date of priority: July 10, 1970

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

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

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

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

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### Statements of Oath:

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

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

with a mailing address of (if different)     ,

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

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

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

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

Examples:

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

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

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

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

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

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.

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

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

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Signature of district manager \_\_\_\_\_

Printed Name \_\_\_\_\_

MAR 25 2024

Date \_\_\_\_\_

Salem, OR

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

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

☐ A place of use, or use.

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

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

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

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

### AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source (s) \_\_\_\_\_
- Located within the \_\_\_\_\_<sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐, Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
- Location Description (if given on the certificate) \_\_\_\_\_

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Salem, OR

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

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

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

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

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

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

Signatures and Notary:

Dale M. Arthur

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

Printed Name Dale M. Arthur

Date 3/21/24

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

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

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

Received by OWRD

MAR 25 2024

Salem, OR

Sueky Sosa

Signature of Notary Public for Oregon

My Commission Expires April 9, 2026

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

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

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

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

State of California  
County of Fresno

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

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



(Seal)

Signature Shelby Raine Smith

Received by OWRD

MAR 25 2024

Salem, OR

STATE OF OREGON  
COUNTY OF LINN

# CERTIFICATE OF WATER RIGHT

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

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

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

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

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

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

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

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

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

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

WITNESS the signature of the State Engineer, affixed

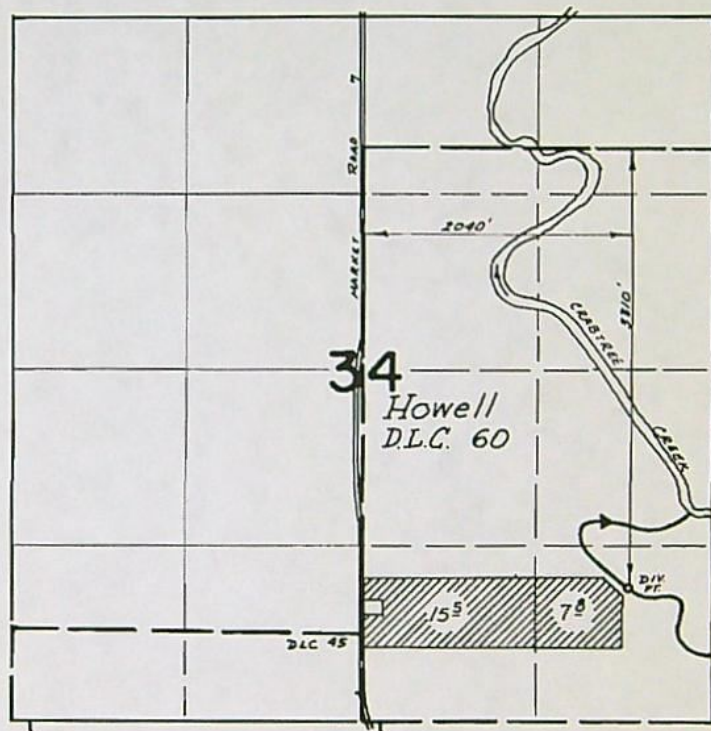
this date. **June 28, 1974**

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

State Engineer

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

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



**FINAL PROOF SURVEY**  
UNDER

Application No. 47191 Permit No. 35352  
IN NAME OF

LYNN E. AND ORVILLIS F. SHUMAKER

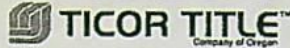
Surveyed Aug 30 1972, by D. Norby

Received by OWRD

MAR 25 2024

Salem, OR

RECORDING REQUESTED BY:



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

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

**AFTER RECORDING RETURN TO:**

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

**SEND TAX STATEMENTS TO:**

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

APN: 39194

61578

61586

926167

Map: 10S02W3400 01200

11S02W0300 00700

11S02W0300 00800

11S02W0300 00800

36887 Gilkey Road (Parcel I), Scio, OR 97374

36700 Gilkey Road (Parcel II), Scio, OR 97374

36500 Gilkey Road (Parcel III), Scio, OR 97374

Received by OWRD

MAR 25 2024

Salem, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

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

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

**PARCEL I:**

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

**PARCEL II:**

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

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

**PARCEL III:**

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

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

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

**Subject to:**

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

Ticor Title: 471821106923

# STATUTORY WARRANTY DEED

(continued)

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

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

Dated: 5/24/2021

Vicenergy, LLC, a Texas Limited Liability Company

BY: [Signature]  
Authorized Signer

State of Florida

County of Walton

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

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

My Commission Expires: \_\_\_\_\_



Received by OWRD

MAR 25 2024

Salem, OR

## EXHIBIT "A"

### Exceptions

#### Subject to:

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

Account No.: 39194, 61578, 61586 and 926167

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

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

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

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

#### Parcel I

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

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

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

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

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

#### Parcel I

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

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

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

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

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

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

#### Parcel III

Received by OWRD

MAR 25 2024

Salem, OR

## EXHIBIT "A"

### Exceptions

9. Hazardous Substances Certificate and Indemnity Agreement, including the terms and provisions thereof

Recording Date: September 23, 2011  
Recording No.: 2011-13401

10. Parcel II  
Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 24, 2020  
Recording No: 2020-26957

11. Parcel I  
A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Lynn Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26958

12. Parcels I and III  
A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Orvilliss Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26959

13. Parcels I and III  
A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$900,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Shumaker Family Farms LLC  
Recording Date: December 24, 2020  
Recording No: 2020-26960

14. Parcel II  
Additional existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

15. SUBJECT TO the Life Estate of Lynn Shumaker and Orvilliss Shumaker, as to Parcel 1, as reserved in Warranty Deed recorded December 24, 2020 as Document No. 2020-26957, Linn County Deed Records.

Received by OWRD

MAR 25 2024

Salem, OR

WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14018, Linn County

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF A CHANGE IN  
POINT OF APPROPRIATION, A CHANGE IN  
PLACE OF USE, AND DIMINUTION OF A  
WATER RIGHT

### Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

## Applicant

FARM TOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

## Findings of Fact

1. On May 26, 2022, FARM TOGETHER SHUMAKER LLC filed an application to change the point of appropriation and to change the place of use under Certificate 28702 and for a diminution of Certificate 40569 from irrigation to supplemental irrigation. The Department assigned the application number T-14018.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 24, 2023, at the request of the applicant, the Department shared the Groundwater Review that was completed January 3, 2023.
4. On March 8, 2023, the Department received questions from the applicant to resolve the issues raised in the groundwater review, which were shared with the Department's Groundwater Section on March 9, 2023:

- Is there a radius that could be proposed outside of the zone of interference with Crabtree Creek;
  - Is there a rate reduction that could be requested to avoid interference?
5. On April 7, 2023, the Department provided feedback to the applicant and indicated that to expedite the process, they could hire a consulting hydrogeologist to perform analysis of the proposed points of appropriation and the interference with Crabtree Creek. The consultant would need to draft a work plan which could be reviewed by the Department's Groundwater section.
  6. On May 24, 2023, the applicant's agent informed the Department that the applicant was hiring a consultant hydrogeologist to perform a study, and that they were developing a plan for review by the Department.
  7. On September 15, 2023, the Department was informed that a response on proceeding with the study or not was expected. Due to the property owners being out of state, the response was moving slower than expected.
  8. On December 11, 2023, the Department notified the applicant's agent, that the Department will move forward with a draft Preliminary Determination proposing to deny T-14018 for potential surface interference with another water source, if a resolution was not received by January 12, 2024.
  9. As of **DATE**, a resolution from the applicant has not been received.
  10. The portion of the right to be transferred is as follows:

**Certificate:** 28702 in the name of SAM & OPAL LOONEY (perfected under Permit G-538)  
**Use:** IRRIGATION of 25.2 ACRES  
**Priority Date:** APRIL 26, 1957  
**Rate:** 0.315 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:** LOONEY WELL #1 a tributary of SANTIAM RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	2 W	WM	3	NW NW	LOONEY WELL #1 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3, AS PROJECTED WITHIN CLEEN DLC 77

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	47	7.0
11 S	2 W	WM	3	NW NW	47	18.2
Total						25.2

11. Transfer Application T-14018 proposes to change the authorized point of appropriation from the existing point of appropriation to: *Insert "DLC" column*

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
10 S	2 W	WM	34	SW SE	WELL 1 - 820 FEET NORTH AND 2545 FEET WEST FROM THE SE CORNER OF SECTION 34	0.56 mi.
10 S	2 W	WM	34	SW SE	WELL 2 - 1020 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER OF SECTION 34	0.59 mi.

12. Transfer Application T-14018 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	9.7
Total						25.2

**Transfer Review Criteria (OAR 690-380-4010)**

- Water has been used within the last five years prior to the submittal of Transfer Application T-14018 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14018.
- The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
- The proposed changes, as conditioned, would not result in enlargement of the right.

18. On January 3, 2023, the Department determined the proposed change in point of appropriation (POA), at its maximum allowed rate of use, would likely result in an increase in interference with another surface water source, being Crabtree Creek. At the maximum allowed rate of use, the expected change in degree of interference with Crabtree Creek would be significant.

The Department determined, "The proposed To-POA are ~ 3,220-3,380 ft closer to Crabtree Creek than the authorized From-POA. Crabtree Creek is the closest perennial surface water source to the proposed To-POA, whereas the South Santiam River is the closest perennial surface water source to the authorized From-POA. The closer proximity of the proposed To-POA would likely result in an increase in interference with Crabtree Creek. Crabtree Creek is in a different Water Availability Basin (WAB) than the South Santiam River."

The Department also determined, "Per the Water Availability Reporting System (WARS), Crabtree Creek is over-appropriated from July through October. The expected increase in interference with Crabtree Creek will likely result in less water available instream during the period when Crabtree Creek is over-appropriated. **Therefore, the expected change in degree of interference with Crabtree Creek is significant.**"

19. All other application requirements are met.

#### **Diminution of a Water Right**

20. On May 26, 2022, an affidavit certifying that an entire water right has been diminished to supplemental irrigation was received from Farm Together Shumaker, LLC. The right to be diminished is as follows:

**Certificate:** 40569 in the name of LYNN E. & ORVILLIS SHUMAKER (perfected under Permit S-35352)

**Use:** IRRIGATION of 23.3 ACRES

**Priority Date:** JULY 10, 1970

**Rate:** 0.29 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:** CRABTREE CREEK, a tributary of SOUTH SANTIAM RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	2 W	WM	34	SE SE	3310 FEET SOUTH AND 2040 FEET WEST FROM THE NW CORNER OF HOWELL DLC 60

**Authorized Place of Use to be Diminished:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.50
10 S	2 W	WM	34	SE SE	60	7.80
Total						23.30

**Determination and Proposed Action**

The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 appear NOT to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

*and the injury issues are*  
If the proposed POAs interfering with another surface water source ~~is~~ resolved, and Transfer Application T-14018 is approved, the final order will include the following:

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 are approved. Certificate 40569 is diminished.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 28702 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation and the new place of use.
4. Water right Certificates 28702 and 40569 are cancelled. New certificates will be issued describing the diminishment under Certificate 40569, and that portion of Certificate 28702 not affected by this transfer.
5. The quantity of water diverted at the new points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Looney Well #1).
6. Water use measurement conditions:
  - 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 appropriation.
  - 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.

7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov)



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

January , 2024

VIA E-MAIL

### Applicant

FARM TOGETHER SHUMAKER LLC

16192 COASTAL HIGHWAY

LEWES, DE 19958

SUBJECT: Water Right Transfer Application T-14018

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14018. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed points of appropriation at its maximum allowed rate of use, would likely result in an increase in interference with Crabtree Creek. The issues that we have identified could be resolved by one of the following alternatives:

- Provide another location for the proposed points of appropriation that will not cause interference with Crabtree Creek;
- Propose a change in place of use only; or
- Withdraw the application

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response by February , 2024**, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.

2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:

- a) Must be prepared by a title company;
- b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
- c) Must be:
  - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
  - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
  - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

**Conditions to your water right...**

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

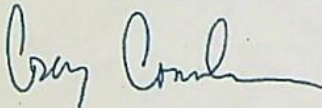
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by February , 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14018  
Gregory Wacker, District 16 Watermaster (via e-mail,)   
Will McGill, Agent for the applicant (via e-mail)

encs

## COURCHANE Corey A \* WRD

---

**From:** Grant McGill <grantmcgill.wr@gmail.com>  
**Sent:** Monday, December 11, 2023 8:14 AM  
**To:** COURCHANE Corey A \* WRD  
**Subject:** Re: T-14018 GW Review

Thanks for the heads up, Corey. I finally got a new local contact for that company last week. I will press them hard to make a decision.

--

Grant McGill  
503-931-0210  
15333 Pletzer Rd. SE, Turner, OR 97392  
[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)



WILL MCGILL SURVEYING LLC

On Mon, Dec 11, 2023 at 7:36 AM COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)> wrote:

Good morning Grant,

Checking on the status of this RA transfer. I will have to proceed with issuing a DPD to deny for PSI, if a resolution is not received by January 12, 2024. Please let me know if I may be of further assistance.

Thank you,

Corey

**COREY A COURCHANE |**

**ALLOCATION OF CONSERVED WATER**

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**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) | Web: <http://www.oregon.gov/OWRD>

From: Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)>  
Sent: Friday, September 15, 2023 9:43 AM  
To: COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>  
Subject: Re: T-14018 GW Review

Hi Corey,

Got the estimate and scope from the hydrogeologist last week and forwarded it to out of state property owners. They are supposed to get comments back to me by this afternoon. That is really the only update I have until I hear if they want to proceed with that study or not. Unfortunately, the local manager left amidst all this, so response times have been a little slower recently.

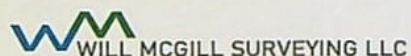
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Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)



On Thu, Sep 14, 2023 at 11:27 AM COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)> wrote:

Good morning Grant,

I'm checking the status of moving T-14018 forward.

Thank you,

Corey

---

From: Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)>  
Sent: Wednesday, May 24, 2023 9:40 AM  
To: COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>  
Subject: Re: T-14018 GW Review

Hi Corey,

I just got in touch with the applicant and they are meeting a hydrogeologist to do a site visit this morning, so the process is underway.

--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)



On Wed, May 24, 2023 at 9:32 AM Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)> wrote:

Hi Corey,

Thanks for checking in. Per the suggestion from Travis, they are hiring a consultant hydrogeologist to do a study rather than wait on GW section until next year. I believe they are working on developing a plan that we can forward back to the GW section for review to make sure this will answer the necessary questions and expedite the process.

--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)

On Mon, May 22, 2023 at 2:26 PM COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)> wrote:

Good afternoon Grant,

Just checking on the status of T-14018 and how the applicant is planning to proceed.

Thank you,

Corey

---

From: Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)>  
Sent: Friday, April 7, 2023 7:58 AM  
To: BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)>  
Cc: IVERSON Justin T \* WRD <[Justin.T.IVERSON@water.oregon.gov](mailto:Justin.T.IVERSON@water.oregon.gov)>; COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>  
Subject: Re: T-14018 GW Review

Thank you for the response, Travis.

I will forward these answers to the applicant and we will quickly try to come up with a desired route to proceed. We'll be in touch!

--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)

On Fri, Apr 7, 2023 at 7:50 AM BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)> wrote:

Hello Grant,

Regarding Questions 1 and 2:

1. **Is there a radius we can propose the well outside of to avoid interference with Crabtree?** 5,300 ft. If you maintain the same distance between Crabtree Creek and the proposed POA as currently exists between Crabtree Creek and Looney Well #1 (~5,300 ft), there should not be a significant increase in interference with Crabtree Creek.
2. **Is there a rate reduction that would be acceptable to avoid interference with Crabtree?** Theoretically, yes, it should be possible to reduce the rate from the proposed POA to limit the depletion of Crabtree Creek to what would occur with use of the current authorized POA (Looney Well #1). However, due to the distance of the authorized POA from Crabtree Creek, the acceptable rate of pumping of the proposed POA may be small and insufficient to meet your client's needs.

Determining what that rate is would also be complicated by the hydrogeologic setting – namely, that the alluvial aquifer is bounded by 2 streams (South Santiam River and Crabtree Creek) which are hydraulically connected to the aquifer. Unfortunately, we do not have readily-available analytical models to estimate the depletion of multiple streams at the same time. So, for us to estimate what amount of depletion of Crabtree Creek is associated with the current authorized POA and then determine an appropriate pumping rate for the proposed POA wells would take substantial time and effort. Because of our current focus on drafting new groundwater allocation rules and reducing our backlog of application reviews, I do not anticipate that we'd be able to provide an acceptable rate for the proposed POA wells before next year at the earliest.

If your client would like to expedite the process, they could hire a consulting hydrogeologist to do the analysis. To facilitate this, I'd suggest they have the consultant draft a work plan which we could review and provide feedback. The analysis would need to determine the maximum depletion likely to occur in Crabtree Creek due to long term pumping of the authorized POA, then demonstrate what rate of pumping of the proposed POA would produce the same or less depletion of Crabtree Creek. Also, due to the downstream senior surface water users, there is the potential that this transfer could be contested even if the Department accepts the proposed reduced rate.

I hope this information is helpful. Please let me know if I can be of further assistance.

Thank you,

Travis

**Travis Brown, RG** | Hydrogeologist – Groundwater Section

Pronouns: He/him/his

Email: [Travis.C.Brown@water.oregon.gov](mailto:Travis.C.Brown@water.oregon.gov) | Phone: 971-301-3088

Address: 725 Summer St. NE, Suite A, Salem, OR 97301

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

---

**From:** COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>  
**Sent:** Tuesday, March 28, 2023 10:27 AM  
**To:** Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)>  
**Cc:** IVERSON Justin T \* WRD <[Justin.T.IVERSON@water.oregon.gov](mailto:Justin.T.IVERSON@water.oregon.gov)>; BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)>  
**Subject:** RE: T-14018 GW Review

Good morning Grant,

I had some discussion with Lisa J. about the possibility of permanently transferring C-40569 instream, to offset the PSI created by the proposed POAs. Proposing to transfer 40569 instream wouldn't be enough to offset, since the right going instream would be a 1970 priority, and the priority on the proposed POAs would be 1961. Water is already not available July-October, so it would be difficult for the instream protection to be met. We also discussed that, at this point, the Department should follow the process and issue the DPD to deny. This will allow the applicant the opportunity to protest and come up with an alternative, and allow the Department the proper review time, once the PD is issued.

Please let me know if I may be of further assistance.

Thank you,

Corey

From: Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)>

Sent: Tuesday, March 28, 2023 9:07 AM

To: BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)>

Cc: COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>; IVERSON Justin T \* WRD <[Justin.T.IVERSON@water.oregon.gov](mailto:Justin.T.IVERSON@water.oregon.gov)>

Subject: Re: T-14018 GW Review

Hi Travis,

Thanks for the clarification. I will pass along to the applicant.

We had a few more questions about options to proceed.

1. Is there a radius we can propose the well outside of to avoid interference with Crabtree?
2. Is there a rate reduction that would be acceptable to avoid interference with Crabtree?
3. Would transferring a surface water right instream be sufficient mitigation to allow the additional interference created by T-14018?

--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)



On Fri, Mar 24, 2023 at 3:44 PM BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)> wrote:

Hello Grant,

Corey passed along your question regarding the groundwater review for T-14018. While you are correct that both the authorized and proposed wells are within the S SANTIAM R > SANTIAM R – AT MOUTH Water Availability Basin (WAB) (WID #30200601), the WAB boundaries describe surface flow based on topography. However, groundwater flow, especially under the influence of pumping, does not always follow topography. In this case, the shallow alluvial aquifer is present throughout the area between the South Santiam and Crabtree Creek, and both

steams are hydraulically connected to the shallow alluvial aquifer. The cone of depression from pumping a well would be expected to spread radially outward from the well until it intersects a hydraulic boundary like a stream. When the cone of depression intersects a stream, it reduces the flow of groundwater to the stream or starts to pull water from the stream into the aquifer – either scenario results in a depletion of the stream's flow. The amount of stream depletion that occurs due to pumping a well in this type of shallow alluvial aquifer is strongly dependent on the distance between the well and the stream. Closer streams will typically experience more flow depletion than more distant streams. So, for this application, because the original authorized well (LANE 6279) was closest to the South Santiam River, pumping that well would be expected to deplete the South Santiam River more than other nearby streams like Crabtree Creek. However, because the proposed To-POA wells (LANE 4407 and proposed "Well 2") would be much closer to Crabtree Creek than the South Santiam River, those wells would be expected to deplete Crabtree Creek more than the South Santiam River. Because Crabtree Creek is already over-appropriated from July through October and there are senior surface water rights downstream of where the depletions would accrue on Crabtree Creek, the additional depletion of Crabtree Creek due to pumping the closer wells would likely injure senior surface water users. As a result, the groundwater review found that the change in degree of interference with Crabtree Creek was significant.

I hope this adequately clears things up for you. Please let me know if you have further questions.

Thank you,

**Travis Brown, RG** | Hydrogeologist – Groundwater Section

Pronouns: He/him/his

Email: [Travis.C.Brown@water.oregon.gov](mailto:Travis.C.Brown@water.oregon.gov) | Phone: 971-301-3088

Address: 725 Summer St. NE, Suite A, Salem, OR 97301

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**From:** COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>  
**Sent:** Monday, March 20, 2023 9:59 AM  
**To:** BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)>  
**Cc:** IVERSON Justin T \* WRD <[Justin.T.IVERSON@water.oregon.gov](mailto:Justin.T.IVERSON@water.oregon.gov)>  
**Subject:** FW: T-14018 GW Review

Good morning,

I'm passing on another question posed by the applicant, in regards to the significant PSI with Crabtree Creek. Please let me know if I may be of further assistance.

Thank you,

Corey

---

**From:** Grant McGill <[grantmcgill.wr@gmail.com](mailto:grantmcgill.wr@gmail.com)>  
**Sent:** Monday, March 20, 2023 9:54 AM  
**To:** COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>  
**Subject:** T-14018 GW Review

Hi Corey,

The applicant is raising another question with this groundwater review. The proposed well and authorized well are in the same water availability basin according to OWRD's mapping tool. The groundwater review has one in S Santiam basin and the other in Crabtree basin. Can you ask Travis for clarification on this as well? or as I mentioned, a meeting would be welcomed to figure out some of these issues!

Thanks!

--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)

 WILL MCGILL SURVEYING, LLC

## COURCHANE Corey A \* WRD

---

**From:** IVERSON Justin T \* WRD  
**Sent:** Thursday, March 9, 2023 9:02 AM  
**To:** COURCHANE Corey A \* WRD; BROWN Travis C \* WRD  
**Subject:** RE: Farm Together Shumaker, T-14018

Yes, Travis can provide input on questions 1 and 2. Thanks,

Justin Iverson, RG  
GROUNDWATER SECTION MANAGER  
Oregon Water Resources Department  
Cell: 503-302-9728 [Justin.T.Iverson@water.oregon.gov](mailto:Justin.T.Iverson@water.oregon.gov)  
Pronouns: He/Him

Please Note: under Oregon law, messages to and from this e-mail address may be made available to the public

We're hiring [Senior Hydrogeologists](#)! See the full list of OWRD recruitments [here](#). Search for "owrd".

---

**From:** COURCHANE Corey A \* WRD <Corey.A.COURCHANE@water.oregon.gov>  
**Sent:** Thursday, March 9, 2023 8:52 AM  
**To:** IVERSON Justin T \* WRD <Justin.T.IVERSON@water.oregon.gov>; BROWN Travis C \* WRD <Travis.C.BROWN@water.oregon.gov>  
**Subject:** RE: Farm Together Shumaker, T-14018

Justin,

You are absolutely correct. Apologies, I meant to include only the first 2 questions. Thank you for sharing the attached memo, as it is something we should consider in transfers as well. Will Travis still be able to explore the 1<sup>st</sup> 2 questions?

Thank you,

Corey

---

**From:** IVERSON Justin T \* WRD <[Justin.T.IVERSON@water.oregon.gov](mailto:Justin.T.IVERSON@water.oregon.gov)>  
**Sent:** Thursday, March 9, 2023 8:26 AM  
**To:** COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>; BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)>  
**Subject:** RE: Farm Together Shumaker, T-14018

Hi Corey,  
Questions 3 and 4 below with respect to mitigation aren't something that the GW Section generally provides input on. These two questions are likely best considered by TACS folks, perhaps with input from the surface water section. It may be useful to review the attached memo, with the acknowledgement this is focused on mitigating new uses as opposed to transfers.  
Regards,

Justin Iverson, RG  
GROUNDWATER SECTION MANAGER  
Oregon Water Resources Department

Cell: 503-302-9728 [Justin.T.Iverson@water.oregon.gov](mailto:Justin.T.Iverson@water.oregon.gov)

Pronouns: He/Him

Please Note: under Oregon law, messages to and from this e-mail address may be made available to the public

We're hiring **Senior Hydrogeologists**! See the full list of OWRD recruitments [here](#). Search for "owrd".

---

**From:** COURCHANE Corey A \* WRD <[Corey.A.COURCHANE@water.oregon.gov](mailto:Corey.A.COURCHANE@water.oregon.gov)>

**Sent:** Thursday, March 9, 2023 7:33 AM

**To:** BROWN Travis C \* WRD <[Travis.C.BROWN@water.oregon.gov](mailto:Travis.C.BROWN@water.oregon.gov)>

**Cc:** IVERSON Justin T \* WRD <[Justin.T.IVERSON@water.oregon.gov](mailto:Justin.T.IVERSON@water.oregon.gov)>

**Subject:** Farm Together Shumaker, T-14018

Good morning Travis,

You completed the GW review for this RA transfer on January 3, 2023. I had a phone conversation with Grant McGill to let him know the Department was preparing to deny this transfer, due to the significant PSI with Crabtree Creek. Grant met with the farm manager and they talked about a few ideas to resolve the issues raised in the groundwater review. They need a few answers to make an educated decision. Grant has forwarded some questions you might be able to answer:

1. Is there a radius we could propose a well outside of to avoid interference with the creek?
2. Is there a rate reduction we could request that would avoid interference?
3. Since this is working in conjunction with CW-130, can we use the created instream right as mitigation? Crabtree Creek flows into the South Santiam shortly after the authorized POD.
4. If not, can a portion of the surface water certificate 40569 (source Crabtree Creek) that we were going to diminish to supplemental be used as mitigation?

Since this is an RA transfer, please keep track of time spent in reviewing the questions above, and let me know how much time was spent. I will be able to request additional fees be submitted for additional work. Please let me know if I may be of further assistance.

Thank you,

Corey Courchane

## COURCHANE Corey A \* WRD

---

**From:** Grant McGill <grantmcgill.wr@gmail.com>  
**Sent:** Wednesday, March 8, 2023 2:01 PM  
**To:** COURCHANE Corey A \* WRD  
**Subject:** T-14018 Farm Together Shumaker

Hi Corey,

Finally had the chance to meet with the farm manager today. We talked about a few ideas to resolve the issues raised in the groundwater review. They need a few answers to make an educated decision. It looks like Travis Brown did the review, I'm hoping you can get some answers from him.

1. Is there a radius we could propose a well outside of to avoid interference with the creek?
2. Is there a rate reduction we could request that would avoid interference?
3. Since this is working in conjunction with CW-130, can we use the created instream right as mitigation? Crabtree Creek flows into the South Santiam shortly after the authorized POD.
4. If not, can a portion of the surface water certificate 40569 (source Crabtree Creek) that we were going to diminish to supplemental be used as mitigation?

They are discussing what their most desirable solutions would be while I work on getting these answers. Let me know what you find out. Thanks!

--

Grant McGill  
503-931-0210  
15333 Pletzer Rd. SE, Turner, OR 97392  
[www.mcgillwaterrights.com](http://www.mcgillwaterrights.com)



WILL MCGILL SURVEYING, LLC

**COURCHANE Corey A \* WRD**

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**From:** COURCHANE Corey A \* WRD  
**Sent:** Friday, February 24, 2023 11:31 AM  
**To:** Grant McGill  
**Subject:** Farm Together Shumaker, T-14018  
**Attachments:** T-14018 GW Review-working copy.pdf

Grant,

Attached is GW review. Please let me know if I may be of further assistance.

Thank you,

Corey A Courchane

**COREY A COURCHANE |  
ALLOCATION OF CONSERVED WATER**

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) | Web: <http://www.oregon.gov/OWRD>



**Notice of Preliminary Determination for  
Water Right Transfer T-14018**

T-14018 filed by Farm Together Shumaker LLC, 16192 Coastal Highway, Lewes, DE 19958, proposes a change in point of diversion and place of use under Certificate 28702. The right allows the use of 0.315 cubic foot per second from a well in Sec. 3, T11S, R2W, WM for irrigation in Sec. 3, T11S, R2W, WM. The applicant proposes to move the point of appropriation to Sec. 34, T10S, R2W, WM, and to change the place of use to Sec. 34, T10S, R2W, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, MM/DD/YEAR. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LYNN E. & ORVILLIS F. SHUMAKER  
ROUTE 3 BOX 95  
SCIO, OR 97374

confirms the right to use the waters of CRABTREE CREEK, a tributary of SOUTH SANTIAM RIVER for the purpose of SUPPLEMENTAL IRRIGATION of 23.3 ACRES.

This right was perfected under Permit S-35352. The date of priority is JULY 10, 1970. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.29 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	2 W	WM	34	SE SE	3310 FEET SOUTH AND 2040 FEET WEST FROM THE NW CORNER OF DLC 60

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

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.50
10 S	2 W	WM	34	SE SE	60	7.80
Total						23.30

This certificate describes that portion of water right Certificate 40569, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-14018.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

---

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department



# Oregon

Tina Kotek, Governor

Water Resources Department  
North Mall Office Building

May 28, 2024

VIA CERTIFIED MAIL AND E-MAIL

**Applicant**

FARMTOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

SUBJECT: Water Right Transfer Application T-14018

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14018. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Albany Democrat-Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

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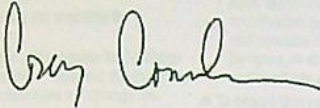
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See Reverse for Instructions

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14018  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
William E. McGill, Agent for the applicant (*via e-mail*)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14018, Linn County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF APPROPRIATION, A CHANGE IN
	)	PLACE OF USE, AND CANCELLATION OF A
	)	WATER RIGHT

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

FARMTOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

**Findings of Fact**

1. On May 26, 2022, FarmTogether Shumaker LLC filed an application to change the point of appropriation and to change the place of use under Certificate 28702 and for a diminution of Certificate 40569 from irrigation to supplemental irrigation. The Department assigned the application number T-14018.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 24, 2023, at the request of the applicant, the Department shared the Groundwater Review that was completed January 3, 2023.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.
---

4. On March 8, 2023, the Department received questions from the applicant to resolve the issues raised in the groundwater review, which were shared with the Department's Groundwater Section on March 9, 2023:
  - Is there a radius that could be proposed outside of the zone of interference with Crabtree Creek;
  - Is there a rate reduction that could be requested to avoid interference?
5. On April 7, 2023, the Department provided feedback to the applicant and indicated that to expedite the process, they could hire a consulting hydrogeologist to perform analysis of the proposed points of appropriation and the interference with Crabtree Creek. The consultant would need to draft a work plan which could be reviewed by the Department's Groundwater section.
6. On May 24, 2023, the applicant's agent informed the Department that the applicant was hiring a consultant hydrogeologist to perform a study, and that they were developing a plan for review by the Department.
7. On September 15, 2023, the Department was informed that a response on proceeding with the study or not was expected. Due to the property owners being out of state, the response was moving slower than expected.
8. On December 11, 2023, the Department notified the applicant's agent, that the Department will move forward with a draft Preliminary Determination proposing to deny T-14018 for potential surface interference with another water source, if a resolution was not received by January 12, 2024.
9. As of January 29, 2024, a resolution from the applicant has not been received.
10. On January 29, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-14018 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 29, 2024, for the applicant to respond. The applicant responded by asking if cancellation of Certificate 40569, being the "TO" lands, and reducing the acres/rate being transferred under Certificate 28702 to equal Certificate 40569, could be an option to proceed with an approval of T-14018.
11. On February 26, 2024, the Department contacted the District 16 Watermaster, inquiring if regulation has occurred on Certificate 40569, and if reducing the acres/rate for Certificate 28702 to equal the amount authorized under Certificate 40569, along with the cancellation of Certificate 40569 would be of any value and create a net benefit.
12. On February 27, 2024, the Department extended the time for a response from the applicant to March 29, 2024, as a response from the Watermaster was anticipated.

13. On March 4, 2024, the Watermaster indicated regulation under Certificate 40569 has not occurred, and that the rate reduction and cancellation as proposed would be of equal value or potentially create a net benefit.
14. On March 25, 2024, the Department received a revised Table 2 and map for Certificate 20872. The Department also received an Affidavit for the Voluntary Cancellation of a Water Right Certificate from Dale Arthur. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
15. The portion of the right to be transferred is as follows:

**Certificate:** 28702 in the name of SAM & OPAL LOONEY (perfected under Permit G-538)  
**Use:** IRRIGATION of 23.3 ACRES  
**Priority Date:** APRIL 26, 1957  
**Rate:** 0.29 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:** LOONEY WELL #1, a tributary of SANTIAM RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	3	NW NW	77	LOONEY WELL #1 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	77	5.1
11 S	2 W	WM	3	NW NW	77	18.2
Total						23.3

16. Transfer Application T-14018 proposes to change the authorized point of appropriation from the existing point of appropriation to:

TwP	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
10 S	2 W	WM	34	SW SE	60	WELL 1 - 820 FEET NORTH AND 2545 FEET WEST FROM THE SE CORNER OF SECTION 34	0.56 mi.
10 S	2 W	WM	34	SW SE	60	WELL 2 - 1020 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER OF SECTION 34	0.59 mi.

17. Transfer Application T-14018 also proposes to change the place of use of the right to:

IRRIGATION						
TwP	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	7.8
Total						23.3

***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2), and 690-380-2200]***

18. Water has been used within the last five years prior to the submittal of Transfer Application T-14018 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14018.
20. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
21. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
22. The proposed changes, as conditioned, would not result in enlargement of the right.
23. The proposed changes, as conditioned, would not result in injury to other existing water rights.
24. All other application requirements are met.

### ***Cancellation of a Water Right***

25. On March 25, 2024, an affidavit certifying that an entire water right has been abandoned was received from Dale Arthur, Senior Farm Manager for FarmTogether Shumaker LLC. The right to be cancelled is as follows:

**Certificate:** 40569 in the name of LYNN E. & ORVILLIS F. SHUMAKER (perfected under Permit S-35352)  
**Use:** IRRIGATION of 23.3 ACRES  
**Priority Date:** JULY 10, 1970  
**Rate:** 0.29 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:** CRABTREE CREEK, a tributary of SOUTH SANTIAM RIVER

#### **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	34	SE SE	60	3310 FEET SOUTH AND 2040 FEET WEST FROM THE NW CORNER OF HOWELL DLC 60

#### **Authorized Place of Use to be Cancelled:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	7.8
Total						23.3

### **Determination and Proposed Action**

The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, and the abandoned right will be cancelled.

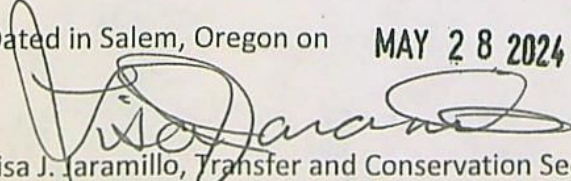
*If Transfer Application T-14018 is approved, the final order will include the following:*

- 1. The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 are approved. The right that has been abandoned is cancelled.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 28702 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation and the new place of use.*
4. *Water right Certificates 28702 and 40569 are cancelled. A new certificate will be issued describing that portion of Certificate 28702 not affected by this transfer and cancellation.*
5. *The quantity of water diverted at the new points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Looney Well #1).*
6. *Water use measurement conditions:*
  - 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 appropriation (new and existing).*
  - 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.*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**MAY 28 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov)

## Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

## Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations,

associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



Received by OWRD

MAY 15 2024

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Farm Together Shumaker LLC  
16192 Coastal Hwy Lewes DE 19958

Transaction Type: Newspaper Notice

Fees Received: \$ 459.24

☐ Cash

☒ Check:

Check No. 2257

Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff,

Submission received by: Corie Lowrie  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Received by OWRD

MAY 15 2024

Salem, OR

Date Received (Date Stamp Here)

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Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Lourien

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
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# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503-986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

May 14, 2024

### Applicant

FARMTOGETHER SHUMAKER LLC

16192 COASTAL HIGHWAY

LEWES, DE 19958

SUBJECT: Water Right Transfer Application T-14018

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$459.24 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-14018 NOTICE" on the front of your check**, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than June 14, 2024.**

### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Albany Democrat-Herald newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

**If we do not receive payment for newspaper notice by June 14, 2024, a Preliminary Determination may be issued denying the application as incomplete.**

✂-----  
**Attached is a check in the amount of \$459.24 (PCA #46118) for Newspaper Notice for Transfer T-14018 made out to Oregon Water Resources Department ( or WRD)**

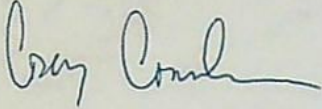
- **"for T-14018 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

Caseworker: cc

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14018  
Gregory J. Wacker, District 16 Watermaster *(via e-mail)*  
William E. McGill, Agent for the applicant *(via e-mail)*



320 Church St. NE, Salem, OR 97301  
PHONE (503) 581-1431 FAX (503) 364-8716

**OWRD RECEIVED**

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### STATUS OF RECORD TITLE

Grant McGill  
Will McGill Surveying, LLC  
15333 Pletzer Rd. SE  
Turner, OR 97392  
Your Reference No. 61578 / 11S02W03 700

April 11, 2024  
Title Number: 630267AM  
Title Officer: Holly Noble  
Fee:

**We have searched the status of record title as to the following described property:**

See attached Exhibit 'A'

**Vestee:**

**FarmTogether Shumaker LLC**

and dated as of **April 9, 2024** at 7:30 a.m.

**Said property is subject to the following on record matters:**

1. Taxes deferred, 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. The property lies within and is subject to the levies and assessments of the Linn Soil and Water Conservation District.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high water line of Crabtree Creek, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high water line.

Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Crabtree Creek.

All matters arising from any shifting in the course of Crabtree Creek including but not limited to accretion, reliction and avulsion.

5. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$900,000.00  
Trustor/Grantor: Vicenergy LLC  
Trustee: AmeriTitle, LLC  
Beneficiary: Shumaker Family Farms LLC  
Dated: December 21, 2020  
Recorded: December 24, 2020  
Instrument No.: 2020-26960
6. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$575,000.00  
Trustor/Grantor: Vicenergy, LLC  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker and Kathryn D. Calkins, Trustees of the Orvilliss Shumaker Family Trust, dated January 12, 1995  
Dated: January 12, 2020  
Recorded: December 24, 2020  
Instrument No.: 2020-26959

The beneficial interest under said Deed of Trust was assigned of record to Kathryn D. Calkins by assignment,

Recorded: August 11, 2022

Instrument No.: 2022-14114

7. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$575,000.00  
Trustor/Grantor: Vicenergy, LLC  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker and Kathryn D. Calkins, Trustees of the Lynn Shumaker Family Trust, dated January 12, 1995  
Dated: December 21, 2020  
Recorded: December 24, 2020  
Instrument No.: 2020-26958

The beneficial interest under said Deed of Trust was assigned of record to Terry L. Shumaker and Mary Annette Shumaker by assignment,

Recorded: August 11, 2022

Instrument No.: 2022-14113

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

**EXHIBIT 'A'**

File No. 630267AM

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

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

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

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
11	S	2	W	3	NE	NW	700	77	5.1	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W	34	SW	SE	1200	60	15.5	Irrigation	Well 1, 2	1957
11	S	2	W	3	NW	NW	700	77	18.2	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W	34	SE	SE	1200	60	7.8	Irrigation	Well 1, 2	1957
TOTAL ACRES:									23.3	TOTAL ACRES:															23.3	

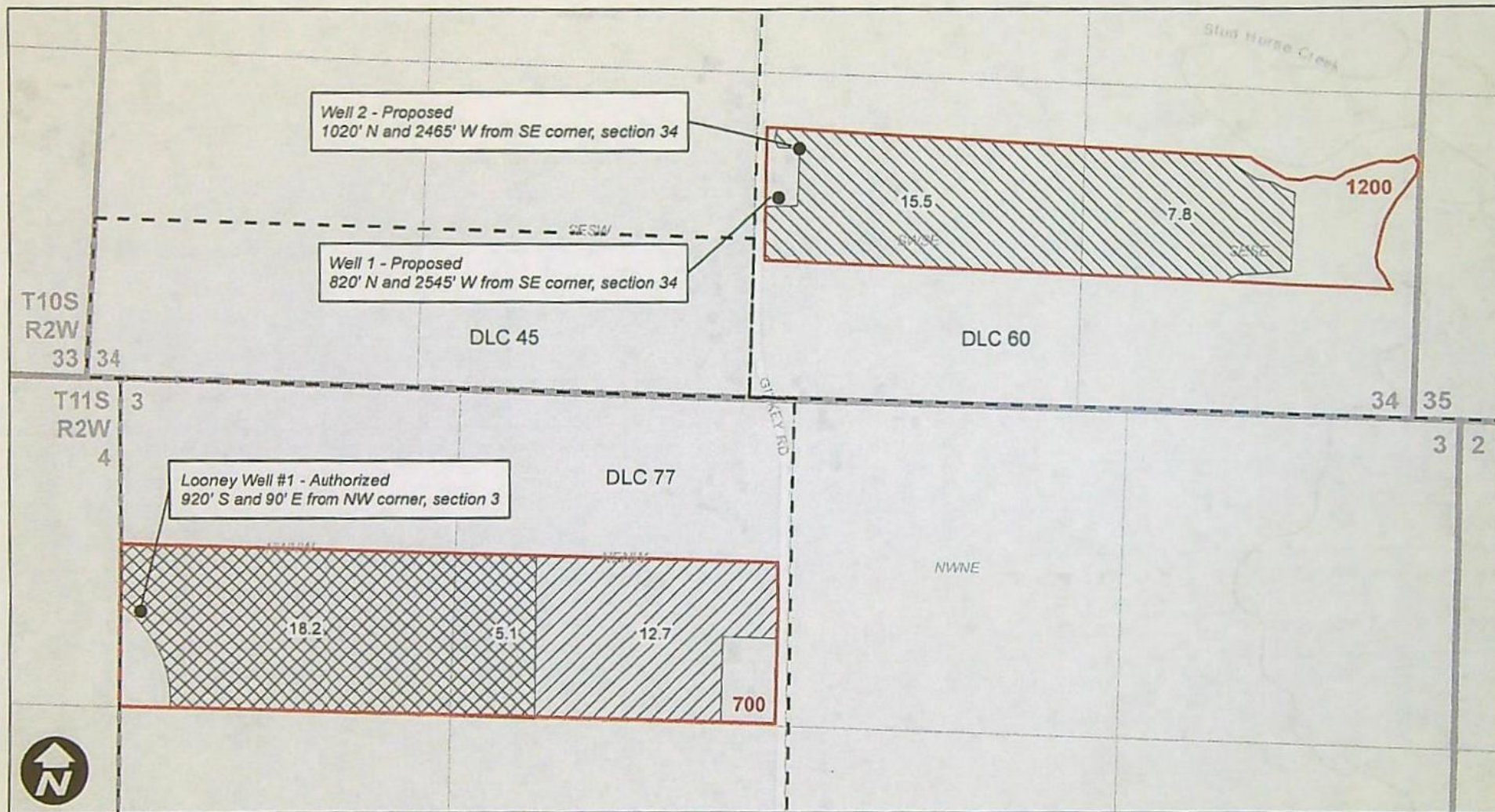
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Additional remarks: The transfer acreage was amended to total 23.3 acres to match the rate of Certificate 40569 involved in the proposed voluntary cancellation.

# Certificate 28702 - Transfer Application

AMENDED 3/12/2024



## Legend

Cert. 28702 Transfer From 
 Cert. 28702 Transfer To 
 Cert. 28702 No Change 
 Tax Lot 
 DLC



## Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

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

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

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

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

### Certificate of Water Right Information:

Certificate Number: 40569

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

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

Date of priority: July 10, 1970

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

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

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

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

### Statements of Oath:

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

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

with a mailing address of (if different) \_\_,

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

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

**OWRD RECEIVED**

courchca, 3/25/2024, 1:04:13 PM

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

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

Examples:

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

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

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

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

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

☐ voluntary diminution of the ENTIRE water right Certificate # \_\_\_\_\_.

☐ voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.

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

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

\_\_\_\_\_  
Signature of district manager      Printed Name

Date \_\_\_\_\_

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

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

☐ A place of use, or use.

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

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

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

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

## **AND/OR (less common)**

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - From the water source (s) \_\_\_\_\_
  - Located within the \_\_\_\_\_<sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N ☐ or S ☐, Range \_\_\_\_\_ (E ☐ or W ☐, W.M.
  - Location Description (if given on the certificate) \_\_\_\_\_

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

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

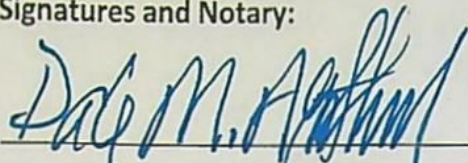
## **6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

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

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

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

Signatures and Notary:



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

Printed Name Dale M. Arthur

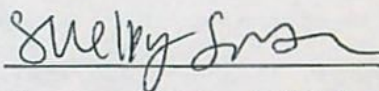
Date 3/21/24

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

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

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



Signature of Notary Public for Oregon

My Commission Expires April 9, 2026

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

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

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

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

State of California

County of Fresno

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

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



(Seal)

Signature Shelby Smith

STATE OF OREGON  
COUNTY OF LINN  
**CERTIFICATE OF WATER RIGHT**

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

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

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

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

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

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

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

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

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

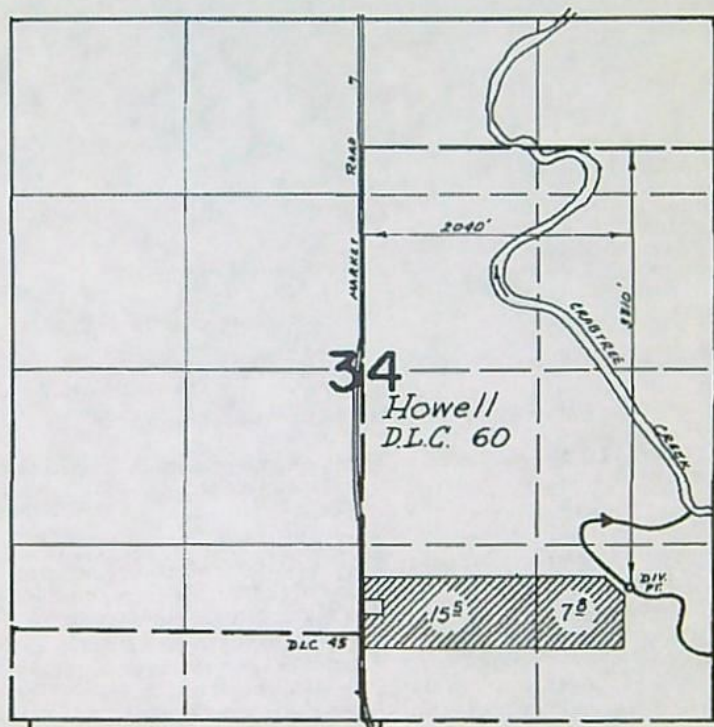
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed  
this date. **June 28, 1974**

**Chris L. Wheeler**  
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40369**

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



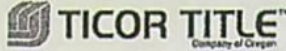
**FINAL PROOF SURVEY**  
UNDER

Application No. 47191 Permit No. 35552  
IN NAME OF

LYNN E. AND ORVILLIS F. SHUMAKER

Surveyed Aug 30 1972, by D. Norby

RECORDING REQUESTED BY:



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

LINN COUNTY, OREGON	2021-12824
D-WD	05/25/2021 03:39:00 PM
Stn=10131 FORBISJ	
\$20.00 \$11.00 \$10.00 \$80.00 \$19.00	\$120.00
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

**AFTER RECORDING RETURN TO:**

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

**SEND TAX STATEMENTS TO:**

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

APN: 39194  
61578  
61586  
926167

Map: 10S02W3400 01200  
11S02W0300 00700

11S02W0300 00800  
11S02W0300 00800

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

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

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

**PARCEL I:**

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

**PARCEL II:**

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

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

**PARCEL III:**

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

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

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

**Subject to:**

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

TICOR TITLE: 471821106923

# STATUTORY WARRANTY DEED

(continued)

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

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

Dated: 5/24/2021

Vicenergy, LLC, a Texas Limited Liability Company

BY: [Signature]  
Authorized Signer

State of Florida

County of Walton

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

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

My Commission Expires: \_\_\_\_\_



## EXHIBIT "A"

### Exceptions

#### Subject to:

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

Account No.: 39194, 61578, 61586 and 926167

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel III

**EXHIBIT "A"**  
**Exceptions**

9. Hazardous Substances Certificate and Indemnity Agreement, including the terms and provisions thereof

Recording Date: September 23, 2011  
Recording No.: 2011-13401

Parcel II

10. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 24, 2020  
Recording No: 2020-26957

Parcel I

11. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Lynn Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26958

Parcels I and III

12. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Orvilliss Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26959

Parcels I and III

13. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$900,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Shumaker Family Farms LLC  
Recording Date: December 24, 2020  
Recording No: 2020-26960

Parcel II

14. Additional existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

15. SUBJECT TO the Life Estate of Lynn Shumaker and Orvilliss Shumaker, as to Parcel 1, as reserved in Warranty Deed recorded December 24, 2020 as Document No. 2020-26957, Linn County Deed Records.



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

January 29, 2024

VIA E-MAIL

### Applicant

FARM TOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

SUBJECT: Water Right Transfer Application T-14018

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-14018. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed points of appropriation at its maximum allowed rate of use, would likely result in an increase in interference with Crabtree Creek. The issues that we have identified could be resolved by one of the following alternatives:

- Provide another location for the proposed points of appropriation that will not cause interference with Crabtree Creek;
- Propose a change in place of use only; or
- Withdraw the application

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by February 29, 2024, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.

2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:

- a) Must be prepared by a title company;
- b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
- c) Must be:
  - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
  - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
  - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

**Conditions to your water right...**

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

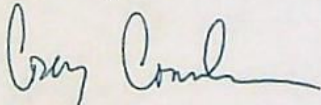
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by February 29, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov) or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane  
Allocation of Conserved Water  
Transfer and Conservation Section

cc: Transfer Application file T-14018  
Gregory Wacker, District 16 Watermaster *(via e-mail,)*  
Will McGill, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14018, Linn County

)  
)  
)  
)  
)  
)  
)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF A CHANGE IN  
POINT OF APPROPRIATION, A CHANGE IN  
PLACE OF USE, AND DIMINUTION OF A  
WATER RIGHT

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

FARM TOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

**Findings of Fact**

1. On May 26, 2022, FARM TOGETHER SHUMAKER LLC filed an application to change the point of appropriation and to change the place of use under Certificate 28702 and for a diminution of Certificate 40569 from irrigation to supplemental irrigation. The Department assigned the application number T-14018.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 24, 2023, at the request of the applicant, the Department shared the Groundwater Review that was completed January 3, 2023.

4. On March 8, 2023, the Department received questions from the applicant to resolve the issues raised in the groundwater review, which were shared with the Department's Groundwater Section on March 9, 2023:
  - Is there a radius that could be proposed outside of the zone of interference with Crabtree Creek;
  - Is there a rate reduction that could be requested to avoid interference?
5. On April 7, 2023, the Department provided feedback to the applicant and indicated that to expedite the process, they could hire a consulting hydrogeologist to perform analysis of the proposed points of appropriation and the interference with Crabtree Creek. The consultant would need to draft a work plan which could be reviewed by the Department's Groundwater section.
6. On May 24, 2023, the applicant's agent informed the Department that the applicant was hiring a consultant hydrogeologist to perform a study, and that they were developing a plan for review by the Department.
7. On September 15, 2023, the Department was informed that a response on proceeding with the study or not was expected. Due to the property owners being out of state, the response was moving slower than expected.
8. On December 11, 2023, the Department notified the applicant's agent, that the Department will move forward with a draft Preliminary Determination proposing to deny T-14018 for potential surface interference with another water source, if a resolution was not received by January 12, 2024.
9. As of January 29, 2024, a resolution from the applicant has not been received.
10. The portion of the right to be transferred is as follows:

**Certificate:** 28702 in the name of SAM & OPAL LOONEY (perfected under Permit G-538)  
**Use:** IRRIGATION of 25.2 ACRES  
**Priority Date:** APRIL 26, 1957  
**Rate:** 0.315 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:** LOONEY WELL #1, a tributary of SANTIAM RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	3	NW NW	77	LOONEY WELL #1 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	47	7.0
11 S	2 W	WM	3	NW NW	47	18.2
Total						25.2

11. Transfer Application T-14018 proposes to change the authorized point of appropriation from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
10 S	2 W	WM	34	SW SE	60	WELL 1 - 820 FEET NORTH AND 2545 FEET WEST FROM THE SE CORNER OF SECTION 34	0.56 mi.
10 S	2 W	WM	34	SW SE	60	WELL 2 - 1020 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER OF SECTION 34	0.59 mi.

12. Transfer Application T-14018 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	9.7
Total						25.2

**Transfer Review Criteria (OAR 690-380-4010)**

13. Water has been used within the last five years prior to the submittal of Transfer Application T-14018 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14018.
15. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

16. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
17. The proposed changes, as conditioned, would not result in enlargement of the right.
18. On January 3, 2023, the Department determined the proposed change in point of appropriation (POA), at its maximum allowed rate of use, would likely result in an increase in interference with another surface water source, being Crabtree Creek. At the maximum allowed rate of use, the expected change in degree of interference with Crabtree Creek would be significant.

The Department determined, "The proposed To-POA are~ 3,220-3,380 ft closer to Crabtree Creek than the authorized From-POA. Crabtree Creek is the closest perennial surface water source to the proposed To-POA, whereas the South Santiam River is the closest perennial surface water source to the authorized From-POA. The closer proximity of the proposed To-POA would likely result in an increase in interference with Crabtree Creek. Crabtree Creek is in a different Water Availability Basin (WAB) than the South Santiam River."

The Department also determined, "Per the Water Availability Reporting System (WARS), Crabtree Creek is over-appropriated from July through October. The expected increase in interference with Crabtree Creek will likely result in less water available instream during the period when Crabtree Creek is over-appropriated. **Therefore, the expected change in degree of interference with Crabtree Creek is significant,**" and will cause injury to Instream Water Right Certificate 59448, and Certificates 22363, 22373, 23083, 24031, 26577, 28356, 32328, 32672, 32677, 33259, 34377, 35359, 37333, 37457, 37605, 37747, 40562, 40798, 43280, 44010, 47835, and 50304.

19. All other application requirements are met.

#### ***Diminution of a Water Right***

20. On May 26, 2022, an affidavit certifying that an entire water right has been diminished to supplemental irrigation was received from Farm Together Shumaker, LLC. The right to be diminished is as follows:

<b>Certificate:</b>	40569 in the name of LYNN E. & ORVILLIS F. SHUMAKER (perfected under Permit S-35352)
<b>Use:</b>	IRRIGATION of 23.3 ACRES
<b>Priority Date:</b>	JULY 10, 1970
<b>Rate:</b>	0.29 CUBIC FOOT PER SECOND
<b>Limit/Duty:</b>	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:** CRABTREE CREEK, a tributary of SOUTH SANTIAM RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	2 W	WM	34	SE SE	60	3310 FEET SOUTH AND 2040 FEET WEST FROM THE NW CORNER OF HOWELL DLC 60

**Authorized Place of Use to be Diminished:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.50
10 S	2 W	WM	34	SE SE	60	7.80
Total						23.30

**Determination and Proposed Action**

The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 appear NOT to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

*If the proposed POAs interfering with another surface water source and the injury issues are resolved, and Transfer Application T-14018 is approved, the final order will include the following:*

- 1. The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 are approved. Certificate 40569 is diminished.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 28702 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation and the new place of use.*
- 4. Water right Certificates 28702 and 40569 are cancelled. New certificates will be issued describing the diminishment under Certificate 40569, and that portion of Certificate 28702 not affected by this transfer.*
- 5. The quantity of water diverted at the new points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Looney Well #1).*

6. *Water use measurement conditions:*
  - 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 appropriation.*
  - 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.*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or [corey.a.courchane@water.oregon.gov](mailto:corey.a.courchane@water.oregon.gov)

## Groundwater Transfer Review Summary Form

Transfer/PA # T- 14018 RA

GW Reviewer Travis Brown Date Review Completed: 1/3/2023

### Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

### Summary of Injury Review:

☒ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

### Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

*This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.*



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

## Ground Water Review Form:

- ☒ Water Right Transfer  
☐ Permit Amendment  
☐ GR Modification  
☐ Other

Application: T-14018

Applicant Name: FarmTogether Shumaker, LLC

Proposed Changes: ☒ POA ☐ APOA ☐ SW→GW ☒ RA  
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Travis Brown

Date of Review: 1/3/2023

Date Reviewed by GW Mgr. and Returned to WRSD: jti 2/9/23

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other \_\_\_\_\_

1. Basic description of the changes proposed in this transfer: Applicant proposes to replace the authorized POA (LINN 6279, "Looney Well #1") for 25.2 acres of Certificate 28702 with 2 proposed POA: LINN 4407, "Well 1", and a to-be-constructed "Well 2". The rate and duty associated with the subject portion of the POU (25.2 acres) are 0.315 cfs and 63 acre-feet, respectively. LINN 6279 ("Looney Well #1") would remain the authorized POA for the 10.8 acres under Certificate 28702 not affected by this transfer and retain the rate (0.135 cfs) and duty (27 acre-feet) associated with this portion of the POU.

NOTE: Applicant indicates that the authorized POA, "Looney Well #1", is correlated to both well logs LINN 6279 (new well log) and LINN 6278 (deepening log); however, these logs appear to belong to different wells, with different casing diameters, total depths, open depths, and locations. The location indicated in Section 2 of LINN 6279 ("920' S & 90' E from NW corner Section 3") matches the authorized POA location described in Certificate 28702 and the log references App G-626/Permit G-538 (which became Certificate 28702). However, the log for LINN 6279 refers to it as well "#2", while the log for LINN 6278 refers to it as "Looney #1" and also reference Permit G-538; furthermore, the location described in Section 2 of LINN 6278 ("S. 43d x 20' E 28.5 chains from the N.W. Sec. 3, T. 11S. R. 2W. being within the NE1/4 of NW1/4") matches the authorized POA location described in Permit G-538. It seems that between permit and certificate, the authorized POA well and location may have changed. For purposes of this review, it is assumed the authorized POA is LINN 6279.

It should also be noted that the well head for LINN 6279 appears to be visible in aerial imagery of the site. The well head in aerial imagery is at least 70 ft from the authorized POA location in **Certificate 28702** and the location of "Looney Well #1" indicated on the application map for transfer T-14018. The imagery-verified location for LINN 6279 will be used for this review as the most accurate location of the well currently supplying water to the POU under Certificate 28702 (see attached Well Location Map).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: Both the authorized and proposed POA produce groundwater from the alluvial aquifer system.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No \_\_\_\_\_  
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
☒ Yes ☐ No Comments: The proposed To-POA are substantially closer to several neighboring wells than the authorized From-POA. The shorter distance between the proposed To-POA and neighboring wells will likely result in an increase in interference with these wells.  
b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?  
☐ Yes ☒ No If yes, explain: All of the nearby neighboring wells appear to be junior to Certificate 28702 (priority date 4/26/1957). Therefore, there are no senior groundwater rights to be injured.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?  
☒ Yes ☐ No Comments: The proposed To-POA are ~3,220-3,380 ft closer to Crabtree Creek than the authorized From-POA. Crabtree Creek is the closest perennial surface water source to the proposed To-POA, whereas the South Santiam River is the closest perennial surface water source to the authorized From-POA. The closer proximity of the proposed To-POA would likely result in an increase in interference with Crabtree Creek. Crabtree Creek is in a different Water Availability Basin (WAB) than the South Santiam River.  
b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?  
Stream: Crabtree Creek ☐ Minimal ☒ Significant  
Provide context for minimal/significant impact: Per the Water Availability Reporting System (WARS), Crabtree Creek is over-appropriated from July through October (see attached Water Availability Analysis). The expected increase in interference with Crabtree Creek will likely result in less water available instream during the period when Crabtree Creek is over-appropriated. Therefore, the expected change in degree of interference with Crabtree Creek is significant.

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?  
☐ Yes   ☐ No   Comments: N/A
7. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_
8. Any additional comments: \_\_\_\_\_

**References**

Application File: T-14018, G-626

Permit: G-538

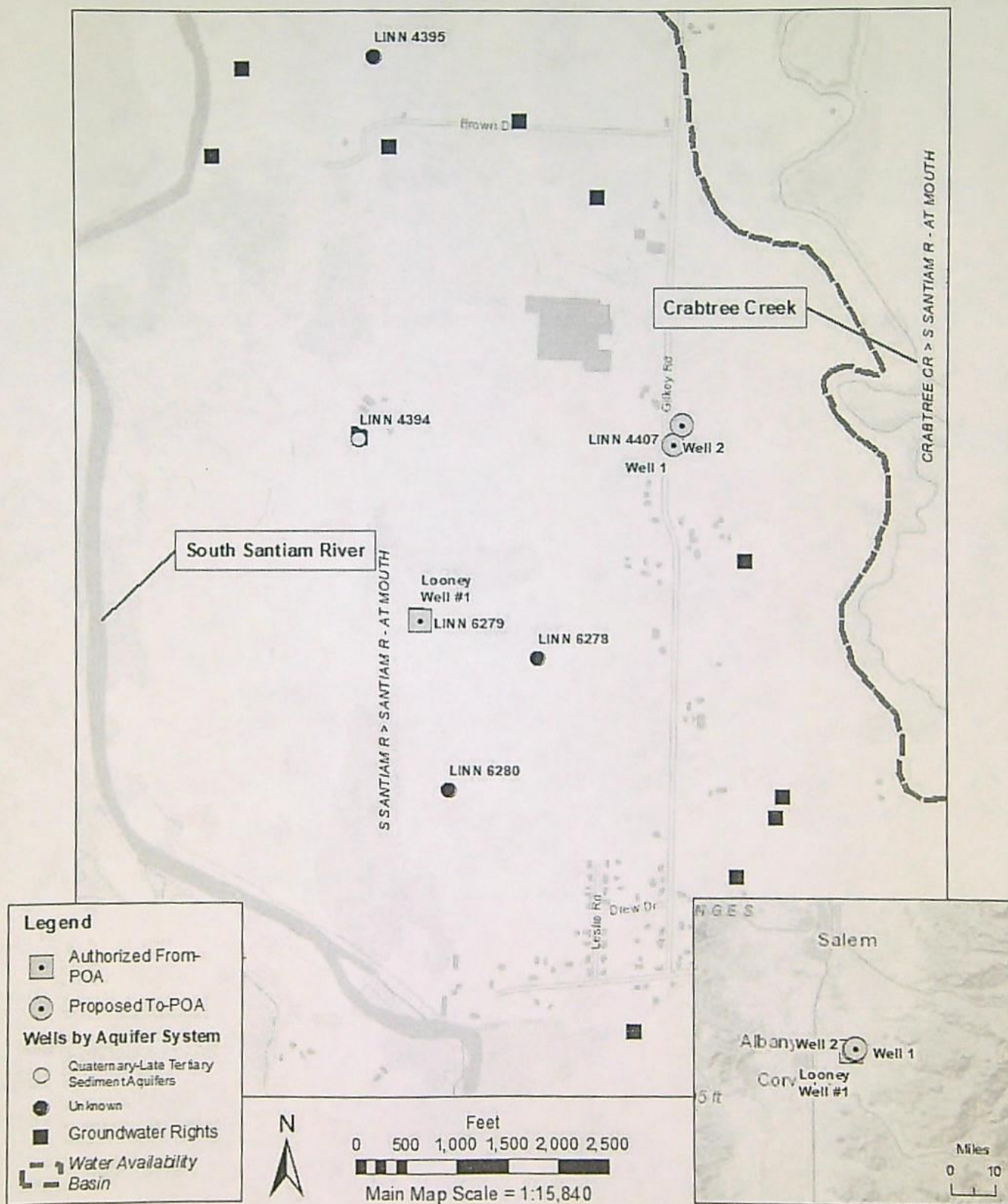
Certificate: 28702

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon, Scientific Investigations Report 2005-5168: U. S. Geological Survey, Reston, VA.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

Woodward, D.G., Gannett, M.W., and Vaccaro, J.J., 1998, Hydrogeologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-B, 82 p.

## T-14018 FarmTogether Shumaker, LLC



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## Water Availability Analysis Detailed Reports

CRABTREE CR > S SANTIAM R - AT MOUTH  
WILLAMETTE BASIN

Water Availability as of 1/3/2023

Watershed ID #: 88 [\(Map\)](#)  
Date: 1/3/2023

Exceedance Level: 80%   
Time: 5:34 PM

**Water Availability Calculation**

Consumptive Uses and Storages

Instream Flow Requirements

Reservations

Water Rights

Watershed Characteristics

### Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	463.00	2.17	466.00	0.00	100.00	366.00
FEB	467.00	2.14	465.00	0.00	100.00	365.00
MAR	449.00	1.78	447.00	0.00	100.00	347.00
APR	380.00	2.48	378.00	0.00	100.00	278.00
MAY	221.00	8.14	213.00	0.00	100.00	113.00
JUN	123.00	16.10	107.00	0.00	50.00	56.90
JUL	55.00	28.00	27.00	0.00	35.00	-7.98
AUG	37.30	22.30	15.00	0.00	25.00	-9.97
SEP	38.80	11.00	27.80	0.00	100.00	-72.20
OCT	59.10	1.05	58.00	0.00	100.00	-42.00
NOV	214.00	1.34	213.00	0.00	100.00	113.00
DEC	421.00	2.19	419.00	0.00	100.00	319.00
ANN	310,000.00	6,000.00	304,000.00	0.00	60,900.00	246,000.00

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **138274**  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Will McGill Surveying,  
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-14018</u>

CASH: ☐ CHECK: # 2005 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 3,340.00

**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** 46110

0407 COPY & 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 \$ 3340.00

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$  
LANDOWNER'S PERMIT \$

OTHER (IDENTIFY) \_\_\_\_\_

EXAM FEE	
\$	0202
\$	0204
\$ <u>3340.00</u>	
EXAM FEE	
\$	0219
	0220

RECORD FEE	
\$	
\$	
LICENSE FEE	
\$	
\$	

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$  
0210 MONITORING WELLS \$  
OTHER (IDENTIFY) \_\_\_\_\_

CARD#	
CARD#	

**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: **138274** DATED: 05/26/2020 BY: Mindy Carlson

# Application for Permanent Water Right 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.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

This 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.

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

MAY 26 2022

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 1 List them here: Cert. 28702  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) 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.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

#### WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- |  |  |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete                  |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required          | <input type="checkbox"/> Part _____ is incomplete                        |
| Other/Explanation _____  |  |
| Staff: _____   | Date: ____/____/____   |

## Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- ☐ ☒ 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 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), 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°).

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

RECEIVED  
MAY 26 20  
OWRD

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

14018

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>FarmTogether Shumaker, LLC</b>			PHONE NO. <b>(503) 428-2755</b>	ADDITIONAL CONTACT NO. <b>(503) 991-2772</b>
ADDRESS <b>16192 Coastal Highway</b>			FAX NO.	
CITY <b>Lewes</b>	STATE <b>DE</b>	ZIP <b>19958</b>	E-MAIL <b>karen@raptorag.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>Will McGill Surveying LLC</b>			PHONE NO. <b>(503) 931-0210</b>	ADDITIONAL CONTACT NO. <b>(503) 510-3026</b>
ADDRESS <b>15333 Pletzer Rd. SE</b>			FAX NO.	
CITY <b>Turner</b>	STATE <b>OR</b>	ZIP <b>97392</b>	E-MAIL <b>willmcgill.surveying@gmail.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:

*It is proposed to move a portion of Certificate 28702 across the road to irrigate this property more efficiently from the existing well or a proposed new well.*

### Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

MAY 26 2022

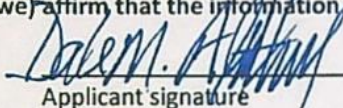
OWRD

14018

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Albany, Democrat-Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

  
Applicant signature

Dale M. Arthur  
Print Name (and Title if applicable)

5/23/22  
Date

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MAY 26 2022

Applicant signature

Sr. Farm Mngs.  
Print Name (and Title if applicable)

Date

OWRD

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

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

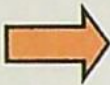
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Linn County</b>	ADDRESS <b>300 SW 4<sup>th</sup> Ave.</b>	
CITY <b>Albany</b>	STATE <b>OR</b>	ZIP <b>97321</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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14018

## Part 5 of 5 – Water Right Information

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

CERTIFICATE # **28702**

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### Description of Water Delivery System

MAY 26 2022

System capacity: **1.83** cubic feet per second (cfs) OR

\_\_\_\_\_ gallons per minute (gpm)

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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. **30 HP pump delivers water through 8" down to 3" PVC mainline.**

**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	X	X	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
<b>Dist</b> Looney Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LINN 6279/6278	11 S	2 W	3	NW	NW	77	920' S and 90' E from NW corner, section 3
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LINN 4407	10 S	2 W	34	SW	SE	60	820' N and 2545' W from SE corner, section 34
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	34	SW	SE	60	1020' N and 2465' W from SE corner, section 34
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)     |
| <input type="checkbox"/> Character of Use (USE)                        | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA)     |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                           |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                  |

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

☐ Yes Complete only the Proposed ("to" or "on" 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.

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

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

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

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
11	S	2	W 3	NE NW	700	77	7.0	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W 34	SW SE	1200	60	15.5	Irrigation	Well 1, 2	1957
11	S	2	W 3	NW NW	700	77	18.2	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W 34	SE SE	1200	60	9.7	Irrigation	Well 1, 2	1957

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

No conflict

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MAY 26 2022  
OWRD

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14018, Linn County

)  
)  
)  
)  
)  
)  
**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
POINT OF APPROPRIATION AND  
PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

FARM TOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

**Findings of Fact**

1. On May 26, 2022, FARM TOGETHER SHUMAKER LLC filed an application to change the point of appropriation and to change the place of use under Certificate 28702. The Department assigned the application number T-14018.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

**Certificate:** 28702 in the name of SAM & OPAL LOONEY (perfected under Permit G-538)  
**Use:** IRRIGATION of 25.2 ACRES  
**Priority Date:** APRIL 26, 1957  
**Rate:** 0.315 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:** LOONEY WELL #1 a tributary of SANTIAM RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	2 W	WM	3	NW NW	LOONEY WELL #1 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3, AS PROJECTED WITHIN CLELEN DLC 77

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	47	7.0
11 S	2 W	WM	3	NW NW	47	18.2
Total						25.2

4. Transfer Application T-14018 proposes to change the authorized points of appropriation approximately 0.56 and 0.59-mile (mi) NE from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in mile
10 S	2 W	WM	34	SW SE	WELL 1 - 820 FEET NORTH AND 2545 FEET WEST FROM THE SE CORNER OF SECTION 34	0.56 MI
10 S	2 W	WM	34	SW SE	WELL 2 - 1020 FEET NORTH AND 2465 FEET WEST FROM THE SE CORNER OF SECTION 34	0.59 MI

5. Transfer Application T-14018 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	2 W	WM	34	SW SE	60	15.5
10 S	2 W	WM	34	SE SE	60	9.7
Total						25.2

**Transfer Review Criteria (OAR 690-380-4010)**

6. Water has been used within the last five years prior to the submittal of Transfer Application T-14018 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14018.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met.

#### **Determination and Proposed Action**

The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-14018 is approved, the final order will include the following:*

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-14018 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 28702 and any related decree.*
3. *Water right Certificate 28702 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - 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 appropriation.*
  - 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

## D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0895 or [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov)

## STATE OF OREGON

## COUNTY OF LINN

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

~~SAM & OPAL LOONEY~~  
~~1208 OAK ST~~  
~~ALBANY, OR 97321~~

SAM E. ORVILLE E. LOONEY  
 ROUTE 3, BOX 95  
 SCIO, OR 97374

Has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Looney Well #1 a tributary of SANTIAM RIVER for IRRIGATION of 10.8 ACRES.

This right was perfected under Permit G-538. The date of priority is APRIL 26, 1957.

The amount of water to which this right is entitled is limited and hereby confirmed, for the purposes aforesaid, is limited to an amount actually used beneficially, and shall not exceed 0.135 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
11 S	2 W	WM	3	NW NW	LOONEY WELL 31 - 920 FEET SOUTH AND 90 FEET EAST FROM THE NW CORNER OF SECTION 3, AS PROJECTED WITHIN CLALEN DLC 77

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

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	3	NE NW	47	10.8

This certificate describes that portion of water right Certificate , State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered \_\_\_\_\_, approving Transfer Application T-14018.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed \_\_\_\_\_.

\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

STATE OF OREGON  
COUNTY OF LINN  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** SAM & OPAL LOONEY

of 1208 Oak St., Albany, 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 Looney Well #1

a tributary of Santiam River  
irrigation of 36 acres

for the purpose of

under Permit No. 0-538 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 April 26, 1907

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 0.45 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 NW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Clalen DIC 77, Section 3, T. 11 S., R. 2 W., W.M. Well is 920 ft. South and 90 ft. East from N.W. corner, Section 3.

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 $\frac{1}{2}$  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:

Re  
① - 18.2 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected within Clalen DIC 47  
10.0 - 17.8 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Clalen DIC 47  
Section 3  
T. 11 S., R. 2 W., W.M.

Land on which water is to be used is part of that described as follows:

Part of the Robert Clalen Claim 77 in T. 11 S., R. 2 W. of the Willamette Meridian described as: Beginning at an iron pipe on the West line of and South 9.63 chains distant from the Northwest corner of Section 3, in said T. and R.; thence South 9.87 chains to an iron pipe; thence East 39.90 chains to a stone marked CS on the East line of the Northwest quarter of said Section; thence North 9.87 chains to a point which is South 9.75 chains distant from the Northeast corner of the Northwest quarter of said Section; thence West 39.90 chains to the place of beginning.

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

WITNESS the signature of the State Engineer, affixed

this date. JUNE 9 1961

LEWIS STANLEY  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 20, page 28702

STATE OF OREGON  
COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LYNN E. & ORVILLIS F. SHUMAKER  
97374

of Route 3, Box 95, Scio, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Crabtree Creek

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

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

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

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

The amount of water used for irrigation, together with the amount secured under any other  
right existir for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited to  
a diversion of not to exceed 2 $\frac{1}{4}$  acre feet per acre for each acre irrigated during  
the irrigation season of each year,

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

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

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

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

WITNESS the signature of the State Engineer, affixed

this date. June 28, 1974

Chris L. Wheeler

State Engineer

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **139086**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Will McGill Surveying, LLC  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14018</u>

CASH: ☐ CHECK: # 2052 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 2018.75

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 111-389-23 \$  
0412 OTHER: (IDENTIFY) Transfer reimbursement Authority \$ 2018.75  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$
<b>WATER RIGHTS:</b>		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
<b>WELL CONSTRUCTION</b>		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
OTHER (IDENTIFY) _____		

<b>EXAM FEE</b>	<b>RECORD FEE</b>
\$	\$
\$	\$
\$	\$
<b>EXAM FEE</b>	<b>LICENSE FEE</b>
\$	\$
\$	\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
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: **139086**

DATED: 9-8-2022 BY: Mindy Carlson

SEP 08 2022

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-389-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **FarmTogether Schumaker, LLC**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: <b>Kelly Starnes</b>	Name: FarmTogether Schumaker, LLC	Name: Will McGill Surveying, LLC
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 16192 Coastal Hwy Lewes, DE 19958	Address: 15333 Pletzer Rd. SE Turner, OR 97392
Phone: 503 979-3511	Phone: (503) 428-2755	Phone: (503) 931-0210
Fax: 503 986-0901	Fax:	Fax:
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:karen@raptorag.com">karen@raptorag.com</a>	Email: <a href="mailto:willmcgill.surveying@gmail.com">willmcgill.surveying@gmail.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-14018)

- Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Consideration.**
  - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$2,018.75**. Applicant agrees to pay the full amount of **\$2,018.75** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

*Bob M. Schumaker* Sr. Farm Manager 8/30/22  
Name/Title: Farm Together Schumaker LLC Date

For OWRD:

*Dwight French* Administrator 9/9/2022  
Date

Mail signed Agreement to:

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

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**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 # **138867**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Will McGill Surveying  
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	T-14018

CASH: ☐ CHECK: # 2042 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **125.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R11389-23 \$  
2112 OTHER: (IDENTIFY) Reimbursement Authority \$ **125.00**

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

**WATER RIGHTS:**

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$

0205 TRANSFER \$

**WELL CONSTRUCTION**

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
------	------------------------	----	------	----

**LANDOWNER'S PERMIT**

0220 \$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD) \$

0231 HYDRO LICENSE FEE (FWWRD) \$

HYDRO APPLICATION \$

**TREASURY OTHER / HDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$

RECEIPT **138867**

DATED 08/08/22 BY: [Signature]

RECEIVED

AUG 08 2022

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OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.**

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14018

	Applicant Information	Applicant's Representative/Contact
Name:	Raptor Ag LLC	Will McGill Surveying, LLC
Address:	5201 N Sooner Rd. Edmond, OK 73034	15333 Pletzer Rd. SE Turner, OR 97392
Phone:	(503) 428-2755	(503) 931-0210
Fax:		
E-Mail Address:	karen@raptroag.com	willmcgill.surveying@gmail.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

**Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271**

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Grant McGill (for Will McGill Surveying, LLC)

Signature:

OWRD USE ONLY: Reimbursement Authority Number: R11- -23 Caseworker: T. Smith



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.  
**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.**  
The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14018

	Applicant Information	Applicant's Representative/Contact
Name:	FarmTogether Shumaker, LLC	Will McGill Surveying, LLC
Address:	16192 Coastal Hwy Lewes, DE 19958	15333 Pletzer Rd. SE Turner, OR 97392
Phone:	(503) 428-2755	(503) 931-0210
Fax:		
E-Mail Address:	karen@raptroag.com	willmcgill.surveying@gmail.com

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

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

Received by OWRD

AUG 11 2022

Salem, OR

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Grant McGill (for Will McGill Surveying, LLC)

Signature: Grant McGill

OWRD USE ONLY: Reimbursement Authority Number: R11-389-23 Caseworker: T. Smith



Oregon  
Kate Brown, Governor

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

June 15, 2022

FARM TOGETHER SHUMAKER LLC  
16192 COASTAL HIGHWAY  
LEWES, DE 19958

Reference: Application T-14018

On May 26, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3340.00. Our receipt number 138274 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. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

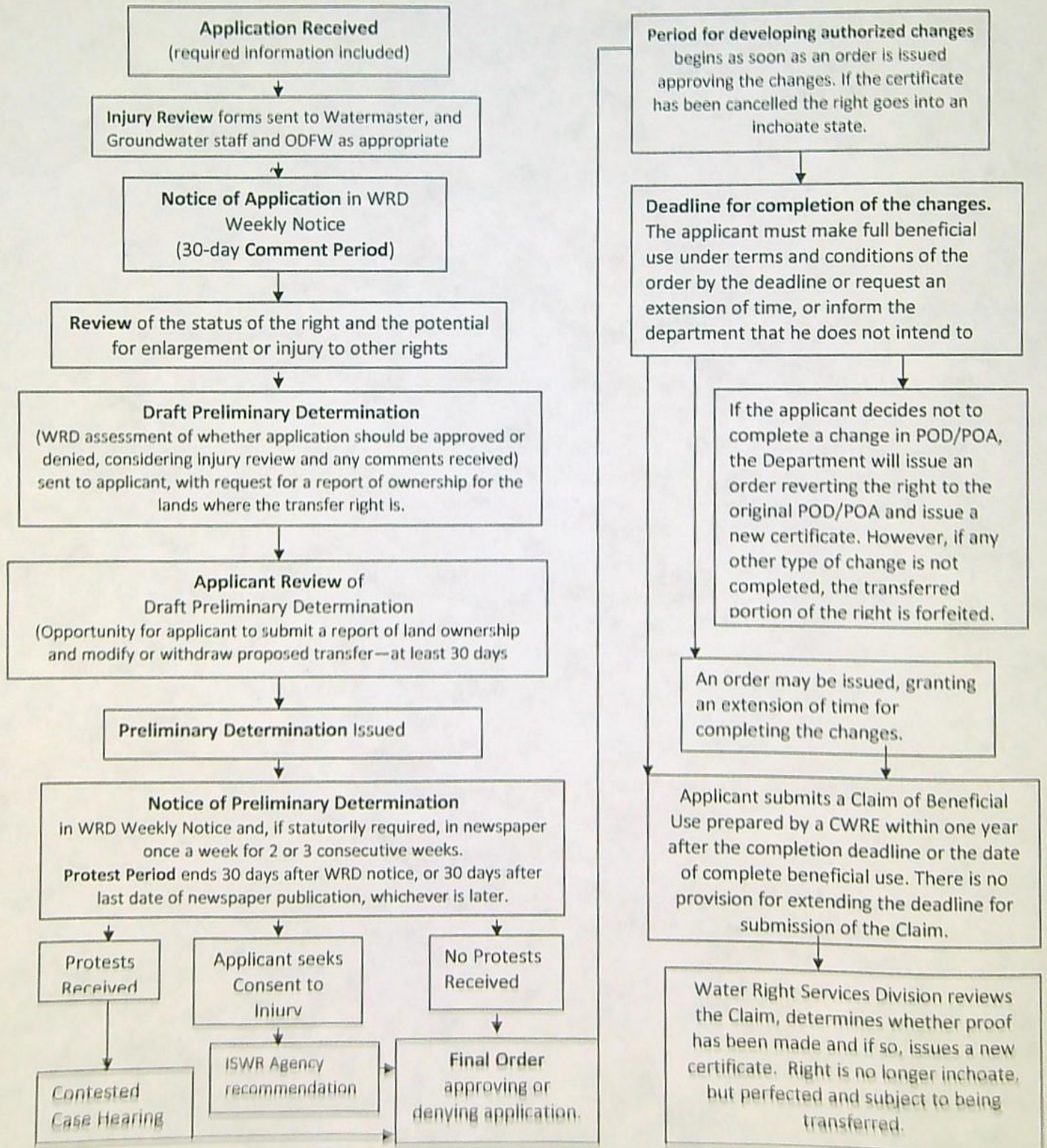
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)  
Linn County Planning Department  
William E. McGill, Agent

Enclosure

## Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

This 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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Cert. 28702**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) 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.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(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
- ☐ Evidence of Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- ☐ ☒ 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 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), 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°).

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

14018

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>FarmTogether Shumaker, LLC</b>		PHONE NO. <b>(503) 428-2755</b>	ADDITIONAL CONTACT NO. <b>(503) 991-2772</b>
ADDRESS <b>16192 Coastal Highway</b>			FAX NO.
CITY <b>Lewes</b>	STATE <b>DE</b>	ZIP <b>19958</b>	E-MAIL <b>karen@raptorag.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>Will McGill Surveying LLC</b>		PHONE NO. <b>(503) 931-0210</b>	ADDITIONAL CONTACT NO. <b>(503) 510-3026</b>
ADDRESS <b>15333 Pletzer Rd. SE</b>			FAX NO.
CITY <b>Turner</b>	STATE <b>OR</b>	ZIP <b>97392</b>	E-MAIL <b>willmcgill.surveying@gmail.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:

*It is proposed to move a portion of Certificate 28702 across the road to irrigate this property more efficiently from the existing well or a proposed new well.*

### Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Albany, Democrat-Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

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

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Linn County</b>	ADDRESS <b>300 SW 4<sup>th</sup> Ave.</b>	
CITY <b>Albany</b>	STATE <b>OR</b>	ZIP <b>97321</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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MAY 26 2022

14018 OWRD

## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 28702

RECEIVED

### Description of Water Delivery System

MAY 26 2022

System capacity: 1.83 cubic feet per second (cfs) OR  
\_\_\_\_\_ 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. 30 HP pump delivers water through 8" down to 3" PVC mainline.

**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)
Looney Well #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LINN 6279/6278	11 S	2 W	3	NW NW	77	920' S and 90' E from NW corner, section 3
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LINN 4407	10 S	2 W	34	SW SE	60	820' N and 2545' W from SE corner, section 34
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	2 W	34	SW SE	60	1020' N and 2465' W from SE corner, section 34
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)     |
| <input type="checkbox"/> Character of Use (USE)                        | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input type="checkbox"/> Additional Point of Appropriation (APOA)     |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                           |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                  |

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

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

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

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

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
11	S	2	W	3	NE	NW	700	77	7.0	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W	34	SW	SE	1200	60	15.5	Irrigation	Well 1, 2	1957
11	S	2	W	3	NW	NW	700	77	18.2	Irrigation	Looney Well #1	1957	POU/POA	10	S	2	W	34	SE	SE	1200	60	9.7	Irrigation	Well 1, 2	1957

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

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**For Place of Use or Character 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: **Cert. 40569.**

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

**Tip:** You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

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

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
<b>Well 2</b>	<b>No</b>		<b>100' +/-</b>	<b>10"</b>		<b>min. 18'</b>			<b>gravel</b>	

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LINN  
6279

# OBSERVATION WELL

FROM WELL

D

## WATER WELL REPORT

STATE OF OREGON G-626

State Well No. 11/24-38  
State Permit No. G-538 (66231)

File Original and  
First Copy with the  
STATE ENGINEER,  
SALEM, OREGON

### (1) OWNER:

Name Sam Looney  
Address 1208 Oak Street  
Albany, Oregon

### (2) LOCATION OF WELL:

County Linn Owner's number, if any #2  
NW 1/4 NW 1/4 Section 3 T. 11S R. 2W W.M.  
Bearing and distance from section or subdivision corner

920'S & 90'E from NW  
Corner Section 3

### (3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐  
If abandonment, describe material and procedure in Item 11.

### (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

### (5) TYPE OF WELL:

Rotary ☐ Cable ☒ Driven ☐  
Dug ☐ Jetted ☐ Bored ☐

### (6) CASING INSTALLED:

Threaded ☐ Welded ☒  
10" Diam. from 0 ft. to 107 ft. Gage  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

### (7) PERFORATIONS:

Perforated? ☒ Yes ☐ No  
Type of perforator used Torch Slots  
SIZE of perforations 1/2 in. by 8 in.  
perforations from 0 ft. to 107 ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

### (8) SCREENS:

Well screen installed ☐ Yes ☒ No  
Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
Type \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

### (9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Was a surface seal provided? ☐ Yes ☐ No To what depth? \_\_\_\_\_ ft.  
Material used in seal—  
Did any strata contain unusable water? ☐ Yes ☐ No  
Type of water \_\_\_\_\_ Depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_

### (10) WATER LEVELS:

Static level 10 ft. below land surface Date 11-10-57  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

Log Accepted by:

[Signed] \_\_\_\_\_ Date \_\_\_\_\_, 19\_\_\_\_  
(Owner)

### (11) WELL TESTS:

Drawdown is amount water level is lowered below static level 11-10-57  
Was a pump test made? ☐ Yes ☐ No If yes, by whom?  
Yield: 500 gal./min. with 67 ft. drawdown after 1 3/4 hrs.  
" 350 " 49 " "  
" 150 " 28 " "  
Bailer test — gal./min. with ft. drawdown after hrs.  
Artesian flow — g.p.m. Date  
Temperature of water Was a chemical analysis made? ☐ Yes ☐ No

### (12) WELL LOG:

Diameter of well 10 inches.  
Depth drilled 107 ft. Depth of completed well 107 ft.  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	10
Clay	10	30
gravel, cemented	30	38
gravel, fine	38	70
gravel, coarse boulders	70	107

Owners Memo.

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OWNED

Work started 19 \_\_\_\_\_ Completed 19 \_\_\_\_\_

### (13) PUMP:

Manufacturer's Name Turbin-c  
Type: \_\_\_\_\_ H.P. 10 & 15

### Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Klaus - Bizley  
(Person, firm, or corporation) (Type or print)

Address \_\_\_\_\_

Driller's well number \_\_\_\_\_

[Signed] \_\_\_\_\_ (Well Driller)

License No. \_\_\_\_\_ Date \_\_\_\_\_, 19\_\_\_\_

(USE ADDITIONAL SHEETS IF NECESSARY)

14018

LINN  
6278

WATER WELL DRILLERS REPORT  
STATE OF OREGON

Do Not State Well No. 11/2W-30(1)  
Fill In State Permit No. G538

(1) OWNER:

Name Sam & Opal Looney  
Address 1208 Oak St /  
ALBANY, OREGON

(2) LOCATION OF WELL:

County LINN Owner's number, if any - Looney #1  
R. F. D. or Street No.

Bearing and distance from section or subdivision corner

S. 48° x 20' E 98.5 CHAINS From  
the N.W. Sec. 3, T. 11S. R. 2W.  
BEING WITHIN THE NE 1/4 OF NW 1/4

(3) TYPE OF WORK (check):

New well ☐ Deepening ☒ Reconditioning ☐ Abandon ☐  
abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

(5) EQUIPMENT:

Rotary ☐  
Cable ☒  
Dug Well ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

If gravel packed

FROM	ft. to	ft.	Diam.	Gage or Wall	Diameter of Bore	from ft.	to ft.
0	"	6"	Concrete Pit				
6	"	4"	10" std				
"	"	"	"	"	"	"	"
"	"	"	"	"	"	"	"
"	"	"	"	"	"	"	"

Type and size of shoe or well ring 10"

Size of gravel:

Describe joint 10" x 4" shoe welded

(7) PERFORATIONS:

Type of perforator used Slotted & cutting torch

SIZE	of perforations	10	in., length, by	1/4"	in.
FROM	ft. to	ft.	perf per foot	No. of rows	
3"	"	4"	2 1/2"	5"	"
"	"	"	"	"	"
"	"	"	"	"	"
"	"	"	"	"	"

SCREENS:

Give Manufacturer's Name, Model No. and Size

(8) CONSTRUCTION:

Was a surface sanitary seal provided? ☒ Yes ☒ No To what depth ft.

Were any strata sealed against pollution? ☐ Yes ☒ No

If yes, note depth of strata

FROM	ft. to	ft.
"	"	"

METHOD OF SEALING

(9) WATER LEVELS:

Depth at which water was first found 12 ft.

Standing level before perforating 12 ft.

Standing level after perforating ~~12~~ 20 ft.

Log Accepted by:

[Signed] Sam & Opal Looney Dated 5/25/1957, 1957  
Owner

(10) WELL TESTS:

FROM WELL

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. draw down after hrs.

" " " "

" " " "

" " " "

Artesian flow g.p.m.

Shut-in pressure lbs. per square inch.

Ball test g.p.m. with ft. drawdown

Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

Was electric log made of well? ☐ Yes ☒ No

(11) WELL LOG:

Diameter of well 10 inches.

Total depth 48 ft. Depth of completed well 45 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

ft. to ft.

" " 33 WAS ORIGINAL

" " Drilled to 33 ft WE

" " 33 ft Pipe + Perforated

" " 33 ft Run SAME PIPE

" " 33 ft With 8' Added

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STATE ENGINEER, SALEM, OREGON 97110 (Please type or print)  
within 30 days from the date (Do not write above this line)  
of well completion. SALEM, OREGON

State Permit No. \_\_\_\_\_

(USE ADDITIONAL SHEETS IF NECESSARY)

AFFIDAVIT FOR THE VOLUNTARY DIMINUTION OF AN ENTIRE WATER RIGHT CERTIFICATE

State of Oregon

)  
) ss

County of Linn )

I/We (or authorized agent), FarmTogether Shumaker, LLC, residing at 16192 Coastal Highway, Lewes, DE 19958, telephone number (503) 428-2755, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 1200, within the SWSE/SESE, Section 34, Township 10S, Range 2W, of the Willamette Meridian, in Linn County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. Water right certificate number 40569 issued in the name of Lynn E. & Orvillis F. Shumaker, with a date of priority of July 10, 1970, for use of 0.29 cubic foot per second of water from Crabtree Creek (source) for the purpose of irrigation (use) is appurtenant to my/our property;
3. I/We have obtained a better (e.g., better, more economical) source of water for the primary irrigation of these lands, and request the entire water right described be diminished from a right for primary irrigation to a right for supplemental irrigation of the same lands;
4. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: \_\_\_\_\_); and
5. I/We agree that if this change is approved, it is permanent and the right to the use of water from Crabtree Creek (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from Crabtree Creek (source) for primary irrigation of these lands.

Dale M. Arthur

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

5/23/22

Date

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

\_\_\_\_\_  
Date

Subscribed and Sworn to Before Me this 23 day of May, 2022.



[Signature]  
Notary Public for Oregon

My Commission Expires 9/23/24

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

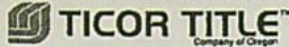
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RECORDING REQUESTED BY:



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

1200 / 700 + 800

LINN COUNTY, OREGON	2021-12824
D-WD	05/25/2021 03:39:00 PM
Str=10131 FORBISJ	\$120.00
\$20.00 \$11.00 \$10.00 \$60.00 \$19.00	

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

Steve Druckenmiller - County Clerk

**AFTER RECORDING RETURN TO:**

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

**SEND TAX STATEMENTS TO:**

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

APN: 39194

61578

61586

926167

Map: 10S02W3400 01200

11S02W0300 00700

11S02W0300 00800

11S02W0300 00800

36887 Gilkey Road (Parcel I), Scio, OR 97374

36700 Gilkey Road (Parcel II), Scio, OR 97374

36500 Gilkey Road (Parcel III), Scio, OR 97374

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

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

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

**PARCEL I:**

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

**PARCEL II:**

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

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

**PARCEL III:**

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

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

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

**Subject to:**

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

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TICOR Title: 471321106923

STATUTORY WARRANTY DEED

(continued)

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

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

Dated: 5/24/2021

Vicenergy, LLC, a Texas Limited Liability Company

BY: [Signature]  
Authorized Signer

State of Florida

County of Walton

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

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

My Commission Expires: \_\_\_\_\_



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**EXHIBIT "A"**  
Exceptions

**Subject to:**

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

Account No.: 39194, 61578, 61586 and 926167

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel III

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**EXHIBIT "A"**  
Exceptions

9. Hazardous Substances Certificate and Indemnity Agreement, including the terms and provisions thereof

Recording Date: September 23, 2011  
Recording No.: 2011-13401

10. Parcel II  
Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 24, 2020  
Recording No: 2020-26957

11. Parcel I  
A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Lynn Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26958

12. Parcels I and III  
A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Orvilliss Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26959

13. Parcels I and III  
A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$900,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Shumaker Family Farms LLC  
Recording Date: December 24, 2020  
Recording No: 2020-26960

14. Parcel II  
Additional existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

15. SUBJECT TO the Life Estate of Lynn Shumaker and Orvilliss Shumaker, as to Parcel 1, as reserved in Warranty Deed recorded December 24, 2020 as Document No. 2020-26957, Linn County Deed Records.

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# 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.

State of Oregon )  
County of LINN ) ss

I, KEVIN PORTER, in my capacity as GENERAL MANAGER,

mailing address 5201 N SOONER RD., EDMOND, OK 73034

telephone number (503)991-2772, being first duly sworn depose and say:

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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 # 28702; 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)

14018

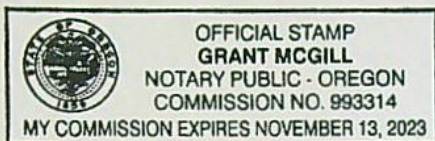
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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]  
Signature of Affiant

5/23/2022  
Date

Signed and sworn to (or affirmed) before me this 23 day of May, 2022.



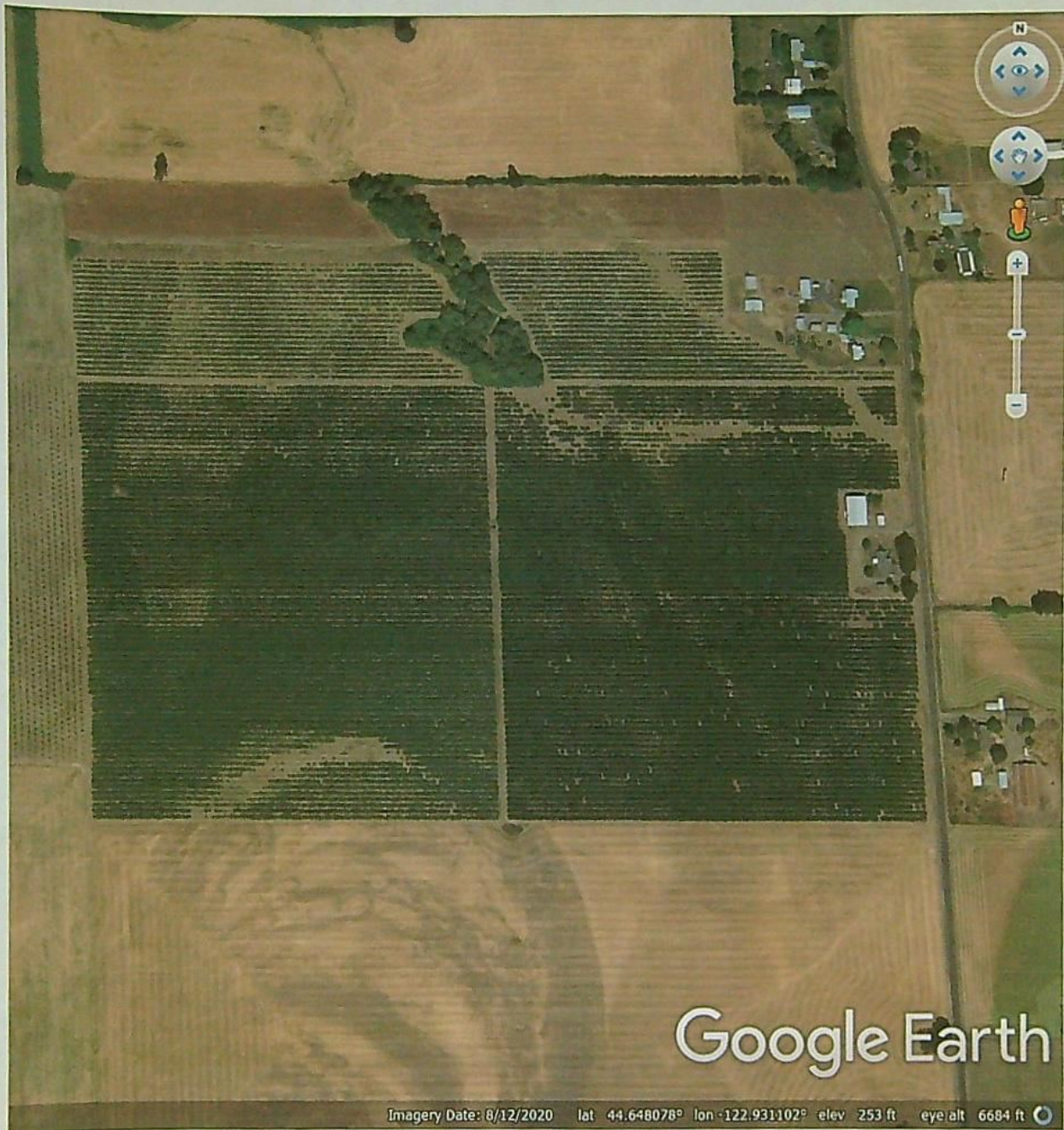
[Signature]  
Notary Public for Oregon  
My Commission Expires: 11/13/2023

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 <b>confirming</b> water right certificate that shows issue date
<input 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 checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. 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.  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>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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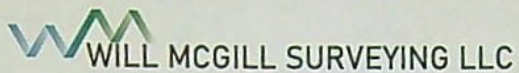


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15333 Pletzer Rd. SE  
Turner, OR 97392  
503-931-0210  
503-510-3026  
willmcgill.surveying@gmail.com

As agent for the applicant, FarmTogether Shumaker LLC, we request that the voluntary diminution of the entire certificate 40569 only be completed contingent upon the approval of the corresponding water right transfer. Upon approval, certificate 28702 will become the primary source of irrigation on the subject property, tax lot 1200.

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A handwritten signature in cursive script that reads 'Grant A. McGill'. The signature is written in dark ink and is positioned above a horizontal line.

Grant A. McGill

A handwritten signature in cursive script that reads 'William E. McGill'. The signature is written in dark ink and is positioned above a horizontal line.

William E. McGill, CWRE

14018

STATE OF OREGON  
COUNTY OF LINN

# CERTIFICATE OF WATER RIGHT

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

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

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

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

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

The amount of water used for irrigation, together with the amount secured under any other  
right 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 $\frac{1}{2}$  acre feet per acre** for each acre irrigated during  
the irrigation season of each year,

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

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

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

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

WITNESS the signature of the State Engineer, affixed

this date. **June 28, 1974**

.....**Chris L. Wheeler**.....  
State Engineer

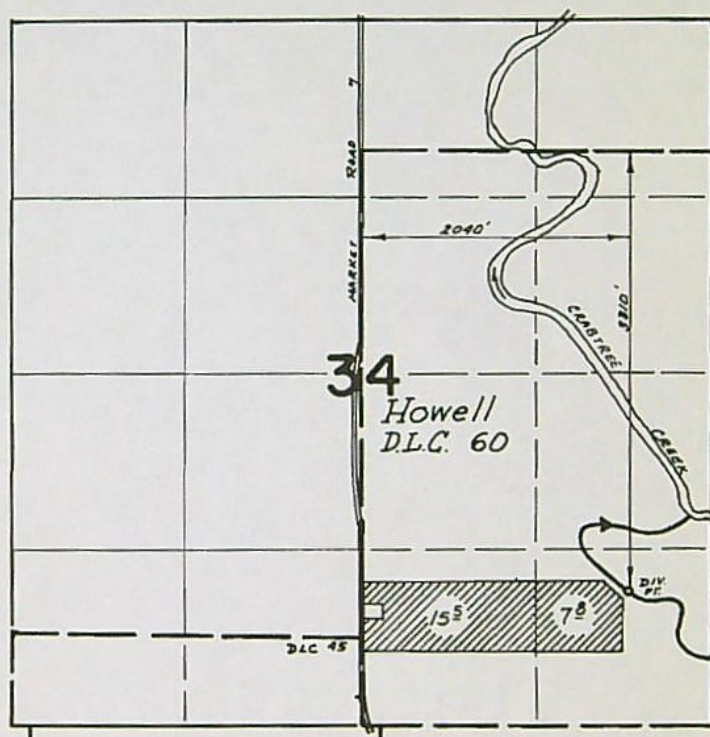
Recorded in State Record of Water Right Certificates, Volume **32**, page **140369-8**

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MAY 26 2022

QWRD

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



**FINAL PROOF SURVEY**  
UNDER

Application No. 47191 Permit No. 35352  
IN NAME OF

LYNN E. AND ORVILLIS F. SHUMAKER

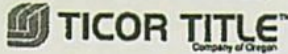
Surveyed Aug 30 1972, by D. Norby

OPM-644-234

2

14018

RECORDING REQUESTED BY:



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

1200 / 700 + 800

LINN COUNTY, OREGON	2021-12824
D-WD	05/25/2021 03:39:00 PM
Sl=10131 FORBISJ	\$120.00
\$20.00 \$11.00 \$10.00 \$60.00 \$19.00	

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk

AFTER RECORDING RETURN TO:  
FarmTogether Shumaker, LLC  
c/o FarmTogether Management LLC,  
16192 Coastal Highway  
Lewes, DE 19958-3608

SEND TAX STATEMENTS TO:  
FarmTogether Shumaker, LLC  
c/o FarmTogether Management LLC,  
16192 Coastal Highway  
Lewes, DE 19958-3608

APN: 39194  
61578  
61586  
926167  
Map: 10S02W3400 01200  
11S02W0300 00700  
11S02W0300 00800  
11S02W0300 00800  
36887 Gilkey Road (Parcel I), Scio, OR 97374  
36700 Gilkey Road (Parcel II), Scio, OR 97374  
36500 Gilkey Road (Parcel III), Scio, OR 97374

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

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

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

#### PARCEL I:

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

#### PARCEL II:

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

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

#### PARCEL III:

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

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

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

Subject to:

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

14018

STATUTORY WARRANTY DEED

(continued)

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

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

Dated: 5/24/2021

Vicenergy, LLC, a Texas Limited Liability Company

BY: [Signature]  
Authorized Signer

State of Florida  
County of Walton

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

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

My Commission Expires: \_\_\_\_\_



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## EXHIBIT "A"

### Exceptions

#### Subject to:

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

Account No.: 39194, 61578, 61586 and 926167

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

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

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

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

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

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

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

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

Assignee: Quasar Petroleum Company of New Mexico  
Recording Date: July 9, 1982  
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Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

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

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Purpose: as stated in said easement  
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Recording No.: Volume 435, Page 795  
Affects: Parcel III

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

Parcel III

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**EXHIBIT "A"**

**Exceptions**

9. Hazardous Substances Certificate and Indemnity Agreement, including the terms and provisions thereof

Recording Date: September 23, 2011  
Recording No.: 2011-13401

Parcel II

10. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 24, 2020  
Recording No: 2020-26957

Parcel I

11. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$575,000.00  
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Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Lynn Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26958

Parcels I and III

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Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Lynn Shumaker, Orvilliss Shumaker, and Kathryn D. Calkins, Trustees of the Orvilliss Shumaker Family Trust, dated January 12, 1995  
Recording Date: December 24, 2020  
Recording No: 2020-26959

Parcels I and III

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Amount: \$900,000.00  
Dated: December 21, 2020  
Trustor/Grantor: Vicenergy, LLC, a Texas limited liability company  
Trustee: AmeriTitle, LLC  
Beneficiary: Shumaker Family Farms LLC  
Recording Date: December 24, 2020  
Recording No: 2020-26960

Parcel II

14. Additional existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

15. SUBJECT TO the Life Estate of Lynn Shumaker and Orvilliss Shumaker, as to Parcel 1, as reserved in Warranty Deed recorded December 24, 2020 as Document No. 2020-26957, Linn County Deed Records.

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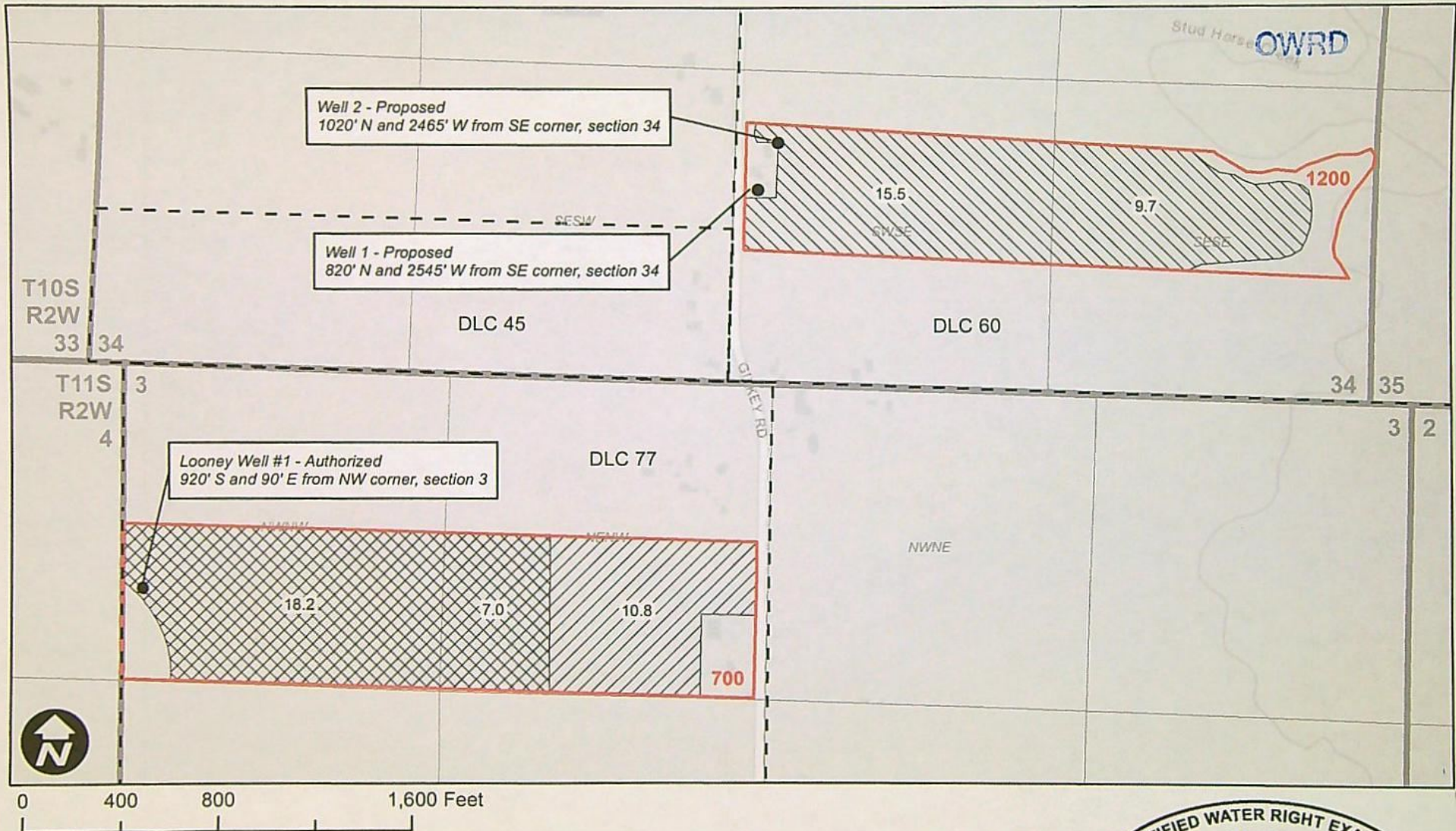
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# Certificate 28702 - Transfer Application



## Legend

Transfer From Cert. 28702 No Change Transfer To Tax Lot DLC

# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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140458

# Land Use Information Form

PLN-2022-00375

OREGON



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
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MAY 26 2022

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Applicant(s): FarmTogether Shumaker LLC

Mailing Address: 16192 Coastal Highway

City: Lewes

State: DE

Zip Code: 19958

Daytime Phone: (503) 428-2755

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>10S</u>	<u>2W</u>	<u>34</u>	<u>SWSE</u>	<u>1200</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>
<u>10S</u>	<u>2W</u>	<u>34</u>	<u>SESE</u>	<u>1200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Linn County

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water    ☒ Water Right Transfer    ☐ Permit Amendment or Ground Water Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☒ Ground Water    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 63    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☒ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☐ Instream    ☐ Other \_\_\_\_\_

Briefly describe:

It is proposed to transfer a portion of Cert. 28702 to TL 1200 to irrigate crops more efficiently.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310CB)(1)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Farming is an outright use pursuant to LCC 928.310CB)(1)

Name: Jennifer Lepello Title: Planner  
 Signature: [Signature] Phone: 541-767-3816 Date: 5/6/22  
 Government Entity: Linn County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14018

Checked by: <u>Scott</u>	Type of Change(s) <b>Proposed:</b> <i>Mark the Proposed Changes</i>	Substitution	Supplemental to Primary	<input checked="" type="checkbox"/> POU	<input type="checkbox"/> POD	<input type="checkbox"/> APOD
Date: <u>5-31-22</u>		Gov Action	Surface to Ground	USE	<input checked="" type="checkbox"/> POA	<input checked="" type="checkbox"/> APOA
Fee Received:						
Calculated Fee:		How many rights to be Transferred? Certificate # <u>28702</u>				
Additional Observations: <u>also Voluntary diminution</u>						

If OK and complete, check box to the left; if **NOT**, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?  
If no, what is missing? Whose signature is missing? \_\_\_\_\_
  - ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.  
Name of the district: \_\_\_\_\_
  - ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?  
If no, you may need to contact the applicant or agent? \_\_\_\_\_
  - ☒ 4. Is there only one (1) water right included in this transfer application? one  
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
  - ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?  
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
  - ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?  
If no, what is missing? \_\_\_\_\_. Map waiver included? ☐ Yes ☐ No
  - ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☐ N/A.
  - ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
  - ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.
- OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **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.

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_