

T-14182

Temporary

T-14182

Name Gathering Together Farm
John Eveland & Sally Brewer
 Address 25159 Grange Hall Rd
Philomath, OR 97370
Johnereveland@comcast.net

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Marys RiverTrib. of Willamette RiverUse IrrigationCounty Benton

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# 5-20627Per # 5-16134Cert # 24183PR Date 1/4/1945App# 5-29850Per # 5-23680Cert # 26244PR Date 3/29/1955

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

Change in POUDate Filed 3/3/2023Initial notice date 3/14/2023

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 5/17/2023 Vol 178 Page 385-388

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Eric George/Gathering Together Farm - eric9564@gmail.comCWRE Benton County

CC's list _____

☐ - Oversized map - Location _____

FEES PAID

| Date | Amount | Receipt # |
|-----------------|-------------------|---------------|
| <u>3.3.2023</u> | <u>\$1,296.61</u> | <u>140229</u> |

FEES REFUNDED

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14182

Transfer Specialist:

Aula

Transfer Type: Temporary Transfer

Reimbursement Authority? ☐

| | | |
|---|--|-----------------------------|
| Applicant: GATHERING TOGETHER FARM 25159 GRANGE HALL RD PHILOMATH, OR 97330 | Agent: ERIC GEORGE 302 S 19TH ST PHILOMATH, OR 97370 | Receiving Landowner: |
| Current Landowner if other than Applicant: | CWRE: | Irrigation District: |
| Affected Local Gov'ts: Benton County Planning Department | Affected Tribal Gov't: | BOR Notified (date): |

Water Rights Affected

| File Marked | App. File # or Decree Name | Permit | Certificate | RR/CR Needed | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|---|------------|
| <input type="checkbox"/> | S20627 | S16134 | 24183 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <i>≡</i> |
| <input type="checkbox"/> | S29850 | S23680 | 26244 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <i>≡</i> |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Key Dates & Initial Actions (Support Staff)

| | | |
|-------------------------------|---|--|
| Rec'd: March 3, 2023 | Proposed Action(s): PLACE OF USE | |
| Fees Pd: 1296.61 | Acknowledgement Letter Sent <input checked="" type="checkbox"/> | Basin: 2 Willamette |
| Initial Public Notice: | County sent cc: of Ack Letter <input checked="" type="checkbox"/> | County: BENTON |
| WM District: 22 Joel M. Plahn | WM Review request sent: | WM Review date received: <i>3/9/23</i> |
| ODFW District: | ODFW Review sent: | ODFW Review date received: |
| Groundwater | GW Review sent: | GW Review date received: |

Caseworker Actions: Newspaper & PD Notice:

| | |
|---|--|
| Newspaper notice needed: <input type="checkbox"/> | Name of Newspaper: |
| Newspaper notice sent to coordinator: | Newspaper notice quote requested (NRS1): |
| Request for news \$ sent: | News \$ received: |
| Affidavit of publication received: | Last day of publication: |

Peer Review:

| Document | Drafted | Peer Review | Coordinator | Changes Made | Signature Bin | Signature Date |
|----------|--|--|--|---|---|---------------------------------|
| DPD | Date: _____ Initials: _____ | Date: _____ Initials: _____ | Date: _____ Initials: _____ | Date: _____ Initials: _____ | CW Sent: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/> | N/A |
| PD | Date: _____ Initials: _____ | Date: _____ Initials: _____ | Date: _____ Initials: _____ | Date: _____ Initials: _____ Data Review Date: _____ | Date: _____ | Date: _____ |
| FO | Date: <i>3/14/23</i> Initials: <i>AWD</i> | Date: <i>3/20/23</i> Initials: <i>SWH</i> | Date: <i>4/11/23</i> Initials: <i>PLS</i> | Date: <i>5/1/23</i> Initials: <i>AWD</i> | Date: <i>5/1/23</i> No. of docs for sig: <i>1</i> | <i>5/17/2023</i> Date: _____ |

Special Issues: _____

Special Order Volume: Vol. *128* Pages *370-373*



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

May 17, 2023

JOHN EVELAND
25159 GRANGE HALL RD
PHILOMATH, OR 97330

REFERENCE: District Temporary Transfer Application T-14182

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

The temporary change shall be effective at the beginning of the 2023 irrigation season. The use shall revert to the original authorized place of use at the end of the 2027 irrigation season.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 979-3511 or by e-mail at Patrick.K.Starnes@water.oregon.gov.

Sincerely,

Flor Pena
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)

Eric George, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-14182, Benton County)

FINAL ORDER APPROVING TEMPORARY
CHANGES IN PLACES OF USE

Authority

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

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

Applicant

JOHN EVELAND AND SALLY BREWER
GATHERING TOGETHER FARM
25159 GRANGE HALL RD
PHILOMATH, OR 97330

Findings of Fact

1. On March 3, 2023, JOHN EVELAND AND SALLY BREWER; GATHERING TOGETHER FARM, filed an application to temporarily change the places of use under Certificate 24183 and 24244 for a period of 5 years. The Department assigned the application number T-14182.
2. Notice of the application for transfer was published on March 14, 2023, pursuant to OAR 690-380-4000.
3. The portion of the first right to be temporarily transferred is as follows:
 - Certificate:** 24183 in the name of DORVAL and ANNA BEVENS (perfected under Permit S-16134)
 - Use:** IRRIGATION of 5.32 ACRES
 - Priority Date:** JANUARY 4, 1945
 - Rate:** 0.04 CUBIC FOOT PER SECOND

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

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MARY'S RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | DLC |
|------|-----|-----|-----|-------|-----|
| 12 S | 6 W | WM | 11 | SE SE | 46 |

Authorized Place of Use:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 6 W | WM | 11 | SE SE | 46 | 0.53 |
| 12 S | 6 W | WM | 13 | NW NW | 46 | 0.30 |
| 12 S | 6 W | WM | 13 | NW NW | 51 | 2.48 |
| 12 S | 6 W | WM | 14 | NE NE | 46 | 1.56 |
| 12 S | 6 W | WM | 14 | NE NE | 51 | 0.45 |
| Total | | | | | | 5.32 |

4. Temporary Transfer Application T-12340 proposes to temporarily change the place of use of the right to:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 6 W | WM | 13 | NW NW | 46 | 2.13 |
| 12 S | 6 W | WM | 13 | NW NW | 51 | 3.19 |
| Total | | | | | | 5.32 |

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

Certificate: 26244 in the name of ELMER J. BURNWORTH (perfected under Permit S-23680)

Use: IRRIGATION of 8.35 ACRES

Priority Date: MARCH 29, 1955

Rate: 0.08 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MARY'S RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|--------------------------------------|
| 12 S | 6 W | WM | 13 | SE NW | 51 | AS PROJECTED WITHIN HARTLESS DLC #51 |

Authorized Place of Use:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 6 W | WM | 13 | NE SW | 51 | 8.35 |

6. Certificate 26244 does not describe the measured distances of the point of diversion, however information is available from the applicant indicating that the point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|--|
| 12 S | 6 W | WM | 13 | SE NW | 51 | 1438.5 FEET SOUTH AND 3181.2 FEET WEST OF THE NE CORNER OF THE E. HARTLESS DLC #51 |

7. Temporary Transfer Application T-12340 proposes to temporarily change the place of use of the right to:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 12 S | 6 W | WM | 13 | SE SW | 51 | 8.35 |

Temporary Transfer Review Criteria

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

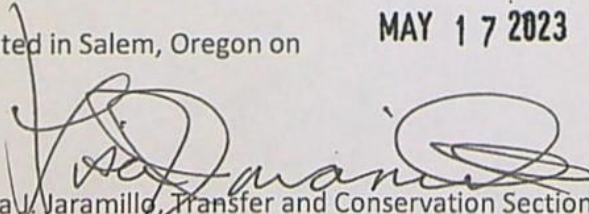
Conclusions of Law

The temporary changes in places of use proposed in Temporary Transfer Application T-14182 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in places of use proposed in Temporary Transfer Application T-14182 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 24183 and 26244 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 24183 and 26244.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
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 (new and existing)
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water rights described by Certificates 24813 and 26244 shall continue to be in accordance with the terms and conditions of Certificates 24813 and 26244.

Dated in Salem, Oregon on **MAY 17 2023**


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

Mailing Date: **MAY 18 2023**

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-14182

Review Due Date:

Applicant Name: Gathering Together Farm

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

Reviewer(s): Joel Plahn

Date of Review: 03/09/2023

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14182

☒ In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:

- ☒ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

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

Watermaster name: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@water.oregon.gov

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

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

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

Watermaster signature_____
District_____
Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

March 7, 2023

GATHERING TOGETHER FARM
JOHN EVELAND
SALLY BREWER
25159 GRANGE HALL RD
PHILOMATH, OR 97330

Reference: Application T-14182

On March 3, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1296.61. Receipt number 140229 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Benton County
Eric George, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **140229**

INVOICE # _____

RECEIVED FROM: Gathering Together Farm
BY: Inc

| | |
|-------------|----------------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | <u>T-14182</u> |

CASH: ☐ CHECK: # 22701 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1296.61

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,296.61

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

**RECEIVED
OVER THE COUNTER**

RECEIPT:

140229

DATE: 3-3-23 BY: [Signature]

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



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

This temporary transfer application will be returned if Parts 1 through 5
and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

RECEIVED

MAR 03 2023

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the 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 Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: Certificates: 24183, 26244**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2027.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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| FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS | | | |
|---|---|---|-----------|
| 1 | Base Fee (includes temporary change to one water right for up to 1 cfs) | 1 | \$950.00 |
| 2 | Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » | 2 | \$310.00 |
| 3 | Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3 | 3 | 0 |
| 4 | Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>13.67 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » » | 4 | \$36.91 |
| 5 | Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal: | 5 | \$1296.91 |
| 6 | Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> 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 5 by 0.5 and enter on line 6 » | 6 | \$0.00 |
| 7 | Subtract line 6 from line 5 » » » » » » » » » » » Transfer Fee: | 7 | \$1296.91 |

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS | | | |
|---|--|---|----------|
| 1 | Base Fee (includes drought application and recording fee for up to 1 cfs) | 1 | \$200.00 |
| | Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: right;">_____ (2a)</div> Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » | | |
| 2 | | 2 | |
| 3 | Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee: | 3 | n/a |

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. 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 2a would be only 0.56 cfs , since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

| | | | | |
|---|--------------------|---------------------|--|------------------------|
| APPLICANT/BUSINESS NAME John Eveland and Sally Brewer, Gathering Together Farm | | | PHONE NO. 541-760-1924 | ADDITIONAL CONTACT NO. |
| ADDRESS 25159 Grange Hall Rd | | | FAX NO. | |
| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL johneveland@comcast.net | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

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

| | | | | |
|---|--------------------|---------------------|--------------------------------------|------------------------|
| AGENT/BUSINESS NAME Eric George, Gathering Together Farm | | | PHONE NO. 541-829-9155 | ADDITIONAL CONTACT NO. |
| ADDRESS 302 S 19th St | | | FAX NO. | |
| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL erics9564@gmail.com | |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | | |

Explain in your own words what you propose to accomplish with this transfer application and why:
We are a fresh market and wholesale organic vegetable farm, and have been operating in our current location since 1987. Since that time, we have grown in acreage and production, and have acquired farmland in our neighborhood through purchases and leases. Some of this high value farmland does not specifically have water rights, and we wish to temporarily transfer water rights from areas of the farm that are not being irrigated to these areas that we would like to irrigate.

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

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

John Eveland
Applicant signature
Sally Brewer
Applicant signature

John Eveland Sec. Treas 2/8/23
Print Name (and Title if applicable) Date
Sally Brewer President 2/13/23
Print Name (and Title if applicable) Date

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

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

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

| | | |
|---------------|---------|-----|
| DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

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

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



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

| | | |
|------------------------------|--------------------------------------|--------------|
| ENTITY NAME Benton County | ADDRESS 205 NW 5 th St | |
| CITY Corvallis | STATE OR | ZIP 97330 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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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 rows to tables within the form.

Water Right Certificate # 24183

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR

140 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 Bevens water right (Cert#24183) is irrigated using a 15hp pump, buried main lines, and moveable pipe with overhead sprinklers. The pump is installed at the beginning of the irrigation season, and removed at the end of the irrigation season.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|------|-----|-----|-------|---------------------------|---|
| 16134 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | 12 S | 6 W | 11 | SE SE | 46 | In the SE ¼ SE ¼ as projected within D. Henderson DLC #46 Section 11 T12S R6W WM. |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

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

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

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

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

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

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

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 rows to tables within the form.

Water Right Certificate # 26244

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR

200 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 Burnworth water right (Cert#26244) is irrigated using a 15hp pump, buried main lines, and moveable pipe with overhead sprinklers. The pump is installed at the beginning of the irrigation season, and removed at the end of the irrigation season.

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|------|-----|-----|-------|---------------------------|---|
| 23680 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | 12 S | 6 W | 13 | SE NW | 51 | 1438.5 ft S and 3181.2 ft West of the NE corner of the E. Hartless DLC #51. |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

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

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

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

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

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

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

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See page 6 for instructions.

Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 24183

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

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | | | |
|--|-----|---|-----|-----|----|------------|----------------------|-------|---|---|------------------|---|---|-----|---|-----|-----|----|------------|----------------------|-------|--------------------|--|------------------|-------|------|
| Twp | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | | Twp | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | S | 6 | W | 14 | NE | NE | 1900 | 46 | 1.56 | Irrigation | 16134 | 1945 | POU | 12 | S | 6 | W | 13 | NW | NW | 0700 | 51 | 3.19 | Irrigation | 16134 | 1945 |
| 12 | S | 6 | W | 11 | SE | SE | 1900 | 46 | 0.53 | Irrigation | 16134 | 1945 | POU | 12 | S | 6 | W | 13 | NW | NW | 1900 | 46 | 2.13 | Irrigation | 16134 | 1945 |
| 12 | S | 6 | W | 13 | NW | NW | 1900 | 46 | 0.30 | Irrigation | 16134 | 1945 | POU | | | | | | | | | | | | | |
| 12 | S | 6 | W | 13 | NW | NW | 0800 | 51 | 1.47 | Irrigation | 16134 | 1945 | POU | | | | | | | | | | | | | |
| 12 | S | 6 | W | 13 | NW | NW | 1900 | 51 | 1.01 | Irrigation | 16134 | 1945 | POU | | | | | | | | | | | | | |
| 12 | S | 6 | W | 14 | NE | NE | 1900 | 51 | 0.45 | Irrigation | 16134 | 1945 | POU | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| TOTAL ACRES | | | | | | | | | 5.32 | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | TOTAL ACRES 5.32 | | | | | | | | | | | | | | | | |

Additional remarks: _____

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 26244

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

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | | | | |
|--|-----|-----|-----------------------------|------------|----------------------|-------|---|---|------------------|-------------|---|---|-----|-----------------------------|------------|----------------------|-------|--------------------|--|------------------|------|----|------|------------|-------|------|
| Twp | Rng | Sec | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | | Rng | Sec | $\frac{1}{4}$ $\frac{1}{4}$ | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | S | 6 | W | 13 | NE | SW | 1100 | 51 | 8.35 | Irrigation | 23680 | 1955 | POU | 12 | S | 6 | W | 13 | SE | SW | 1100 | 51 | 8.35 | Irrigation | 23680 | 1955 |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| TOTAL ACRES | | | | | | | | | 8.35 | TOTAL ACRES | | | | | | | | | 8.35 | | | | | | | |

Additional remarks: _____

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 52009

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

| Proposed or Authorized POA Name or Number | Is well already built? (Yes or No) | If an existing well, OWRD Well ID Tag No. L-___ | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|---|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| | | | | | | | | | | |
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Klamath Basin/County Drought Transfer Applications

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

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

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

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

| OWNER'S WELL NAME OR NUMBER. | WELL TAG NUMBER (IF AVAILABLE) | WELL LOG ID (E.G., KLAM 1234) | FLOWMETER SERIAL NUMBER | FLOWMETER READING | FLOWMETER DATE | FLOWMETER LOCATION |
|------------------------------------|-----------------------------------|----------------------------------|----------------------------|-------------------|----------------|--------------------|
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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of Benton) ss

I, John Eveland, in my capacity as owner / Secretary Treasurer
mailing address 25159 Grange Hall Rd, Philomath, OR 97370
telephone number (541) 760-1924, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

| Certificate # | Township | Range | Mer | Sec | ¼ ¼ | Gov't Lot or DLC | Acres (if applicable) |
|---------------|----------|-------|-----|-----|-------|---------------------|--------------------------|
| 24183 | 12 S | 6 W | | 14 | NE NE | 46 | 1.56 |
| 24183 | 12 S | 6 W | | 11 | SE SE | 46 | 0.53 |
| 24183 | 12 S | 6 W | | 13 | NW NW | 46 | 0.30 |
| 24183 | 12 S | 6 W | | 13 | NW NW | 51 | 1.47 |
| 24183 | 12 S | 6 W | | 13 | NW NW | 51 | 1.01 |
| 24183 | 12 S | 6 W | | 14 | NE NE | 51 | 0.45 |
| 26244 | 12 S | 6 W | | 13 | NE SW | 51 | 8.35 |

OR

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

(continues on reverse side)

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

John Ireland
Signature of Affiant

March 2, 2023
Date

Signed and sworn to (or affirmed) before me this 2nd day of March, 2023.



Lindsey Free
Notary Public for Oregon

My Commission Expires: 01/20/26

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

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M282851-00

After recording return to:

George B. Heilig
P.O. Box 546
Corvallis, Oregon 97339

Send tax statements to:

Lucy A. Leach
32222 Powder House Road
Philomath, Oregon 97370

BARGAIN AND SALE DEED

GEORGE E. SHROYER, SR., HELEN M. SHROYER, GEORGE E. SHROYER, JR., MARY ANN SHROYER, REX SHROYER, HOLLEY SHROYER, and LUCY A. LEACH (formerly LUCY A. PATTERSON), (Grantors), are the owners of property in Benton County, Oregon (the Shroyer Property). The legal description of the Shroyer Property is described in M-47459, resulting from transfers as shown on M-202850-00, and M-233773-97, Benton County Deed Records, Benton County, Oregon.

Grantors bargain, sell and convey to LUCY A. LEACH, (Grantee), a part of the Shroyer Property commonly referred to as Parcel 1 of Partition Plat Map No. 2000-08.

The true consideration for this conveyance is 0 dollars, as the whole consideration is other than money.

The property conveyed is subject to all matters of public record.

It is the intent of the parties that this conveyance creates a separate lot to be solely owned by Grantee, which is in compliance with Benton County Land Use Regulations.

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

Dated: 10-28, 1999.

Grantors:

Rex Shroyer
Rex Shroyer, Personal Representative
of George E. Shroyer, Sr.

Helen M. Shroyer
Helen M. Shroyer

1 - BARGAIN AND SALE

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George E. Shroyer, Jr.
George E. Shroyer, Jr.

Mary Ann Shroyer
Mary Ann Shroyer

Rex Shroyer
Rex Shroyer

Lucy A. Leach
Lucy A. Leach

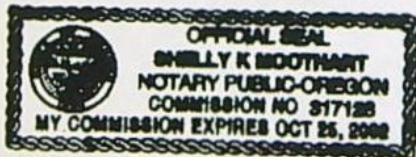
Holley Shroyer
Holley Shroyer

Grantee:

Lucy A. Leach
Lucy A. Leach

STATE OF OREGON)
) ss.
County of Benton)

On this 28th day of Oct., 1999, personally appeared before me the above-named Rex Shroyer, the Personal Representative of George E. Shroyer, Sr., and acknowledged the foregoing instrument to be his voluntary act and deed.



Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02

STATE OF OREGON)
) ss.
County of Benton)

On this 10th day of Nov., 1999, personally appeared before me the above-named Helen M. Shroyer, and acknowledged the foregoing instrument to be her voluntary act and deed.



Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02

2 - BARGAIN AND SALE

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STATE OF OREGON)
) ss.
County of Benton)

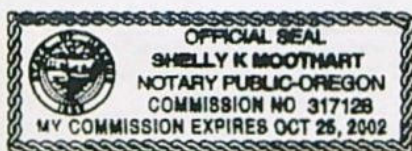
On this 15th day of Nov., 1999, personally appeared before me the above-named George E. Shroyer, Jr., and acknowledged the foregoing instrument to be his voluntary act and deed.



Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02

STATE OF OREGON)
) ss.
County of Benton)

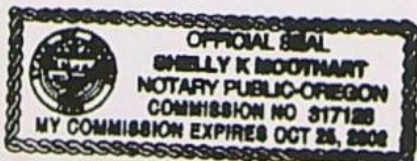
On this 15th day of Nov., 1999, personally appeared before me the above-named Mary Ann Shroyer, and acknowledged the foregoing instrument to be her voluntary act and deed.



Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02

STATE OF OREGON)
) ss.
County of Benton)

On this 28th day of Oct., 1999, personally appeared before me the above-named Rex Shroyer, and acknowledged the foregoing instrument to be his voluntary act and deed.



Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02

3 - BARGAIN AND SALE

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MAR 03 2023

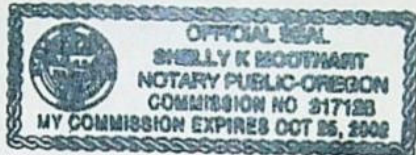
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STATE OF OREGON)
) ss.
County of Benton)

On this 28th day of October, 1999, personally appeared before me the above-named
Holley Shroyer, and acknowledged the foregoing instrument to be her voluntary act and deed.

Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02



STATE OF OREGON)
) ss.
County of Benton)

On this 10th day of ~~June~~ ^{Nov.}, 1999, personally appeared before me the above-named Lucy A.
Leach, and acknowledged the foregoing instrument to be her voluntary act and deed.

Shelly K. Moothart
Notary Public for Oregon
My commission expires: 10/25/02



STATE OF OREGON } **278443**
County of Benton } ss.

I hereby certify that the within instrument
was received for record

I hereby certify this copy to be a true
and complete duplicate of the original
on record in the Benton County Clerk's
office in Corvallis, Oregon.

James V. Morales
Benton County Clerk

By: [Signature]

Date: 10 FEB 2003

PM 3:17 '00APR21

AND
ASSIGNED **M282851** 2000

In the microfilm records of said county

Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

By: [Signature] Deputy

4 - BARGAIN AND SALE

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After Recording Return to:
Farm Credit Services - Eugene
2911 Tennyson Avenue, Suite 301
Eugene, OR 97408
PO Box 72300
Springfield, OR 97475-0294

| | |
|---|------------------------|
| BENTON COUNTY, OREGON | 2013-509203 |
| MG-DT | 07/03/2013 12:39:22 PM |
| Str=1 MR | |
| \$35.00 \$11.00 \$5.00 \$10.00 \$20.00 | \$98.00 |
| \$17.00 | |
| I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records. | |
| James V. Morales - County Clerk | |

Customer/Note No: 050818-441-999-99

Deed of Trust

THIS DEED OF TRUST IS ALSO INTENDED TO BE A FIXTURE FILING.

On June 25, 2013, John L. Eveland, same person as John Eveland and Sally A. Brewer, same person as Sally Brewer, Trustees of The Sally Brewer and John Eveland Living Trust, under Trust Agreement dated April 1, 2008, hereinafter called Grantors, whose address is

25159 Grange Hall Road
Philomath, OR 97370

grant, convey, warrant, transfer and assign to Ticor Title, a corporation, hereinafter called Trustee, whose address is 227 NW Third Street, Corvallis, OR 97330, in trust with power of sale for the benefit of Northwest Farm Credit Services, FLCA, a corporation organized under the Farm Credit Act of 1971, as amended, hereinafter called Beneficiary, whose address is 1700 South Assembly Street, P.O. Box 2515, Spokane, Washington 99220-2515, property in Benton County(ies), State of Oregon, more particularly described as follows (the "Land"):

A tract of land in the Southeast Quarter of Section 11, the Southwest Quarter of Section 12, the Northwest Quarter of Section 13 and the Northeast Quarter of Section 14, Township 12 South, Range 6 West, Willamette Meridian, Benton County, Oregon, being all that land conveyed to John Eveland and Sally Brewer per M-241558-98, Benton County Deed Records, together with a portion of Parcel 1 of Partition Plat 2001-08; all being more specifically described as follows:

Beginning at a 5/8 inches iron rod at the most Westerly corner of said Parcel 1, on the Northerly right-of-way line of County Road No. 26046 (Grange Hall Road); thence along the West line of said Parcel North 39° 09' 42" East 12.74 feet to a 5/8 inches iron rod; thence continuing along said West line North 12° 19' 21" East 892.67 feet to a 1/2 inches iron rod; thence continuing North 12° 19' 21" East to the centerline of the Mary's River; thence downstream along said River centerline 2037 feet, more or less, to the North line of the Eldridge Hartless Donation Land Claim No. 50; thence continuing downstream along said River centerline 1892 feet, more or less, to the Westerly right-of-way line of County Road No. 26250 (Fern Road); thence Southerly along said right-of-way line 158 feet, more or less to the intersection of said Westerly right-of-way line with the Northerly right-of-way line of said County Road No. 26046; thence along said Northerly right-of-way line North 78° 14' 45" West 15.14 feet; thence continuing along said right-of-way line on the arc of a 270.12 foot radius curve right (chord which bears North 67° 38' 46" West 99.37 feet) 99.94 feet; thence North 57° 02' 48" West 1520.03 feet to a 5/8 inches iron rod; thence North 48° 27' 36" East 203.32 feet to a 5/8 inches iron rod; thence North 0° 32' 15" East 66.56 feet to a 5/8 inches rod; thence North 55° 07' 42" West 78.02 feet to a 5/8 inches iron rod; thence North 62° 29' 46" West 157.49 feet to a 5/8 inches iron rod; thence South 16° 52' 43" West 249.52 feet to a 5/8 inches iron rod on said Northerly right-of-way line; thence North 57° 02' 48" West 524.81 feet to the point of beginning.

Deed of Trust (050818-441-999-99)

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| | | |
|-------------------|--------------------|----------------|
| <u>Levy Code:</u> | <u>Account No.</u> | <u>Map No.</u> |
| 1704 | 174460 | 12613000800 |
| 1702 | 411682 | 126140001900; |

All irrigation equipment, now owned and used, in whole or in part, to irrigate the mortgaged property, together with all similar goods which may be acquired at any time, any additions, replacements, substitutions and accessions;

and including all buildings, structures, wells and other improvements now or hereafter located on the Land, including, but not limited to the fixtures (as described below), and all other equipment, machinery, appliances, goods and other articles attached to such buildings and other improvements; all fixtures (including without limitation, goods that are or become so related to the Land that an interest in them arises under the real estate law) and any additions or replacements now or hereafter located on, attached to, installed in or used in connection with the Land; all personal property, appliances, equipment and goods now or hereafter owned or possessed by Grantors located upon, in, or about or used in connection with the Land or improvements; all rights, rights-of-way, easements, licenses, profits, claims, demands, privileges, grazing privileges, leases, rents, issues, tenements, hereditaments, and appurtenances now owned or hereafter acquired by Grantors and used in connection with the Land and the improvements or as a means of access to either or both, (including without limitation all rights over the property of third persons which are related thereto, private roads, water rights and entitlements, other rights to water and other rights to receive water or water rights of every kind or nature whatsoever and howsoever evidenced, ditches and conduits and rights of way therefor, all plumbing, lighting, heating, cooling, ventilating, elevating and irrigating apparatus, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

The following described Note(s), Membership Agreements, security documents and any other documents or instruments signed in connection with the note(s) and security documents and any amendments thereto are collectively called the "Loan Documents." "Advances" shall include any amounts provided to Grantors under the terms of the Loan Documents and any amounts expended by Beneficiary to protect the Property or enforce its rights under the Loan Documents. This conveyance is intended to secure performance of the covenants and agreements contained herein, and in any Loan Documents, and payment of the indebtedness under the terms of the Note(s) made by Grantors to the order of Beneficiary, with interest and charges as provided therein and in the Loan Documents, and any extensions, modifications or renewals thereof.

| DATE OF NOTE | PRINCIPAL AMOUNT | FINAL INSTALLMENT DATE |
|-----------------|---------------------|---------------------------|
| June 25, 2013 | \$206,500.00 | July 1, 2023 |

The terms of the Note(s) and Loan Documents, described above, provide that the interest rate, payment terms or amounts due may be indexed, adjusted, renewed or renegotiated.

The Property does not exceed 40 acres in area.

Grantors and each of them REPRESENT, WARRANT, COVENANT and AGREE:

1. That they have title to the Property free from encumbrances, except as otherwise previously disclosed, they have good right and lawful authority to convey and encumber the same; they will warrant and defend the same forever against the lawful claims and demands of all persons whomsoever; and they agree this covenant shall not be extinguished by foreclosure or other transfers. Grantors authorize Beneficiary to file a financing statement and any continuations thereof, describing any personal property or fixtures described herein, without further signature by Grantor.
2. That this deed of trust also constitutes a Security Agreement granting Beneficiary a security interest in any and all personal property described above.

Deed of Trust (050818-441-999-99)

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3. To keep all buildings and other improvements, now or hereafter existing, in good repair; not to remove or demolish or permit the removal or demolition of any building or other improvement; to restore promptly in a good and workmanlike manner, any building or improvement, which may be damaged or destroyed; to maintain and cultivate the Property in a good and husbandlike manner; not to change or permit change in the use of the Property; and not to do anything which would reduce the value of the Property; and Beneficiary shall have the right to enter upon the Property to make full inspection of the Property.
4. To maintain casualty insurance, naming Beneficiary as loss payee, on all buildings and improvements, against loss or damage by fire or other risks; to maintain liability insurance; to obtain flood insurance at any time it is determined that any building or improvement is located, in whole or in part, within a special flood hazard area; to pay all premiums and charges on all such insurance when due; and to provide Beneficiary satisfactory evidence of such insurance upon request. All such insurance shall be in such form(s), with such company(ies) and in such amount(s) as shall be satisfactory to Beneficiary.
5. To pay all debts and money, secured hereby, when due; to pay, when due, all taxes, assessments, rents and other charges upon the Property and to suffer no other encumbrance, charge or lien on the Property, which would be superior to this deed of trust, except as stated above.
6. To specifically assign and deliver to Beneficiary all rents, royalties, damages and payments of every kind, including without limitation insurance reimbursements and condemnation awards, at any time accruing, for any transfer, loss or seizure of the Property, any portion thereof or any rights therein; Beneficiary may, at its option, apply such amounts in any proportion to any of the indebtedness hereby secured; and application or release of such amounts shall not cure or waive any default or notice of default or invalidate any act done pursuant to such notice.
7. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property and its use, including without limitation all environmental laws; not to use or permit the use of the Property for any unlawful or objectionable purpose or for any purpose that poses an unreasonable risk of harm, or that impairs or may impair the value of the Property, or any part thereof; not to apply residue from waste water treatment facilities to the Property without prior written notice to Beneficiary; to remedy any environmental contamination or violation of environmental laws that may occur or be discovered in the future; to allow Beneficiary access to the Property to inspect its condition and to test and monitor for compliance with applicable laws (any inspections or tests made by Beneficiary shall be for Beneficiary's purposes only and shall not be construed to create any responsibility or liability on the part of Beneficiary to Grantors or to any other person); to forward copies of any notices received from any environmental agencies to Beneficiary; to provide Beneficiary copies of any independent test or inspection reports on the environmental status of the Property; and to indemnify and hold Beneficiary, its directors, employees, agents and its successors and assigns, harmless from and against any environmental claims of any kind, and all costs and expenses incurred in connection therewith, including, without limitation, attorney's fees.
8. That neither Grantors nor, to the best of Grantors' knowledge, any prior owner has created or permitted conditions on the Property, which may give rise to environmental liability; no enforcement actions are pending or threatened; no underground tanks are located on the Property except as already disclosed; any such underground tanks currently or previously located on the Property do not now and never have leaked and no contaminated soil is located on the Property; and Grantor's representations, warranties, covenants and indemnities herein and in the Loan Documents shall survive satisfaction of the Note(s) and Loan Documents, foreclosure of this deed of trust, acceptance of a deed in lieu of foreclosure or any transfer or abandonment of the Property.
9. To perform all terms and conditions of each water or other contract, described above, if any, and to promptly pay all sums due or to become due under each contract so that no delinquency or default will occur under such contract(s); not to apply or enter into any federal, state or local program which limits or restricts the use of the Property, in any way without prior written consent of Beneficiary; to perform all acts necessary to perfect and

Deed of Trust (050818-441-999-99)

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maintain any water permit, certificate, license or other water interest, however designated, described in or used in conjunction with the real property described above; any assignment of any such interest during the term of this deed of trust, naming Beneficiary as an assignee shall be for security purposes and shall not alter Grantors' obligations hereunder; and any failure of Grantors to perform any such obligation shall constitute an event of default.

10. That the term "Grazing Rights," as hereinafter used refers to that portion of the Property, if any, consisting of grazing leases, permits, licenses, privileges, and preferences, or any of them, which have or will be assigned, conveyed or waived to Trustee or Beneficiary, together with any additions, renewals, replacements or substitutions thereof; if any portion of the Grazing Rights is a leasehold interest in state lands, such leasehold shall be considered to be real property; such leasehold and all other real property portions of the Property constitute a single operating unit; and in the event of foreclosure, Beneficiary shall have the right to have such leasehold and the other real property sold as a unit and not in parcels; any statements and representations in any applications for Grazing Rights are true and correct; Grantors have received no notice that the Grazing Rights have or are to be terminated, cancelled or modified; and any termination or cancellation of any of the Grazing Rights shall constitute an event of default under this deed of trust.
11. To execute any instrument deemed necessary by the Beneficiary to assign, convey or waive such Grazing Rights to the Trustee; to pay all fees and charges, and to perform all acts and things necessary to preserve and keep in good standing the Grazing Rights; to take no action which would adversely affect the Grazing Rights; to procure renewals of the Grazing Rights upon or prior to their expiration date; to operate the lands covered by the Grazing Rights in conjunction with the other real estate portion of the Property and not to convey or attempt to convey either separately; to forward to Beneficiary copies of any notices received by Grantors regarding the Grazing Rights; and in the event of foreclosure of this deed of trust, to waive all claims for preference in the Grazing Rights upon demand from the purchaser of the Property at Trustee's or foreclosure sale, or from any successor to such purchaser.
12. That if the Property is within an irrigation block and/or subject to water service contract(s) governed by the provisions of "Federal reclamation law," and the regulations issued thereunder, Grantors shall comply with the terms and provisions of said laws, regulations and contracts; Grantors, and each of them, for themselves, their heirs, successors and assigns, hereby appoint Beneficiary their attorney-in-fact to select and designate the portion of the property to be subject to a recordable contract, in the event Grantors become subject to the excess land limitation; if Grantors fail to comply with the terms of said law, regulations or contracts, or if the delivery of water for the irrigation of the Property is discontinued in whole or in part, Grantors shall be in default; in the event the Bureau of Reclamation determines that continued drainage maintenance on the Property is no longer feasible, and Grantors purchase other lands offered as a preference purchase right (as an adjustment for wetlands), Grantors shall execute a supplemental deed of trust on such lands in favor of the Beneficiary; and failure to execute such deed of trust on demand, shall constitute an event of default.
13. That in the event of default in any of the covenants or agreements herein, or in any of the Loan Documents, Beneficiary may, at its option, perform the same, in whole or in part; any advances, attorney fees or costs, paid or incurred by Beneficiary to protect or enforce its rights under the Loan Documents, in bankruptcy, appellate proceedings or otherwise, shall be payable on demand and shall become a part of the obligation secured by this deed of trust.
14. That the indebtedness and obligations secured by this deed of trust are personal to the Grantors and are not assignable by Grantors; Beneficiary relied upon the credit of Grantors, the interest of Grantors in the Property and the financial market conditions then existing when making this loan; if Grantors sell, transfer or convey or contract to sell, transfer or convey the Property, or any portion thereof, or if the ownership of any corporation or partnership, owning all or any portion of the Property shall be changed either by voluntary or involuntary sale or transfer or by operation of law, without prior written consent of Beneficiary, or if Grantors default in the payment of the indebtedness, or with respect to any warranty, covenant or agreement in the Loan Documents or if a receiver or trustee for any part of the Property is appointed, or if any proceedings under the bankruptcy or insolvency laws is commenced by or against Grantors, or if Grantors become insolvent, or if any action is

Deed of Trust (050818-441-999-99)

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commenced to foreclose or enforce a lien on any portion of the Property, then, Grantors shall be in default hereunder.

15. That time is of the essence and in the event of default, at Beneficiary's option, the entire indebtedness secured hereby shall forthwith become due and payable and bear interest at the rate set forth in the Loan Documents for delinquent payments; Beneficiary shall have the right to foreclose the lien of this deed of trust or to direct Trustee, in writing, to foreclose this deed of trust by notice and sale, to have a receiver appointed in any court proceeding, to collect any rents, issues and profits from the Property and to deliver them to Beneficiary to be applied as provided above and to exercise any rights and remedies available under the Uniform Commercial Code for the state in which the property is located; and reasonable notice if required by such Code shall be five (5) days.
16. That Beneficiary may from time to time, in writing and without further notice or consent, release any person from liability for payment of any of the indebtedness or extend the time or otherwise alter the terms of payment of any of the indebtedness; and Trustee may, with written consent of Beneficiary, at any time and from time to time, and without affecting the liability of any person:
 - a. Join in any subordination or other agreement affecting this deed of trust or lien or charge thereof.
 - b. Reconvey, without warranty, any or all of the Property.
17. That after all sums secured hereby have been paid, upon receipt of the deed of trust and note and payment of its fees, Trustee shall reconvey without warranty the Property, as provided by law. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."
18. That, in the event of foreclosure of this deed of trust by notice and sale, the power of sale shall be exercised by the Trustee according to and under the authority of the law pertaining to deeds of trust then in effect in the state in which the Property is situated; Trustee shall deliver to purchaser its deed, without warranty, containing recitals demonstrating compliance with the requirements of such law.
19. To surrender possession of such premises within the time period provided by law; in the event Beneficiary is purchaser of the Property and possession is not delivered, as provided by law, to pay Beneficiary the costs and the expenses, including reasonable attorney fees, incurred in any suit or action by Beneficiary to obtain possession of the premises.
20. That Trustee accepts this trust when this deed, duly executed and acknowledged is recorded as provided by law; any Trustee lawfully appointed by Beneficiary as a substitute or successor Trustee shall succeed to all the powers and duties of the Trustee named herein; Trustee is not obligated to notify any party hereto of the pending sale under any other deed of trust or any action or proceeding in which Grantors, Trustee, or Beneficiary shall be a party unless such action or proceeding is brought by Trustee.
21. That as used herein, the term "deed of trust" shall be synonymous with the terms "trust indenture" and "trust deed"; the term "Grantors" shall be synonymous with the term "Trustors" as used in any of the laws of the state in which the Property is situated; the term "Beneficiary" shall mean the holder and owner of any Note secured hereby, or if any Note(s) has been pledged, the pledgee thereof.
22. That the failure of Beneficiary to exercise any right or option provided herein, at any time shall not preclude Beneficiary from exercising any of such rights at any other time; the covenants and agreements contained herein shall be binding on and inure to the benefit of the parties and their respective heirs, successors and assigns; all rights conferred on Beneficiary or on Trustee are cumulative and additional to any rights conferred by law; and if any provision is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision hereof and the deed of trust shall be construed as though such provision had been omitted.
23. That Grantors and each of them join in this instrument for the purpose of subjecting each of their right, title and interest, if any, in the Property, whether of record or otherwise and including any right to possession, to the lien of this deed of trust.

Deed of Trust (050818-441-999-99)

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24. That Grantors warrant that Grantors' state of residence is the State of Oregon and Grantors' exact legal name is as set forth in the first paragraph of this Deed of Trust.

ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, EXTEND CREDIT, OR TO FORBEAR FROM ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER WASHINGTON LAW.

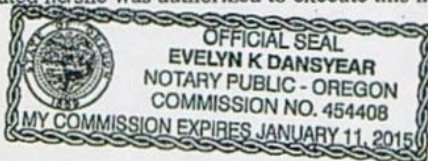
The Sally Brewer and John Eveland Living Trust, under Trust Agreement dated April 1, 2008

By: John L. Eveland
John L. Eveland, Trustee

By: Sally A. Brewer
Sally A. Brewer, Trustee

STATE OF OREGON)
County of BENTON)ss.

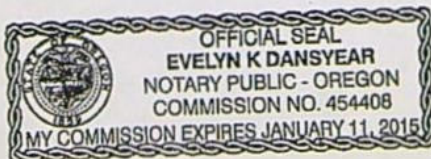
On this 2 day of July, 2013, before me personally appeared John L. Eveland, known to me to be the person who executed the foregoing instrument as Trustee of the The Sally Brewer and John Eveland Living Trust under Trust Agreement dated 04/01/2008 for the uses and purposes therein mentioned, and on oath stated he/she was authorized to execute this instrument.



Printed name EVELYN K. DANSYEAR
Notary Public for the State of OREGON
Residing at ALBANY, OREGON
My commission expires 1-11-15

STATE OF OREGON)
County of BENTON)ss.

On this 2 day of July, 2013, before me personally appeared Sally A. Brewer, known to me to be the person who executed the foregoing instrument as Trustee of the The Sally Brewer and John Eveland Living Trust under Trust Agreement dated 04/01/2008 for the uses and purposes therein mentioned, and on oath stated he/she was authorized to execute this instrument.



Printed name EVELYN K. DANSYEAR
Notary Public for the State of OREGON
Residing at ALBANY, OR
My commission expires 1-11-15

Deed of Trust (050818-441-999-99)

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Beneficiary acknowledges that this deed of trust is subject to a security interest in favor of CoBank, FCB (Bank) and by its acceptance hereof and pursuant to and in confirmation of certain agreements and assignments by and between Beneficiary and Bank, does assign, transfer and set over the same unto Bank, its successors and assigns, to secure all obligations of Beneficiary to Bank, provided that pursuant to such agreements and assignments Beneficiary has authority to perform all loan servicing and collection actions and activities hereunder, including without limitation thereto, releasing in whole or in part and foreclosing judicially or otherwise this deed of trust until the Bank, by instrument recorded in the office in which this deed of trust is recorded, revokes such authority.

I hereby certify this copy to be a true
and complete duplicate of the original
on record in the Benton County Clerk's
office in Corvallis, Oregon.

James V. Morales
Benton County Clerk

By: 

Date: 10 FEB 2023

Deed of Trust (050818-441-999-99)

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
County of Benton)ss
)

I Lucy Leach in my/our capacity as owner,

mailing address P.O. Box 1246

telephone number 541-760-5171, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 26244

described in a Water Right Transfer Application (T- ?),
(transfer number, if known)

submitted by John Eveland, Gathering Together Farm

on the property in tax lot number(s) 126130001100

Section BWM Township 12S North/South Range R6W East/West, W.M.

located at UNAssigned
(site address)

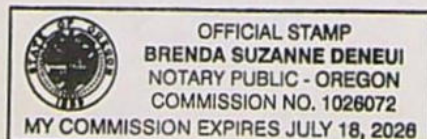
Lucy Leach
Signature of Affiant

2-10-23
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 10th day of February, 2023.



Brenda Suzanne Deneui
Notary Public for Oregon

My commission expires 7-18-2026

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

| | | |
|---------------------------------------|---|----------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING |
| T-12340, Benton County |) | TEMPORARY CHANGES IN PLACE |
| |) | OF USE |

Authority

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

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

Applicant

GATHERING TOGETHER FARM
JOHN EVELAND AND SALLY BREWER
25159 GRANGE HALL RD
PHILOMATH, OR 97330

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Findings of Fact

1. On April 18, 2016, GATHERING TOGETHER FARM, JOHN EVELAND AND SALLY BREWER filed an application to temporarily change the place of use under Certificates 24183 and 26244 for a period of 5 years. The Department assigned the application number T-12340.
2. Notice of the application for transfer was published on April 26, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. During the review process, the Department found that the public notice from April 26, 2016 did not include Certificate 26244; therefore on May 24, 2016 the transfer was re-published, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. The portion of the first right to be temporarily transferred is as follows:
Certificate: 24183 in the name of DORVAL and ANNA BEVENS (perfected under Permit S-16134)
Use: IRRIGATION of 5.32 ACRES

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

Priority Date: JANUARY 4, 1945

Rate: 0.04 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MARY'S RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|---|
| 12 S | 6 W | WM | 11 | SE SE | 46 | AS PROJECTED WITHIN D. HENDERSON DLC |

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
|-------|-----|-----|-----|-------|-----|-------|
| 12 S | 6 W | WM | 11 | SE SE | 46 | 0.53 |
| 12 S | 6 W | WM | 13 | NW NW | 46 | 0.30 |
| 12 S | 6 W | WM | 13 | NW NW | 51 | 2.48 |
| 12 S | 6 W | WM | 14 | NE NE | 46 | 1.56 |
| 12 S | 6 W | WM | 14 | NE NE | 51 | 0.45 |
| Total | | | | | | 5.32 |

5. Temporary Transfer Application T-12340 proposes to temporarily change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
|-------|-----|-----|-----|-------|-----|-------|
| 12 S | 6 W | WM | 13 | NW NW | 46 | 2.13 |
| 12 S | 6 W | WM | 13 | NW NW | 51 | 3.19 |
| Total | | | | | | 5.32 |

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

Certificate: 26244 in the name of ELMER J. BURNWORTH (perfected under Permit S-23680)

Use: IRRIGATION of 8.35 ACRES

Priority Date: MARCH 29, 1955

Rate: 0.08 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MARY'S RIVER, a tributary of WILLAMETTE RIVER

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Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|---|
| 12 S | 6 W | WM | 13 | SE NW | 51 | AS PROJECTED WITHIN HARTLESS DLC #51 |

Authorized Place of Use:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
|------|-----|-----|-----|-------|-----|-------|
| 12 S | 6 W | WM | 13 | NE SW | 51 | 8.35 |

7. Certificate 26244 does not describe the measured distances of the point of diversion, however information is available from the applicant indicating that the point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|------|-----|-----|-----|-------|-----|--|
| 12 S | 6 W | WM | 13 | SE NW | 51 | 1438.5 FEET SOUTH AND 3181.2 FEET WEST OF THE NE CORNER OF THE E. HARTLESS DLC #51 |

8. Temporary Transfer Application T-12340 proposes to temporarily change the place of use of the right to:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
|------|-----|-----|-----|-------|-----|-------|
| 12 S | 6 W | WM | 13 | SE SW | 51 | 8.35 |

Temporary Transfer Review Criteria

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

Conclusions of Law

The temporary changes in place of use proposed in Temporary Transfer Application T-12340 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-12340 are approved.

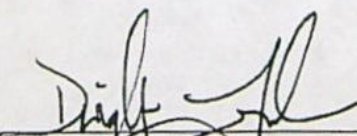
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2. The former place of use **shall not** be irrigated as part of these water rights during the 2016, 2017, 2018, 2019 and 2020 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2020 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 24183 and 26244 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 24183 and 26244.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
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 existing 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. The use of the remaining water rights described by Certificates 24183 and 26244 shall continue to be in accordance with the terms and conditions of Certificates 24183 and 26244.

Dated at Salem, Oregon this 27 day of June, 2016.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JUN 29 2016

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

| | | |
|---------------------------------------|---|----------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING |
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JOHN EVELAND AND SALLY BREWER
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Temporary Transfer Review Criteria

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Conclusions of Law

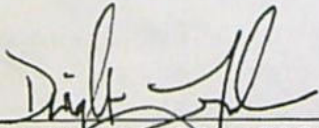
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Dated at Salem, Oregon this 27 day of June, 2016.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JUN 29 2016

Oregon Water Resources Department
Water Rights Information Query Results

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

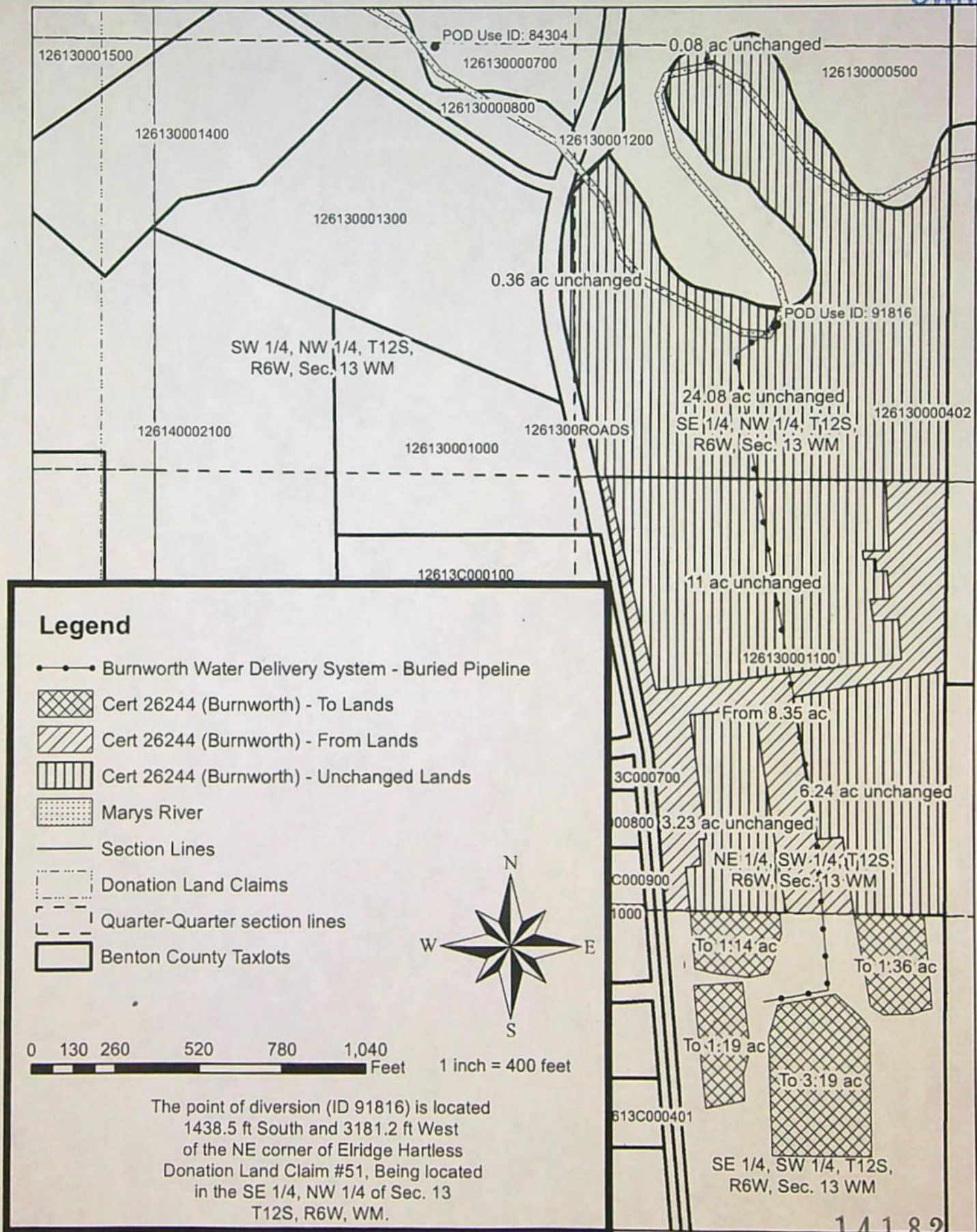
Records/Page: 10

| | Contacts | Application | Permit | Certificate | Claim | Decree | Transfers | Download |
|------------------------|--|-------------|--------|-------------|-------|--------|---|----------|
| Select | OWNER: ▶ ELMER J BURNWORTH 2840 HAYES CORVALLIS, OR 97330 | S29850 | S23680 | 26244 | | | ▶ T12340 (Changes this right) | NC |

Application for a Temporary Water Rights Transfer **RECEIVED**
 In the Name of John Eveland, Gathering Together Farm
 TO LANDS - Certificate 26244 (Burnworth)

MAR 03 2023

OWRD



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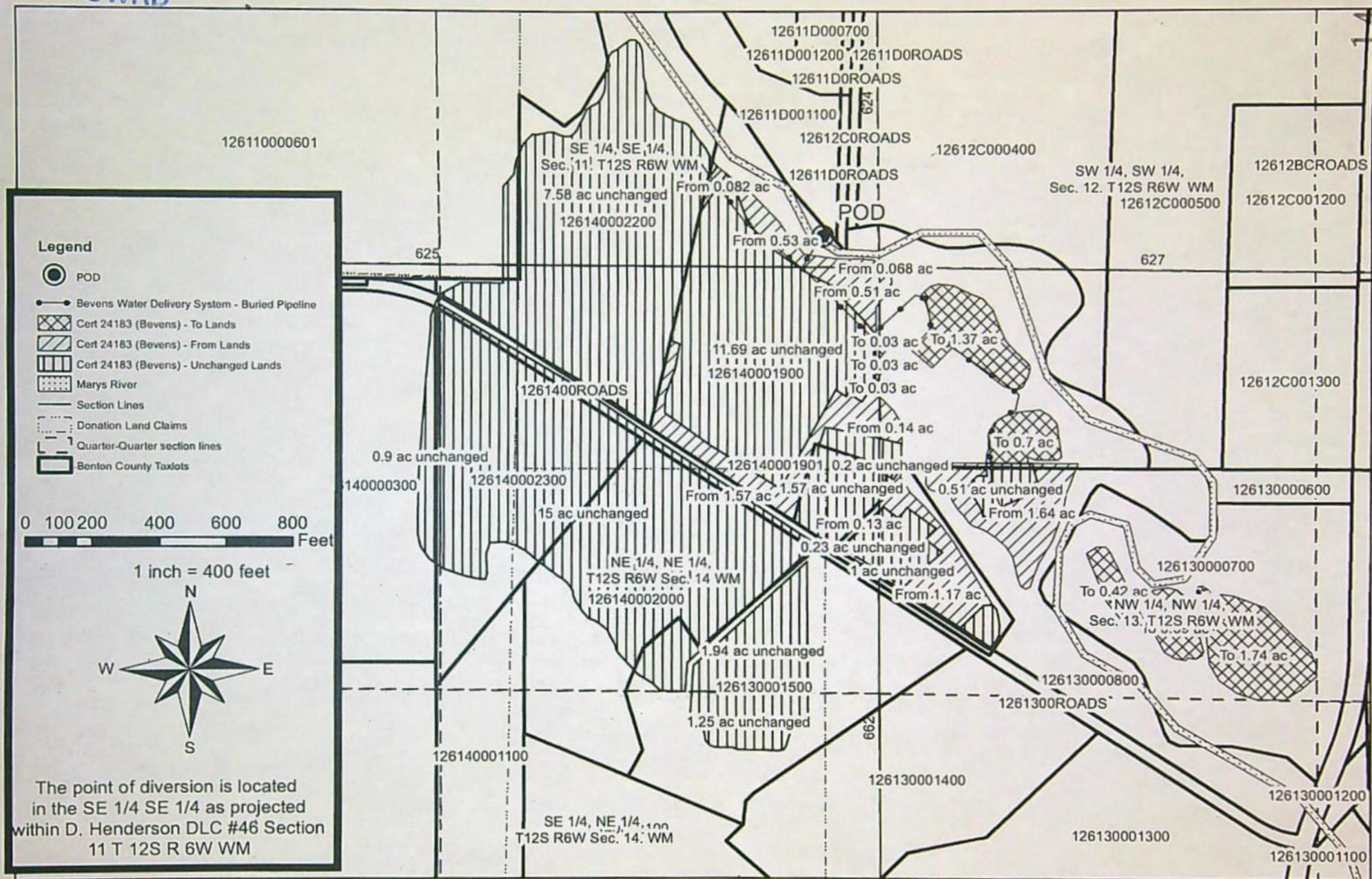
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MAR 03 2023

Application for a Temporary Water Rights Transfer

In the Name of John Eveland, Gathering Together Farm - Certificate 24183 (Bevens)

OWRD



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MAR 03 2023

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: John Eveland & Sally Brewer
25159 Grange Hall Rd. Philomath OR 97370

Transaction Type: transfer

Fees Received: \$ 1296.61

☐ Cash

☒ Check:

Check No. 22701

Name(s) on Check: Gathering Together Farm Inc

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by:

Corie Lounen
(Name of OWRD staff)

Instructions for OWRD staff:

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