# Regular



Name Greovae Schmidlin Farms, LLC  Clo Larry Schmidlin  Address 43860 NW Woolen Road  Banks OR 97106  larryschmidlin ecs. com; larryschmidlin egmail  Change in POU APOD  Date Filed 6-28-2022	Name of Stream We Trib. of Davy Co	reek	County_Washin_ No. of Acres_		04/28/22 04/28/22 8-11-2022	FEES PAID Amount \$ 1,225.00 \$ 62.50 \$ 1225.00 \$ 1225.00	138414 138530 138633 138891
Initial notice date 7-12-2072  DPD issued date 9-22-2022  PD issued date 2-3-2023  PD notice date 2-7-2023  Date of FO 3/23/23 Vol 127 Page 1081-108  C-Date 0-1-24  COBU due date 10-1-25  COBU Received date  Certificate issued	Name of ditchApp#	Per #	Cert #Cert #Cert #Cert #Cert #Cert #Cert #Cert #Cert #Cert #	PR Date 3 19 19 19 19 19 19 19 19 19 19 19 19 19	Date		Receipt #
Assignments:							
Agent Aspen Rural Land Consulting - except CWRE_CC's list Washington County	ricurstadt @ hotm	rail.com					

#### WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14040

	-
Transfer Specialist:	Arla

ransfer Type:	Regular Transf	fer									1	Kur
Applicant:					Agent: N/A							
LARRY SCHN					ERIC ANTHONY URSTADT							
43860 NW WOOLEN RD				39290 NW MURTAUGH RD								
BANKS, OR 9	97106				NORTH PLAIN	S, OR S	7133					
Email:		Pho	ne:		Email:				1	Phone	e:	
Irrigation Distr	ict: N/A				CWRE: N/A							
Email:					Email:							
Affected Local	Gov'ts: N/A	1	180		Affected Tribal G	ov't:	N/A					
Washington	County				UNAVAILABLE							
Email:					Email:							
Current Lando	wner if other tha	n Applicant:	] N/	'A	Receiving Lando	wner:	N/A					
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Water Rights	Arrected											
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	6826	ecree Name			-	Yes	Vee	No		RR/CR Nos.		
	0020			3 33013	43/21		Yes	卡	No			
						I	Yes	F	No			
V 0 0									,			
	Initial Actions:											
Rec'd: June	28, 2022		Pro	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE O						ACE OF USI	E	
Fees Pd: 245	0.00		WM District: 18 ODFW District:						strict:			
Initial Public N	otice: July 12, 2	2022	WM	1 Review sent:			ODFW	/ Re	view se	ent:		
Acknowledger	ment Letter Sent [	$\boxtimes$		114			GW Re	evie	w sent:	:		N/A
County sent co	of Ack Letter	×	BOR	R notified (date	2):	N/A						
Newspaper quote requested: Request for			uest for news	\$ sent:		News	\$ re	ceived	:			
Request to publish sent: Affiday			davit of publica	ation received:		Last d	ay c	of public	cation	1:		
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	Date: 8/30/10	Date: 9/2/22		Date:	Date: 4/14/22	Date:	/24/22	C	W Sent	:		
DPD	Initials:	Initials: ACO	li li	nitials:	Initials: PCS	Initials	Jose	4	0/24/2	2	N/A	
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Initials: PKS

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Special Order Volume: Vol. 127 Pages 1881 - 1084

Date: 2/10/23

Initials:

FO



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone 503 986-0900 Fax 503 986-0904

March 23, 2023

GEORGE SCHMIDLIN FARMS LLC LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

REFERENCE: Transfer Application T-14040

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 <u>only</u> 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 this transfer, you may contact your caseworker, Arla Davis, by telephone at 503-979-3129 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Nila Kamis

Water Rights Services Support

Transfers and Conservation Section

cc: Jacob W. Constans, Watermaster Dist. # 18 (via email)

Washington County

Eric Anthony Urstadt, Agent

Enclosure

- 4. On February 3, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-14040 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 February 7, 2023, and in the Hillsboro Tribune newspaper on February 16 and 23, 2023 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 5. The portion of the right to be transferred is as follows:

Certificate: 43721 in the name of SCHMIDLIN BROTHERS (perfected under Permit

S-35015)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 19, 1970

Rate: 0.50 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 a diversion of not to exceed 2.5 acre feet per acre for each acre

irrigated during the irrigation season of each year.

Source: WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

#### Authorized Place of Use:

		IRRIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SW	3.9
2 N	4 W	WM	14	NE SE	20.4
2 N	4 W	WM	14	NW SE	15.3
2 N	4 W	WM	14	SE SE	0.4
				Total	40.0

6. Transfer Application T-14040 proposes an additional point of diversion approximately 1.03 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	24	NW SE	POD 2 - 1855 FEET SOUTH AND 1565 FEET EAST FROM THE NW CORNER OF SECTION 24

7. Transfer Application T-14040 also proposes to change the place of use of the right to:

		IRRIGAT	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	24	NW NE	12.2
2 N	4 W	WM	24	SW NE	1.0
2 N	4 W	WM	24	NENW	26.8
				Total	40.0

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

#### Transfer Review Criteria [OAR 690-380-4010(2)]

- Water has been used within the last five years 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-14040.
- 11. The proposed changes as conditioned would not result in enlargement of the right.
- 12. The proposed changes would not result in injury to other water rights.
- 13. All other application requirements are met.

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

The additional point of diversion and change in place of use proposed in Transfer Application T-14040 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

#### Now, therefore, it is ORDERED:

- The additional point of diversion and change in place of use proposed in Transfer Application T-14040 are approved.
- 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 43721 and any related decree.
- 3. Water right Certificate 43721 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 of diversion (POD 2), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

- 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 diversion.
  - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
- 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.
- After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on MAR 2 3 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

Mailing date: MAR 2 4 2023

#### STATE OF OREGON

#### COUNTY OF WASHINGTON

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

confirms the right to use the waters of WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK to IRRIGATION of 22.8 ACRES.

This right was perfected under Permit S-35015.

The date of priority is MARCH 19, 1970.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.28 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 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 acrefeet 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:

		IRRIGAT	TION	- UK	
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SE	0.3
2 N	4 W	WM	14	NW SE	19.2
2 N	4 W	WM	14	SW SE	2.7
2 N	4 W	WM	14	SE SE	0.6
				Total	22.8

This certificate describes that portion of water right Certificate 43721, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 2 3 2023 approving Transfer Application T-14040.

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 \_

MAR 2 3 2023

Lisa Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

#### STATE OF OREGON

#### WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A RECEIPT # 139835 INVOICE # \_ SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax) APPLICATION RECEIVED FROM: PERMIT BY: TRANSFER CASH: OTHER: (IDENTIFY) X 2105 TOTAL REC'D TREASURY 1083 4170 WRD MISC CASH ACCT 46118 COPIES 0407 \$71.40 0207 OTHER: (IDENTIFY) NEWSDAPE 0243 I/S Lease \_ 0244 Muni Water Mgmt. Plan \_ 0245 Cons. Water WRD OPERATING ACCT 4270 MISCELLANEOUS 0407 **COPY & TAPE FEES** 0410 RESEARCH FEES 0408 MISC REVENUE: (IDENTIFY) TC162 DEPOSIT LIAB. (IDENTIFY) 0240 **EXTENSION OF TIME** RECORD FEE WATER RIGHTS: EXAM FEE SURFACE WATER 0202 0201 0204 0203 **GROUND WATER** 0205 TRANSFER **EXAM FEE** LICENSE FEE WELL CONSTRUCTION 0219 0218 WELL DRILL CONSTRUCTOR 0220 LANDOWNER'S PERMIT OTHER (IDENTIFY) \_ WELL CONST. START FEE 0536 TREASURY 0437 CARD# WELL CONST START FEE 0211 CARD# MONITORING WELLS 0210 OTHER (IDENTIFY) \_ LIC NUMBER 0467 HYDRO ACTIVITY TREASURY 0607 POWER LICENSE FEE (FW/WRD) 0233 \$ HYDRO LICENSE FEE (FW/WRD) 0231 S HYDRO APPLICATION OTHER / RDX TREASURY FUND \_\_\_\_\_\_ TITLE VENDOR # OBJ. CODE \_ DESCRIPTION .

STATE OF OREGON

#### WATER RESOURCES DEPARTMENT

RECEIPT # 139835 725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax

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RECEIPT:

### Pamplin MediaGroup

6605 SE Lake Road, Portland, OR 97222 PO Box 22109 Portland, OR 97269-2169 Phone: 503-684-0360 Fax: 503-620-3433 E-mail: legals@commnewspapers.com

#### AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, J. Brian Monihan, being the first duly sworn, depose and say that I am the President of the News Times, a newspaper of general circulation, published at Forest Grove, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

Ad#: 267504

Owner: Oregon Department of Water Re-

sources

**Description: Notice of Preliminary Determi-**

nation for

Water Right Transfer T-14040

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:

02/16/2023, 02/23/2023

J. Brian Monihan (President)

Subscribed and sworn to before me this

02/23/2028

NOTARY PUBLIC FOR OREGON

Notice of Preliminary Determination for Water Right Transfer T-14040

T-14040 filed by George Schmidlin Farms, LLC, C/O Larry Schmidlin, 43860 NW Woolen Road, Banks, OR 97106, proposes an additional point of diversion and change in place of use under Certificate 43721. The right allows the use of 0.50 cubic foot per second from the West Fork Dairy Creek in Sec. 14, T2N, R4W, WM for irrigation in Sec. 14, T2N, R4W, WM. The applicant proposes an additional point of diversion in Sec. 24, T2N, R4W, WM and to change the place of use to Sec. 24, T2N, R4W, 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, February 23, 3023. 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.

Published Feb. 16 & 23, 2023

FGNT267504

RECEIVED

MAR 06 2023

OWRD SALEM, OREGON

Acct #: 134229
Attn: STACY H PHILLIPS
OREGON DEPARTMENT OF WATER RESOURCES
725 SUMMER ST. NE, SUITE A
SALEM, OR 97301





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

February 3, 2023

VIA CERTIFIED MAIL AND E-MAIL

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

SUBJECT: Water Right Transfer Application T-14040

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14040. 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 Hillsboro Tribune 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.

Please do not hesitate to contact me at 503-979-3129 or <u>arla.l.davis@water.oregon.gov</u> or if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis
Transfer Specialist
Transfer and Conservation Section

cc: T-14040

Jacob W. Constans, District 18 Watermaster (via e-mail) Eric Anthony Urstadt, Agent for the applicant (via e-mail)

encs

## OF THE STATE OF OREGON

In the Matter of Transfer Application	- ) -	PRELIMINARY DETERMINATION
T-14040, Washington County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION AND
	)	CHANGE IN PLACE OF USE

#### Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

#### Findings of Fact

- On June 28, 2022, GEORGE SCHMIDLIN FARMS, LLC filed an application for an additional point of diversion and to change the place of use under Certificate 43721. The Department assigned the application number T-14040.
- Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On September 22, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14040 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 24, 2022, for the applicant to respond. The applicant(s) 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.
- The draft Preliminary Determination sent to the applicant on September 22, 2022, contained scrivener's errors in the description of the Authorized Place of Use.

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 notice of this preliminary determination.

5. The portion of the right to be transferred is as follows:

Certificate: 43721 in the name of SCHMIDLIN BROTHERS (perfected under Permit

S-35015)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 19, 1970

Rate: 0.50 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 a diversion of not to exceed 2.5 acre feet per acre for each acre

irrigated during the irrigation season of each year.

Source: WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

#### Authorized Place of Use:

		IRRIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SW	3.9
2 N	4 W	WM	14	NE SE	20.4
2 N	4 W	WM	14	NW SE	15.3
2 N	4 W	WM	14	SE SE	0.4
				Total	40.0

 Transfer Application T-14040 proposes an additional point of diversion approximately 1.03 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	24	SE NW	POD 2 - 1855 FEET SOUTH AND 1565 FEET EAST FROM THE NW CORNER OF SECTION 24

7. Transfer Application T-14040 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	24	NW NE	12.2
2 N	4 W	WM	24	SW NE	1.0
2 N	4 W	WM	24	NE NW	26.8
				Total	40.0

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

#### Transfer Review Criteria [OAR 690-380-4010(2)]

- Water has been used within the last five years 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-14040.
- 11. The proposed changes as conditioned would not result in enlargement of the right.
- 12. The proposed changes would not result in injury to other water rights.
- 13. All other application requirements are met.

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

The additional point of diversion and change in place of use proposed in Transfer Application T-14040 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14040 is approved, the final order will include the following:

- The additional point of diversion and change in place of use proposed in Transfer Application T-14040 are approved.
- 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 43721 and any related decree.
- Water right Certificate 43721 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 of diversion (POD 2), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
- 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 diversion.
  - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
- 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.
- After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

PEB 0 3 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

This Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document you may reach me at 503-979-3129 or <a href="mailto:arla.l.davis@water.oregon.gov">arla.l.davis@water.oregon.gov</a>

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <a href="http://legalassistance.law.af.mil">http://legalassistance.law.af.mil</a>. The Oregon Military Department does not have a toll free number.



Water Resources Department

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

November \_\_\_\_, 2022

VIA CERTIFIED MAIL AND E-MAIL

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

SUBJECT: Water Right Transfer Application T-14040

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14040. 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 Hillsboro Tribune 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.

Please do not hesitate to contact me at 503-986-0892 or <a href="mailto:Joan.M.Smith@water.oregon.gov">Joan.M.Smith@water.oregon.gov</a> if I may be of assistance.

Sincerely,

loan Smith

Transfer Specialist

Transfer and Conservation Section

### OF THE STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14040, Washington County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION AND
	)	CHANGE IN PLACE OF USE

#### Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

#### **Findings of Fact**

- On June 28, 2022, GEORGE SCHMIDLIN FARMS, LLC filed an application for an additional point of diversion and to change the place of use under Certificate 43721. The Department assigned the application number T-14040.
- Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On September 22, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14040 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 24, 2022, for the applicant to respond. The applicant of 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.

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 notice of this preliminary determination.

4. The portion of the right to be transferred is as follows:

Certificate: 43721 in the name of SCHMIDLIN BROTHERS (perfected under Permit

S-35015)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 19, 1970

Rate: 0.50 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 a diversion of not to exceed 2.5 acre feet per acre for each acre

irrigated during the irrigation season of each year.

Source: WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

#### Authorized Place of Use:

		IRRIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SW	3.9
2 N	4 W	WM	14	NE SE	20.4
2 N	4 W	WM	14	NW SE	15.3
2 N	4 W	WM	14	SE SE	0.4
				Total	40.0

5. Transfer Application T-14040 proposes an additional point of diversion approximately 1.03 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	24	NW SE	POD 2 - 1855 FEET SOUTH AND 1565 FEET EAST FROM THE NW CORNER OF SECTION 24

6. Transfer Application T-14040 also proposes to change the place of use of the right to:

		IRRIGA"	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	24	NW NE	12.2
2 N	4 W	WM	24	SW NE	1.0
2 N	4 W	WM	24	NENW	26.8
				Total	40.0

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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#### Transfer Review Criteria [OAR 690-380-4010(2)]

- Water has been used within the last five years 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-14040.
- 10. The proposed changes as conditioned would not result in enlargement of the right.
- 11. The proposed changes would not result in injury to other water rights.
- 12. All other application requirements are met.

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

The additional point of diversion and change in place of use proposed in Transfer Application T-14040 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14040 is approved, the final order will include the following:

- The additional point of diversion and change in place of use proposed in Transfer Application T-14040 are approved.
- 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 43721 and any related decree.
- 3. Water right Certificate 43721 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 of diversion (POD 2), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

- 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 diversion.
  - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
- The former place of use of the transferred right shall no longer receive water under the right.
- 8. 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 diversion.
  - 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.
- 9. 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.

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

Dated in Salem, Oregon on

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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

## Notice of Preliminary Determination for Water Right Transfer T-14040

T-14040 filed by George Schmidlin Farms, LLC, C/O Larry Schmidlin, 43860 NW Woolen Rd, Banks, OR 97106, proposes an additional point of diversion and place of use change under Certificate 43721. The right allows the use of 0.50 cubic foot per second from the West Fork Dairy Creek in Sec. 14, T2N, R4W, WM for irrigation in Sec. 14, T2N, R4W, WM. The applicant proposes an additional point of diversion in Sec. 24, T2N, R4W, WM and to change the place of use to Sec. 24, T2N, R4W, 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, 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 WASHINGTON

#### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

confirms the right to use the waters of WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK to IRRIGATION of 22.8 ACRES.

This right was perfected under Permit S-35015.

The date of priority is MARCH 19, 1970.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.28 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 acrefeet 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:

		IRRIGAT	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SE	0.3
2 N	4 W	WM	14	NW SE	19.2
2 N	4 W	WM	14	SW SE	2.7
2 N	4 W	WM	14	SE SE	0.6
				Total	22.8

Certificates, NOT modified by the provisions of an order of the Water Resources Director entered approving Transfer Application T-14040.
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

#### SMITH Joan M \* WRD

From: Eric Urstadt <ericurstadt@hotmail.com>
Sent: Monday, September 26, 2022 1:03 PM

To: SMITH Joan M \* WRD; larryschmidlin@cs.com; larryschmidlin@gmail.com

Cc: George Marsh

Subject: Marsh/Schmid T-14040 DPD - DPD response

Attachments: 0A-CoverLetterDPD-Response1.pdf; A-FromLandOwnbershipReport23SEP2022.pdf

Ms. Joan Smith,

Attached is our acknowledgement for the DPD as well as the required Ownership Report. I believe that everything is done on our end at this time.

Please respond to me that you received this email and let me know if anything else is needed.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

#### **Aspen Rural Land Consulting**

Water Rights – Forestry – Rural Land Engineering – Land Surveying (971) 250-1520 (cell, text, voicemail)

From: SMITH Joan M \* WRD

Sent: Thursday, September 22, 2022 9:45 AM

To: Eric Urstadt; larryschmidlin@cs.com; larryschmidlin@gmail.com

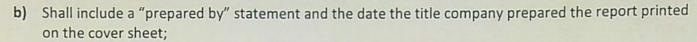
Cc: CONSTANS Jake W \* WRD
Subject: Transfer T-14040 DPD

Reference: Water Right Transfer Application T-14040

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14040. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by October 24, 2022.

#### Required items needing your immediate attention:

- Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
- Respond in writing by October 24, 2022, with acknowledgement that you agree to the proposed action and conditions.
- 3. If you find any errors, please let me know.
- 4. 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;



- c) Must be:
  - 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 <u>not</u> already included in the transfer application. The Department's statement of consent form (Consent By Deeded Landowner) is available at: <a href="https://www.oregon.gov/OWRD/WRDFormsPDF/consent">https://www.oregon.gov/OWRD/WRDFormsPDF/consent</a> to transfer form.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.

#### Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water.

You may not divert water prior to installation and approval of the fish screen by the Oregon Department of

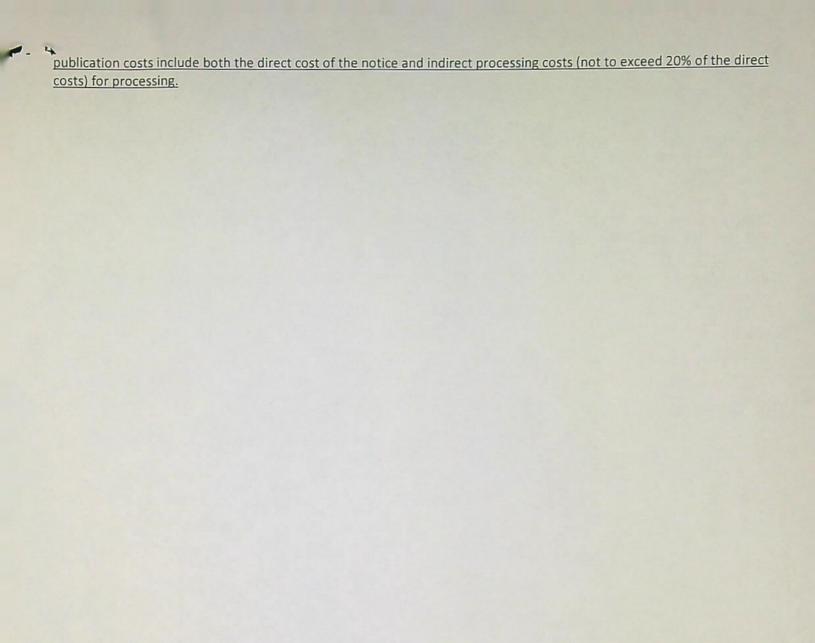
Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact

sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. Please let me know by the comment deadline if you will need more time and explain the reasons why.

#### 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 point of diversion, 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. As outlined in OAR 690-380-4020(3),



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

- 1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); 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 the items listed above by October 24, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 <u>Joan.M.Smith@water.oregon.gov</u> if I may be of assistance.

Sincerely,



### **CUSTOMER SERVICE REQUEST**

PREPARED ESPECIALLY FOR Eric Urstadt Sept 23, 2022

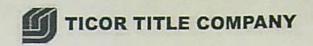
Phone: Fax: Email:

> Property Address 45715 NW Sell Rd Banks OR 97106

#### CUSTOMER SERVICE DEPARTMENT

ticor.resource@ticortitle.com Office: 503.219.1000

This report is provided "as is" without warranty of any kind, either express or implied, including without limitations any warrantees of merchantability or fitness for a particular purpose. There is no representation of warranty that this information is complete or free from error, and the provider does not assume, and expressly disclaims, any liability to any person or entity for loss or damage caused by errors or omissions in this report. The information contained in the report is delivered to you from Ticor Title Company and is obtained from sources deemed reliable, but is not guaranteed and is subject to verification by consumer.



#### Parcel Information

Parcel #: R808843

Tax Lot: 2N4140001400

Site Address: 45715 NW Sell Rd

Banks OR 97106 - 7622

Owner: George Schmidlin Farms LLC

Owner2:

Owner Address: 43860 Woollen Rd

Banks OR 97106 - 7214

Twn/Range/Section: 02N / 04W / 14 / SE

Parcel Size: 72.00 Acres (3,136,320 SqFt)

Plat/Subdivision:

Lot:

Block:

Map Page/Grid:

Census Tract/Block: 033400 / 2057

#### Assessment Information

Market Value Land:

\$0.00

Market Value Impr:

\$3,710.00

Market Value Special:

\$517,950.00

Market Value Total:

\$521,660.00

Assessment Year:

2021

Assessed Value:

\$52,210,00

#### Tax Information

Levy Code: 13.15

Levy Rate: 13.3316

Tax Year: 2021

Annual Tax: \$696.03

Exemption: \$0.00

#### Legal

ACRES 72.00, POTENTIAL ADD'L TAX LIABILITY

#### Land

Cnty Land Use: 5515 - Specially Assessed - Zoned Farmland -

Improved

Land Use Std: AFAR - Farms And Crops

Neighborhood: Cpo 14 Banks/Buxton/Gales Creek/Manning/Timber

Watershed: Dairy Creek

Primary School: BANKS ELEMENTARY SCHOOL

High School: BANKS HIGH SCHOOL

Cnty Bldg Use: G - General Improvements

Zoning: Washington Co.-EFU - Exclusive Farm Use

District

Recreation:

School District: 13 - Banks

Middle School: BANKS MIDDLE SCHOOL

#### Improvement

Year Built: 0

Bedrooms: 0

Bathrooms: 0

1st Floor: 0 SqFt

2nd Floor: 0 SqFt

Building Total: 0 SqFt

Garage: Carport - 576 SqFt

Attic Fin/Unfin: 0 SqFt / 0 SqFt

Building Fin: 0 SqFt

A/C:

Basement Fin. SqFt: 0 SqFt

Basement Unfin:

Heat:

Exterior Walls:

Roof Covering:

#### Transfer Information

Rec. Date: 12/29/1999

Sale Price:

Doc Num: 140675

Doc Type: Deed

Owner: George Schmidlin Farms LLC

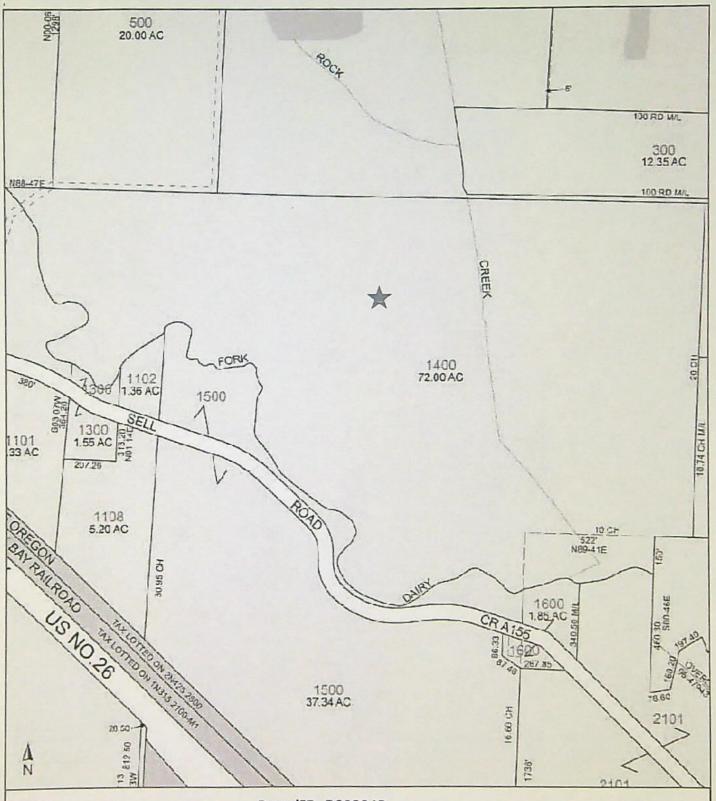
Grantor: SCHMIDLIN ENOLA M TRUSTEE

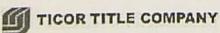
Orig. Loan Amt: Finance Type:

Loan Type:

Title Co: Lender:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

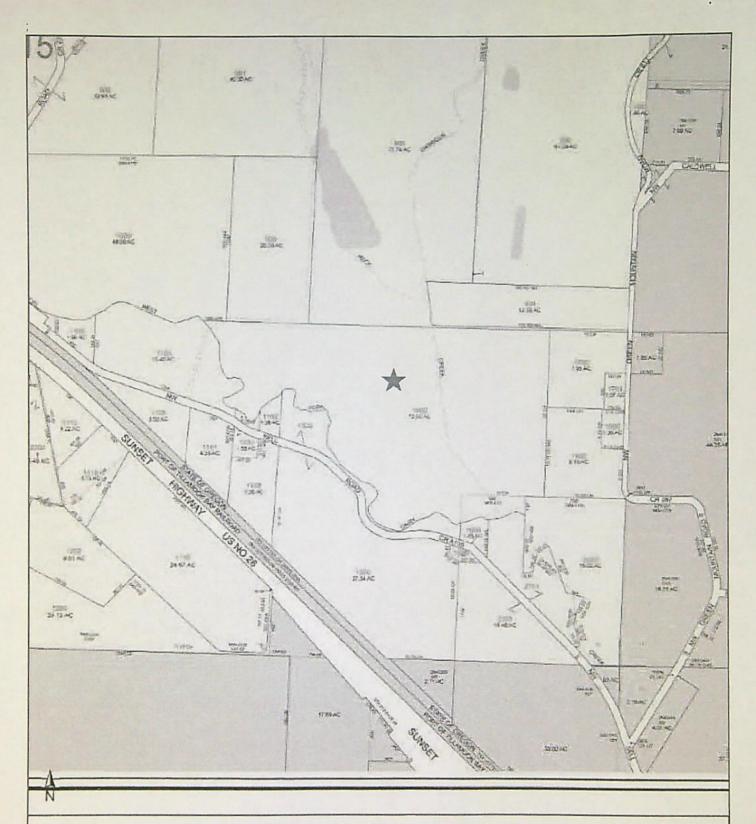


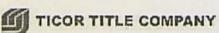


ParcelID: R808843

Tax Account #: 2N4140001400 45715 NW Sell Rd, Banks OR 97106

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.





ParcelID: R808843

Tax Account #: 2N4140001400 45715 NW Sell Rd, Banks OR 97106

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

94 043649

Washington County

Page 1 of 7

STATE OF OREGON County of Washington }

County of Washington

I, Jerry R, Hanson, Director of Assessment and Taxation and Ex-Officio County
Clork for said county, do hereby cortify that
the within instrument of writing was received
and recorded in book of records of said
county.

Jerry R. Hanson, Director of Assossment and Taxation, Ex-Officia Caunty Clerk

Doc : 94043649 Rect: 121701

05/04/1994 09:29:19AM

58.00

30%.

Until a change is requested, all tax statements shall be sent to, and after recording, send to:

The state of the s

Enola M. Schmidlin 43860 Woolen Road Banks, Oregon 97106

#### WARRANTY DEED

ENOLA M. SCHMIDLIN, trustee of the George E. Schmidlin Living Trust dated June 3, 1991, Grantor, conveys and warrants to ENOLA M. SCHMIDLIN, as trustee of the Enola M. Schmidlin Living Trust under agreement dated June 3, 1991, all of Grantor's interest in the real property described in Exhibit A, free of encumbrances except as specifically set forth herein:

- 1. The liability and obligations of Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance, or, if the Grantor has coverage under an extended policy of title insurance, under an extended policy of title insurance, under an extended policy of title insurance. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.
- Liens or encumbrances created or suffered by the Grantor.

The true and actual consideration for this transfer consists of or includes other property or other value given or promised.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED

2

1 -

XFA07102

TRACT 1.

Programming at the center of the Southeast quarter of Section 14, T. 2 N.,
R. 4 W., of Will, Mer., and running thence east 10 chains; thence North 20 chains; thence West to center of middle channel of Dairy Creek; thence down following the meanderings of said creek through said middle channel to intersection with east line of the Southwest Quarter of Southeast Quarter of said Section 14; thence North to place of beginning, containing 70 acres, more or less;

All that part of the following described tract: Parts of Section 14, 23, and 24, of T. 2 N. R. 4 N., of Willamette Meridian, in Washington County. Oregon; beginning approximately 128 feet north and 348 feet west from the corner of Sections 13, 14, 23 and 24 of said Township, and running thence, in the center of present county road, S. 36° 14' E., 557.0 feet; thence S. 20° 54' E. 531.0 feet; thence S. 42° 30' E. 340.3 feet to the northwest corner of the tract conveyed to M.L. Sells by deed recorded at page 93 of book 125, Record of Deeds for said county; thence S. 33° 47' E. 123.7 feet; thence S. 5° 07' E. 125.7 feet to the southwest corner of said Sells tract; thence S. 89° 23' W. 456 feet to the southwest corner of the northeast quarter of the northeast quarter of section 23; thence N. 39° 24' W. 379.1 feet to the eastern boundary of the S. P. & S. Railway; thence with the same N. 47° 14' W. 1248.1 feet to the accepted western boundary of the said Northeast quarter of Northeast quarter; thence North 1736 feet to the accepted northwest corner of the southeast quarter of the southeast quarter of Section 14; thence N. 85° 41' E. 522.0 feet to an iron pipe; thence S. 0° 26' E. 150 feet to the center of West Fork of Dairy Creek; thence, following the meanderings of said creek, a total southing of 1012 feet and total easting of 458 feet; thence S. 53° 45' W., about 50 feet to the place of beginning, containing 57.00 acres, more or less, which lies easterly of the center line of west Dairy Creek, containing two acres, nore or less;

Also all rights vested in the first party arising under and by virtue of that certain contract entered into on the 19th day of September, 1945, and recorded on page 135 of Book 251, Deed Records of Washington County, Oregon; and the interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his wife, was assigned on the 15th day of Movember, 1955, by said Earl J. Caldwell and Lily Caldwell, husband and wife, by conveyance recorded on page 569 of Book 375, Deed Records of Washington County, Oregon;

SUBJECT TO taxes, liens and encumbrances, if any, accrued against said lands on and subsequent to November 4, 1964.

SUBJECT FURTHER TO the rights of the public in streets, roads and highways.

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OF RECEIVED A DECISION OF THE PROPERTY OF THE PERSON OF TH

Page 1 of 4

TRACT III

That portion is Section 13, Township 2 North, Range 4 West of the Willamette Horidian, in the County of Washington and State of Oregon, described as follows:

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Reginning at a point on the West line of Woolen Road (County Road No. 127) South 88\*54' West 10 feet, more or less, from the recognized Mortheast corner of the Morthwest quarter of the Northwest quarter of section 24; thence North 0\*12' East along said West line parallel to the East line of the Southwest quarter of the Southwest quarter of Section 13, 517.5 feet, more or less, to a point on the South line of said county read and the true point of beginning; thence North 88\*08' West along said South line 181.55 feet to a point; thence South 0\*32' West parallel to the West line of said county road 120.30 feet to a point; thence South 88\*08' East parallel to the South line of said county road 181.55 feet to a point of the West line of said county road; thence North 0\*32' East along said West line of said county road; thence North 0\*32' East along said West line 120.00 feet to the point of beginning.

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Page 2 of 4

# George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4N, W.M., Washington County, Oregon:

Thence West on the north line of the NEW of Section 24 a distance of 1329.78 feet more or less to the mertheast corner of the NEW of the NEW of said Section 24;

Thence S 0°23'E on the east line thereof-1324.03 feet more or-less-to-the-southeast corner of the NM2 of the NM2;

Thesee S88°32'W on the south line of the last said tract 474.58 feet more or less to the center of the West Fork of Eatry Creek;

Thence downstream in the center of said Creek on the following bearings and distances, S32°07'W 79.29 feet, S86°05'W 131.51 feet, S89°47'W 140.51 feet, and S 4°06'30"E to a point 145.20 feet south from the forth line of the S32 of the MT2 of Section 24;

Thence West 62.00 feet more or less to the easterly right of way line of Sell Road; .

Thence S 0°11'E on said right of way line 220.00 feet to a point;

Thence N85°28'40"E 69.71 feet to the center of Dairy Creek;

These downstream is the genter of said Greek on the fellowing bearings and distances, 1880°2512 545.42 feet, 537°00'30"E 252.21 feet, 587°53'30'E C52.71 feet, 557°49'45"E 231.70 feet, MB4°E4'E 332.59 feet, and 559°01'30"E 197.27 feet to e point;

Thence MS3 17:10"E 40.00 feet more or less to an iron rod on the northeasterly bank of the West Fork of Dairy Creek;

Thenee on a southerly extension and in the center of a north-south ditch and upstream on the following bearings and distances, # 5°47'40°E 1997.23 feet, M10°35'40°E 255.41 feet, M15°23'30°E 156.72 feet, N 0°39'30°# 106.82 feet, M14°43'40°E 199.76 feet, M16°27'30°E 108.35 feet, M41°57'E 115.60 feet, and M18°03'# 25.50 feet to its intersection with the centerline of County Road Ft. 127 (Woolen Rd.);

Thence following the center of Weller Bund 354°4770 195.15 feet, 250°0478076 94.13 feet, 350°0571070 350.75 feet, 350°0574070 350.95 feet more or leas to the point of beginning.

\* Except that portion of the above described tract lying within the boundaries of Goolen Roud.

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Page 3 of 4

TRACT V

Parts of Sections 14, 23 and 24, Township 2
North, Range 4 West, W.M. Beginning approximately 128 feet North and 348 feet West of the Southeast corner of Section 14; thence in the center of County Road No. 155 (Sell Road) South 36 14' East 557.00 feet to a point; thence south 20° 54' East 531.00 feet to a point; thence South 39° 15' East 340.30 feet to the northwest corner of the certain tract conveyed to M. L. Sells by Deed Book 125, Page 93; thence South 33° 47' East 123.70 feet to a point; thence South 05° 07' East 125.70 feet to the Southwest corner of the above-mentioned Sells tract; thence South 89° 23' West 456.00 feet to the Southwest corner of the Northeast quarter of the Northeast quarter of Section 23; thence North 89° 24' West 379.10 feet to the Eastern boundary of the S.P. & S. Railway; thence with same North 470'14' West 1245.10 feet to the accepted western boundary of said Northeast quarter of the Northwest quarter of Section 23; thence North 00° 41'15" East 1818.21 feet to the accepted Northwest corner of the Southeast quarter of Section 14; thence North 85° 41' East 522.00 feet to an iron pipe; thence South 00° 26' East 150.00 feet to the center of the West Fork Dairy Creek; thence following the meanderings of said creek a total southing of 1012.00 feet and Easting of 458.00 feet; thence South 52° 44' West about 50.00 feet to the point of beginning. EXCEPT THEREFROM that certain tract of land conveyed to John R. Caldwell by deed recorded feet; thence South 52°44' West about 50.00 feet to the point of beginning. EXCEPT THEREFRON that certain tract of land conveyed to John R. Caldwell by deed recorded in Deed Book 375, at Page 561, Deed Records of Washington County, Oregon, and ALSO EXCEPTING THEREFRON the following described tract: Beginning at the intersection of the centerline of County Road No. 155 (Sell Road) with the West line of the Southeast quarter of the Southeast quarter of the Southeast quarter of the West line above said Southeast quarter of Southeast quarter

said Southeast quarter of Southeast quarter of Section 15, 141.18 test to a point; thence South 80°18'45" East 107.85 feet to a point on the centerline of above said road; thence North 00°41'15" East purified to said West line 340.50 feet more or less to the center of the West Fork Barry Creek; thence Westerly and upstream to the West line of the Southeast numruer of the Southeast numruer of Seceast quarter of the Southeast quarter of Sec-tion 14; thence South 00°41'15" West on above west line to the point of beginning.

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Page 4 of 4 STATE OF OREGON County of Washington

# George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4W, W.L., Washington County, Oregon:

Thence West on the north line of the NEW of Section 24 a distance of 1329.78 feet more or less to the northeast corner of the NEW or the Mit of said Section 24;

Themse S 0°23'E on the east line the reof-1324.83 feet note or less to the southeast corner of the NUT of the NUT;

Themce S88°32'V on the south line of the last said tract 474.58 feet more or less to the center of the West Fork of Dairy Creek;

Thence downstream in the center of said Creek on the following bearings and distances, S12°07'W 79.29 feet, S86°05'W 131.51 feet, S59°47'W 140.51 feet, and S 4°06'30"E to a point 145.20 feet south from the north line of the S32 of the 1002 of Section 24;

Thence West 62.00 feet more or less to the easterly right of way line of Sell Road; .

Thence S 0011'E on said right of way line 220.00 feet to a point;

Thence N85028'40"E 69.71 feet to the center of Dairy Creek;

These downstream in the center of said Greek on the following bearings and distances, MSB 25:E 545.42 feet, S37 00:20 E 252.21 feet, S87 953:30:E C59.71 feet, S57 49:45 E 291.70 feet, MSB 26:E 332.50 feet, and S59 01:30 E 197.27 feet to a point;

Thence MS3017'10"E 40.00 feet more or less to an iron rod on the northeasterly bank of the West Fork of Dairy Greek;

Thence on a southerly extension and in the center of a north-south ditch on a boutherly extension and in the center of a north-scatt diter and upstream on the following bearings and distances, 8 5°47'40"E 1997.23 feet, Mio\*35'40"E 255.41 feet, Mid\*23'80"E 158.72 feet, N 0\*39'30"% 108.82 feet, Mid\*43'40"E 172.28 feet, Mid\*27'35"E 108.55 feet, Mid\*57'E 115.60; feet, and Mid\*05'W 25.50 feet to its intersection with the centerline of County Road St. 127 (Woolen Rd.);

Thence following the center of Wo.len Hund 354°4770 185.10 feet, 358°65'8070 94.13 feet, 318°35'1070 358.73 feet, 318°07'4070 336.69 feet, and 339'30'4070 339.50 feet more or lean to the point of beginning.

\* Except that portion of the above described tract lying within the boundartes of Moolen Rond.

Page 3 of 4

USES AND TO DETERMINE ANY LIMITED ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 3 day of mine, 1994.

GRANTOR:

Engla M. Schmidlin

STATE OF OREGON

COUNTY OF Washinden ) 55

hu 3 This instrument was acknowledged before me on 1994, by Enola M. Schmidlin.

OFFICIAL SEAL
SARAH R. POLING
HOTARY PUBLIC OREGON
COMMISSION 10, 005548
MY COMMISSION EXPIRES MAR. 21, 1295

Notary Public Pob Oragon My Commission Expires: 3.21.91

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XPAUTIU2

PORTS No. 708 - SPECIAL WARRANTY DEED SUSVICION OF Corporate.	COPYRIGHT INNS STEVENS-MESS LAW PUBLISHING CO., PORTLAND, CA STEM
	STATE OF OREGON
	County of Washington } 55
Enola Schmidlin	L. D. Mark Added
.43860. Woollen Road	I, Jerry R. Hanner, Director of Assessment and Jayetton and Exchine County Clerk for said county, do hersely sarily that
Banks, OR 97106	
George Schmidlin Farms, LLC	and required in book of records of said
43860 Woollen Road	county *
Banks, OR 97106	Thomas forman
Orantee's Herrie and Address After recording, resum to (teme, Address, Dp):	EMICE RESERVED
George Schmidlin Farms, LLC	NAME OF THE PARTY R. Haveon Director of NAME OF THE PARTY R. HAVEON DIRECTOR OF THE PARTY R. HAVE DIRECTOR DIRECTOR OF THE PARTY R. HAVE DIRECTOR DIREC
43860 Woollen Road	RECONCERS USE PASSOCIATION, EX-
Banks, DR 97106	Doc: 99140675
Und requested occurries, send of lax assuments to (Name, Address, Dp):	Rect: 246280 51.00
George Schmidlin Farms, LLC	12/29/1999 09:39:53am
43860 Woollen Road Banks, OR 97106	
DADKS, UR. 9/10h	by, Deputy.
SPEC	HAL WARRANTY DEED
KNOW ALL BY THESE PRESENTS that	Enola Schmidlin
hereinafter called grantor, for the consideration hereinafte	r stated, to grantor paid by George Schmidlin Farms, LLC
	I and convey unto the grantee and grantee's heirs, successors and assigns, ents and appurtenances thereunto belonging or in any way appertaining, ste of Oregon, described as follows, to-wit:
See Exhibit A.	
IF SPACE INSUFFICIENT,	CONTINUE DESCRIPTION ON REVERSE SIDE)
To Have and to Hold the same unto grantee and gr	rantee's heirs, successors and assigns forever.
	and grantee's heirs, successors and assigns, that the real property is free
	or and that grantor will warrant and defend the same and every part and
parcel thereof against the lawful claims and demands of a	Il persons claiming by, through, or under the grantor.
The true and actual consideration paid for this trans	sfer, stated in terms of dollars, is \$Q D However, the
	or value given or promised which is  the whole part of the (indicate
which) consideration. (The sentence between the symbols of, if at	res, the singular includes the plural, and all grammatical changes shall be
made so that this deed shall apply equally to corporations	and to individuals.
In witness whereof, the grantor has executed this in	strument this 9th day of Docember 1927; if grantor
	is seal, if any, affixed by an officer or other person duly authorized to do
so by order of its board of directors.	Enola Schmidlin
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRI	BED IN Emple Schmillin
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRI THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND LATIONS REFORE SUSPING OR ECCEPTING THIS INSTRUMENT, THE	REGU-
LATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE P ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE P PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERHEY APPROVE AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR S PARTICLES AS CEELED, JUDIS 120-22.	APPRO-
AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR	CREST
PRACTICES AS DEFINED IN ORS 30,930.	***************************************
STATE OF OREGON, County	of WASHINGTON
	nowledged before me on Dicember 9 199
by GNOCA S	CHMIDEIN
	nowledged before me on
by	
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of	A
	(other m shiles
DOOR 'S LIFES STANDED MORSONWOOD AN	Notary Public & Oregon
COMMISSION NO 337563	6/14/42
THE PROPERTY OF THE PARTY OF TH	My commission avaises
OFFICIAL SEA	My commission expires

TRACT 1.

Deginning at the center of the Southeast quarter of Section 14, T. 2 N., R. 4 W., of Will, Mer., and running thence east 10 chains; thence North 20 chains; thence West to center of middle channel of Dairy Creek; thence down following the meanderings of said creek through said middle channel to intersection with east line of the Southwest Quarter of Southeast Quarter of said Section 14; thence North to place of beginning, containing 70 acres, more or less;

TRACT II. All that part of the following described tract: Parts of Section 14, 23, and 24, of T. 2 N. R. 4 W., of Willamette Meridian, in Washington County, Oregon; beginning approximately 128 feet north and 348 feet west from the corner of Sections 13, 14, 23 and 24 of said Township, and running thence, in the center of present county road, S. 36° 14' E., 557.0 feet; thence S. 20° 54' E. 531.0 feet; thence S. 42° 30' E. 340.3 feet to the northwest corner of the tract conveyed to M.L. Sells by deed recorded at page 93 of book 125, Record of Deeds for said county; thence S. 33° 47' E. 123.7 feet; thence S. 5° 07' E. 125.7 feet to the southwest corner of said Sells tract; thence S. 89° 23' W. 456 feet to the southeast corner of the northeast quarter of the northeast quarter of section 23; thence N. 89° 24' W. 379.1 feet to the eastern boundary of the S. P. & S. Railway; thence with the same N. 47° 14' W. 1248.1 feet to the accepted western boundary of the said Northeast quarter of Northeast quarter; thence North 1736 feet to the accepted northwest corner of the southeast quarter of the southeast quarter of Section 14; thence N. 85° 41' E. 522.0 feet to an iron pipe; thence S. 0° 26' E. 150 feet to the center of West Fork of Dairy Creek; thence, following the meanderings of said creek, a total southing of 1012 feet and total easting of 458 feet; thence S. 53° 45' W., about 50 feet to the place of beginning, containing 57.00 acres, more or less, which lies easterly of the center line of west Dairy Creek, containing two acres, more or less;

Also all rights vested in the first party arising under and by virtue of that certain contract entered into on the 19th day of September, 1945, and recorded on page 135 of Book 251, Deed Records of Washington County, Oregon; and the interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell and Lily Caldwell, husband and wife, by conveyance recorded on page 569 of Book 375, Deed Records of Washington County, Oregon;

SUBJECT TO taxes, liens and encumbrances, if any, accrued against said lands on and subsequent to November 4, 196:.

SUBJECT FURTHER TO the rights of the public in streets, roads and highways.

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#### TRACT III

That portion in Section 13, Township 2 North, Range 4 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point on the West line of Woolen Road (County Road No. 127) South 88\*54' West 30 feet, more or less, from the recognized Northeast corner of the Northwest quarter of the Northwest quarter of section 24; thence North 0\*32' East along said West line parallel to the East line of the Southwest quarter of the Southwest quarter of Section 13, 537.5 feet, more or less, to a point on the South line of said county road and the true point of beginning; thence North 88\*08' West along said South line 181.55 feet to a point; thence South 0\*32' West parallel to the West line of said county road 120.00 feet to a point; thence South 88\*08' East parallel to the South line of said county road 181.55 feet to a point of the West line of said county road; thence North 0\*32' East along said West line 120.00 feet to the point of beginning.

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Page 2 of 4

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#### TRACT IV

#### George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4W, W.M., Washington County, Oregon:

- Thence West on the north line of the NM2 of Section 24 a distance of 1329.78 feet more or less to the northeast corner of the NM2 of the NM2 of said Section 24;
- Thence S 0°23'E on the east line thereof-1324.83 feet more or less to the southeast corner of the NW2 of the NW2;
- Thence S88°32'W on the south line of the last said tract 474.58 feet more or less to the center of the West Fork of Dairý Creek;
- Thence downstream in the center of said Creek on the following bearings and distances, S32°07'W 79.29 feet, S66°05'W 131.51 feet, S59°47'W 140.51 feet, and S 4°08'30"E to a point 145.20 feet south from the north line of the SW2 of the NW2 of Section 24;
- Thence West 62.00 feet more or less to the easterly right of way line of Sell Road;
- Thence S Ooll'E on said right of way line 220-00 feet to a point;
- Thence N85°28'40"E 69.71 feet to the center of Dairy Creek;
- Thence downstream in the center of said Creek on the following bearings and distances, #88°25'E 545.42 feet, \$37°00'30"E 252.21 feet, \$87°53'30"E 852.71 feet, \$57°49'45"E 291.70 feet, #84°k4'E 332.59 feet, and \$59°01'30"E 197.37 feet to a point;
- Thence M53°17'10"E 40.00 feet more or less to an iron rod on the northeasterly bank of the West Fork of Dairy Creek;
- Then ce on a southerly extension and in the center of a north-south ditch and upstream on the following bearings and distances, N 5°47'40"E 1997.23 feet, N10°35'40"E 255.41 feet, N15°23'20"E 158.72 feet, N 0°39'30"W 108.82 feet, N14°45'40"E 199.98 feet, N31°27'35"E 108.55 feet, N41°57'E 115.00'feet, and N48°03'W 25.50 feet to its intersection with the centerline of County Road No. 127 (Woolen Rd.);
- Thence following the center of Woolen Road \$540471W 185.19 feet, \$390412007 94.13 feet, \$1203511007 363.70 feet, \$180071400W 290.69 feet, and \$3903914007 359.50 feet more or loss to the point of beginning.
- Except that portion of the above described tract lying within the boundaries of Woolen Road.

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Parts of Sections 14, 23 and 24, Township 2 North, Range 4 West, W.M. Beginning approximately 128 feet North and 348 feet West of the Southeast corner of Section 14; thence in the center of County Road No. 155 (Sell Road) South 36 14' East 557.00 feet to a point; thence south 20 54' East 531.00 feet to a point; thence South 39 15' East 340.30 feet to the northwest corner of the certain tract conveyed to M. L. Sells by Deed Book 125, Page 93; thence South 33 47' East 123.70 feet to a point; thence South 05°07' East 123.70 feet to the Southwest corner of the above-mentioned Sells tract; thence South 89°23' West 456.00 feet to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 23; thence North 89 24' West 379.10 feet to the Eastern, boundary of the S.P. & S. Railway; thence with same North 47 14' West 1248.10 feet to the accepted western boundary of said Northeast quarter of the Northeast quarter of Section 23; thence North 00 41 15" East 1818.21 feet to the accepted Northwest corner of the Southeast quarter of Section 14; thence North 85 41' East 522.00 feet to an iron pipe; thence South 00 26' East 150.00 feet to the center of the West Fork Dairy Creek; thence following the meanderings of said creek a total southing of 1012.00 feet and Easting of 458.00 feet; thence South 52044' West about 50.00 feet to the point of beginning. THEREFROM that certain tract of land conveyed to John R. Caldwell by deed recorded in Deed Book 375, at Page 561, Deed Records of Washington County, Oregon, and ALSO EX-CEPTING THEREFROM the following described tract: Beginning at the intersection of the centerline of County Road No. 155 (Sell Road) with the West line of the Southeast quarter of the Southeast quarter of Section 14, T2N, R4W, W.M. Washington County, Oregon; thence South 00° 41' 15" West of the West line above

said Southeast quarter of Southeast quarter of Section 14, 141.18 feet to a point; thence South 89°18'45" East 267.85 feet to a point on the centerline of above said road; thence North 00°41'15" East parallel to said West line 340.50 feet more or less to the center of the West Fork Dairy Creek; thence Westerly and upstream to the West line of the Southeast quarter of the Southeast quarter of Section 14; thence South 00°41'15" West on above west line to the point of beginning.

Page 4 of 4

STATE OF OREGON SS

County of Washington

2008-001988 Washington County, Oregon 01/09/2008 10:02:56 AM Cnt=1 Stn=29 RECORDS1 \$35.00 \$5.00 \$11.00 - Total = \$51.00

neutrument of writing was received and recorded in the book of records of said coupty.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clark

Rerecord this docment to Correct grantors name, Enola Schmidlin Trustee, Enda M. Schmidlin Living Trust, previously recorded as doc. # 99-140675

STATE OF OREGON Enola Schmidlin 43860 Voollan Road Banks, OR 97106 George Schmidlin Farms, LLC 43860 Woollen Road Banks, OR 97106 George Schmidlin Farms, LLC 43860 Voollen Road Banks, OR 97106 99140675 Rect: 246280 George Schmidlin Farms, LLC 12/29/1999 09:39:53am 43860 Vonllen Road Banks, OR 97106 SPECIAL WARRANTY DEED Enola Schmidlin Trustee Engle M. Schmidlin Living Trust hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by ... George Schmidlin Farms. LLC. hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, sinuated in Washington. County, State of Oregon, described as follows, to-wit: .... County, State of Oregon, described as follows, to-wit: See Exhibit A. OF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SLDE To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ \_\_\_\_\_\_0 However, the actual consideration consists of or includes other property or value given or promised which is 🛭 the whole 🗆 part of the (indicate which) consideration. (The sentence between the symbols O, if not applicable, should be deleted. Sen ORS 93.030.) In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be In construing this deed, where the context so requires, the singular includes the plural, and an grantmandal changes what deed shall apply equally to corporations and to individually.

In witness whereof, the grantor has executed this instrument this day of Desember 1929; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Thus instrument will not allow use of the Property Described in His instrument in voluntion of Applicable LAWS AND REGU-THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. SERVICE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PRISON ACCURING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANING DEPARTMENT TO VERY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWRILITS ANALIST KARMING OR FOREST PRACTICES AS DEFINED IN ONS 30.250. STATE OF OREGON, County of WASHINGTON This instrument was acknowledged before me on This instrument was acknowledged before me on LAY COLAMBRICH EXPRES REP. 19, 2500 My commission expires 9/19/83 COMMISSION NO 387254

TRACT 1.

Deginning at the center of the Southeast quarter of Section 14, T. 2 N.,

R. 4 W., of Will, Mer., and running thence east 10 chains; thence North 20

chains; thence West to center of middle channel of Dairy Creek; thence
chains; thence West to center of middle channel of Dairy Creek; thence
down following the meanderings of said creek through said middle channel to
intersection with east line of the Southwest Quarter of Southeast Quarter of
intersection 14; thence North to place of beginning, containing 70 acres,
more or less;

All that part of the following described tract: Parts of Section 14, 23, and 24, of T. 2 N. R. 4 W., of Willamette Meridian, in Washington County, Oregon; beginning approximately 128 feet north and 348 feet west from the corner of Sections 13, 14, 23 and 24 of said Township, and running thence, in the center of present county road, S. 36° 14′ E., 557.0 feet; thence S. 10° 54′ E. 551.0 feet; thence S. 42° 30′ E. 340.3 feet to the northwest corner of the tract conveyed to M.L. Sells by deed recorded at page 93 of book 125, Record of Deeds for said county; thence S. 33° 47′ E. 123.7 feet; thence S. 5° 07′ E. 125.7 feet to the southwest corner of said Sells tract; thence S. 89° 25′ N. 456 feet to the southeast corner of the northeast quarter of section 25; thence N. 89° 24′ M. 379.1 quarter of the northeast quarter of section 25; thence N. 89° 24′ M. 379.1 quarter of the acute boundary of the S. P. 6 S. Railway; thence with the feet to the eastern boundary of the S. P. 6 S. Railway; thence with the same N. 47° 14′ N. 1248.1 feet to the accepted western boundary of the said same N. 47° 14′ N. 1248.1 feet to the accepted western boundary of the said same N. 47° 14′ N. 1248.1 feet to the southeast quarter of the southeast quarter of Section 14; thence N. 85° 41′ E. 522.0 feet to an iron pipe; thence S. of Section 14; thence N. 85° 41′ E. 522.0 feet to an iron pipe; thence S. 0° 26′ E. 150 feet to the center of West Fork of Dairy Creek; thence, 0° 26′ E. 150 feet to the center of West Fork of Dairy Creek; thence, 0° 26′ E. 150 feet to the center of Section 14; thence N. 85° 41′ E. 522.0 feet to an iron pipe; thence of beginning, containing 57.00 acres, more or less, which lies easterly of of beginning, containing 57.00 acres, more or less, which lies easterly of of beginning, containing 57.00 acres, more or less, which lies easterly of of beginning containing 57.00 acres, more or less, which lies easterly of

Also all rights vested in the first party arising under and by virtue of that certain contract entered into on the 19th day of September, 1945, and recorded on page 135 of Book 251, Deed Records of Washington County, Oregon; and the interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell and Lily Caldwell, husband and wife, by conveyance recorded on page 569 of Book 375, Deed Records of Washington County, Oregon;

SUBJECT TO taxes, liens and encumbrances, if any, accrued against said lands on and subsequent to November 4, 1964.

SUBJECT FURTHER TO the rights of the public in streets, roads and highways.

X

-Page 1-05-4-

2

TRACT III

in

That portion in Section 13, Township
North, Range 4 West of the Willamette Meridian, in the County
of Washington and State of Oregon, described as follows:

Beginning at a point on the West line of Woolen Road (County Road No. 127) South 88\*54' West 10 feet, more or less, from the recognized Northeast corner of the Northwest quarter of the Northwest quarter of section 24; thence North 0\*12' East along said West line parallel to the East line of the Southwest quarter of the Southwest quarter of Section 13, 537.5 feet, more or less, to a point on the South line of said county road and the true point of beginning; thence North 88\*08' West along said South line 181.55 feet to a point; thence South 0\*32' West parallel to the West line of said county road 120.00 feet to a point; thence South 88\*08' East parallel to the South line of said county road 181.55 feet to a point of the West line of said county road; thence North 0\*32' East along said West line 120.00 feet to the point of beginning. point of beginning.

33

Page 2 of 4

#### TRACT IV

# George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4W, W.I., Washington County, Oregon:

Thence West on the north line of the NUL of Section 24 a distance of 1329.78 feet more or less to the northeast corner of the NUL of the NUL of said Section 24;

Thence S 0°23'E on the cast line thereof 1024.83 feet more or less to the southeast corner of the MT2 of the MT2;

Thence S88°32°W on the south line of the last said tract 474.58 feet more or less to the center of the West Fork of Deiry Creek;

Thence downstream in the center of said Greek on the following bearings and distances, S32 07'W 79.29 feet, S86 05'W 131.51 feet, S59 47'W 140.51 feet, and S 4 08'30"E to a point 145.20 feet south from the north line of the Smb of the NWO of Section 24;

Thence West 62.00 feet more or less to the easterly right of way line of Sell Road; .

Thence S 0°ll'E on said right of way line 220.00 feet to a point;

Thence N85°28'40"E 69.71 feet to the center of Dairy Creek;

Thence downstream in the center of said Creek on the following bearings and distances, M88°251 E 545.42 feet, S37°00'30"E 252.21 feet, S87°53'30"E 852.71 feet, S57°49'45"E 201.70 feet, M64'E 332.59 feet, and S59°01'30"E 197.37 feet to a point;

Thenes M53°17'10"E 40.00 feet more or less to an iron rod on the north-easterly bank of the West Fork of Dairy Greek;

Thence on a southerly extension and in the center of a north-south ditch and upstream on the following bearings and distances, N 5°47'40"E 1997.23 feet, NO°35'40"E 258.41 feet, NS°23'20"E 158.72 feet, N 0°39'30"N 108.82 feet, NA°43'40"E 199.78 feet, N31°27'35"E 108.55 feet, N41°57'E 115.00; feet, and N48°03'W 25.50 feet to its intersection with the centerline of County Road No. 127 (Woolen Rd.);

Thence following the center of Moslen Road \$540477W 185.15 feet, \$390472073 94.13 feet, \$120357107W 352.70 feet, \$120077407W 270.99 feet, and \$190397407W 359.50 feet more or less to two point of beginning.

Except that portion of the above described tract lying mithin the boundaries of Woolen Road.

4 4

rage 3 of 4

TRACT V

Parts of Sections 14, 23 and 24, Township 2
North, Range 4 West, W.M. Beginning approximately 128 feet North and 348 feet West of the Southeast corner of Section 14; thence in the center of County Road No. 155 (Sall Road) South 36°14' East 557.00 feet to a point; thence south 20°54' East 531.00 feet to a point; thence South 39°15' East 340.30 feet to the northwest corner of the certain tract conveyed to M. L. Sells by Deed Book 125, Page 93; thence South 33°47' East 123.70 feet to a point; thence South 05°07' East 125.70 feet to the Southwest corner of the abovementioned Sells tract; thence South 89°23' West 456.00 feet to the Southeast corner of the Northeast quarter of the Northeast quarter West 456.00 feet to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 23; thence North 89°24' West 379.10 feet to the Eastern, boundary of the S.P. & S. Railway; thence with same North 47°14' West 1248.10 feet to the accepted western boundary of said Northeast quarter of the Northeast quarter of Section 23; thence North 00°41'15" East 1818.21 feet to the accepted Northwest corner of the Southeast quarter of Section 14; thence North 85°41' East 522.00 feet to an iron pipe; thence South 00°26' East 150.00 feet to the center of the West Fork Dairy Creek; thence following the West Fork Dairy Creek; thence following the West Fork Dairy Creek; thence following the meanderings of said creek a total southing of 1012.00 feet and Easting of 458.00 feet; thence South 52°24' West about 50.00 feet to the point of beginning. EXCEPT THEREFROM that certain tract of land conveyed to John R. Caldwell by deed recorded in Deed Book 375, at Page 561, Deed Records of Washington County Organ, and Also FY. of Washington County, Oregon, and ALSO EX-CEPTING THEREFROM the following described tract: Beginning at the intersection of the centerline of County Road No. 155 (Sell Road) with the West line of the Southeast quarter of the Southeast quarter of Section 14, T2N, R4W, W.M. Mashington County, Oregon; thence South 00° 41° 15" West of the West line above

said Southeast quarter of Southeast quarter of Section 14, 141.18 feet to a point; thence South 89 18 45" East 207.85 feet to a point on the centerline of above said read; thence Korth 00 41 15" East parallel to said Vest line 340.50 feet more or less to the center of the West Fork Dairy Creek; thence Westerly and upstream to the West line of the Southeast quarter of the Southeast quarter of Sec-tion 14; thence South 00 41 15" West on above west line to the point of beginning.



rage 4 of 4 STATE OF OREGON County of Washington



I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Date: Fryll 7 2003

By: KBarnett
Title: Deputy Chark



Rural Land Consulting

Water Resources, Water Rights, Land Surveying, Engineering, Land Use Planning

> ERICURSTADT@HOTMAIL.COM 971-250-1520 (MOBILE)

Water Resources Department Attn: Joan Smith 725 Summer Street NE, Ste. A Salem, OR, 97301

23 SEP 2022

Subject: Response to Draft Preliminary Determination (DPD) for T-14040

Ms. Smith,

Enclosed is our response to the DPD for T-14040 dated 22 SEP 2022 along with the following attachments:

A. Report of Ownership dated 23 SEP 2022

Please consider this letter as acknowledgement that we agree to the proposed action and conditions.

Let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

#### STATE OF OREGON

# **COUNTY OF WASHINGTON**

# CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

confirms the right to use the waters of WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK to IRRIGATION of 22.8 ACRES.

This right was perfected under Permit S-35015.

The date of priority is MARCH 19, 1970.

The amount of water to which this right is entitled is limited to an amount actually beneficially used for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.28 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

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 acrefeet per acre for each acre irrigated during the irrigation season of each year, and shall 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:

		IRRIGA"	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SE	0.3
2 N	4 W	WM	14	NW SE	19.2
2 N	4 W	WM	14	SW SE	2.7
2 N	4 W	WM	14	SE SE	0.6
				Total	22.8

This certificate describes that portion of water right Certificate 43721, State Record of Water Right  Certificates, NOT modified by the provisions of an order of the Water Resources Director entered
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 THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

# OF THE STATE OF OREGON

In the Matter of Transfer Application T-14040, Washington County	DRAFT PRELIMINARY
	) DETERMINATION PROPOSING APPROVAL ) OF AN ADDITIONAL POINT OF DIVERSION
	) AND CHANGE IN PLACE OF USE

# Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

# **Findings of Fact**

- On June 28, 2022, GEORGE SCHMIDLIN FARMS, LLC filed an application for an additional point of diversion and to change the place of use under Certificate 43721. The Department assigned the application number T-14040.
- 2. Notice of the application for transfer was published on July 12, 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: 43721 in the name of SCHMIDLIN BROTHERS (perfected under Permit

S-35015)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 19, 1970

Rate: 0.50 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 a diversion of not to exceed 2.5 acre feet per acre for each acre

irrigated during the irrigation season of each year.

Source: WEST FORK DAIRY CREEK, tributary of DAIRY CREEK

a

## Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

## Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SW	3.9
2 N	4 W	WM	14	NE SE	19.2
2 N	4 W	WM	14	NW SE	14.4
2 N	4 W	WM	14	SE SE	0.7
				Total	38.2

 Transfer Application T-14040 proposes an additional point of diversion approximately 1.03 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	24	NW SE	POD 2 - 1855 FEET SOUTH AND 1565 FEET EAST FROM THE NW CORNER OF SECTION 24

5. Transfer Application T-14040 also proposes to change the place of use of the right to:

		IRRIGA"	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	24	NW NE	12.2
2 N	4 W	WM	24	SW NE	1.0
2 N	4 W	WM	24	NE NW	26.8
				Total	40.0

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

# Transfer Review Criteria [OAR 690-380-4010(2)]

- Water has been used within the last five years 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-14040.

- 9. The proposed changes would not result in enlargement of the right.
- The proposed changes would not result in injury to other water rights.
- 11. All other application requirements are met.

Determination and Proposed Action we Hours

The additional point of diversion and change in place of use proposed in Transfer Application T-14040 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14040 is approved, the final order will include the following:

- The additional point of diversion and change in place of use proposed in Transfer Application T-14040 are approved.
- 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 43721 and any related decree.
- Water right Certificate 43721 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 of diversion (POD 2), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
- 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 diversion.
  - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
- 7. The former place of use of the transferred right shall no longer receive water under the right.
- 8. 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 diversion.
  - 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.
  - 9. 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.
  - After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

# DRAFT

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for THOMAS M BYLER, 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 503-986-0892 or Joan.M.Smith@oregon.gov.

Certified Mail Fee

Postage

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Extra Services & Fees (check box, add fee as appropriate) Return Receipt (hardcopy) Return Receipt (electronic) Certified Mail Restricted Delivery Adult Signature Required Adult Signature Restricted Delivery \$

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յրդ#|հրունո|կու||քրդ!||Ալմիոր#իլ|#||||ինլ||ը: GEORGE SCHMIDLIN FARMS LLC LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

#### SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.

LARRY SCHMIDLIN

**BANKS, OR 97106** 

43860 NW WOOLEN RD

- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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COMPLETE THIS SECTION ON DELIVERY

A. Signature -□ Agent Am Addressee B. Received by (Printed Name) C. Date of Delivery

> ddress different from item 1? ☐ Yes ir delivery address below: ☐ No

9590 9402 6816 1074 5417 51

2. Article Number (Transfer from service label)

7021 1970 0001 3950

Service Type

☐ Adult Signature ☐ Adult Signature Restricted Delivery

**Mail Restricted Delivery** 

☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery

Collect on Delivery Restricted Delivery

☐ Priority Mail Express® ☐ Registered Mall™

□ Registered Mail Restricted Delivery

☐ Signature Confirmation™ ☐ Signature Confirmation

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



Water Resources Department

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

September \_\_\_\_, 2022

VIA E-MAIL

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

Reference: Water Right Transfer Application T-14040

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14040. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by October \_\_\_\_\_, 2022.

# Required items needing your immediate attention:

- Please carefully review the Draft Preliminary Determination to verify that it accurately reflects
  the changes you intend to make and to become familiar with the proposed conditions.
- Respond in writing by October \_\_\_\_, 2022, with acknowledgement that you agree to the proposed action and conditions.
- If you find any errors, please let me know.
- 4. 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;
  - Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must be:
    - 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 <u>not</u> already included in the transfer application. The Department's statement of consent form (Consent By Deeded Landowner) is available at: <a href="https://www.oregon.gov/OWRD/WRDFormsPDF/consent">https://www.oregon.gov/OWRD/WRDFormsPDF/consent</a> to transfer form.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.

## Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. Please let me know by the comment deadline if you will need more time and explain the reasons why.

# 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 point of diversion, 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. 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.

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

- Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); 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 the items listed above by October \_\_\_\_\_, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 <u>Joan.M.Smith@water.oregon.gov</u> if I may be of assistance.

Sincerely,

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14040

Jacob W. Constans, District 18 Watermaster (via e-mail)

Eric Anthony Urstadt, Agent for the applicant (via e-mail)

encs

# Notice of Preliminary Determination for Water Right Transfer T-14040

T-14040 filed by George Schmidlin Farms, LLC, C/O Larry Schmidlin, 43860 NW Woolen Rd Banks, OR 97106, proposes an additional point of diversion and place of use change under Certificate 43721. The right allows the use of 0.50 cubic foot per second from the West Fork Dairy Creek in Sec. 14, T2N, R4W, WM for irrigation in Sec. 14, T2N, R4W, WM. The applicant proposes an additional point of diversion in Sec. 24, T2N, R4W, WM and to change the place of use to Sec. 24, T2N, R4W, 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, 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.

# SMITH Joan M \* WRD

T14040

From: Eric Urstadt <ericurstadt@hotmail.com>
Sent: Monday, September 26, 2022 1:03 PM

To: SMITH Joan M \* WRD; larryschmidlin@cs.com; larryschmidlin@gmail.com

Cc: George Marsh

Subject: Marsh/Schmid T-14040 DPD - DPD response

Attachments: 0A-CoverLetterDPD-Response1.pdf; A-FromLandOwnbershipReport23SEP2022.pdf

Ms. Joan Smith,

Attached is our acknowledgement for the DPD as well as the required Ownership Report. I believe that everything is done on our end at this time.

Please respond to me that you received this email and let me know if anything else is needed.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

# **Aspen Rural Land Consulting**

Water Rights – Forestry – Rural Land Engineering – Land Surveying (971) 250-1520 (cell, text, voicemail)

From: SMITH Joan M \* WRD

Sent: Thursday, September 22, 2022 9:45 AM

To: Eric Urstadt; larryschmidlin@cs.com; larryschmidlin@gmail.com

Cc: <u>CONSTANS Jake W \* WRD</u> Subject: Transfer T-14040 DPD

Reference: Water Right Transfer Application T-14040

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14040. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by October 24, 2022.

# Required items needing your immediate attention:

- Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
- Respond in writing by October 24, 2022, with acknowledgement that you agree to the proposed action and conditions.
- 3. If you find any errors, please let me know.
- 4. 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;

- Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
- c) Must be:
  - 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 <u>not</u> already included in the transfer application. The Department's statement of consent form (Consent By Deeded Landowner) is available at: <a href="https://www.oregon.gov/OWRD/WRDFormsPDF/consent">https://www.oregon.gov/OWRD/WRDFormsPDF/consent</a> to transfer form.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.

# Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water.

You may not divert water prior to installation and approval of the fish screen by the Oregon Department of
Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact
sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. Please let me know by the comment deadline if you will need more time and explain the reasons why.

# 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 point of diversion, 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. As outlined in OAR 690-380-4020(3),

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

- Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); 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 the items listed above by October 24, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 <u>Joan.M.Smith@water.oregon.gov</u> if I may be of assistance.

Sincerely,



Water Resources, Water Rights, Land Surveying, Engineering, Land Use Planning

> ERICURSTADT@HOTMAIL.COM 971-250-1520 (MOBILE)

Water Resources Department Attn: Joan Smith 725 Summer Street NE, Ste. A Salem, OR, 97301

23 SEP 2022

Subject: Response to Draft Preliminary Determination (DPD) for T-14040

Ms. Smith,

Enclosed is our response to the DPD for T-14040 dated 22 SEP 2022 along with the following attachments:

A. Report of Ownership dated 23 SEP 2022

Please consider this letter as acknowledgement that we agree to the proposed action and conditions.

Let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS



# **CUSTOMER SERVICE REQUEST**

PREPARED	ESPECIALLY	FOR
Eric Urstadt	Sept 23, 2022	

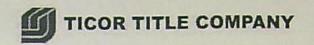
Phone: Fax: Email:

> Property Address 45715 NW Sell Rd Banks OR 97106

# CUSTOMER SERVICE DEPARTMENT

office: 503.219.1000

This report is provided "as is" without warranty of any kind, either express or implied, including without limitations any warrantees of merchantability or fitness for a particular purpose. There is no representation of warranty that this information is complete or free from error, and the provider does not assume, and expressly disclaims, any liability to any person or entity for loss or damage caused by errors or omissions in this report. The information contained in the report is delivered to you from Ticor Title Company and is obtained from sources deemed reliable, but is not guaranteed and is subject to verification by consumer.



#### Parcel Information

Parcel #: R808843

Tax Lot: 2N4140001400

Site Address: 45715 NW Sell Rd

Banks OR 97106 - 7622

Owner: George Schmidlin Farms LLC

Owner2:

Owner Address: 43860 Woollen Rd

Banks OR 97106 - 7214

Twn/Range/Section: 02N / 04W / 14 / SE

Parcel Size: 72.00 Acres (3,136,320 SqFt)

Plat/Subdivision:

Lot:

Block:

Map Page/Grid:

Census Tract/Block: 033400 / 2057

#### Assessment Information

Market Value Land:

\$0.00

Market Value Impr:

\$3,710.00

Market Value Special:

\$517,950.00

Market Value Total:

\$521,660.00

Assessment Year:

2021

Assessed Value:

\$52,210.00

# Tax Information

Levy Code: 13.15

Levy Rate: 13.3316

Tax Year: 2021

Annual Tax: \$696.03

Exemption: \$0.00

#### Legal

ACRES 72.00, POTENTIAL ADD'L TAX LIABILITY

#### Land

Cnty Land Use: 5515 - Specially Assessed - Zoned Farmland -

Improved

Land Use Std: AFAR - Farms And Crops

Neighborhood: Cpo 14 Banks/Buxton/Gales Creek/Manning/Timber

Watershed: Dairy Creek

Primary School: BANKS ELEMENTARY SCHOOL

High School: BANKS HIGH SCHOOL

Cnty Bldg Use: G - General Improvements

Zoning: Washington Co.-EFU - Exclusive Farm Use

District

Recreation:

School District: 13 - Banks

Middle School: BANKS MIDDLE SCHOOL

# Improvement

Year Built: 0

Bedrooms: 0

Bathrooms: 0

1st Floor: 0 SqFt

2nd Floor: 0 SqFt

Building Total: 0 SqFt

Garage: Carport - 576 SqFt

Attic Fin/Unfin: 0 SqFt / 0 SqFt

Building Fin: 0 SqFt

A/C:

Basement Fin. SqFt: 0 SqFt

Basement Unfin:

Heat:

Exterior Walls:

Roof Covering:

#### Transfer Information

Rec. Date: 12/29/1999

Sale Price:

Doc Num: 140675

Doc Type: Deed

Owner: George Schmidlin Farms LLC

Grantor: SCHMIDLIN ENOLA M TRUSTEE

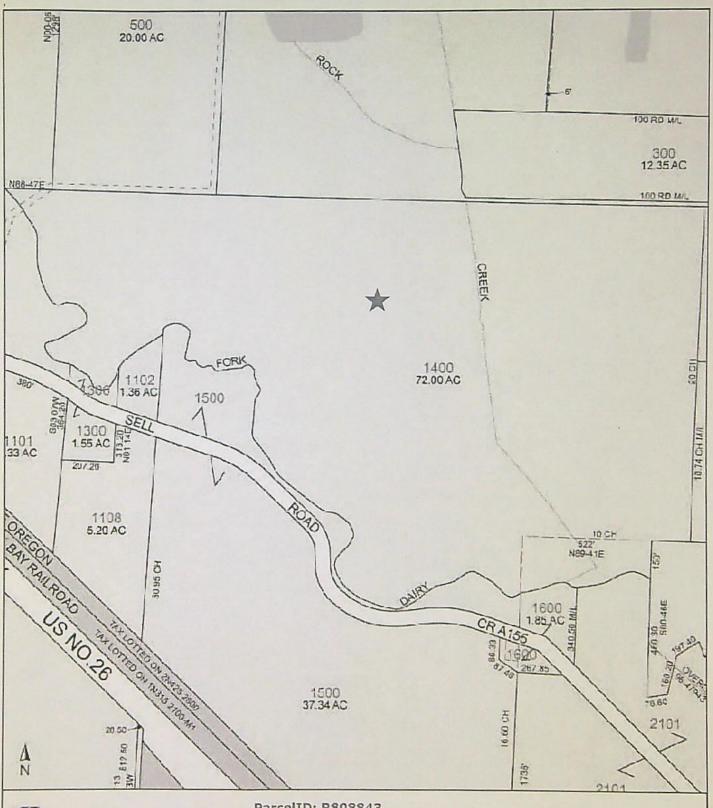
Title Co:

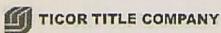
Orig. Loan Amt: Finance Type:

Loan Type:

Lender:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

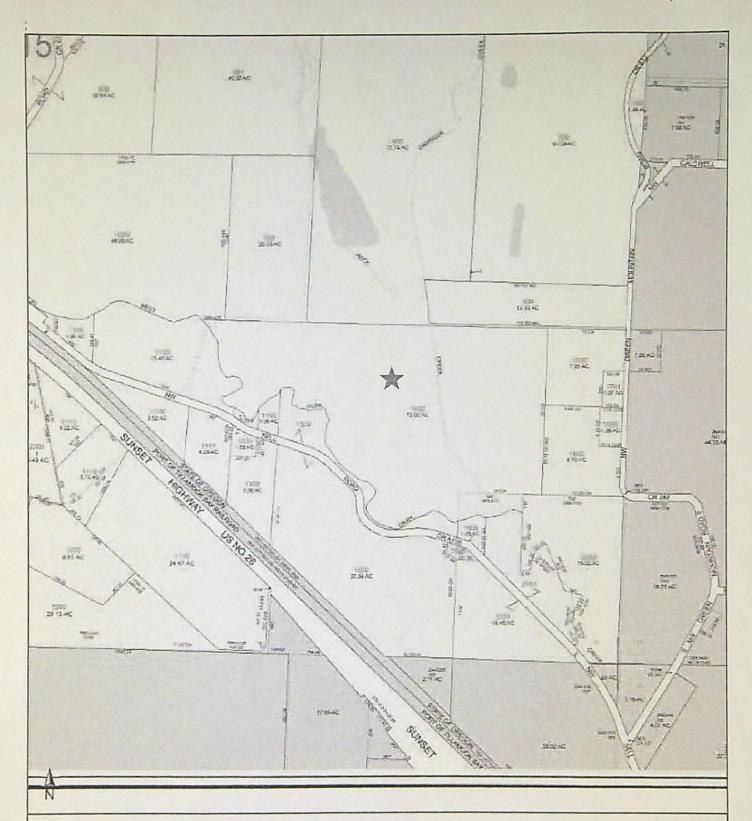


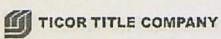


ParcelID: R808843

Tax Account #: 2N4140001400 45715 NW Sell Rd, Banks OR 97106

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.





ParcelID: R808843 Tax Account #: 2N4140001400 45715 NW Sell Rd, Banks OR 97106

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

94.043649 94 043649

Washington County

Page 1 of 7

STATE OF OREGON

County of Washington }

SS

1. Jerry R. Hanson, Director of Assessment and Texation and Ex-Officio County Clork for said county, do hereby cortily that the within instrument of writing was received and recorded in book of records of said county.

Jany Haren

Jerry R. Hanson, Director of Assassment and Taxation, Ex-Officio Caunty Clerk

Doc : 94043649 Rect: 121701

05/04/1994 09:29:19AM

58.00

30°. C

Until a change is requested, all tax statements shall be sent to, and after recording, send to:

Enola M. Schmidlin 43860 Woolen Road Banks, Oregon 97106

#### WARRANTY DEED

ENOLA M. SCHMIDLIN, trustee of the George E. Schmidlin Living Trust dated June 3, 1991, Grantor, conveys and warrants to ENOLA M. SCHMIDLIN, as trustee of the Enola M. Schmidlin Living Trust under agreement dated June 3, 1991, all of Grantor's interest in the real property described in Exhibit A, free of encumbrances except as specifically set forth herein:

- 1. The liability and obligations of Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance, or, if the Grantor has coverage under an extended policy of title insurance, under an extended policy of title insurance. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.
- Liens or encumbrances created or suffered by the Grantor.

The true and actual consideration for this transfer consists of or includes other property or other value given or promised.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING GR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED

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XPAU7102

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EXHIBIT 1

TRACT 1.

Regimning at the center of the Southeast quarter of Section .4, T. 2 N.,
R. 4 W., of Will, Mer., and running thence east 10 chains; thence North 20
chains; thence West to center of middle channel of Dairy Creek; thence
down following the meanderings of said creek through said middle channel to
intersection with east line of the Southwest Quarter of Southeast Quarter of
said Section 14; thence North to place of beginning, containing 70 acres,
more or less;

All that part of the following described tract: Parts of Section 14, 23, and 24, of T. 2 N. R. 4 W., of Willamette Meridian, in Washington County, Oregon; beginning approximately 128 feet north and 348 feet west from the corner of Sections 13, 14, 23 and 24 of said Township, and running thence, in the center of present county road, S. 36° 14′ E., 557.0 feet; thence S. 20° 54′ E. 531.0 feet; thence S. 42° 30′ E. 340.3 feet to the northwest corner of the tract conveyed to N.L. Sells by deed recorded at page 93 of book 125, Record of Deeds for said county; thence S. 33° 47′ E. 123.7 feet; thence S. 5° 07′ E. 125.7 feet to the southwest corner of said Sells tract; thence S. 89° 23′ W. 456 feet to the southeast corner of the northeast quarter of the northeast quarter of section 25; thence N. 89° 24′ W. 379.1 feet to the eastern boundary of the S. P. 6 S. Railway; thence with the same N. 47° 14′ N. 1248.1 feet to the accepted western boundary of the said Northeast quarter of Northeast quarter; thence North 1736 feet to the accepted northwest corner of the southeast ourter of the southeast quarter of Section 14; thence N. 85° 41′ E. 522.0 feet to an iron pipe; thence S. 0° 26′ E. 150 feet to the center of West Fork of Dairy Creek; thence, following the meanderings of said creek, a total southing of 1012 feet and total easting of 458 feet; thence S. 53° 45′ W., about 50 feet to the place of beginning, containing 57.00 acres, more or less; which lies easterly of the center line of west Dairy Creek, containing two acres, nore or less;

Also all rights vested in the first party arising under and by virtue of that certain contract entered into on the 19th day of September, 1945, and recorded on page 135 of Book 251, Deed Records of Washington County, Oregon; and the interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell and Lily Caldwell, husband and wife, by conveyance recorded on page 569 of Book 375, Deed Records of Washington County, Oregon;

SUBJECT TO taxes, liens and encumbrances, if any, accrued against said lands on and subsequent to November 4, 1904.

SUBJECT FURTHER TO the rights of the public in streets, roads and highways.

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Page 1 of 4

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TRACT III

That portion in Section 13. Township 2 North, Range 4 West of the Willamette Heridian, in the County of Washington and State of Oregon, described as follows:

1

Beginning at a point on the West line of Woolen Road (County Road No. 127) South 88-54' West 10 feet, more or less, from the recognized Northeast corner of the Northwest quarter of the Northwest quarter of section 24: thence North 0.32' East along said West line parallel to the East line of the Southwest quarter of the Southwest quarter of Section 13, 517.5 feet, more or less, to a point on the South line of said county road and the true point of beginning; thence North 88-08' West along said South line 181.55 feet to a point; thence South 0.32' West parallel to the West line of said county road 120.30 feet to a point; thence South 88-08' East parallel to the South line of said county road 181.55 feet to a point of the West line of said county road; thence North 0.32' East along said West line of said county road; thence North 0.32' East along said West line 120.00 feet to the point of beginning.

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Page 2 of 4

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#### George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4H, W.L., Washington County, Oregon:

- Thence West on the north line of the Mark of Section 24 a distance of 1329.78 feet more or less to the mortheast corner of the Mark of the Mark of said Section 24;
- There S 0023'S on the east line-thereof-1324.03 feet more or-less-to-the-southeast corner of the MM2 of the MM2;

AND PROPERTY OF PARTY AND PARTY AND ADDRESS OF THE PARTY AND ADDRESS OF

TO SEAL WILLIAM

- Theace S88°32'W on the south line of the last mid tract 474.58 feet more or less to the center of the West Fork of Dairy Creek;
- Thence domastrosm in the center of said Creek on the following bearings and distances, S32°07'W 79.29 feet, S86°05'W 131.51 feet, S59°47'W 140.51 feet, and S 4°06'30"E to a point 145.20 feet south from the north line of the SN of the NN of Section 24;
- Thence West 62.00 feet more or less to the easterly right of way line of Sell Road; .
- Thence S O'll'E on said right of way line 220.00 feet to a point;
- Thence N85028'40"E 69.71 feet to the center of Dairy Creek;
- Thence MEGO 17'10"E 40.00 feet more or less to an iron rod on the northeasterly bank of the West York of Dairy Greek;
- Thence on a noutherly extension and in the center of a north-south ditch and upstream on the following bearings and distances, N 5047467E 1997.23 feet, NLOO35:407E 255.41 feet, NLOO35:407E 255.47 feet, NLOO35:407E 255.41 feet, NLOO35:307E 108.25 feet, NLOO35:407E 108.35 feet, NLOO35:407E 155.00 feet, NLOO35:407E 25.40 feet to [to intersection with the centerline of County Rood Et. 127 (Woolen Rd.);
- Thence following the center of Golden Hold Sh49477W 195.15 feet, S59964/Hold 94.15 feet, St8958/Lond S55.75 feet, S18907/407W 355.45 feet, and S89939/407W 355.55 feet Here in less to the point of beginning.
- Except that portion of the above described tract lying within the boundaries of Goolen Rond.

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Page 3 of 4

TRACT V

Parts of Sections 14, 23 and 24, Township 2
North, Range 4 West, W.M. Beginning approximately 128 feet North and 348 feet West of
the Southeast corner of Section 14; thence
in the center 8f County Boad No. 155 (Sell
Road) South 36 14' East 557.00 feet to a point;
thence south 20° 54' East 531.00 feet to a
point; thence South 39°15' East 340.30 feet
to the northwest corner of the certain tract
conveyed to M. L. Sells by Deed Book 125,
Page 93; thence South 33°47' East 123.70 feet
to a point; thence South 05°07' East 125.70
feet to the Southwest corner of the above—
mentioned Sells tract; thence South 89°23'
West 456.00 feet to the Southeast corner of
the Northeast quarter of the Northgast quarmentioned Sells tract; thence South 89°23'
West 456.00 feet to the Southeast corner of
the Northeast quarter of the Northeast quarter of Section 23; thence North 89°24' West
379.10 feet to the Eastern boundary of the
S.B. & S. Railway; thence with same North
47°14' West 1248.10 feet to the accepted
western boundary of said Northeast quarter
of the Northeast quarter of Section 23; thence
North 00°41'15" East 1818.21 feet to the accepted Northwest corner of the Southeast quarter of Section 14; thence North 85°41' East
522.00 feet to an iron pipe; thence South
00° 26' East 150.00 feet to the center of
the West Fork Dairy Creek; thence following
the meanderings of said creek a total southing of 1012.00 feet and Easting of 458.00
feet; thence South 52°44' West about 50.00
feet; thence South 52°44' West about 50.00
feet to the point of beginning. EXCEPT
THEREFROM that certain tract of land conveyed to John R. Caldwell by deed recorded
in Deed Book 375, at Page 561, Deed Records
of Washington County, Oregon, and ALSO EXCEPTING THEREFROM the following described
tract: Beginning at the intersection of the
centerline of County Road No. 155 (Sell Road)
with the West line of the Southeast quarter
of the Southeast quarter of Section 14, T2N,
RAW, W.M. Washington County, Oregon; thence
South 00° 41' 15" West of the West line above
said Southeast quarter of Southeast quarter
of Section 14, 141.18 teet to a peint; thence

said Southeast quarter of Southeast quarter of Section 14, 141.18 test to a point; themes South 80°(8745° East [87,85 feet to a point on the content of above said tout; themes south 90°(8710° East parillel to said West line 340.50 feet more or less to the center of the West Fork Barry Creek; themes Westerly and most respectively. and upstream to the West line of the Southeast quarter of the Southeast quarter of Sec-tion 14; thence South 00"41"15" West on above west line to the point of beginning.

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Page 4 of 4 STATE OF OREGON

USES AND TO DETERMINE ANY LIMITED OF LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 3 day of mine, 1994.

GRANTOR:

Engla M. Schmidlin

STATE OF OREGON

COUNTY OF Washinden ) SS

This instrument was acknowledged before me on , 1994, by Enola M. Schmidlin.

OFFICIAL SEAL
SARAH R. POLING
HOTARY PUBLIC OREGON
COMMISSION NO. 005548
MY COMMISSION EXPIRES MAR. 21, 1299

Notary Public Feb Oregon My Commission Expires: 3 21.91

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NEAGTICE

from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ ..... Q. actual consideration consists of or includes other property or value given or promised which is 🖪 the whole 🗌 part of the (indicate which) consideration. (The sentence between the symbols 0, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. SEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE ITLE TO THE PROPERTY SHOULD. CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING OFFARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIGHTS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30,930.

Ende Schmillin

STATE OF	FOREGON, County of WASHINGTON SS.	
Thi	FOREGON, County of POTON S. 15. 15. 15. 15. 15. 15. 15. 15. 15. 15	19 99
Thi	is instrument was acknowledged before me on	
by		
as		
of	A	
	(Mhu m the las	-

NA CONVERSION EXPLASES SELLIB, 2000 OFFICIAL SEAL COMMISSION NO. 327253 Notary Public & Oregon 9/19/03 My commission expires ...

TRAUTION TO SECURITION OF WILL, Mer., and running thence east 10 chains; thence North 20 chains; thence West to center of middle channel of Dairy Creek; thence down following the meanderings of said creek through said middle channel to intersection with east line of the Southwest Quarter of Southeast Quarter of said Section 14; thence North to place of beginning, containing 70 acres, more or less;

All that part of the following described tract: Parts of Section 14, 23, and 24, of T. 2 N. R. 4 W., of Willamette Meridian, in Washington County, Oregon; beginning approximately 128 feet north and 348 feet west from the corner of Sections 13, 14, 23 and 24 of said Township, and running thence, in the center of present county road, S. 36° 14' E., 557.0 feet; thence S. 20° 54' E. 551.0 feet; thence S. 42° 30' E. 340.3 feet to the northwest corner of the tract conveyed to M.L. Sells by deed recorded at page 93 of book 125, Record of Deeds for said county; thence S. 33° 47' E. 123.7 feet; thence S. 5° 07' E. 125.7 feet to the southwest corner of said Sells tract; thence S. 89° 25' W. 456 feet to the southeast corner of the northeast quarter of the northeast quarter of section 25; thence N. 89° 24' W. 379.1 feet to the eastern boundary of the S. P. & S. Railway; thence with the same N. 47° 14' W. 1248.1 feet to the accepted western boundary of the said Northeast quarter of Northeast quarter; thence North 1736 feet to the accepted northwest corner of the southeast quarter of the southeast quarter of Section 14; thence N. 85° 41' E. 522.0 feet to an iron pipe; thence S. 0° 26' E. 150 feet to the center of West Fork of Dairy Creek; thence, following the meanderings of said creek, a total southing of 1012 feet and total easting of 458 feet; thence S. 53° 45' W., about 50 feet to the place of beginning, containing 57.00 acres, more or less, which lies easterly of the center line of west Dairy Creek, containing two acres, more or less;

Also all rights vested in the first party arising under and by virtue of that certain contract entered into on the 19th day of September, 1945, and recorded on page 135 of Book 251, Deed Records of Washington County, Oregon; and the interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell and Lily Caldwell, husband and wife, by conveyance recorded on page 569 of Book 375, Deed Records of Washington County, Oregon;

SUBJECT TO taxes, liens and encumbrances, if any, accrued against said lands on and subsequent to November 4, 1964.

SUBJECT FURTHER TO the rights of the public in streets, roads and highways.

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Page 1 of 4

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#### TRACT III

That portion in Section 13, Township 2 North, Range 4 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point on the West line of Woolen Road (County Road No. 127) South 88°54' West 30 feet, more or less, from the recognized Northeast corner of the Northwest quarter of the Northwest quarter of section 24; thence North 0°32' East along said West line parallel to the East line of the Southwest quarter of the Southwest quarter of Section 13, 537.5 feet, more or less, to a point on the South line of said county road and the true point of beginning; thence North 88°08' West along said South line 181.55 feet to a point; thence South 0°32' West parallel to the West line of said county road 120.00 feet to a point; thence South 88°08' East parallel to the South line of said county road 181.55 feet to a point of the West line of said county road thence North 0°32' East along said West line 120.00 feet to the point of beginning.

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Page 2 of 4

#### TRACT IV

#### George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4W, W.L., Washington County, Oregon:

- Thence West on the north line of the NW2 of Section 24 a distance of 1329.78 feet more or less to the northeast corner of the NW2 of the NW2 of said Section 24;
- Thenue S 0°23'E on the east line thereof-1324.63 feet more or less to the southeast corner of the NW2 of the NW2;
- Thence S88°32'W on the south line of the last said tract 474.58 feet more or less to the center of the West Fork of Dairy Creek;
- Thence downstream in the center of said Creek on the following bearings and distances, S32 07'W 79.29 feet, S86 05'W 131.51 feet, S59 47'W 140.51 feet, and S 4 08'30"E to a point 145.20 feet south from the north line of the SW2 of the NW2 of Section 24;
- Thence West 62.00 feet more or less to the easterly right of way line of Sell Road;
- Thence S O'll'E on said right of way line 220.00 feet to a point;
- Thence N85°28'40"E 69.71 feet to the center of Dairy Creek;
- Thence downstream in the center of said Creek on the following bearings and distances, M88°25°E 545.42 feet, S37°00'30"E 252.21 feet, S87°53'30"E 852.71 feet, S57°49'45"E 291.70 feet, M84°K4'E 332.59 feet, and S59°01'30"E 197.37 feet to a point;
- Thence MS3 017 10 E 40.00 feet more or less to an iron rod on the northeasterly bank of the West Fork of Dairy Creek;
- Thence on a southerly extension and in the center of a north-south ditch and upstream on the following bearings and distances, N 5°47'40"E 1997.23 feet, N10°35'40"E 258.41 feet, N15°23'20"E 158.72 feet, N 0°39'30"N 108.82 feet, N14°43'40"E 199.98 feet, N31°27'35"E 108.55 feet, N41°57'E 115.00'feet, and N48°03'W 25.50 feet to its intersection with the centerline of County Road No. 127 (Woolen Rd.);
- Thence following the center of Woolen Road \$54°47'W 185.19 feet, \$39°04'20"3 94.13 feet, \$12°35'10"W 363.70 feet, \$18°07'40"W 290.69 feet, and \$39°39'40"W 359.50 feet more or loss to the point of beginning.
- \* Except that portion of the above described tract lying within the boundaries of Moolen Road.

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Page 3 of 4

Parts of Sections 14, 23 and 24, Township 2 North, Range 4 West, W.M. Beginning approxi-mately 128 fect North and 348 feet West of the Southeast corner of Section 14; thence in the center of County Road No. 155 (Sell Road) South 36 14' East 557.00 feet to a point; thence south 20 54' East 531.00 feet to a point; thence South 39 15' East 340.30 feet to the northwest corner of the certain tract conveyed to M. L. Sells by Deed Book 125, Page 93; thence South 33°47' East 123.70 feet to a point; thence South 05 07' East 125.70 feet to the Southwest corner of the above-mentioned Sells tract; thence South 89 23' West 456.00 feet to the Southeast corner of the Northeast quarter of the Northeast quarter of Section 23; thence North 89°24' West 379.10 feet to the Eastern, boundary of the S.B. & S. Railway; thence with same North 47 14' West 1248.10 feet to the accepted western boundary of said Northeast quarter of the Northeast quarter of Section 23; thence North 00 41'15" East 1818.21 feet to the accepted Northwest corner of the Southeast quarter of Section 14; thence North 85°41' East 522.00 feet to an iron pipe; thence South 00°26' East 150.00 feet to the center of 26' East 150.00 feet to the center of the West Fork Dairy Creek; thence following the west rork barry creek; thence following the meanderings of said creek a total southing of 1012.00 feet and Easting of 458.00 feet; thence South 52 44' West about 50.00 feet to the point of beginning. EXCEPT THEREFROM that certain tract of land conveyed to John R. Caldwell by deed recorded in Deed Book 375, at Page 561, Deed Records of Washington County, Oregon, and ALSO EX-CEPTING THEREFROM the following described tract: Beginning at the intersection of the centerline of County Road No. 155 (Sell Road) with the West line of the Southeast quarter of the Southeast quarter of Section 14, T2N, R4W, W.M. Washington County, Oregon; thence South 00° 41' 15" West of the West line above

said Southeast quarter of Southeast quarter of Section 14, 141.18 feet to a point; thence South 89°18'45" East 207.85 feet to a point on the centerline of above said road; thence North 00°41'15" East parallel to said West line 340.50 feet more or less to the center of the West Fork Dairy Creek; thence Westerly and upstream to the West line of the Southeast quarter of Section 14; thence South 00°41'15" West on above west line to the point of beginning.

8 =

Page 4 of 4 STATE OF OREGON

SS

County of Washington

Washington County, Cregon 01/09/2008 10:02:56 AM

2008-001988

Cnt=1 Stn=29 RECORDS1 \$35.00 \$5.00 \$11.00 - Total = \$51.00



Rerecord this docment to Correct grantor's name, Enola Schmidlin Trustee, Enda M. Schmidlin Living Trust, previously recorded as doc. # 99-140675

STATE OF OREGON Enola Schmidlin .43860 Voollan Road Banks, OR 97106 George Schmidlin Farms, LLC. 43860 Woollen Road Banks, OR 97106 After recording, rebets to Ciness, Astirusa, Zipi: George Schmidlin Farms, LLC. 43860 Woollen Boad Banks, OR 97106 Doc : 99140675 List's requested otherwise, seed all loc statements to Ottoma, Agen-51.00 Rect: 246280 George Schmidlin Farma, LLC 12/29/1999 09:39:53am 43860 Voollen Road Banks, OR 97106 SPECIAL WARRANTY DEED Enola Schmidlin Trusteen KNOW ALL BY THESE PRESENTS that Enola Schmidlin Toustee,

Engla M. Schmidlin Living Toust.

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by George Schmidlin Farma, LLC County, State of Oregon, described as follows, to-wit: See Exhibit A. OF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and actual consideration consists of or includes other property or value given or promised which is 22 the whole | part of the (indicate which) consideration. (The sentence between the symbols 0, if not applicable, should be deleted. See ORS 93.030.) In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individual to indivi in winies whereon, in a same to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Enola Schmidlin Ende Schmidlin THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN YIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. SEPORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PRISON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIANT CITY OF COUNTY PAGNING DEFRITIENT TO VEHICLE ANY LIMITS OR LANGUIRTS ACAINST FARMING OR FOREST PRACTICES AS DEFREED IN ORIS 30.290. STATE OF OREGON, County of WASHINGTON This instrument was acknowledged before me on Dicember 9 This instrument was acknowledged before me on Notary Public to Oregon
My commission expires 9/19/03 IN COMMISSION EXPANSE BER. 18, 2000 OFFICIAL REAL MOTOR OFFICIAL REAL MOTOR PUBLIC - OWINGSHOW OFFICIAL COMMISSION NO. 327252

TRACT 1.
Deginning at the center of the Southeast quarter of Section 14, T. 2 N.,
R. 4 W., of Will, Mer., and running thence east 10 chains; thence North 20
chains; thence West to center of middle channel of Dairy Creek; thence
chains; thence West to center of middle channel of Dairy Creek; thence
down following the meanderings of said creek through said middle channel to
intersection with east line of the Southwest Quarter of Southeast Quarter of
said Section 14; thence North to place of beginning, containing 70 acres,
more or less;

All that part of the following described tract: Parts of Section 14, 23, and 24, of T. 2 N. R. 4 W., of Willamette Meridian, in Washington County, organ; beginning approximately 128 feet north and 348 feet west from the corner of Sections 13, 14, 23 and 24 of said Township, and running thence, in the center of present county road, S. 36° 14' E., 557.0 feet; thence S. 10° 54' E. 531.0 feet; thence S. 42° 30' E. 340.3 feet to the northwest corner of the tract conveyed to M.L. Sells by deed recorded at page 93 of corner of the tract conveyed to M.L. Sells by deed recorded at page 93 of book 125, Record of Deeds for said county; thence S. 33° 47' E. 123.7 feet; thence S. 5° 07' E. 125.7 feet to the southwest corner of said Sells tract; thence S. 89° 23' W. 456 feet to the southeast corner of the northeast quarter of the northeast quarter of section 25; thence N. 89° 24' M. 379.1 ouarter of the northeast quarter of section 25; thence N. 89° 24' M. 379.1 same N. 47° 14' N. 1248.1 feet to the accepted western boundary of the said same N. 47° 14' N. 1248.1 feet to the accepted western boundary of the said same N. 47° 14' N. 1248.1 feet to the accepted western boundary of the said some northwest corner of the southeast quarter of the southeast quarter of the southeast quarter of Section 14; thence N. 85° 41' E. 522.0 feet to an iron pipe; thence S. 0° 26' E. 150 feet to the center of West Fork of Dairy Creek; thence, of 26' E. 150 feet to the center of West Fork of Dairy Creek; thence, of beginning, containing 57.00 acres, more or less, which lies easterly of of beginning, containing 57.00 acres, more or less, which lies easterly of the center line of west Dairy Creek, containing two acres, nore or less;

Also all rights vested in the first party arising under and by virtue of that certain contract entered into on the 19th day of September, 1945, and recorded on page 135 of Book 251, Deed Records of Washington County, Oregon; and the interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his interest vested by said contract in Earl J. Caldwell and Lily Caldwell, his wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, was assigned on the 15th day of November, 1955, by said Earl J. Caldwell wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife, by convey and the 15th day of November wife

SUBJECT TO taxes, liens and encumbrances, if any, accrued against said lands on and subsequent to November 4, 1964.

SUBJECT FURTHER TO the rights of the public in streets, roads and highways.

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- Pago 1 of 4

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TRACT III

That portion in Section 13, Township 2 North, Range 4 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point on the West line of Woolen Road (County Road No. 127) South 88-54' West 38 feet, more or less, from the recognized Northeast corner of the Northwest quarter of the Northwest quarter of section 14; thence North 0.12' East along said West line parallel to the East line of the Southwest quarter of Section 13, 537.5 feet, more or less, to a point on the South line of said county road and the true point of beginning; thence North 88-08' West along said South line 181.55 feet to a point; thence South 0.32' West parallel to the West line of said county road 120.00 feet to a point; thence South 88-08' East parallel to the South line of said county road 181.55 feet to a point of the West line of said county road; thence North 0.32' East along said West line 120.00 feet to the point of beginning. point of beginning.

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#### TRACT IV

## George Schmidlin 85.71 Acre Tract:

Beginning at the one-quarter corner common to Sections 13 and 24, T2N, R4W, W. ... , Washington County, Oregon:

Thence West on the north line of the NET of Section 24 e distance of 1329.78 feet more or less to the northeast corner of the NET of the NJ of said Section 24;

Thence S 0°23'E on the cost line thereof 1324.83 feet more or less to the southeast corner of the Not of the Not;

Thence S88°32°W on the south line of the last mid tract 474.58 feet more or less to the center of the West Fork of Dairy Creek;

Thence downstream in the center of said Creek on the following bearings and distances, S32°07'W 79.29 feet, S86°05'W 131.51 feet, S59°47'W 140.51 feet, and S 4°06'30"E to a point 145.20 feet south from the north line of the SM2 of the NM2 of Section 24;

Thence West 62-00 feet more or less to the easterly right of way line of

Thence S 0°11'E on said right of way line 220.00 feet to a point;

Thence N85°28'40"E 69.71 feet to the center of Dairy Creek;

Thence downstream in the center of said Creek on the following bearings and distances, #88°25' E 545.42 feet, \$37°00'30" E 252.21 feet, \$88°53' \$32.50" E 859.71 feet, \$57°49'45" E 201.70 feet, #84°k4' E 332.59 feet, and \$59°01'30" E 197.37 feet to a point;

Thenes M53°17'10"E 40.00 feet more or less to an iron rod on the northeasterly bank of the West Fork of Dairy Greek;

Thence on a southerly extension and in the center of a north-south ditch on a southerly extension and in the center of a north-south ditch and upstream on the following bearings and distances, N 5047140°E and upstream on the following bearings and distances, N 5047140°E 1997.23 feet, NO°35140°E 258.41 feet, NIS°23120°E 158.72 feet, N 0°39130°E 108.82 feet, NIA°43140°E 1997.38 feet, NIA°27135°E 108.85 feet, NIA°571E 115.00; feet, and Ni49°O31°E 25.50 feet to its intersection with the centerline of County Road No. 127 (Woolen Rd.);

Thence following the center of Mooles Road \$540477W 185.19 feet, \$3900412073 94.15 feet, \$12035107W 355.70 feet, \$120074407W 270.59 feet, and thus 339407W 359.50 feet more or less to the point of beginning.

\* Except that portion of the above described tract lying within the boundaries of Woolen Road.

Page 3 of 4

TRACT V

Parts of Sections 14, 23 and 24, Township 2
North, Range 4 West, W.M. Beginning approximately 128 feet North and 348 feet West of the Southeast corner of Section 14; thence in the center of County Road No. 155 (Sell Road) South 36 14 East 557.00 feet to a point; thence south 20 54 East 531.00 feet to a point; thence South 39 15 East 340.30 feet to the northwest corner of the certain tract point; thence South 39°15' East 340.30 feet to the northwest corner of the certain tract conveyed to M. L. Sells by Deed Book 125, Page 93; thence South 33°47' East 123.70 feet to a point; thence South 05°07' East 125.70 feet to the Southwest corner of the abovementioned Sells tract; thence South 89°23' Nest 46°00 feet to the Southwest corner of mentioned Sells tract; thence South 89 23'
West 456.00 feet to the Southeast corner of
the Northeast quarter of the Northeast quarter of Section 23; thence North 89 24' West.
379.10 feet to the Eastern, boundary of the
S.P. & S. Railway; thence with same North
47014' West 1248.10 feet to the accepted
western boundary of said Northeast quarter
of the Northeast quarter of Section 23; thence
North 00 41'15" East 1818.21 feet to the accented Northwest corner of the Southeast quarcepted Northwest corner of the Southeast quar-ter of Section 14; thence North 85 41 East 522.00 feet to an iron pipe; thence South 00 26' East 150.00 feet to the center of the West Fork Dairy Creek; thence following the west fork Dairy Creek; thence loliboring the meanderings of said creek a total southing of 1012.00 feet and Easting of 458.00 feet; thence South 52°44' West about 50.00 feet to the point of beginning. EXCEPT THEREFROM that certain tract of land conveyed to John R. Caldwell by deed recorded in Deed Book 375, at Page 561, Deed Records in Deed Book 375, at Page 361, Deed Records of Washington County, Oregon, and ALSO EXCEPTING THEREFROM the following described tract: Beginning at the intersection of the centerline of County Road No. 155 (Sell Road) with the West line of the Southeast quarter of Section 14, T2N, R4W, W.M. Washington County, Oregon; thence South 00 41 15 West of the West line above

said Southeast quarter of Southeast quarter of Section 14, 141.18 feet to a point; thence South 89"18"45" East 207.85 feet to a point on the centerline of above said road, thence North 00"41"15" East parallel to said West line 340.50 feet more or less to the center of the West Fork Dairy Creek; thence Westerly and upstream to the West line of the Southeast quarter of the Southeast quarter of Section 14; thence South 00 41 15 West on above west line to the point of beginning.



Page 4 of STATE OF OREGON County of Washington



I. Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify this to be a true and correct copy of the original.

Date: April 7 2003

By: KBarnett

Title: Deputy Clark

POUAPOD

# 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

#### 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.

RECEIVED For questions, please call (503) 986-0900, and ask for Transfer Section. MAY 1 9 2022 Check all items included with this application. (N/A = Not Applicable)Part 1 - Completed Minimum Requirements Checklist. X OWRD X Part 2 - Completed Transfer Application Map Checklist. Part 3 - Application Fee, payable by check to the Oregon Water Resources Department, and X completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd fee calculator. Part 4 - Completed Applicant Information and Signature. X Part 5 - Information about Water Rights to be Transferred: How many water rights are to be transferred? 1 List them here: certificate 43721 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. 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. 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): Map not included or incomplete Application fee not enclosed/insufficient 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:

# Part 2 of 5 - Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are no WRD

		sure that the transfer application map you submit includes all the required items and the existing water right map. Check all boxes that apply.
		Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see <a href="http://apps.wrd.state.or.us/apps/wr/cwre-license-view/">http://apps.wrd.state.or.us/apps/wr/cwre-license-view/</a> . 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.
$\boxtimes$		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 $-42^{\circ}32'15.5''$ ) or degrees-decimal with five or more digits after the decimal (example $-42.53764^{\circ}$ ).

	FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed:    Place of Use	2	\$1090
3	Number of water rights included in transfer 1 (3a)  Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0  Multiply line 3b by \$610 and enter > > > > > > > > > > > > > > > > > > >	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well?  No: enter 0 Yes: enter \$480 for the 1st well to be added or changed 0 (4a)  Do you propose to add or change additional wells?  No: enter 0 Yes: multiply the number of additional wells by \$410 0 (4b)  Add line 4a to line 4b and enter ** ** ** ** ** ** ** ** ** ** ** ** **	4	\$0
5	Do you propose to change the place of use or character of use?  No: enter 0 on line 5  Yes: enter the cfs for the portions of the rights to be transferred (see below*):0.5 (5a)  Subtract 1.0 from the number in 5a above: -0.5 (5b)  If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »		\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » » Subtotal:  Is this transfer:  necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?  endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?  If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		\$2450 RECEIVI MAY 1 9 20 OWRI
7 8	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	\$2450

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:

Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷100 ac); then multiply by the number
of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 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 ac x 0.0125 cfs/ac = 0.56 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).

	FEE WORKSHEET for SUBSTITUTION		
1	Base Fee (includes change to one well)	1	\$990.00
2	Number of wells included in substitution N/A (2a)  Subtract 1 from the number in 2a above: N/A (2b) If only one well this will be 0  Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	N/A

## Part 4 of 5 - Applicant Information and Signature

### **Applicant Information**

APPLICANT/BUSINESS NAME George Schmidlin Farms, L	LC c/o Larry Sch	PHONE NO. 503.939.8264	ADDITIONAL CONTACT NO.			
ADDRESS 43860 NW Woolen Road				FAX NO.		
CITY Banks	STATE OR	97106	E-MAIL larryschmidlin@cs.com & larryschmidlin@gmail.com (use both)			

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

AGENT/BUSINESS NAME Aspen Rural Land Consulting c/o	Eric Ursta	PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. N/A	
ADDRESS 39290 NW Murtaugh Road				FAX NO. N/A
CITY North Plains	STATE	E-MAIL ericurstadt@hotm	ail.com	

Explain in your own words what you propose to accomplish with this transfer application, and why:

The landowner wants to move a portion of the Place of Use and add Point of Diversion for certificate 43721.

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

#### 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 are
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 1 9 2022

OWRD

#### By my signature below, I confirm that I understand:

## OWRD

- 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: Hillsboro Argus.
- 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.



Larry Schmidlin, registered agent for	Arlant
	05/04/201
Print Name (and Title if applicable)	Date
which the water right, or portion thereof, pro	oposed for transfer is
ners (and mailing and/or e-mail addresses if differ e-mail addresses) from all landowners or individ	
eletion of change(s). Notices and corresponden	nce should continue to be
onsible for completing the proposed change(s ondence should be sent to this landowner.	) after the final order is
plicant will be responsible for completion of control this landowner and the applicant.	hange(s). Copies of notices
lication in the process of being sold? Yes	⊠ No
wner will be, please complete the receiving lar andowner will be, then a request for assignment	
right(s) located on the land belong to the new	
	George Schmidlin Farms, LLC Print Name (and Title if applicable)  which the water right, or portion thereof, property (and mailing and/or e-mail addresses if differermail addresses) from all landowners or individual addresses) from all landowners or individual addresses). Notices and correspondence on sible for completing the proposed change (so ondence should be sent to this landowner. In plicant will be responsible for completion of coordinate to this landowner and the applicant. It is landowner and the applicant. It is landowner will be, please complete the receiving landowner will be, then a request for assignment.

RECEIVING LANDOWNER NA	ME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
	vnership circumst		The second secon	e hands after the transfer is

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer Property Transactions.pdf

Describe any special ownership circumstances: The lands are planned to change hands *after* the transfer is approved. Larry Schmidlin will also be the contact for the future owner; however, since the ownership change is expected after the transfer, no information is completed above.

The confirming Certificate shall be issued in the	e name of: Applicant	Receiving Landowner
Check here if any of the water rights an irrigation or other water district. (Tip:	proposed for transfer a	are or will be located within or server Supplemental Form D.)
(Not In Tualatin Valley Irrigation District)	ADDRESS	
CITY	STATE	ZIP
Check here if water for any of the rig contract for stored water with a fede		
ENTITY NAME N/A	ADDRESS	
СПУ	STATE	ZIP
To meet State Land Use Consistency Req corporation, or tribal governments withi		
ENTITY NAME	ADDRESS	



ENTITY NAME Washington County Department of Land Use and Transportation	ADDRESS  155 N. First Avenue	, Suite: 350
CITY Hillsbore	STATE OR	ZIP 97124

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## 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 # 43721

Description of Water Delivery System

System capacity: 0.78\* cubic feet per second (cfs) OR

N/A gallons per minute (gpm)

N/A gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The current system uses a 50 horsepower centrifugal pump to convey water through a 6" mainline or 4" overhead sprinklers or large travelers with diesel powered booster pumps.

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		F	Rng		74	жж		Measured Distances (from a recognized survey corner)
POD 1	Authorized Proposed	N/A	2	N	4	w	14	NW	SE	1400	770' S & 2430' W of E/14 S14 (per certificate)
POD 2	Authorized Proposed	N/A	2	N	4	w	24	SE	NW	32	1855' S & 1565' E of NW S 24

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

	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)		Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)
Will all	of the proposed changes affect the entire	water	right?
Yes	Complete only the Proposed ("to" or "on "CODES" listed above to describe the pro		s) section of Table 2 on the next page. Use the changes.
NO NO	Complete all of Table 2 to describe the no	ortion	of the water right to be changed

<sup>\*</sup>Per certificate 43721

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 # 43721

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 (the "to" or "on" la  Proposed Changes (see  Proposed Changes (see						CHANGES												
Tw	р	R	ng	Sec	34	x	Tax Lo	Gvt tLot or DLC		Type of USE listed on Certificate	or number from Table 1)	1250	"CODES" from previous page)	Tw	/p	Ri	ng	Sec	ж	14	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	4	w	14	NE	sw	1400	N/A	5.7	3.9) Cres	POD 1	1970	POU/APOD	2	N	4	w	24	NW	NE	202	N/A	12.2	Irrig	POD 2	1970
2	N	4	w	14	NE	SE	1400	N/A	19.2	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	sw	NE	202	GLot 2	1.0	Irrig	POD 2	1970
2	N	4	w	14	NW	SE	1400	N/A	14.4 _	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	NE	NW	202	N/A	26.8	Irrig	POD 2	1970
2	N	4	w	14	SE	SE	1400	N/A	0.7 -	Irrig	POD 1	1970	POU/APOD													
						то	TAL AC	RES:	40.0											то	TAL AC	RES:	40.0			

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: N/A 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) RECEIVED Ground water supplemental Permit or Certificate # N/A; Surface water primary Certificate # N/A. MAY 1 9 2022 For a change from Supplemental Irrigation Use to Primary Irrigation Use OWRD Identify the primary certificate to be cancelled. Certificate # N/A 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 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

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

complete Table 3.

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.

driller, geologist, or certified water right examiner to assist with assembling the information necessary to

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
N/A										

# \*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			1					RECEIVE	D
State of	Oregon			) ss					MAY 1 9 202	2
County	of WASHINGTO	N		)						
I, LARRY	SCHMIDLIN, in r	ny capac	ity as LA	NDOWNER	REPRESEN	TATIVE,			OWRD	
mailing	address 4349	O NW W	OOLLEN R	OAD, BANK	s, OR 97	106				
telepho	ne number (5	03) 939-8	8264, be	eing first o	luly swor	n depose	and say:			
1	My knowledg	e of the	exercise	or status	of the w	ater righ	t is based or	(check one):		
-	Perso						onal experti			
2.	I attest that:						11	-16 6-		
		r was us ficate # <u>4</u>		100	vious five	e years or	the entire	place of use fo	or	
		Week of the state of the			use of w	untor at t	ho following	locations with	hin the last five years:	
1	IVIY K	Towledge	e is spec	cinc to the	use of v	vater at t	ne ronowing	Gov't Lot	Acres	
	Certificate #	Towns	hip	Range	Mer	Sec	1/4 1/4	or DLC	(if applicable)	
				-	-					
					-					
OR										
	Confirming C	ertificate	#	_ has bee	n issued	within th	e past five y	ears; OR		
								n the last five	years. The	
	instream leas transfer was								eased instream.); OR	
	The water rig	Out of the latest of the lates	Charles of the control of				tation that	a presumption	of forfeiture for non-u	ise
	Water has be							opriation for	more than	

(continues on reverse side)



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

Signature of Affiant

05/09/2022

Signed and sworn to (or affirmed) before me this

Tay of May 2022

OFFICIAL STAMP
DAVIA SMITH
HOTARY PUBLIC - OREGON
COMMISSION NO. 1022727
HY COMMISSION EXPIRES MARCH 23, 2026

Motary Public for Oregon

My Commission Expires: Much 23, 2626

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use     Fertilizer or seed bills related to irrigated crops     Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered     Crop reports submitted under a federal loan agreement     Beneficial use reports from district     IRS Farm Usage Deduction Report     Agricultural Stabilization Plan     CREP Report  OWRI
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 –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use vithin the last 5 years	Copy of instream lease or lease number



Rural Land Consulting

Water Resources, Water Rights, Land Surveying, Engineering, Land Use Planning

> ERICURSTADT@HOTMAIL.COM 971-250-1520 (MOBILE)

> > RECEIVED

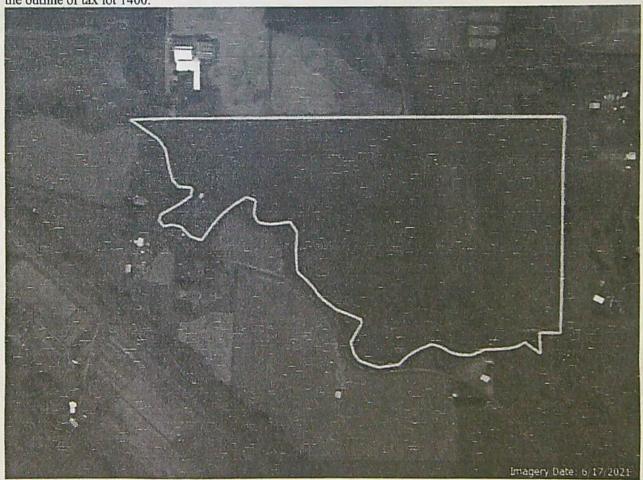
MAY 1 9 2022

20 APR 2022

OWRD

#### Subject: Evidence of Use for Water Right Transfer

This document is intended to go along with an Evidence of Use Affidavit pertaining to a 2022 water right transfer of certificate 43721. The image below is a Google earth aerial photo with June 2021 imagery. The yellow line is the outline of tax lot 1400.



Prepared by: Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

# Land Use Information Form



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

Applicant(s): George Schmidlin Farms, LLC c/o Larry Schmidlin

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Mailing Address: 43860 NW Woollen Road

MAY 1 9 2022

City: Banks OWRD Zip Code: 97106 Daytime Phone: 509.939.8264 State: OR

#### 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	ж ж	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>2N</u>	<u>4W</u>	24	N/A	202	EFU	⊠ Diverted	□ Conveyed	<b>⊠</b> Used	irrigation
						Diverted	☐ Conveyed	Used	
				I		☐ Olverted	Conveyed	Used	
						Diverted	☐ Conveyed	Used	

List all counties and citie Washington	es where water	is proposed to be diver	rted, conveyed,	and/or used or develop	ped:
B. Description of Prop	osed Use				
Type of application to be Permit to Use or Stor	e Water 🛛 V	Water Resources Depa Vater Right Transfer Illocation of Conserved W	Pern	nit Amendment or Ground nange of Water	d Water Registration Modification
Source of water: Res	ervoir/Pond	Ground Water	Surface Water	(name) West Fork Da	airy Creek
Estimated quantity of wa	ater needed: 0.	50 🛭 cubic fee	et per second	gallons per minute	acre-feet
Intended use of water: Briefly describe:	Irrigation Municipal	Commercial Quasi-Municipal	Industrial Instream	Domestic for Other	household(s)
The water right for	40 acres of in	rigation is being m	oved to tax lo	ot 202.	
					- 120

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. →

MAY 1 9 2022

# For Local Government Use Only

## **OWRD**

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 an	nd provide the requested information		
Land uses to be served by the proposed water by your comprehensive plan. Cite applicable	er uses (including proposed construction) are ordinance section(s): CDC Section	allowed outrig	int or are not regulated
Land uses to be served by the proposed water as listed in the table below. (Please attach do Record of Action/land-use decision and according periods have not ended, check "Being pursu	ocumentation of applicable land-use approvementation of applicable land-use approvementation of approvementation of approvementation of approvementation of approvementation of approvementation of applicable land-use applicable	als which have a	already been obtained.
Type of Land-Use Approval Needed  (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lanc	i-Use Approval:
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denled	☐ Being Pursued ☐ Not Being Pursued
		☐ Chtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Name: MAITREYEE SINHA	Title:	SENIOR S	PLANNER
Signature: M. Julia	Phone: 503-846	-3835bate:_	4.21.2022
Government Entity: WASH INGTON	COUNTY, OREGON		
Note to local government representative: Pleasign the receipt, you will have 30 days from the Information Form or WRD may presume the land comprehensive plans.	Water Resources Department's notice date	to return the co	impleted Land Use
Receipt	for Request for Land Use Informati	on	
Applicant name:			
City or County:	Staff contact:		

Signature: \_\_

Phone:

Date:



#### **Business Name Search**

New Search	Printer Frien	dly	Business Enti	ty Data		04-20-2022 18:2
Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
716544-88	DLLC	INA	OREGON	10-19-1999		
Entity Name	GEORGE SCH	MIDLIN FARMS	, LLC			
Foreign Name						

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New Search	Printer	Friendly		Associa	ted Names		uv 1	9 2022
Туре	PPB PRINCIP	AL PLACE	OF BUSIN	NESS			MAI 1	O LULL
Addr 1	43490 NW WOO	LLEN RD						
Addr 2							- OV	VRD_
CSZ	BANKS	OR	97106		Country	UNITED STATES O	F AMERICA	1110
	ere for general info			ed agents and servi		h2 01 2021 I	Resign Date	
Туре	AGT REGISTI	ERED AGE	THE RESERVE OF THE PERSON NAMED IN		Start Date	03-01-2021	Resign Date	
Name	LARRY		R	CHMIDLIN				
Addr 1	43490 NW WOO	LLEN RD						
Addr 2								
CSZ	BANKS	OR	97106		Country	UNITED STATES O	F AMERICA	
	herr heart hi	CADDRE	20					
Туре	MAL MAILIN	-	10					
Addr 1	43860 NW WOO	LLEN RD						
Addr 2			-					-
CSZ	BANKS	OR	97106		Country	UNITED STATES O	F AMERICA	
Туре	MGR MANAG	ER					Resign Date	
Name	LARRY		K	SCHMIDLIN				
Addr 1	43490 NW WOO	LLEN RD						
Addr 2							Account to the second	
CSZ	BANKS	OR	97106		Country	UNITED STATES C	F AMERICA	

New Search	Printer Friendly	Name History
------------	------------------	--------------

Business Entity Name	The second secon	Name Status	Start Date	End Date
GEORGE SCHMIDLIN FARMS, LLC	EN	CUR	10-19-1999	A

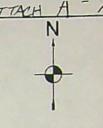
### Please read before ordering Copies.

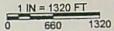
New Search	Printer Friendly	Summary History			
Image	Action	Transaction	Effective	470	

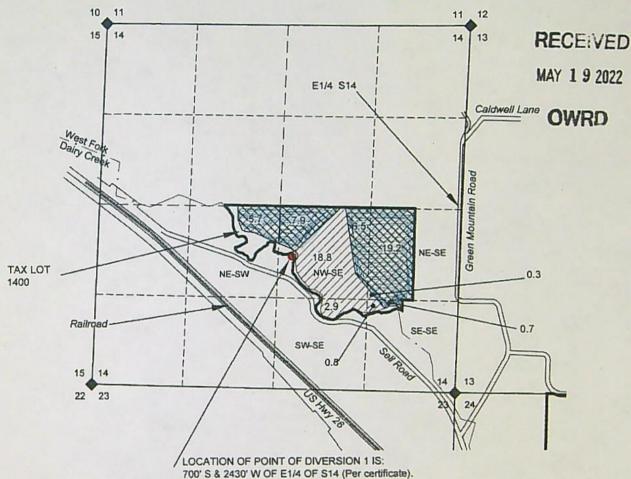
A 1-9-11-12-12-12-12-12-12-12-12-12-12-12-12-		Continued a record				
Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ADMINISTRATIVE DISSOLUTION	12-16-2021		SYS		
0	REINSTATEMENT AMENDED	03-01-2021		FI	Agent	
	ADMINISTRATIVE DISSOLUTION	12-19-2019		SYS		
0	REINSTATEMENT AMENDED	05-01-2019		FI	Agent	
	ADMINISTRATIVE DISSOLUTION	12-20-2018		SYS		
	ANNUAL REPORT PAYMENT	09-15-2017		SYS		
	ANNUAL REPORT PAYMENT	09-13-2016		SYS		
	ANNUAL REPORT PAYMENT	09-09-2015		SYS		
	ANNUAL REPORT PAYMENT	09-10-2014		SYS		
	ANNUAL REPORT PAYMENT	09-10-2013		SYS		
	ANNUAL REPORT PAYMENT	09-18-2012		SYS		
	ANNUAL REPORT PAYMENT	09-14-2011		SYS		
	ANNUAL REPORT PAYMENT	09-23-2010		SYS		

# Transfer FROM Map

Section 14, T2N, R4W, Washington County Cert. 43721







# SUPERSEDED

#### NOTES

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- PROPERTY LINES, DONATION LAND CLAIMS (DLC), AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTION 14, T4N, R2W.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



Exp. 30JUN2022

#### LEGEND



DONATION LAND CLAIM (DLC) CORNER
SECTION CORNER
POINT OF DIVERSION OR APPROPRIATION
STREAM OR SURFACE DRAINAGE
TAX LOT LINE
SECTION LINE
QUARTER-QUARTER LINE
DLC LINES (none in area)
WATER CONVEYANCE LINES (None shown)

Certificate 43721 - lands to remain Certificate 43721 - portion moving

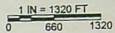
## ASPEN RURAL LAND CONSULTING

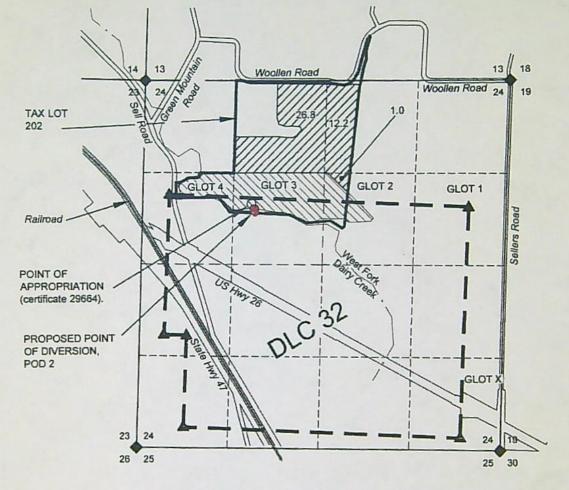
ERIC URSTADT, PE, PLS 971-250-1520 April 2022 MarshTfer2G

# **Transfer TO Map**

Section 14, T2N, R4W, Washington County Cert. 43721







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LOCATION OF PROPOSED POINT OF DIVERSION 2 IS: 1855' S & 1565' E of NW S24.

OWRD

LOCATION OF POINT OF APPROPRIATION IS: 6.75 chains S & 4 chains E of NW Glot 3 (Per certificate 29664).

#### NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- PROPERTY LINES, DONATION LAND CLAIMS (DLC), AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTION 14, T4N, R2W.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



Exp. 30JUN2022

#### LEGEND



DONATION LAND CLAIM (DLC) CORNER
SECTION CORNER
POINT OF DIVERSION OR APPROPRIATION (POD or POA)
STREAM OR SURFACE DRAINAGE
TAX LOT LINE
SECTION LINE
QUARTER-QUARTER LINE

Certificate 29644 (not affected) Certificate 43721 TO lands

WATER CONVEYANCE LINES (None shown)

ASPEN RURAL LAND CONSULTING

> ERIC URSTADT, PE, PLS 971-250-1520 Apr 2022 MarshTfer2G

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

SCHMIDLIN BROS.

of Rt. 1 Box 202, Banks , State of Oregon, 97106 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of West Fork Dairy Creek

a tributary of Dairy Creek irrigation of 62.8 acres

22 6 - 4000

for the purpose of

under Permit No. 35015 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 March 19, 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 0.78 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 NW4 SE4, Section 14, T. 2 N., R. 4 W., W. M., 700 feet South and 2430 feet West from the E4 Corner, Section 14.

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 2½ 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:

20.7 acres NEt, SEt, 0.3
34.5 acres NWt, SEt, 19.2
2.7 acres SWt, SEt, 2.7
1.0 acre SEt, SEt, 0.6
3.9 acres NEt, SWt, - Q

Section 14 T. 2 N., R. 4 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., and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 30, 1976

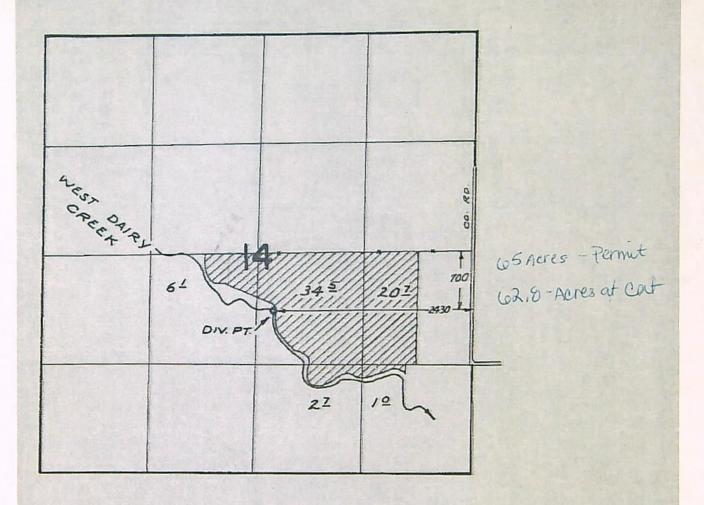
... James E. Sexson.

Water Resources Director

35013

Recorded in State Record of Water Right Certificates, Volume 35 , page 43721

# T.2N.R.4W.W.M.



# FINAL PROOF SURVEY

Application No. 46826 Permit No. 35015 IN NAME OF
SCHMIDLIN BROS.
Surveyed APR.4. 1974, by R. MUCKEN



•APPLICATION FOR PERMITCERTIFICATE NO. 43221

# To Appropriate the Public Waters of the State of Oregon

	I, Schmidlin Bro	OR. (Name of appl	(man)	
	Rt 1, Box 203, Bank	(A		
State	of Oregon	, do hereby m	ake application for a	permit to appropriate the
lomon		ters of the State of Oregon,		
	If the applicant is a corp	poration, give date and place		
	1. The source of the pro	posed appropriation isWe		f stream)
		, a tributary o		
	2. The amount of water	which the applicant intends	to apply to beneficia	l use is
cubic	feet per second	(If water is to be used from m	ore than one source, give qua	nuity from each)
		water is to be applied is		Section and the Section of the Secti
corne	4. The point of diversio 800' S 16	n is locatedft. O E of N.W. corner of RAMARKSMAXIAE XEERINGS NO. (Section or in	SXESKEXXSXEXXE	from the
		(If preferable, give distance and bearing	ng to section corner)	
1	With the state of	an one point of diversion, each must be de		(million) (million)
		S.E. k		, 1 p, (ri. or s.)
		Main ditch, canal or pipe line)		
		(Smallest legal subdivision)		
R	(2. or W.) W. M., th	e proposed location being sho	wn throughout on th	e accompanying map.
Discon	· W	DESCRIPTION OF	WORKS	
Diver	sion Works—	jeet, length	on ton	feat length at better
		to be used and character of		
rock and	(h) Description of head	over or around dam)		
	(o) Description of head	gate		
	(c) If water is to be put	nped give general descriptio		
	(Gize ar	d type of engine or motor to be used, total	l head water is to be lifted, et	ie.)
***********	*A different form of application i	s provided where storage works are cont	emplated.	

<sup>&</sup>quot;A different form of application is provided where storage works are contemplated.

"Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Rydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salest Oregon.

				ged in size, stating miles from
				feet; width on bottom
housand feet.				ter line)
				water feet;
	feet fall			
				in.; size at ft.
				ifference in elevation between
				Estimated capacity,
			a grade unijorni.	
8. Location		rigated, or p	lace of useManning	
Township North or South	Range E. or W. of Willemette Meridian	Section .	Forty-serv Tract	Number Acres To Be Irrigated
2 N	4 W	14	S.W. & S.E. &	3.7
2 N	4 W	14	S.E. & S.E. &	1.5
, 2 N	4 W	14	N.E. & S.E. &	20.0
2 N	4 W	14	N.W. \ S.E. \	31.6
2 N	4 W	14	N.E. & S.W. &	6.0
				18
				60
# *			4	
(1) (2)		1000	required, attach separate short)	
Power or Mining	The second second	IPASCUE		
The second secon	Contract of the Contract of th	wer to be det	veloped	theoretical horsepower
(b) Qu	antity of water t	o be used for	power	sec. ft.
(c) To	tal fall to be util	ized	fent.	
				e developed
(e) Su	ch works to be lo	cated in	1	of Sec.
	, R		The state of the s	•
	To de la constitución de la cons		tream?	
			( I am of Mo)	
				, R, W. M
	,	DEC	, 1p	, K W. A
			applied is	

- Harage man

nicipal or Domestic Supply—	35015
10. (a) To supply the city of	
County, having a present population of	
an estimated population of in 19	
(b) If for domestic use state number of families to be supplied	ed :
(Answer questions II, 48, 13, and 14 in all cases)	<del> 93</del>
TI. Estimated cost of proposed works, \$8000_00.	
12. Construction work will begin on or beforeJune_1970	īī.
13. Construction work will be completed on or beforeOctober	1970
14. The water will be completely applied to the proposed use on or	beforeJune_13/.3
1.0 .01	1. 12.
and Coffee and Coffee	Schmidle (
Llevige,	Schunder /
Remarks:	
Tellaring.	
·	
·	
	+
TATE OF OPECON	
TATE OF OREGON, as.	
County of Marion,	
This is to certify that I have examined the foregoing application,	together with the accomp
aps and data, and return the same for	
In order to retain its priority, this application must be returned t	o the State Engineer, with
ons on or before, 19	
,	
	*
WITNESS my hand this day of	, 19
	STATE D
Ву	AB

STATE OF OREGON, County of Marion,

This is to certify that I have examined the foregoing application and do hereby grant the same,

		RIGHTS and the follow nted is limited to the ar				eficial use
		78 cubic feet p				
stream, or	its equivalent in	case of rotation with a	ther water	users, from	est Dairy Creak	
The	use to which this	water is to be applied	is_irris	ation		
If fo	or irrigation, this	appropriation shall be li	imited to	1/80	of one cubi	c foot per
		feet per acre for				
						•
						<del></del>
		reasonable rotation sys				
		his permit is				
Act	ual construction t	work shall begin on or	before	March 1	1, 1972	and shall
thereafter	be prosecuted w	ith reasonable diligence	and be com	ipleted on or b	efore October 1, 19.3	72
Con	nplete application	of the water to the pro	posed use sh	iall be made or	or before October	1, 1973
WI	TNESS my hand t	his 11th day	ofMa	rch	, 19.71	
				MA OX	STATE	ENGINEER
						4
Application No. 46826 Permit No. 35015	PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF OREGON	This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 19.41 day of	Returned to applicant:	Approved: March 11, 1971	Permits on page 35015	Drainage Basin No. 2. page 6.2.89.

## **Oregon Water Resources Department**

## Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-			
In order to avoid enlargement of the right be required to be installed prior to divers  at each point of diversion/approper at each new point of diversion/approper	ion of water, as a con priation (new and exis	ndition of this transfer:	will
For additional information, or to obtain approval o should contact the area Watermaster:	f a different type of n	neasurement device, the appl	icant
Watermaster name: Jake Constans			
District: 18			
Address: 1400 SW Walnut Street , Suite 240			
City/State/Zip: Hillsboro, OR 97123			
Phone: 503-846-7780			
Email: jake.w.constans@water.oregon.gov			
<b>Note</b> : If a device other than the one specified in the by the Watermaster, fill out and mail the form			rove
************	*********	***********	
Approval of an Alternate (to be filled out after consultation			
On behalf of the Director, I authorize use of the fol	lowing suitable alter	nate measurement device:	
Watermaster signature	District	Date	

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

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

# OF THE STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14040, Washington County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION AND
	)	CHANGE IN PLACE OF USE

#### Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

#### **Findings of Fact**

- On June 28, 2022, GEORGE SCHMIDLIN FARMS, LLC filed an application for an additional point of diversion and to change the place of use under Certificate 43721. The Department assigned the application number T-14040.
- Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On September 22, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14040 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 24, 2022, for the applicant to respond. The applicant(s) 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.

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 notice of this preliminary determination.

4. The portion of the right to be transferred is as follows:

Certificate: 43721 in the name of SCHMIDLIN BROTHERS (perfected under Permit

S-35015)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 19, 1970

Rate: 0.50 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 a diversion of not to exceed 2.5 acre feet per acre for each acre

irrigated during the irrigation season of each year.

Source: WEST FORK DAIRY CREEK, a tributary of DAIRY CREEK

#### Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	14	NW SE	700 FEET SOUTH AND 2430 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

#### Authorized Place of Use:

		IRRIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	14	NE SW	3.9
2 N	4 W	WM	14	NE SE	20.4
2 N	4 W	WM	14	NW SE	15.3
2 N	4 W	WM	14	SE SE	0.4
				Total	40.0

 Transfer Application T-14040 proposes an additional point of diversion approximately 1.03 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	4 W	WM	24	NW SE	POD 2 - 1855 FEET SOUTH AND 1565 FEET EAST FROM THE NW CORNER OF SECTION 24

6. Transfer Application T-14040 also proposes to change the place of use of the right to:

		IRRIGAT	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	4 W	WM	24	NW NE	12.2
2 N	4 W	WM	24	SW NE	1.0
2 N	4 W	WM	24	NE NW	26.8
				Total	40.0

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

#### Transfer Review Criteria [OAR 690-380-4010(2)]

- Water has been used within the last five years 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-14040.
- 10. The proposed changes as conditioned would not result in enlargement of the right.
- 11. The proposed changes would not result in injury to other water rights.
- 12. All other application requirements are met.

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

The additional point of diversion and change in place of use proposed in Transfer Application T-14040 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14040 is approved, the final order will include the following:

- The additional point of diversion and change in place of use proposed in Transfer Application T-14040 are approved.
- 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 43721 and any related decree.
- 3. Water right Certificate 43721 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 of diversion (POD 2), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

- 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 diversion.
  - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
- 7. The former place of use of the transferred right shall no longer receive water under the right.
- 8. 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 diversion.
  - 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.
- 9. 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.

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

Dated in Salem, Oregon on

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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <a href="http://legalassistance.law.af.mil">http://legalassistance.law.af.mil</a>. The Oregon Military Department does not have a toll free number.

# **Transfer FROM Map**

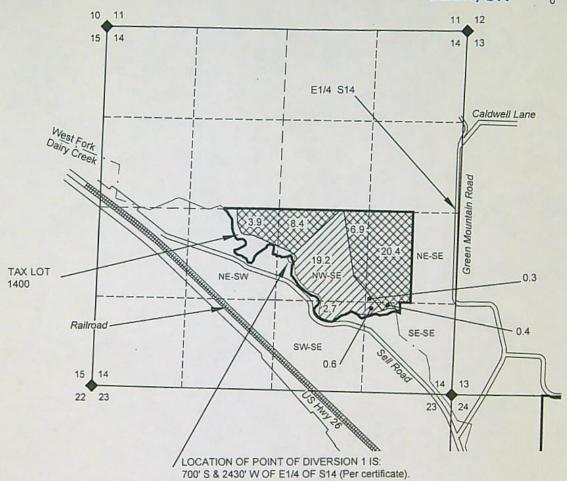
Section 14, T2N, R4W, Washington County Cert. 43721

Received by OWRD

AUG 2 5 2022

1 IN = 1320 FT





#### NOTES

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

- PROPERTY LINES, DONATION LAND CLAIMS (DLC), AND

QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTION 14, T4N, R2W.

- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



Exp. 30JUN2024

#### LEGEND



DONATION LAND CLAIM (DLC) CORNER SECTION CORNER
POINT OF DIVERSION OR APPROPRIATION STREAM OR SURFACE DRAINAGE
TAX LOT LINE
SECTION LINE
QUARTER-QUARTER LINE
DLC LINES (none in area)
WATER CONVEYANCE LINES (None shown)



Certificate 43721 - lands to remain Certificate 43721 - portion moving ASPEN RURAL LAND CONSULTING

> ERIC URSTADT, PE, PLS 971-250-1520 Aug 2022 MarshTfer3B

#### DAVIS Arla L \* WRD

From: Eric Urstadt <ericurstadt@hotmail.com>
Sent: Thursday, August 25, 2022 11:04 AM

To: SMITH Joan M \* WRD

Subject: RE: Marsh/Schmid - T-14040 - Fixes to table and map

Attachments: 0B-TferApplMarsh3B-AmendedPage8Only.pdf; A1-MapMarshFROM3C.pdf

Categories: Red Category

Joan,

Respectfully,

The table and map have been corrected and are attached. Please use the Hillsboro Tribune.

Please let me know if you have any more questions.

Eric Urstadt, PE, PLS, CWRE

**Aspen Rural Land Consulting** 

Water Rights – Forestry – Rural Land Engineering – Land Surveying (971) 250-1520 (cell, text, voicemail)

Received by OWRD

AUG 25 2022

Salem, OR

From: SMITH Joan M \* WRD

Sent: Thursday, August 25, 2022 6:32 AM

To: Eric Urstadt

Subject: RE: Marsh/Schmid - T-14040 - questions on the appl. - Eric response

No problem, have a nice weekend.

Joan Smith Transfer Specialist 503-986-0892



From: Eric Urstadt <ericurstadt@hotmail.com> Sent: Wednesday, August 24, 2022 6:01 PM

To: SMITH Joan M \* WRD < Joan.M.SMITH@water.oregon.gov>

Subject: Marsh/Schmid - T-14040 - questions on the appl. - Eric response

Joan,

Where did I get that number?

Anyway, I will fix this and it will change the FROM table and FROM map. I will fix this pretty soon – by early next week at the latest.

And please, use the Hillsboro Tribune, then. I've never heard of or read the Hillsboro Tribune, but get the Argus at my house so I guess that's why I messed that up.

Thanks for not sending the application back, and thereby preventing us from starting all over again!

Respectfully,

Eric Urstadt, PE, PLS, CWRE

# Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying (971) 250-1520 (cell, text, voicemail)

From: SMITH Joan M \* WRD

Sent: Tuesday, August 23, 2022 10:31 AM

To: Eric Urstadt

Subject: Transfer Application T-14040

Good morning, Eric, I have a couple of questions for you regarding T-14040, first, the "from lands" listed on the Certificate do not match the table on page 8 of the application. The application shows 5.7 acres in the NESW as coming off, however there are only 3.9 acres in the NESW listed on Certificate 43721 this is a deficit of 1.8 acre. I will need a new map and table to accompany any changes. Second, the paper listed in not on our approved list, I have attached a list for your convenience.

Please call if you have aby questions.

Thank you,

Joan

#### JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

NOTE: Many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

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 # 43721

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	are made																				
Tw	ďρ	R	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Date	"CODES" from previous page)	Tv	νp	Rr	ıg	Sec	14	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	4	w	14	NE	SW	1400	N/A	3.9	Irrig	POD 1	1970	POU/APOD	2	N	4	W	24	NW	NE	202	N/A	12.2	Irrig	POD 2	1970
2	N	4	w	14	NE	SE	1400	N/A	20.4	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	sw	NE	202	GLot 2	1.0	Irrig	POD 2	1970
2	N	4	w	14	NW	SE	1400	N/A	15.3	Irrig	POD 1	1970	POU/APOD	2	N	4	W	24	NE	NW	202	N/A	26.8	Irrig	POD 2	1970
2	N	4	w	14	SE	SE	1400	N/A	0.4	Irrig	POD 1	1970	POU/APOD													
						TO	TAL AC	RES:	40.0											TO	TAL AC	RES:	40.0			

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

Received by OWRD

AUG 2 5 2022

Salem, OR



Water Resources Department

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

December 22, 2022

GEORGE SCHMIDLIN FARMS, LLC C/O LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

SUBJECT: Water Right Transfer Application T-14040

Your water right transfer is 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:

- submit a check for \$71.40 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
- 2. write "for T-14040 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 January 20, 2023.

#### What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Hillsboro Tribune 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 January 20, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at <u>Joan.M.Smith@water.oregon.gov</u> or by phone at 503-986-0892 if I may be of assistance.

Sincerely,

Joan Smith Transfer Specialist

Attached is a check for \$ 71.40 (PCA #46118) for Newspaper Notice for Transfer T-14040 made out to Oregon Water Resources Department ( or WRD)

"for T- 14040 NOTICE" written on front of check

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

Caseworker: Joan Smith

#### STATE OF OREGON

#### WATER RESOURCES DEPARTMENT

RECEIPT # 138891

RECEIPT: 138891

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE #

(303) 300-03007 (303) 300-0304 (14x)		
RECEIVED FROM: George E. Marsh		
BY:	PERMIT	
	TRANSFER	T-14040
CASH: CHECK!# OTHER: (IDENTIFY)		
X 2093	OTAL REC'D	\$ 468.08
1002 TREASURY 4170 WRD MICC CASH ACC	T	
1083 TREASURY 4170 WRD MISC CASH ACC		0
0407 COPIES 47124 R11380-23	c. 11 11	5 11156 556
OLITA OTHER: (IDENTIFY) Reimburgement	Chithoryly	3 768.08
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 C	ons. Water	
4270 WRD OPERATING ACC	T	
MISCELLANEOUS		
0407 COPY & TAPE FEES	*	\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$
WATER RIGHTS: EXAM FEE		RECORD FEE
0201 SURFACE WATER \$	0202	S
0203 GROUND WATER \$	0204	\$
0205 TRANSFER \$		
WELL CONSTRUCTION EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$	0219	S
LANDOWNER'S PERMIT	0220	\$
OTHER (IDENTIFY)		
0536 TREASURY 0437 WELL CONST. START	FFE	
	CARD#	
0211 WELL CONST START FEE \$ 0210 MONITORING WELLS \$	CARD#	
OLIO MOINTOIME VILLE	- CALIDE	
OTHER (IDENTIFY)		
0607 TREASURY 0467 HYDRO ACTIVITY	CNUMBER	
0233 POWER LICENSE FEE (FW/WRD)		S
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$
TREASURY OTHER / RDX		
51115		
FUND TITLE		
OBJ. CODE VENDOR #		6
DESCRIPTION		\$

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

DATED: 8-11-2022 BY

## REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT Contract Number: R11-380-23

AUG 1 1 2022 OWRD

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and George Schmidlin Farms, LLC, hereafter Applicant, hereafter known together as the parties.

OWRD Information		Applicant's Information		Applicant's Representative	
Contact: Title: Address:	Kelly Starnes Transfer Advisor 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Name: Contact: Address:	George Schmidlin Farms, LLC Larry Schmidlin 43490 NW Woollen Road Banks, OR 97106	Name: Contact: Address:	Aspen Rural Land Consulting Eric Urstadt, PE, PLS 39290 NW Murtaugh Road North Plains, OR 97133
Phone: Fax: Email:	503 979-3511 503 986-0901 patrick.k.starnes@water.oregon.gov	Phone: Email: Email:	(503) 939-8264 larryschmidlin@cs.com larryschmidlin@gmail.com	Phone: Fax: Email:	(971) 250-1520 ericurstadt@hotmail.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14040)

- 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.

#### 4. Consideration.

- a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$936.08. Applicant agrees to pay the full amount of \$936.08 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 GVVNO under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. 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 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.
- 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.
- 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:

Nama/Titla

For OWRD:

wight French - Administrator

Mail signed Agreement to:

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

AUG 11 2022 OWRD

07/01/2022



Water Resources, Water Rights, Land Surveying, Engineering, Land Use Planning

> ERICURSTADT@HOTMAIL.COM 971-250-1520 (MOBILE)

Water Resources Department Attn: Reimbursement Authority - Transfers 725 Summer Street NE, Ste. A Salem, OR, 97301 RECEIVED
AUG 1 1 2022

9 AUG 2022

OWRD

Subject: Reimbursement Authority R11-380-23, signed contract and payment

Ms. Stacy Phillips,

Enclosed is the signed contract and payment for Reimbursement Authority R11-380-23, together with the following attachments:

A. Two checks made out to "Oregon Water Resources Department" which total \$936.08.

Please let me know if there are any concerns or you need any more information.

Respectfully,

Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

#### SMITH Joan M \* WRD

From: Sent: Eric Urstadt <ericurstadt@hotmail.com> Thursday, August 25, 2022 11:04 AM

To:

SMITH Joan M \* WRD

Subject:

RE: Marsh/Schmid - T-14040 - Fixes to table and map

Attachments:

0B-TferApplMarsh3B-AmendedPage8Only.pdf; A1-MapMarshFROM3C.pdf

Joan,

The table and map have been corrected and are attached. Please use the Hillsboro Tribune.

Please let me know if you have any more questions.

Respectfully,

Eric Urstadt, PE, PLS, CWRE

# **Aspen Rural Land Consulting**

Water Rights – Forestry – Rural Land Engineering – Land Surveying (971) 250-1520 (cell, text, voicemail)

From: SMITH Joan M \* WRD

Sent: Thursday, August 25, 2022 6:32 AM

To: Eric Urstadt

Subject: RE: Marsh/Schmid - T-14040 - questions on the appl. - Eric response

No problem, have a nice weekend.

Joan Smith Transfer Specialist 503-986-0892



From: Eric Urstadt <ericurstadt@hotmail.com>
Sent: Wednesday, August 24, 2022 6:01 PM

To: SMITH Joan M \* WRD < Joan.M.SMITH@water.oregon.gov>

Subject: Marsh/Schmid - T-14040 - questions on the appl. - Eric response

Joan,

Where did I get that number?

Anyway, I will fix this and it will change the FROM table and FROM map. I will fix this pretty soon – by early next week at the latest.

And please, use the Hillsboro Tribune, then. I've never heard of or read the Hillsboro Tribune, but get the Argus at my house so I guess that's why I messed that up.

Thanks for not sending the application back, and thereby preventing us from starting all over again!

Respectfully,

Eric Urstadt, PE, PLS, CWRE

# Aspen Rural Land Consulting

Water Rights – Forestry – Rural Land Engineering – Land Surveying (971) 250-1520 (cell, text, voicemail)

From: SMITH Joan M \* WRD

Sent: Tuesday, August 23, 2022 10:31 AM

To: Eric Urstadt

Subject: Transfer Application T-14040

Good morning, Eric, I have a couple of questions for you regarding T-14040, first, the "from lands" listed on the Certificate do not match the table on page 8 of the application. The application shows 5.7 acres in the NESW as coming off, however there are only 3.9 acres in the NESW listed on Certificate 43721 this is a deficit of 1.8 acre. I will need a new map and table to accompany any changes. Second, the paper listed in not on our approved list, I have attached a list for your convenience.

Please call if you have aby questions.

Thank you,

Joan

#### JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

NOTE: Many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

## Oregon Department of Fish and Wildlife Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Date of review: 8/11/22

Reference Transfer #: T-14040

A	Please check box if you believe there is a potential for injury to an instream water right.  The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on[stream], tributary to, because  (Please attach any available supporting information.)
	Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right.  (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)
	Please check one of the following five boxes related to fish screen requirements pursuant to \$540.525 or 540.532:
	1. Screen Maintain [Select this option if the new Point of Diversion (POD) requires a fish screen <u>and</u> is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]
	Note: This option will yield the following:
	<u>Finding of Fact:</u> The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.
	Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
	2. Screen Now
	[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]
	Note: This option will yield the following:
	Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the

installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

Please return all 3 pages to: Transfers Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266

3. Screen 2 Year	
[Option 3 may be checked if the change an existing POD in use for another wat It should NOT be checked if listed fish originating water right diversion is scre- diversion is not eligible for ODFW's co	e is from an unscreened diversion to a HISTORIC POD or ver right, and cost-share funds are not currently available. species are present at the point of diversion, the veened, cost-share funds are currently available, or the vost-share program. Please provide contact information on mation" sheet.] If extraordinary circumstances are
Note: This option will yield the following:	
necessary at the new point of diversion to preve currently equipped with an appropriate fish scre- originating water right diversion is not screened diversion may be eligible for ODFW's cost-shat time as cost-share funds become available to as	sh and Wildlife (ODFW) has determined that a fish screen is ent fish from entering the diversion and that the diversion is not een. Listed fish species are not present at the point of diversion, the d, cost-share funds are not currently available, and the proposed are program. A grace period of two years is appropriate until such exist in the construction of a fish screen. If cost-share funds do not within the indicated time period regardless of the availability of cost-
approved fish screen at the new point of diversi without a screen until October 1, 20 The wa	ars after the date of this order] the water user shall install an ion. The water user may withdraw water at the new point of diversion ter user shall provide to OWRD a written statement from Oregon the installed screen meets the state's criteria, or that ODFW has
operational and maintenance standards. If ODF unsuccessful in working with the water user to	ish screen at the new point of diversion consistent with ODFW's W determines the screen is not functioning properly, and is meet ODFW standards, ODFW may request that OWRD regulate the from ODFW that the fish screen is functioning properly.
	y present, but might possibly be at some future time.]
Note: This option will yield the following:	
	sh and Wildlife has determined that the diversion is not currently fish screen may be required in the future at the new point of rision.
fish screen at the new point of diversion within required. Once installed the water user shall ma according to ODFW's operational and mainten properly, and is unsuccessful in working with t	Wildlife (ODFW) may require the water user to install an approved one year after receiving written notification that a fish screen is aintain and operate the fish screen at the new point of diversion ance standards. If ODFW determines the screen is not functioning the water user to meet ODFW standards, ODFW may request that receives notification from ODFW that the fish screen is functioning
5. No Screen Needed [Check this box if fish are not current	ntly present, and are not expected in the future.]
9-B-=	(541) 315-6222 Phone
Signature /	Phone
Jason Brandt Printed Name	SW Hydro Coordinator Title

# Oregon Department of Fish and Wildlife Additional Fish Screening and Passage Information for the Applicant

(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14040

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.

ODFW staff name: Bryce Macnab

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 296-8026

This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: <u>4192 North Umpqua Hwy</u> City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222

# Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14040

Review Due Date:

Applic	ant Name: George Schmidlin Farms
Propos	sed Changes: POU POD POA USE OTHER
Reviev	ver(s): Jake Constans  Date of Review: 08/15/2022
1.	Do you have <u>evidence</u> that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2.	Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights?   Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
	The Tualatin River Basin is regulated each year for senior water rights.
3.	Have headgate notices been issued for the source that serves the transferred right(s)?  Yes No Records not available.
4.	In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?  Yes  No  If "Yes", explain:
5.	In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6.	Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:
7.	For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:
8.	N/A  For instream transfers that propose protection of a reach beyond the mouth of the source stream:  N/A Would the quantity be measureable into the receiving stream consistent with  OAR 690-077-0015(8)?  Yes  No
9.	For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:
10	For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes No If "Yes", explain:
11	<ul> <li>For POU changes that involve micro-irrigation:           ✓ N/A         <ul> <li>Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?</li></ul></li></ul>

Watermaster Review Form Transfer Application

b.	Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?
	Yes No If "Yes", answer the following:
	i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:
	ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:
	iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:
	iv. Do you have any other observations regarding the temporary transfer?  Yes No If "Yes", describe:
	v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:
	c. To the best of your knowledge, if this transfer is approved, does it appear that:  i. "Injury" will occur to other water rights that share the same source?  Yes No If "Yes", explain:
	ii. "Enlargement" of the water right being transferred will occur?  Yes No If "Yes", explain:

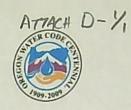
Watermaster Review Form

Transfer Application



### 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
	Transfer	
X	Application	Transfer Number T-14040 -unknown

	Applicant Information	Applicant's Representative/Contact
Name:	George Schmidlin Farms, LLC c/o Larry	Aspen Rural Land Consulting, c/o
	Schmidlin	Eric Urstadt, PE, PLS
Address:	43490 NW Woollen Road	39290 NW Murtaugh Road
Marie Sala	Banks, OR 97106	North Plains, OR 97133
Phone:	503.939.8264	971.250.1520
Fax:	N/A	N/A
E-Mail Address:	larryschmidlin@cs.com &	ericurstadt@hotmail.com
	larryschmidlin@gmail.com (use both)	

#### 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

MAY 1 9 2022

OWRD

I certify that I am the (check one):

Applicant Applicant's Representative Other (Please specify)

Name: Eric Urstadt, Applicant's Representative.

Signature:

OWRD USE ONLY: Reimbursement Authority Number: R11-380 -23



Water Resources Department

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

July 13, 2022

GEORGE SCHMIDLIN FARMS, LLC LARRY SCHMIDLIN 43860 NW WOOLEN RD BANKS, OR 97106

Reference: Application T-14040

On June 28, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Our receipt number 138413/138533 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application <u>may</u> 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 in the new place of use or from the new point of diversion 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.

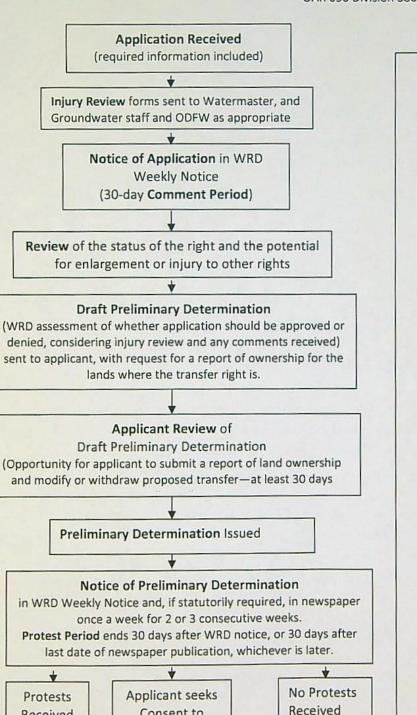
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #18, Jacob W. Constans (via email)
Eric Anthony Urstadt, Agent
Washington County

Enclosure

## Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



Consent to

Iniurv

ISWR Agency recommendation Final Order

approving or

denying application.

Received

Contested

Case Hearing

Period for developing authorized changes begins as soon as an order is issued approving the changes. If the certificate has been cancelled the right goes into an inchoate state.

Deadline for completion of the changes.

The applicant must make full beneficial use under terms and conditions of the order by the deadline or request an extension of time, or inform the department that he does not intend to

> If the applicant decides not to complete a change in POD/POA, the Department will issue an order reverting the right to the original POD/POA and issue a new certificate. However, if any other type of change is not completed, the transferred portion of the right is forfeited.

An order may be issued, granting an extension of time for completing the changes.

Applicant submits a Claim of Beneficial Use prepared by a CWRE within one year after the completion deadline or the date of complete beneficial use. There is no provision for extending the deadline for submission of the Claim.

Water Right Services Division reviews the Claim, determines whether proof has been made and if so, issues a new certificate. Right is no longer inchoate, but perfected and subject to being transferred.

# 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

### 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.

RECEIVED For questions, please call (503) 986-0900, and ask for Transfer Section. MAY 1 9 2022 Check all items included with this application. (N/A = Not Applicable)X 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. 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: certificate 43721 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. 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. 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. 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 now will be returned.

	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 <a href="http://apps.wrd.state.or.us/apps/wr/cwre">http://apps.wrd.state.or.us/apps/wr/cwre</a> 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 $8\% \times 11$ inches, $8\% \times 14$ inches, $11 \times 17$ inches, or up to $30 \times 30$ inches. For $30 \times 30$ inch maps, one extra copy is required.			
$\boxtimes$		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 $-42^{\circ}32'15.5''$ ) or degrees-decimal with five or more digits after the decimal (example $-42.53764^{\circ}$ ).			

	FEE IMORNOUSER ( DEPARTMENT TRANSFER /		
	FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)	T	
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed:  Place of Use Character of Use Point of Diversion/Appropriation  Number of above boxes checked = 2 (2a)  Subtract 1 from the number in line 2a = 1 (2b) If only one change, this will be 0		44000
2	Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » »	2	\$1090
3	Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » »	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well?  No: enter 0 Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>0 (4a)</u> Do you propose to add or change additional wells?  No: enter 0 Yes: multiply the number of additional wells by \$410 <u>0 (4b)</u> Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » »	4	\$0
5	Do you propose to change the place of use or character of use?  No: enter 0 on line 5  Yes: enter the cfs for the portions of the rights to be transferred (see below*):0.5 (5a) Subtract 1.0 from the number in 5a above: -0.5 (5b)  If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	\$2450
	Is this transfer:  necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?  endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?  If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		MAY 1 9 200 OWRD
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	62450
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$2450

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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 cfs ÷100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 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 ac x 0.0125 cfs/ac = 0.56 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).

	FEE WORKSHEET for SUBSTITUTION		
1	Base Fee (includes change to one well)	1	\$990.00
2	Number of wells included in substitution N/A (2a) Subtract 1 from the number in 2a above: N/A (2b) If only one well this will be 0 Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	N/A

## Part 4 of 5 - Applicant Information and Signature

#### **Applicant Information**

APPLICANT/BUSINESS NAME George Schmidlin Farm	s, LLC c/o Larry Sch	PHONE NO. 503.939.8264	ADDITIONAL CONTACT NO.				
ADDRESS 43860 NW Woolen Roa				FAX NO.			
CITY Banks	STATE OR	7IP 97106	E-MAIL larryschmidlin@cs larryschmidlin@gn	.com & nail.com (use both)			

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

AGENT/BUSINESS NAME Aspen Rural Land Cons	ulting c/o Eric Urst	PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. N/A	
ADDRESS 39290 NW Murtaugh R	oad		FAX NO. N/A	
CITY North Plains	E-MAIL ericurstadt@hotm	ail.com		
			E ALL CORRESPONDENCE	E FROM THE DEPARTMENT

Explain in your own words what you propose to accomplish with this transfer application, and why:

The landowner wants to move a portion of the Place of Use and add Point of Diversion for certificate 43721.

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

#### Check One Box

$\boxtimes$	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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OWRD

#### By my signature below, I confirm that I understand:

## OWRD

- 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: Hillsboro Argus.
- 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.



4 1212	Larry Schmidlin, registered agent for	ASIAGIA
Applicant signature	George Schmidlin Farms, LLC Print Name (and Title if applicable)	Date
Is the applicant the sole owner of the la	and on which the water right, or portion there	eof, proposed for transfer is
	andowners (and mailing and/or e-mail addresses and/or e-mail addresses) from all landowners or	
Check the following boxes that apply:		
The applicant is responsible for sent to the applicant.	r completion of change(s). Notices and corres	pondence should continue to be
	e responsible for completing the proposed chorrespondence should be sent to this landow	
	and applicant will be responsible for completing sent to this landowner and the applicant.	on of change(s). Copies of notices
At this time, are the lands in this transfe	er application in the process of being sold?	Yes No
	landowner will be, please complete the receiv new landowner will be, then a request for as	
unless a sale agreement or other do	water right(s) located on the land belong to the ocument states otherwise. For more informat RDFormsPDF/Transfer Property Transactions	tion see:
RECEIVING LANDOWNER NAME N/A	PHONE NO.	ADDITIONAL CONTACT NO.

N/A	RNAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances: The lands are planned to change hands after the transfer is approved. Larry Schmidlin will also be the contact for the future owner; however, since the ownership change is expected after the transfer, no information is completed above.

The confirming Certificate shall be issued in the na	mo of: Manlicant	Receiving Landowner
The continuing Certificate shall be issued in the na	Applicant	TRECEIVING CANDOWNER
Check here if any of the water rights pro		
in irrigation or other water district. (Tip: Co	mplete and attach	Supplemental Form D.)
RRIGATION DISTRICT NAME	ADDRESS	
Not In Tualatin Valley Irrigation District)		
ITY .	STATE	ZIP
Check here if water for any of the rights:	supplied under a wa	ater service agreement or other
contract for stored water with a federal	agency or other ent	ity.
NTITY NAME	ADDRESS	
N/A		
CITY	STATE	ZIP
To meet State Land Use Consistency Require	ments you must lis	et all county city municipal
corporation, or tribal governments within w		
ENTITY NAME	ADDRESS	
Washington County Department of Land Use and		
Transportation	155 N. First Avenue	, Suite: 350

STATE

OR

RECEIVED MAY 1 9 2022

ZIP

97124

OWRD

CITY

Hillsboro

## 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 # 43721

RECEIVED

**Description of Water Delivery System** 

System capacity: 0.78\* cubic feet per second (cfs) OR

N/A gallons per minute (gpm)

OWRD

MAY 1 9 2022

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The current system uses a 50 horsepower centrifugal pump to convey water through a 6" mainline or 4" overhead sprinklers or large travelers with diesel powered booster pumps.

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?	Athorized on   Well Log ID#		DLC		Twp		Twp		Sec		Lot, DLC or Gov't		ж ж		Measured Distances (from a recognized survey corner)	
POD 1	Authorized Proposed	N/A	2	N	4	w	14	NW	SE	1400	770' S & 2430' W of E/14 S14 (per certificate)						
POD 2	☐ Authorized ☐ Proposed	N/A	2	N	4	w	24	SE	NW	32	1855' S & 1565' E of NW S 24						

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

$\boxtimes$	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)		Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)
ill all	of the proposed changes affect the entire	wate	r right?
] Yes	Complete only the Proposed ("to" or "or "CODES" listed above to describe the pro-		s) section of Table 2 on the next page. Use the changes.

X No

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

<sup>\*</sup>Per certificate 43721

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 # 43721

List the change proposed for the acreage in each ½ ½. 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.

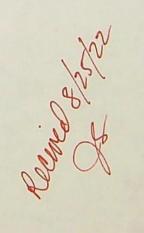
	AUTHORIZED (the "from" or "off" lands)  The listing that appears on the certificate BEFORE PROPOSED CHANGES  List only that part or portion of the water right that will be changed.							Proposed Changes (see			7	he	listir			uld app		FTER	en" lands) PROPOSED	CHANGES						
Tw	/p	R	ng	Sec	×	и	Tax Lo	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	Twp	0	Rn	g	Sec	*	м	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	4	w	14	NE	sw	1400	N/A	3.9	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	NW	NE	202	N/A	12.2	Irrig	POD 2	1970
2	N	4	w	14	NE	SE	1400	N/A	20.4	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	sw	NE	202	GLot 2	1.0	Irrig	POD 2	1970
2	N	4	w	14	NW	SE	1400	N/A	15.3	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	NE	NW	202	N/A	26.8	Irrig	POD 2	1970
2	N	4	w	14	SE	SE	1400	N/A	0.4	Irrig	POD 1	1970	POU/APOD				H(Sr									
						TO	TAL AC	RES:	40.0											TO	TAL AC	RES:	40.0			

Additional	remarks:	

Revised 7/1/2021

Permanent Transfer Application Form - Page 8 of 9

TACS



## For Place of Use or Character of Use Changes

			water right or the "to"				or ground v	water regis	trations as	sociated	
	If YES,	list the ce	rtificate, w	ater use pe	ermit, or gr	round wate	er registrati	ion numbe	rs: <u>N/A</u>		
>	a prim	nary right p	roposed fo	or transfer	must be in	cluded in t	he transfer	on right tha or be cand oter registra	celled. Any	change	plication.
F	For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)										
	Groun	d water su	pplementa	l Permit or	Certificate	e # N/A;				RECE	:VED
	Surfac	e water pr	imary Certi	ficate # N/	A.					MAY 1	9 2022
I	For a ch	ange from	Suppleme	ntal Irrigat	ion Use to	Primary Ir	rigation Us	se			
	Identif	fy the prim	ary certific	ate to be c	ancelled. C	Certificate #	N/A			OW	RD
1	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: <a href="http://apps.wrd.state.or.us/apps/gw/well-log/Default.aspx">http://apps.wrd.state.or.us/apps/gw/well-log/Default.aspx</a>										
	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.										
An ac ap	ny well(s compar oplicatio ell(s) wil	s) in this list nying applic n until it is Il access the	received. Te same sou	ne clearly to Failure to The inform Irce aquife	ed to corre provide thation is ned r as the au	ne informat cessary for thorized po	tion will de the depart pint(s) of ap	cribed in Ta lay the pro ment to as opropriation ne source a	cessing of sisess whether (POA). The	your transf ner the pro	er posed
AL	oposed or uthorized 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
	N/A										

ATTACH B-1/3

# Application for Water Right

# **Transfer**

# **Evidence of Use Affidavit**



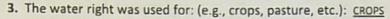
Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.

Supporting documentation must be attached.

State o	f Oregon			)					RECEN	/ED
				j	SS				MAY 19	2022
	of Washingto									
I, <u>LARRY</u>	SCHMIDLIN, in I	ny cap	acity as	LANDOWN	NER REPRESE	NTATIVE,			OWR	D
mailing	address 4349	O NW V	VOOLLEN	ROAD, BA	ANKS, OR 97	106				
telepho	one number (5	03) 93	9-8264,	being fire	st duly swo	rn depos	e and say:			
1.	My knowledg	e of th	e exerci	ise or sta	tus of the v	water righ	nt is based o	n (check one):		
	□ Person	onal ob	servatio	on		Professi	ional experti	se		
2.	l attest that:									
	Wate     Wate	rwası	used du	ring the p	orevious fiv	e years o	n the entire	place of use f	or	
	Certi	ficate #	43721;	OR						
	☐ My k	nowled	dge is sp	ecific to	the use of	water at t	the following	locations wit	hin the last five year	s:
	Certificate #	Tow	nship	Range	Mer	Sec	1/4 1/4	Gov't Lot	Acres	
								or DLC	(if applicable)	
00										
OR	Confirming Co	artifica	to #	has h	haussi naa	within th	e nast five v	pars: OP		
								n the last five	years The	
	instream leas	e num	ber is: _	(No	te: If the e	ntire righ	t proposed f	or	eased instream.); OR	
	The water rig would be reb		The same of the sa				ntation that a	a presumption	of forfeiture for no	n-use
	Water has be 10 years for 0							opriation for	more than	

(continues on reverse side)



 I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

05/09/2022

Signed and sworn to (or affirmed) before me this

Tay on May 2022

w. co

OFFICIAL STAMP
DAVIA SMITH
NOTARY PUBLIC - DREGON
COMMISSION NO. 1022727
COMMISSION EXPIRES MARCH 23, 2026

Notary Public for Oregon

My Commission Expires: March 23, 2024

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use
	Fertilizer or seed bills related to irrigated crops
	Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	District assessment records for water delivered     Crop reports submitted under a federal loan agreement     Beneficial use reports from district     IRS Farm Usage Deduction Report     Agricultural Stabilization Plan
	CREP Report     OWR
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 –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



Water Resources, Water Rights, Land Surveying, Engineering, Land Use Planning

> ERICURSTADT@HOTMAIL.COM 971-250-1520 (MOBILE)

> > RECEIVED

MAY 1 9 2022

20 APR 2022

OWRD

#### Subject: Evidence of Use for Water Right Transfer

This document is intended to go along with an Evidence of Use Affidavit pertaining to a 2022 water right transfer of certificate 43721. The image below is a Google earth aerial photo with June 2021 imagery. The yellow line is the outline of tax lot 1400.



Prepared by:
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

# Land Use Information Form



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

RECEIVED

MAY 1 9 2022

Applicant(s): George Schmidlin Farms, LLC c/o Larry Schmidlin

Mailing Address: 43860 NW Woollen Road

City: Banks

State: OR Zip Code: 97106 Daytime Phone: 509.939.8264

OWRD

#### 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	% %	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:		Proposed Land Use:	
<u>2N</u>	<u>4W</u>	24	N/A	202	<u>EFU</u>	☑ Diverted	○ Conveyed	<b>⊠</b> Used	irrigation
						Diverted	☐ Conveyed	Used	
						☐ Oiverted	Conveyed	Used	
						Diverted	☐ Conveyed	Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:
Washington
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) West Fork Dairy Creek
Estimated quantity of water needed: 0.50
Intended use of water: Irrigation Commercial Industrial Domestic for household(s)
Municipal Quasi-Municipal Instream Other
Briefly describe:
The water right for 40 acres of irrigation is being moved to tax lot 202.
Page 1
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. ->



MAY 1 9 2022

# For Local Government Use Only

# **OWRD**

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.

		120	04							The second second	1000
ום	0250	chack	+400	-	winte he	av halas	u and .	arauida +	ho roaus	ctad inf	ormation
ГΙ	ease	CHECK	une	approp	riate bo	ox Delov	v anu i	brovide t	ne redue	stea mil	ormation

Land uses to be served by the proposed water by your comprehensive plan. Cite applicable	ordinance section(s): CDC Section	m 201-	2.4
Land uses to be served by the proposed water as listed in the table below. (Please attach do Record of Action/land-use decision and accomperiods have not ended, check "Being pursu	cumentation of applicable land-use approvempanying findings are sufficient.) If approve	als which have	already been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	La	nd-Use Approval:
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denled	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Local governments are invited to express special regarding this proposed use of water below, or or	on a separate sheet.		
Name: MAITREYEE SINHA	Title:	SENIOR	PLANNER
Signature: N . Auto		•3835 Date:	4.21.2022
Government Entity: WASH INGTON	COUNTY, OREGON		
Note to local government representative: Pleasing the receipt, you will have 30 days from the Information Form or WRD may presume the land comprehensive plans.	Water Resources Department's notice date	to return the c vater is compa	completed Land Use tible with local
	for Request for Land Use Informati	The control of the second	
Applicant name:			
City or County:	Staff contact:		
Signature:	Phone: Dat	e:	

#### **Business Name Search**

New Search	Printer Frien	dly	Business Enti	ty Data		04-20-2022 18:29
Registry Nbr	<b>Entity Type</b>	<b>Entity Status</b>	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
716544-88	DLLC	INA	OREGON	10-19-1999		
Entity Name	GEORGE SCH	MIDLIN FARMS	S, LLC			
Foreign Name						

RECEIVED

lew Search		Friendly			ted Name	S		HAV 1	9 2022
Туре	PPB PRINCI	PAL PLACE	OF BUSINE	ESS				MAI 1	O LULL
Addr 1	43490 NW WOO	OLLEN RD							
Addr 2								- OM	VRD-
CSZ	BANKS	OR	97106		Count	ry I	JNITED STATES O	F AMERICA	VIII
ease click <u>he</u>	ere for general info	ormation abo	ut registered	agents and service	ce of process.				
Туре	AGT REGIST				Start Da	e	03-01-2021	Resign Date	
Name	LARRY		R SC	HMIDLIN					
Addr 1	43490 NW WOO	OLLEN RD							
Addr 2									
CSZ	BANKS	OR	97106		Count	y I	JNITED STATES O	F AMERICA	
Туре	MAL MAILIN	THE RESERVE THE PARTY OF THE PA	S						
	43860 NW WOO	MILENRO							
Addr 1	150001111 1101	JEELIN KE							
Addr 1 Addr 2									
	BANKS	OR	97106		Count	гу [	UNITED STATES O	F AMERICA	
Addr 2 CSZ	BANKS	OR	97106		Count	у [	JNITED STATES O		
Addr 2 CSZ Type	BANKS MGR MANAC	OR		HMIDI IN	Count	гу [	JNITED STATES O	F AMERICA  Resign Date	
Addr 2 CSZ Type Name	BANKS  MGR  MANAC	OR GER		CHMIDLIN	Count	гу [	UNITED STATES O		
Addr 2 CSZ Type	BANKS MGR MANAC	OR GER		HMIDLIN	Count	у [	JNITED STATES O		

New Search Printer Friendly Nat	ame Histo	ry
---------------------------------	-----------	----

Business Entity Name	Name Type	Name Status	Start Date	End Date
GEORGE SCHMIDLIN FARMS, LLC	EN	CUR	10-19-1999	

## Please read before ordering Copies.

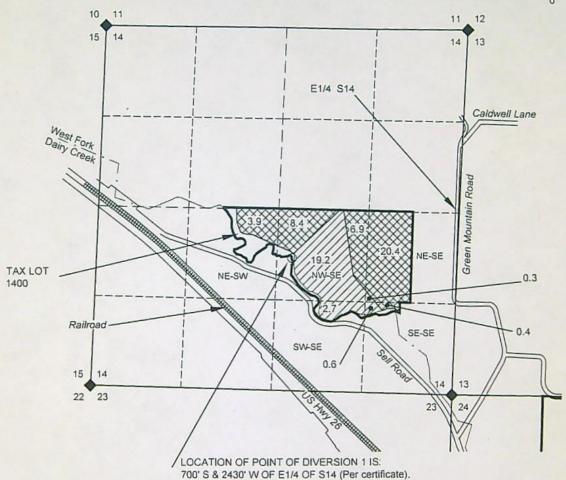
New Search	Printer Friendly	Summary	History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ADMINISTRATIVE DISSOLUTION	12-16-2021		SYS		
0	REINSTATEMENT AMENDED	03-01-2021		FI	Agent	***************************************
	ADMINISTRATIVE DISSOLUTION	12-19-2019		SYS		
	REINSTATEMENT AMENDED	05-01-2019		FI	Agent	
	ADMINISTRATIVE DISSOLUTION	12-20-2018		SYS		
	ANNUAL REPORT PAYMENT	09-15-2017		SYS		
	ANNUAL REPORT PAYMENT	09-13-2016		SYS		
	ANNUAL REPORT PAYMENT	09-09-2015		SYS		
Water Committee of the	ANNUAL REPORT PAYMENT	09-10-2014		SYS		
	ANNUAL REPORT PAYMENT	09-10-2013		SYS		
	ANNUAL REPORT PAYMENT	09-18-2012		SYS		
	ANNUAL REPORT PAYMENT	09-14-2011		SYS		
	ANNUAL REPORT PAYMENT	09-23-2010		SYS		

# **Transfer FROM Map**

Section 14, T2N, R4W, Washington County Cert. 43721





#### NOTES

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- PROPERTY LINES, DONATION LAND CLAIMS (DLC), AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTION 14, T4N, R2W.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



Exp. 30JUN2024

#### LEGEND



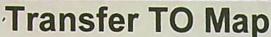
DONATION LAND CLAIM (DLC) CORNER SECTION CORNER POINT OF DIVERSION OR APPROPRIATION STREAM OR SURFACE DRAINAGE TAX LOT LINE SECTION LINE QUARTER-QUARTER LINE DLC LINES (none in area) WATER CONVEYANCE LINES (None shown)



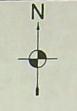
Certificate 43721 - lands to remain Certificate 43721 - portion moving

# ASPEN RURAL LAND CONSULTING

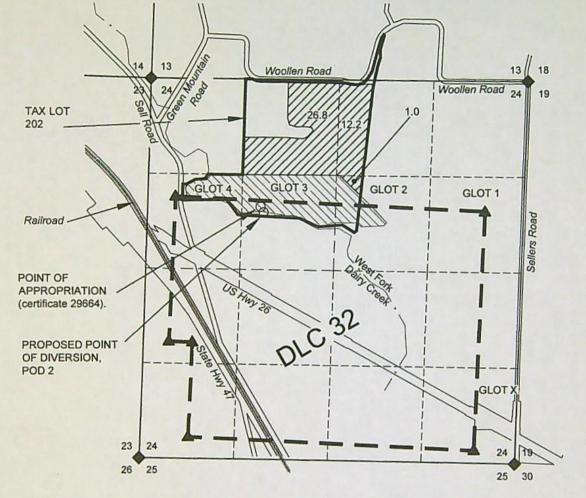
ERIC URSTADT, PE, PLS 971-250-1520 Aug 2022 MarshTfer3B



Section 14, T2N, R4W, Washington County Cert. 43721



1 IN = 1320 FT 0 660 1320



RECEIVED MAY 1 9 2022

LOCATION OF PROPOSED POINT OF DIVERSION 2 IS: 1855' S & 1565' E of NW S24.

OWRD

LOCATION OF POINT OF APPROPRIATION IS: 6.75 chains S & 4 chains E of NW Glot 3 (Per certificate 29664).

#### NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
- PROPERTY LINES, DONATION LAND CLAIMS (DLC), AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTION 14, T4N, R2W.
- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.

WATER CONVEYANCE LINES (None shown)



Exp. 30JUN2022

#### **LEGEND**



DONATION LAND CLAIM (DLC) CORNER
SECTION CORNER
POINT OF DIVERSION OR APPROPRIATION (POD of POA)
STREAM OR SURFACE DRAINAGE
TAX LOT LINE
SECTION LINE
QUARTER-QUARTER LINE
DLC LINES

m

Certificate 29644 (not affected) Certificate 43721 TO lands ASPEN RURAL LAND CONSULTING

PRIC URSTADT, PE, PLS 971-250-1520 Apr 2022 MarshTfer2G



Rural Land Consulting

Water Resources, Water Rights, Land Surveying, Engineering, Land Use Planning

> ERICURSTADT@HOTMAIL.COM 971-250-1520 (MOBILE)

> > RECEIVED

MAY 1 9 2022

OWRD

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

20 APR 2022

Subject: New applications for a permanent transfer of certificate 43721

To Whom It May Concern,

Enclosed is an application for to transfer a portion of certificate 43721 together with the following attachments:

- A. Transfer Maps
- B. Evidence of Use
- C. Land Use Compatibility Statement
- D. Reimbursement Authority Estimate Form
- E. George Schmidlin Farms, LLC information
- F. Fee Calculation
- G. A check made out to "Oregon Water Resources Department" for \$2575.00 (= 125 RA + 2450 transfer)

Please let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

# Oregon Water Resources Department Transfer Fee Calculation for Permanent (Non-District) Transfer Main Return Contact Us

# Main

@ Help

Today's Date:	Wednesday, A	Fee Calculation	RECEIVED					
Base Fee (incl	udes one type o	\$1,360.00	MAY 1 9 2022					
	ion below- Che		OWRD					
Place of								
Point of	Diversion (POD	)/Appropriation (PC	OA); and/or Addition	al PO	D/POA; and/or SW	POD to GW POD		
Charact	er of Use						\$1,090.00	
Enter total nu	mber of water ri	ights included in tra	nsfer. 1				\$0.00	
Check this	box if you prop	ose to add or chang	ge a well, or change	e from	a surface water PC	DD to a well.		
								RECEIVED
			included in transfer. place of use or char		of use for a NON-irr	rigation right.	\$0.00	MAY 1 9 2022
Ondok and	box ii you piop	ood to driange the p	Jaco or also or aria.	40.0				OWDD
Check this	box if you prop	ose to change the p	place of use or char	acter	of use for an irrigati	on right.		OWRD
			the land included in					
(If a suppleme	ental certificate a Total acres		ne land as an includ Total cfs in the		mary right, only list If certificate does	the primary.)		
Certificate #	in the water	# of acres to be transferred	water right certificate	OR	not list cfs,enter 1/ cfs per acre	Transfer cfs		
43271	62.8	40	.78		80	0.496815		
Total Transfer	CFS(rounded u	p to the next whole	cfs): 1.00					
Subtotal:							\$2,450.00	
Check each b	ox that applies.							
	er is necessary r ORS 541.932.		ct funded by the Or	regon '	Watershed Enhanc	ement Board		
			as a change that w	ill resu	ilt in a net benefit to	o fish and wildlife		
Discount:								
Transfer Fee:							\$2,450.00	

Return to Edit Clear

#### SMITH Tamera L \* WRD

From: Judy Marsh <purplecows125@yahoo.com>

Sent: Friday, June 3, 2022 6:33 PM

To: marshdairy@aol.com; Eric Urstadt; SMITH Tamera L \* WRD

Subject: Re: returning applications - fees combined

Hello,

For the George Schmidlin LLC water right

Our addresses are

George & Judy Marsh 4675 NW Cornelius Schefflin Road Cornelius, Oregon 97113

Charlene Cochran 12838 NE Stanton St. Portland, Oregon 97230

On Friday, June 3, 2022, 12:43:45 PM PDT, marshdairy@aol.com <marshdairy@aol.com> wrote:

---- Forwarded Message -----

From: Eric Urstadt <ericurstadt@hotmail.com>
To: George Marsh <marshdairy@aol.com>
Sent: Friday, June 3, 2022, 11:49:28 AM PDT

Subject: Fwd: returning applications - fees combined

#### George,

Can you send mail Tamera the correct mailing addresses for your check and Cochrans check. They wont just void them. Then we can make sure the next checks are what they want.

Im recovering from hip surgery and am moving slow.

Sent from my iPhone Eric Urstadt Ericurstadt@hotmail.com 503.647.1919(h) 971.250.1520(c)

Begin forwarded message:

From: SMITH Tamera L \* WRD < Tamera.L.SMITH@water.oregon.gov>

Date: June 2, 2022 at 12:41:48 PM PDT To: Eric Urstadt <ericurstadt@hotmail.com>

Subject: RE: returning applications - fees combined

So, that's the thing. I don't have access to the checks, so I don't have that address. The new checks just need to have separate Transfer fee and RA application fees. The RA application fee is \$125.00. I am not in the office, so I don't know the amount off hand for the transfer application. I can go in tonight and get that. If you can get me the address for the folks that signed the check I'd appreciate it.

May 27, 2022

Kenneth and Charlene Cochran c/o George Schmidlin Farms, Larry Schmidlin 43490 NW Woolen Road Banks, OR 97106

REFERENCE: Transfer and Reimbursement Authority Application

Dear Kenneth and Charlene,

On May 19, 2022, the Department received your Reimbursement Authority application.

The fees for the RA application were included in the check for the fees for the transfer application. Please see box at top of RA application: "Checks submitted for this application should be separate from transfer fees".

Therefore, the Department is returning your application and check in the amount of \$1287.50.

If you have any questions, please contact me at 503-979-9607 or tamera.l.smith@water.oregon.gov.

Kindest regards,

Tamera Smith

Transfer Application Caseworker

cc: Eric Urstadt (via email)

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 # 43721

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	PROPOSED (the "to" or "on" lands)  The listing as it would appear AFTER PROPOSED CHANGES are made.																				
Tw	vр	R	ing	Sec	1/4	1 1/4	Tax Lo	Gvt tLot o DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Date	"CODES" from previous page)	Tv	vp	Ri	ng	Sec	Ж	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	4	w	14	NE	sw	1400	N/A	5.7	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	NW	NE	202	N/A	12.2	Irrig	POD 2	1970
2	N	4	w	14	NE	SE	1400	N/A	19.2	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	sw	NE	202	GLot 2	1.0	Irrig	POD 2	1970
2	N	4	w	14	NW	SE	1400	N/A	14.4	Irrig	POD 1	1970	POU/APOD	2	N	4	w	24	NE	NW	202	N/A	26.8	Irrig	POD 2	1970
2	N	4	w	14	SE	SE	1400	N/A	0.7	Irrig	POD 1	1970	POU/APOD													
						TO	TAL AC	RES:	40.0											ТО	TAL AC	RES:	40.0			

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

SUPERSEDED

RECEIVED MAY 1 9 2022

6/8/2022

Dear Stacy,
Enclosed you will find Two Check.
One is Thansfer fee for \$1225.00, the Second for RA Application for 62.50.
These are one half of Cost for Schmidlin
Farms Transfer App
Thunk you.

Sincerely Chowlere Cochian 12838 N.E. Stanton St Portland, Or. 97230

RECEIVED

JUN 28 2022

OWRD

mommyfrog98@hotmail.com < mommyfrog98@hotmail.com>



#### Sent from Yahoo Mail on Android

---- Forwarded Message -----

From: "SMITH Tamera L \* WRD" < Tamera.L.SMITH@water.oregon.gov>

To: "Judy Marsh" <purplecows125@yahoo.com>, "marshdairy@aol.com" <marshdairy@aol.com>, "Eric Urstadt"

<ericurstadt@hotmail.com>

Sent: Mon, Jun 6, 2022 at 8:58 AM

Subject: RE: returning applications - fees combined - IMPORTANT - ACTION REQUESTED

Good morning all,

OMRD

First off, Eric, I had no idea you are recuperating from major surgery. Sending good vibes your way for a speedy recovery.

BENEMED

For the Cochrans and Mr. Marsh, I will send you a COPY of the application and fiscal will return the fees to each of you. That way Eric doesn't have to worry about the original and tracking it down. For the payments, the transfer fees of \$2450 (\$1225 each) must be a separate payment from the RA (expedited process) application of \$125 (\$62.50 each).

IMPORTANT: SINCE THERE ARE SEVERAL CHECKS, PLEASE SEND THE CHECKS TO:

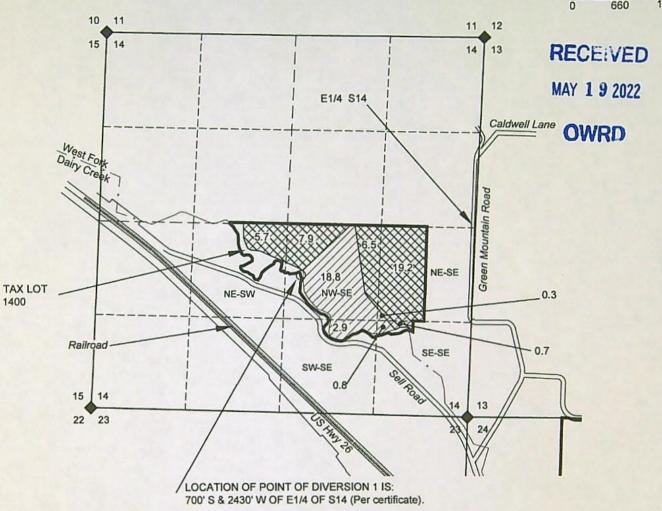
OWRD

725 WINTER ST. NE Swite A **SALEM, OR 97301** ATTENTION: STACY PHILLIPS, SCHMIDLIN FARMS TRANSFER APP. PLEASE WRITE THIS LINE ON THE ENVELOPES AND ON THE CHECK MEMO Thank you, RECEIVED Tamera Smith JUN 2 8 2022 **OWRD** From: Judy Marsh <purplecows125@yahoo.com> Sent: Friday, June 3, 2022 6:33 PM To: marshdairy@aol.com; Eric Urstadt <ericurstadt@hotmail.com>; SMITH Tamera L \* WRD <Tamera.L.SMITH@water.oregon.gov> Subject: Re: returning applications - fees combined Hello, For the George Schmidlin LLC water right Our addresses are

# **Transfer FROM Map**

Section 14, T2N, R4W, Washington County Cert. 43721





#### NOTES:

- THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.
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- WATER CONVEYANCE LINES SHALL BE ALL WITHIN THE PROPERTY AND THEREFORE ARE NOT SHOWN.



Exp. 30JUN2022

#### LEGEND



DONATION LAND CLAIM (DLC) CORNER SECTION CORNER POINT OF DIVERSION OR APPROPRIATION STREAM OR SURFACE DRAINAGE TAX LOT LINE SECTION LINE QUARTER-QUARTER LINE DLC LINES (none in area) WATER CONVEYANCE LINES (None shown)



Certificate 43721 - lands to remain Certificate 43721 - portion moving

# SUPERSEDED

ASPEN RURAL LAND CONSULTING

ERIC URSTADT, PE, PLS 971-250-1520 April 2022 MarshTfer2G

#### WATER RESOURCES DEPARTMENT

RECEIPT # 138892

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE #

		(503) 986	5-0900 / (50	3) 986-0904 (fa	x)		
RECEIVED FRO	M: Kenn	ethl	J. Co	chran	APPLI	CATION	
BY:	Charle	ene /		hran	PEI	RMIT	
					TRAN	NSFER	7-14040
CASH: CI	HECK:#	OTHER: (IDE	ENTIFY)		TOTAL	REC'D	\$ 468.00
1083	TREASURY	4170	WRD MI	SC CASH A	CCT		
0407	COPIES 47	124	R113	380-23			\$
0412	OTHER: (	IDENTIFY)	Reim	bursome	nt aut	phron	\$468,00
	ease 0244						
0243 03 18	024	Carried and Carried		PERATING		ater	
1	MISCELLANEOUS		WILD OI	LIMING	1001		
0407	COPY & TAPE FE						\$
0410	RESEARCH FEES						\$
0408	MISC REVENUE:		)				\$
TC162	DEPOSIT LIAB. (	A CONTRACTOR OF THE PARTY OF					S
0240	EXTENSION OF T						\$
	WATER RIGHTS:			EXAM FEE			RECORD FEE
0201	SURFACE WATER	3		S	020	12	\$
0203	GROUND WATER			\$	020	)4	\$
0205	TRANSFER			\$			
	WELL CONSTRU	CTION		EXAM FEE			LICENSE FEE
0218	WELL DRILL CON	STRUCTOR	1	\$	021		\$
	LANDOWNER'S F	ERMIT			022	20	S
	OTHER	(IDENTIF	Y)				
0.500	TOFACUEY	0.107	WELLO	ONOT OTA	DT FFF		
0536	NAME OF TAXABLE PARTY OF TAXABLE	The same of the sa	WELLC		HIFEE		
0211	WELL CONST ST			\$		CARD#	
0210	MONITORING WE	LLS		\$		CARD#	
	OTHER	(IDENTIF	Y)				
0607	TREASURY	0467	HYDRO	ACTIVITY	LIC NUM	MBER	
0233	POWER LICENSE	FEE (FW/W	VRD)				\$
0231	HYDRO LICENSE	FEE (FW/W	(RD)				S
	HYDRO APPLICA	TION					S
	TREASURY		OTHER	/ RDX			
ELIND							
	E	_ VENDOF	1 #				S
DESCRIP	TION						

RECEIPT: 138892

DATED: 8-11 3000 BY

#### WATER RESOURCES DEPARTMENT

RECEIPT# 138414

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE #

	Cen	c m	- 1-	APPLICATION	
EIVED FROM	1: George	Zillar	sn	PERMIT	
	-			TRANSFER	T- 14041
H: CH	ECK:# O	THER: (IDENTIFY	)	INANSFER	1-11011
	X 2084	TOTAL REC'D	\$62.50		
1083	TREASURY	4170 WRD	MISC CASH AC	CT	
0407	COPIES 471	211 R113	380-23		\$
0412		ENTIFY)	Reimburg	ment	\$ 62 50
				OY ILL	
0243 I/S Le	ase 0244	Muni Water Mgmt.		Cons. Water	
		4270 WRD	OPERATING A	CCT	
	MISCELLANEOUS				
0407	COPY & TAPE FEE	S			\$
0410	RESEARCH FEES				\$
0408	MISC REVENUE:	IDENTIFY)	11		S
TC162	DEPOSIT LIAB. (II	DENTIFY)	-	_	\$
0240	EXTENSION OF TH	ΛΕ			
	WATER RIGHTS:		EXAM FEE		RECORD FE
0201	SURFACE WATER		\$	0202	\$
0203	GROUND WATER		\$	0204	\$
0205	TRANSFER		\$		
	WELL CONSTRUC	TION	EXAM FEE		LICENSE FE
0218	WELL DRILL CONS	TRUCTOR	\$	0219	\$
	LANDOWNER'S PE	RMIT		0220	\$
	OTHER	(IDENTIFY)		ŧ	
0536	TREASURY	0437 WEL	L CONST. STAR	T FEE	
0211	WELL CONST STAF	RT FEE	\$	CARD#	
0210	MONITORING WEL	LS	\$	CARD#	
	OTHER	(IDENTIFY)			
0607	TREASURY	0467 HYD	RO ACTIVITY	LIC NUMBER	
0233	POWER LICENSE	EE (FW/WRD)			\$
0231	HYDRO LICENSE F	EE (FW/WRD)			\$
	HYDRO APPLICATI	ON			\$
	TREASURY	ОТН	ER / RDX		
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The state of the s		VENDOR #	1		
DESCRIPT			1		\$
DESCRIPT	1014	The second second			

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

#### WATER RESOURCES DEPARTMENT

RECEIPT # 138413 | SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_

RECEIVED ERO	M: Gorge	E. Mays	h	APPLICATION	
BY:				PERMIT	
				TRANSFER	T-14040
CASH: G	MECK:#	OTHER: (IDENTIFY)		TOTAL REC'D	\$1885.00
1083	TREASURY	4170 WRD	MISC CASH AC	CT	
0407	COPIES	47124 RI	1380-23		S
0412		(IDENTIFY)	Reimbur	sment	\$1,225.00
0040 1/01		Marie Installed Asset Ville	autho	Cons. Water	
0243 I/S Li	ease 024	A STATE OF THE STA			_
			OPERATING A	CCI	
	MISCELLANEOU				s
0407	COPY & TAPE FE				S
0410	RESEARCH FEES				\$
0408	MISC REVENUE:	18 II SEE SEE SEE SEE SEE SEE SEE SEE SEE			S
TC162 0240	DEPOSIT LIAB.				\$
0240	WATER RIGHTS:		EVANIEE		RECORD FEE
0201	SURFACE WATER		S EXAM FEE	0202	s
0203	GROUND WATER		\$	0204	S
0205	TRANSFER		\$,225 M		
0200	WELL CONSTRU	CTION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CON		\$	0219	S
	LANDOWNER'S F	PERMIT	W. T.	0220	\$
	OTHER	(IDENTIFY)		4	
	OTHER	(IDENTIFT)			
0536	TREASURY	0437 WELL	CONST. STAR	TFEE	
0211	WELL CONST ST	ART FEE	S	CARD	
0210	MONITORING WE	LLS	\$	CARD	
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0607	TREASURY	0467 HYDF	RO ACTIVITY	LIC NUMBER	
0233	POWER LICENSE	and the second s	1		s
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	HYDRO APPLICA				\$
		Market State Control of the Control	D / DDV		
	THEASURY	OTHE	H/HUX		-
FUND		TITLE			
OBJ. COD	E	_ VENDOR #	1		
DESCRIP	TION				\$

RECEIPT: 138413

DATED: (0-13-2000) BY:

#### WATER RESOURCES DEPARTMENT

RECEIPT # 138530

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

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

(503) 386-0300 7 (503) 386-0304	(ldx)
RECEIVED FROM: Kenneth V Cochyan	APPLICATION
BY: Charlene A Cochran	PERMIT
	TRANSFER 7-14040
CASH: CHECK:# OTHER: (IDENTIFY)	TOTAL TESTS   2/ 2 5 0
□ X\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	TOTAL REC'D \$60.50
1083 TREASURY 4170 WRD MISC CASI	H ACCT
0407 COPIES 417124 R-11380	-23 s
0412 OTHER: (IDENTIFY) Reimburson	nent authority \$62.50
0243 I/S Lease 0244 Muni Water Mgmt. Plan 4270 WRD OPERATIN	A CONTRACTOR OF THE CONTRACTOR
	G ACCI
MISCELLANEOUS  0407 COPY & TAPE FEES	S
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	S
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	S
WATER RIGHTS: EXAM F	RECORD FEE
0201 SURFACE WATER \$	0202 \$
0203 GROUND WATER \$	0204 \$
0205 TRANSFER S	
WELL CONSTRUCTION EXAM F	FEE LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$	0219 \$
LANDOWNER'S PERMIT	0220 \$
OTHER (IDENTIFY)	
A Company of the Comp	
0536 TREASURY 0437 WELL CONST. S	TART FEE
0211 WELL CONST START FEE \$	CARD#
0210 MONITORING WELLS \$	CARD#
OTHER (IDENTIFY)	
0607 TREASURY 0467 HYDRO ACTIVIT	Y 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: 138530

DATED: 64/28/22

BY:

#### WATER RESOURCES DEPARTMENT

RECEIPT # 138533

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE #

RECEIVED FROM: Kenneth U. Cochyan  BY: Charles A Cochyan  PERMIT  TRANSFER 7-1404  TOTAL REC'D \$1,225.0  1083 TREASURY 4170 WRD MISC CASH ACCT  0407 COPIES 47124 R-11380-23  OTHER: (IDENTIFY) Rembusement Authority \$1225.0	ク
BY:  CASH: CHECK:# OTHER: (IDENTIFY)  TOTAL REC'D \$ 1,225.0  1083 TREASURY 4170 WRD MISC CASH ACCT  0407 COPIES 47124 R-11380-23 S	2
CASH: CHECK:# OTHER: (IDENTIFY)  1300 TOTAL REC'D \$ 1,225.0  1083 TREASURY 4170 WRD MISC CASH ACCT  0407 COPIES 47124 R-11380-23 S	2
CASH: CHECK:# OTHER: (IDENTIFY)  1083 TREASURY 4170 WRD MISC CASH ACCT  0407 COPIES 47124 R-11380-23 S	
1083 TREASURY 4170 WRD MISC CASH ACCT 0407 COPIES 47124 R-11380-23 S	
0407 COPIES 47124 R-11380-23 S	)
0407 COPIES 47124 R-11380-23 S	1
0 611 11751	4
OTHER: (IDENTIFY) REIMBUSCOMENT CUTTOMING TEZO, C	
	3
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water	
4270 WRD OPERATING ACCT	
MISCELLANEOUS	
0407 COPY & TAPE FEES S	
0410 RESEARCH FEES S	Ц
0408 MISC REVENUE: (IDENTIFY)	
TC162 DEPOSIT LIAB. (IDENTIFY)	-
0240 EXTENSION OF TIME	4
WATER RIGHTS: EXAM FEE RECORD FE	
0201 SURFACE WATER \$ 0202 \$	
0203 GROUND WATER \$ 0204 \$	
0205 TRANSFER \$ 1225,00	
WELL CONSTRUCTION EXAM FEE LICENSE FEI	
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 (FW/WRD)	_
0231 HYDRO LICENSE FEE (FW/WRD)	
HYDRO APPLICATION \$	
TREASURY OTHER / RDX	
FUND TITLE	

RECEIPT: 138533

DATED: 04/28/22 BY:

BY: