

Temporary

T-14234

Name Cutting and Sektnan IncAddress PO BOX 33
MC Minnville, OR 97128Change in PDVDate Filed 5/3/2023Initial notice date 5/9/2023

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 6/15/2023 Vol 126 Page 487-491

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Deer CreekTrib. of South Yamhill RiverUse Irrigation County Yamhill

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 544076 Per # 532990 Cert # 40520 PR Date 09/19/1967

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>5-3-2023</u>	<u>1,166.81</u>	<u>140625</u>

FEES REFUNDED

Date	Amount	Receipt #
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Assignments: _____

Irrigation District _____

Agent Will McGill Surveying, LLC willmcgill.surveying@gmail.com

CWRE _____

CC's list Yamhill County☐ - Oversized map - Location _____

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14234

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: CUTTING AND SEKTAN INC PO BOX 33 MCMINNVILLE, OR 97128	Agent: WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: County Of Yamhill	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
☐	544076	S32990	40520
☐			
☐			

Key Dates & Initial Actions (Support Staff)

Rec'd: May 3, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1166.81	Acknowledgement Letter Sent ☐	Basin: 2 Willamette
Initial Public Notice:	County sent cc: of Ack Letter ☐	County: YAMHILL
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>5/12/23</u> Initials: <u>SLA</u>	Date: <u>5/16/23</u> Initials: <u>AD</u>	Date: <u>6/6/23</u> Initials: <u>PKS</u>	Date: <u>6/8/23</u> Initials: <u>SLA</u>	Date: <u>6/8/23</u> No. of docs for sig: <u>1</u> WM Sheet ☐	<u>FPO</u> Date: <u>6/15/23</u>

Special Issues: _____

Special Order Volume: Vol. 128 Pages 483-486

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A TEMPORARY
T-14234, Yamhill County	)	CHANGE IN PLACE OF USE

Authority

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

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

Applicant

CUTTING AND SEKTNAN INC.
PO BOX 33
MCMINNVILLE, OR 97128

Findings of Fact

1. On May 3, 2023, CUTTING AND SEKTNAN INC. filed an application to temporarily change the place of use and under Certificate 40520 for a period of 2 years. The Department assigned the application number T-14234.
2. Notice of the application for transfer was published on May 16, 2023, pursuant to OAR 690-380-4000.
3. The portion of the right to be temporarily transferred is as follows:

Certificate:	40520 in the name of HAROLD BUEL (perfected under Permit S-32990)
Use:	IRRIGATION of 80.3 ACRES
Priority Date:	SEPTEMBER 19, 1967
Rate:	1.0 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: DEER CREEK, a tributary of YAMHILL RIVER (WILLAMETTE RIVER)

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	29	NW SE	3420 FEET SOUTH AND 3500 FEET WEST FROM SOUTHERLY NE CORNER OF DANFORTH DLC 57
5 S	5 W	WM	29	NE SE	3640 FEET SOUTH AND 2250 FEET WEST FROM SOUTHERLY NE CORNER OF DANFORTH DLC 57
5 S	5 W	WM	29	NE SE	3770 FEET SOUTH AND 1550 FEET WEST FROM SOUTHERLY NE CORNER OF DANFORTH DLC 57

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	28	NW NW	57	1.0
5 S	5 W	WM	28	SW NW	57	12.0
5 S	5 W	WM	28	NW SW	57	7.3
5 S	5 W	WM	29	NE NE	57	1.2
5 S	5 W	WM	29	SW NE	53	5.1
5 S	5 W	WM	29	SE NE	57	12.2
5 S	5 W	WM	29	SE NE	53	17.8
5 S	5 W	WM	29	NE SE	53	7.8
5 S	5 W	WM	29	NE SE	57	3.9
5 S	5 W	WM	29	NW SE	53	12.0
					Total	80.3

4. Temporary Transfer Application T-14234 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	28	NW SW	57	0.4
5 S	5 W	WM	28	SW SW	57	24.3
5 S	5 W	WM	28	SW SW	57	1.3
5 S	5 W	WM	28	SW SW	57	5.0
5 S	5 W	WM	29	NE SE	53	0.6
5 S	5 W	WM	29	NW SE	53	0.9
5 S	5 W	WM	29	SW SE	53	2.2
5 S	5 W	WM	29	SW SE	56	19.1
5 S	5 W	WM	29	SE SE	53	0.8
5 S	5 W	WM	29	SE SE	56	3.7
5 S	5 W	WM	29	SE SE	57	22.0
					Total	80.3

Temporary Transfer Review Criteria

5. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
8. The proposed change 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

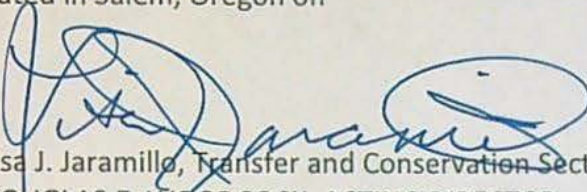
The temporary change in place of use proposed in Temporary Transfer Application T-14234 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-14234 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023 and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 40520 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 Certificate 40520.
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. The use of the remaining water right described by Certificate 40520 shall continue to be in accordance with the terms and conditions of Certificate 40520.

Dated in Salem, Oregon on **JUN 15 2023**


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

Mailing Date: **JUN 16 2023**



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

June 15, 2023

CUTTING AND SEKTNAN INC

PO BOX 33

MCMINNVILLE, OR 97128

REFERENCE: District Temporary Transfer Application T-14234

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 2024 irrigation season**.

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

Sincerely,

Flor Pena

Water Rights Services Support

Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
William E. McGill, Agent
Yamhill County

Enclosure

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-14234

Review Due Date:

Applicant Name: Cutting and Sektnan Inc

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

Reviewer(s): Joel Plahn

Date of Review: 05/10/2023

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-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

 Watermaster signature

 District

 Date

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

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



Oregon

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

May 9, 2023

CUTTING AND SEKTNAN INC
PO BOX 33
MCMINNVILLE, OR 97128

Reference: Application T-14234

On May 3, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1166.81. Receipt number 140625 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) 986-0935.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
William E. McGill, Agent
YAMHILL COUNTY

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 # **140625**

INVOICE # _____

RECEIVED FROM: WILL MCGILL
BY: Surveying, LLC

APPLICATION	
PERMIT	
TRANSFER	<u>F 14234</u>

CASH: ☐ CHECK: # 2140 OTHER: (IDENTIFY) ☐

TOTAL REC'D	<u>\$1,166.81</u>
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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	<u>\$1,166.81</u>		

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: **140625**

DATED: 5-3-23 BY: M. Calep

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

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? 1 List them here: Certificate 40520**
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: 2024.**
- ☐ ☒ 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: ____/____/____

RECEIVED

MAY 08 2023

OWRD

14234

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°).

14234

RECEIVED

MAY 03 2023

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>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » » » ☐ 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? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>80.3 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	216.81
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	1,166.81
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » » » » Transfer Fee:	7	1,166.81

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*): _____ (2a) 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	

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

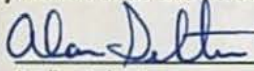
APPLICANT/BUSINESS NAME Cutting and Sektnan Inc.			PHONE NO. (503) 437-1150	ADDITIONAL CONTACT NO.
ADDRESS PO Box 33			FAX NO.	
CITY McMinnville	STATE OR	ZIP 97128	E-MAIL arsektnan@yahoo.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Will McGill Surveying, LLC			PHONE NO. (503) 931-0210	ADDITIONAL CONTACT NO. (503) 510-3026
ADDRESS 15333 Pletzer Rd. SE			FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@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:
It is proposed to move 80.3 acres of Cert. 40520 to the South to irrigate crops for 2 years.

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


Applicant signature

Alan Sektnan, Pres.
Print Name (and Title if applicable)

5/2/23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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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 Yamhill County	ADDRESS 525 NE 4th St.	
CITY McMinnville	STATE OR	ZIP 97128

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 # **40520**

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Description of Water Delivery System

System capacity: **2.25** cubic feet per second (cfs) OR
 _____ 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. **50 HP centrifugal pump delivers water through 6" buried PVC mainline to a hard hose traveler.**

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)
POD 1	☒ Authorized ☐ Proposed		5	S	5	W	29	NW	SE	53	3420' S & 3500' W from Southerly NE Corner, Danforth DLC 57
POD 2	☒ Authorized ☐ Proposed		5	S	5	W	29	NE	SE	53	3640' S & 2250' W from Southerly NE Corner, Danforth DLC 57
POD 3	☒ Authorized ☐ Proposed		5	S	5	W	29	NE	SE	57	3770' S & 1550' W from Southerly NE Corner, Danforth DLC 57

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

- ☒ Place of Use (POU)
☐ Point of Diversion (POD)
☐ Additional Point of Diversion (APOD)

☐ Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)

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

- ☐ Place of Use (POU)
☐ Character of Use (USE)
☐ Point of Diversion (POD)

☐ Point of Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)
☐ Additional Point of Diversion (APOD)

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

- ☐ Yes
☒ No

Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

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

Table 2. Description of Temporary Changes to Water Right Certificate # 40520

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

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					
5	S	5	W 28	NW NW	1200	57	1.0	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 28	NW SW	400	57	0.4	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 28	SW NW	1200	57	12.0	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 28	SW SW	400	57	24.3	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 28	NW SW	1200	57	7.3	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 28	SW SW	1200	57	1.3	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	NE NE	1200	57	1.2	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 28	SW SW	1700	57	5.0	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	SW NE	1200	53	5.1	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 29	NE SE	1200	53	0.6	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	SE NE	1200	53	17.8	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 29	NW SE	1200	53	0.9	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	SE NE	1200	57	12.2	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 29	SW SE	1200	53	2.2	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	NE SE	1200	57	3.9	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 29	SW SE	1200	56	19.1	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	NE SE	1200	53	7.8	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 29	SE SE	1200	53	0.8	Irrigation	POD 1, 2, 3	1967			
5	S	5	W 29	NW SE	1200	53	12.0	Irrigation	POD 1, 2, 3	1967	POU	5	S	5	W 29	SE SE	1200	56	3.7	Irrigation	POD 1, 2, 3	1967			
											POU	5	S	5	W 29	SE SE	1200	57	22.0	Irrigation	POD 1, 2, 3	1967			
TOTAL ACRES							80.3						TOTAL ACRES							80.3					

Additional remarks: _____

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Temporary Transfer Application – Page 7 of 8

For Place of Use Changes

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

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

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

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

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

AND/OR

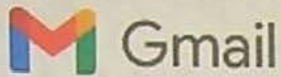
- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult 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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Grant McGill <grantmcgill.wr@gmail.com>

Map Scale Waiver

STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Tue, May 2, 2023 at 3:22 PM

To: Grant McGill <grantmcgill.wr@gmail.com>, DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>

Good Afternoon Grant,

The Department grants a map scale waiver for that attached temporary transfer application map.

Please include a printed copy of this e-mail when you submit the application.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst

Oregon Water Resources Department

725 Summer St NE Suite A

Salem OR 97301-1271

Cell phone: 503-979-3511 Fax: 503-986-0903

E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

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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)
) ss
County of YAMHILL

I, ALAN SEKTANAN, in my capacity as OWNER,

mailing address PO Box 33, McMinnville, OR 97128

telephone number (503)437-1150, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for
Certificate # _____; 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)
40520	5	S	5	W	WM	28	NW	NW	57	1.0
40520	5	S	5	W	WM	28	SW	NW	57	12.0
40520	5	S	5	W	WM	28	NW	SW	57	7.3
40520	5	S	5	W	WM	29	NE	NE	57	1.2
40520	5	S	5	W	WM	29	SW	NE	53	5.1
40520	5	S	5	W	WM	29	SE	NE	53	17.8
40520	5	S	5	W	WM	29	SE	NE	57	12.2
40520	5	S	5	W	WM	29	NE	SE	57	3.9
40520	5	S	5	W	WM	29	NE	SE	53	7.8
40520	5	S	5	W	WM	29	NW	SE	53	12.0

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

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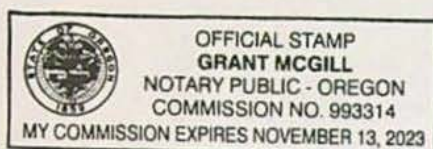
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- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)
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.

Alan Deth
Signature of Affiant

5/2/23
Date

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



Grant McGill
Notary Public for Oregon

My Commission Expires: 11/13/23

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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RECORDING REQUESTED BY:



105 NE 4th St
McMinnville, OR 97128

AFTER RECORDING RETURN TO:

Alan R. Sektnan
Cutting and Sektnan Inc.
PO Box 33
McMinnville, OR 97128

SEND TAX STATEMENTS TO:

Cutting and Sektnan Inc.
PO Box 33
McMinnville, OR 97128

R552901200, R552901700, 209465 and 209376
20215 SW Highway 18, McMinnville, OR 97128

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Yamhill County Official Records **201615013**
DMR-DDMR
Stn=0 MILLSA 09/26/2016 12:14:05 PM
3Pgs \$15.00 \$11.00 \$5.00 \$20.00 \$20.00 \$71.00

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

SPECIAL WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Alan Sektnan, Grantor, conveys and specially warrants to **Cutting and Sektnan Inc. and Alan Robert Setknan**, Grantee, the following described real property free and clear of encumbrances created or suffered by the grantor except as specifically set forth below:

PARCEL 1:

Beginning at an iron pipe in the center of the County Road South 1°10' East 1911.90 feet from the Northeast corner of the Caleb J. Payne Donation Land Claim, Claim No. 53, Notification No. 2375 in Section 29, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 48°56' West along the center of said road 1325.76 feet to an iron pipe; thence South 1°14' East 1258.10 feet to the center of the channel of Deer Creek; thence following down the center of Deer Creek to the East line of said Caleb J. Payne's Donation Land Claim above named; thence North 1°10' West along the East line of said Donation Land Claim 2208 feet to the point of beginning, and being Lot 4 as same is designated upon the plat of the survey thereof, which said plat is recorded at page 175, of Book "G" of Surveys of Yamhill County, Oregon, saving and excepting therefrom 60/100 of an acre heretofore sold to J. Tharp by Deed recorded at Page 244, of Book 56 of the Records of Deeds for Yamhill County, Oregon.

ALSO: Being a part of the Caleb J. Payne Donation Land Claim, Claim No. 53, Notification No. 2373, in Section 29, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at the intersection of the West line of a tract sold from said Claim to M. Wickser, with the center of the County Road; thence South 18.39 chains to the center of the main channel of Deer Creek; thence up said channel to a point below the present bridge; thence North 3.50 chains to a stake in the center of the County Road; thence North 62° East 16.85 chains to the point of beginning.

ALSO: Beginning at a point in the center of the County Road, the same being the Northeast corner of a tract of land deeded by D. B. Provost, Julia Provost and Carolina E. Provost to Joseph Tharp and wife; thence South 18.30 chains to the center of Deer Creek channel; thence East 30 links; thence North 0°7'30" East 18.74 chains to the center of the County Road; thence South 62° West along the center of the County Road to the point of beginning.

EXCEPTING THEREFROM the following described parcel of land: Being a part of the Caleb J. Payne

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SPECIAL WARRANTY DEED - STATUTORY FORM

(continued)

Donation Land Claim No. 53 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at an iron pipe on the Southeasterly margin of State Highway No. 18, 2954.2 feet South and 1234.8 feet West of the Northeast corner of said Claim; thence North 50°47' East along the Southeasterly margin of said State Highway, 258.5 feet to an iron pipe; thence South 00°35' West 294.3 feet to an iron pipe; thence South 82°45' West 198.9 feet to an iron pipe; thence North 156 feet to the place of beginning and being also County Survey No. 3297.

FURTHER EXCEPTING THEREFROM that parcel of land conveyed from Lawrence Buel and Effie Buel to Morris Majors and Marie Majors by Warranty Deed in Book 153, Page 345, Deed Records, Yamhill County, Oregon.

PARCEL 2:

Beginning at an iron pipe set in the center of the County Road South 1°10' East 1911.90 feet from the Northeast corner of the Caleb J. Payne Donation Land Claim No. 53, Notification No. 2373 and on the East line of said Donation Land Claim in Section 29, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 1°10' East along said Claim line 2208.00 feet to the center of the channel of Deer Creek; thence following down the center of said Deer Creek with its meanderings in an Easterly direction to the division line of the North one half of the Joseph S. Danforth Donation Land Claim; thence North 48' West along the said division line 3523 feet to a stone in the center of the County Road and at the Southeast corner of Lot No. 2; thence South 48°56' West along the center of said County Road 1240.5 feet to the point of beginning and being Lot No. 3 as the same is designated upon the survey thereof and plat thereof, which said plat is recorded at Page 175 of Book G of records of County Survey of said Yamhill County, Oregon. SAVING AND EXCEPTING therefrom 75/100 of an acre situate in the Northeast corner of said Lot No. 3 heretofore sold and conveyed away for Church purposes.

ALSO the following described premises to-wit: Beginning at an iron pipe set in the center of the County Road South 1°10' East 1911.90 feet from the Northeast corner of the Caleb J. Payne Donation Land Claim No. 53, Notification No. 2373 and on the East line of said Donation Land Claim in Section 29, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 1°10' East along said Claim line 2208.00 feet to the center of the channel of Deer Creek; thence Westerly up the center of Deer Creek to a point 12 feet West of the West line of Joseph S. Danforth Donation Land Claim; thence in a Northerly direction in a direct line to the point of beginning.

ALSO, BEGINNING at a point in the center of Deer Creek, which point is South 89°52' West 575.00 feet and North 1°14' West 899.43 feet from the Northeast corner of the James Toney Donation Land Claim No. 56, Notification No. 2375 in Section 29, Township 5 South, Range 5 West of the Willamette Meridian in said Yamhill County, Oregon; thence South 1°14' East 899.45 feet to an iron pipe; thence South 89°52' West 480.65 feet to an iron pipe; thence South 18' East 999.50 feet to an iron pipe in the center of the County Road; thence North 89°35' East along center of said County Road 1060.75 feet to an iron pipe; thence North 89°15' East along and in the County Road 1123.00 feet to an iron pipe at the intersection of the center of the County Road with the East line of the West half of the North half of Joseph S. Danforth Donation Land Claim; thence North 37' East 980.80 feet to iron pipe; thence North 89°45' East, 221.76 feet to iron pipe; thence North 48' West 315.00 feet to the center of Deer Creek; thence following up said Deer Creek with its meanderings in a Westerly direction to the point of beginning and being Lot No. 5 as same is designated upon the Plat of the Survey hereof which said Plat is duly recorded at Page 175 of Book G of records of County Survey of said Yamhill County, Oregon.

ALSO: Being a part of the Donation Land Claim of Joseph Danforth and wife, Notification No. 2379, Claim No. 57 in Township 5 South, Range 5 West and Claim No. 63 in Township 6 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, which said part thereof is more particularly described as beginning in the center of the County Road at a point 15.00 chains North and 889 feet West from the Southeast corner of the North half of said Danforth Donation Land Claim and running thence North 00°48'

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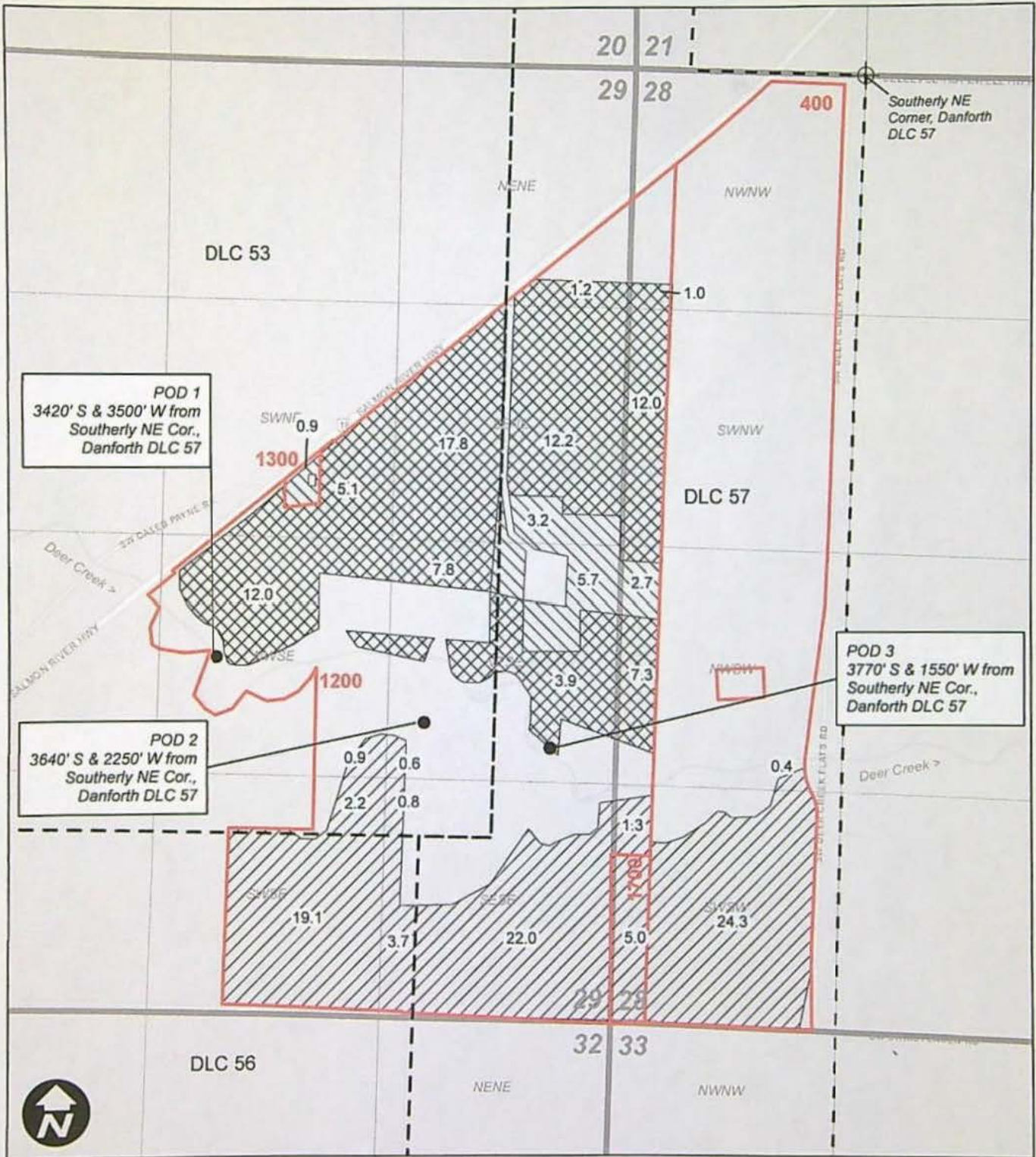
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Sektnan

Township 5S, Range 5W, W.M.



Legend

-  Cert. 40520 From  Cert. 40520 No Change  DLC
 Cert. 40520 To  Taxlot 

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WILL MCGILL SURVEYING LLC

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SPECIAL WARRANTY DEED - STATUTORY FORM
(continued)

West 945 feet to an iron pipe; thence South 89°45' West, 221.8 feet to an iron pipe; thence South 00°37' West 945 feet to the center of County Road; thence South 89°45' East along center of County Road 246 feet to the point of beginning.

ALSO: BEGINNING at a stake in the center of County Road leading from Sheridan to McMinnville 1.30 chains West and 6.95 chains South of the Southwest corner of the Donation Land Claim of H. Yocum, Notification No. 2377, Claim No. 51 in Township 5 South, Range 5 West and running thence South 3.58 chains to a stake; thence West 1.82 chains; thence North 38-1/2° West 1.56 chains to center of County Road; thence North 49-1/2° East 3.63 chains to the point of beginning.

The true consideration for this conveyance is No Dollars And No/100 Dollars (\$0.00).

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

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

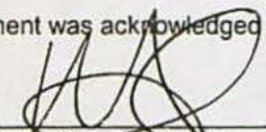
Dated: _____

9/23/16


Alan Sektnan

State of Oregon, County of Yamhill

This instrument was acknowledged before me on September 23, 2016 by Alan Sektnan.



Notary Public for Oregon

My Commission Expires:



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GRANTOR:
Brian J. Ladd and Jeffery D. Ladd

GRANTEE:
Cutting and Sektnan, Inc., an Oregon Corporation

SEND TAX STATEMENTS TO:
Cutting and Sektnan, Inc., an Oregon Corporation
PO BOX 33
McMinnville, OR 97128

AFTER RECORDING RETURN TO:
Cutting and Sektnan, Inc., an Oregon Corporation
PO BOX 33
McMinnville, OR 97128

Escrow No: 471813029960-TTMIDWIL36

Yamhill County Official Records 201319362
DMR-DDMR 12/31/2013 10:30:23 AM
Stn=6 SUTTONS
\$10.00 \$11.00 \$5.00 \$15.00 \$41.00

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Brian Van Bergen - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Brian J. Ladd and Jeffery D. Ladd, Grantor, conveys and warrants to Cutting and Sektnan, Inc., an Oregon Corporation, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

SEE LEGAL DESCRIPTION ATTACHED HERETO

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$700,000.00. (See
ORS 93.030)

Subject to and excepting:
CCRs, reservations, set back lines, power of special districts and easements of record.

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

DATED: December 30, 2013

Brian J. Ladd

Jeffery D. Ladd

State of OREGON

COUNTY of Yamhill

This instrument was acknowledged before me on 30 Dec., 2013

by Brian J. Ladd and Jeffery D. Ladd

Leanne M. Cray Notary Public - State of Oregon

My Commission Expires: 21 June 2017

471813029960-TTMIDWIL36
Deed (Warranty-Statutory)



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LEGAL DESCRIPTION

The real property is situated in the County of Yamhill, State of Oregon, and is described as follows, to wit:

The North 35 acres of the following described real premises:

The East half of the North half of the Donation Land Claim of Joseph S. Danforth, being Claim No. 57 in Township 5 South, Range 5 West, and Claim No. 62 in Township 6 South, Range 5 West.

EXCEPTING all of said premises lying North and West of the County Road (now State Highway) leading from McMinnville to Sheridan, Oregon, and also one acre deeded to Union Baptist Church of Polk County for a burying ground, and a strip of land deeded to Yamhill County for a road; the South line of said North 35 acres to run at right angles to the East and West sides of said premises, all in Yamhill County, Oregon.

ALSO THE FOLLOWING:

Being a part of the East half of the North half of the Donation Land Claim of Joseph S. Danforth and wife, Notification No. 2379, Claim No. 57 in Township 5 South, Range 5 West, and Claim No. 63 in Township 6 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, which said part thereof is more particularly described as beginning at a point on the East line of said Donation Land Claim 15 chains North of the Southeast corner of the North half of said Danforth Claim, and in the center of the County Road now there; and running thence North along the East boundary line of said Danforth Claim to the Southeast corner of a certain 35 acre tract of land conveyed to E.E. Farrington by Agnes M. Hills and Levi M. Hills by deed dated January 5, 1916, and recorded at Page 350 of Volume 70, Records of Deeds for Yamhill County, Oregon; thence West along the South boundary line of said 35 acre tract to the West line of the East half of the North half of the Danforth Donation Land Claim; thence South along the West boundary line of said East half of the North half of said Danforth Donation Land Claim to the center of the County Road; which is also 15 chains North from the South line of the North half of said Danforth Donation Land Claim; thence East along the center of said County Road to the place of beginning.

SAVE AND EXCEPT THEREFROM that certain roadway 60 feet in width conveyed to Yamhill County, Oregon by J.K. Conner and S.M. Conner by deed dated November 2, 1892, and recorded at Page 291 of Book 29, Record of Deeds for Yamhill County, Oregon.

ALSO EXCEPTING rights for the use of one acre thereof for cemetery purposes as conveyed to Union Baptist Church of Polk County by deed recorded at Page 647, Book 22, Records of Deeds for Yamhill County, Oregon.

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Business Registry Business Name Search

[New Search](#)

Business Entity Data

05-02-2023
10:53

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
214316-89	DBC	ACT	OREGON	08-16-1990	08-16-2023	
Entity Name	CUTTING AND SEKTAN, INC.					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	17488 SW MUDDY VALLEY RD			
Addr 2				
CSZ	MCMINNVILLE	OR	97128	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	08-16-1990	Resign Date	
Name	ALAN	SEKTAN				
Addr 1	17488 SW MUDDY VALLEY RD					
Addr 2						
CSZ	MCMINNVILLE	OR	97128	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	PO BOX 33			
Addr 2				
CSZ	MCMINNVILLE	OR	97128	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	ALAN	SEKTAN			
Addr 1	PO BOX 33				
Addr 2					
CSZ	MCMINNVILLE	OR	97128	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	ALAN	SEKTAN			
Addr 1	PO BOX 33				
Addr 2					
CSZ	MCMINNVILLE	OR	97128	Country	UNITED STATES OF AMERICA

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[New Search](#)

Name History

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address:

Cutting & Sektnan Inc.
PO Box 33, McMinnville OR 97128

Transaction Type:

Transfer

Fees Received: \$

1,146.81

☐ Cash

☒ Check:

Check No.

2140

Name(s) on Check:

Will McGill Surveying LLC

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 Lovrien
(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.

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Temporary Transfer Application Intake Checklist

Transfer # T-

Reviewer <u>Scott</u>	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u>
Date <u>5/4/23</u>	☒ POU ☐ POU/POD ☐ POU/APOD ☐ POU/POA ☐ POU/APOA
Calculated Fee \$ <u>1166.81</u> <i>Use fee calculator on back of this form</i>	Fee Received \$ <u>1166.81</u>
Certificate(s): <u>40520</u>	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? <u>Use the flow chart for multiple Certs</u>	☐ YES ☐ NO ☐ N/A
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220

1.	☒ YES ☐ NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	☒ YES ☐ NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	☐ YES ☐ NO ☒ N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?

Map Requirements: OAR 690-380-3100

4.	☒ YES ☐ NO	Map included and meets mapping requirements?
5.	☒ YES ☐ NO ☒ N/A	Map Waiver? The map waiver must be issued by the Department
Notes:		

Attachments: OAR 690-380-3000

6.	☒ YES ☐ NO	Evidence of Use included, signed, & notarized w/supporting documentation?
	☒ YES ☐ NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	☐ YES ☐ NO ☒ N/A	Affidavit of Consent from Landowner(s) described on the deed?
7.	☐ YES ☐ NO ☒ N/A	Land Use Form included and signed by the County?
8.	☐ YES ☐ NO ☒ N/A	Consent Form included, signed, and notarized?
9.	☐ YES ☐ NO ☒ N/A	District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District
10.	☐ YES ☐ NO ☒ N/A	For changes in POA/APOA – are the well logs included?
11.	☐ YES ☐ NO ☒ N/A	For change in POU within Umatilla County, Supplemental Form U included?

☒	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
☐	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

Temporary Transfer Application Intake Checklist

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
	Number of water rights included in transfer: _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	
	Do you propose to change the place of use for a non-irrigation use? ☐ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ 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	
	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☐ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »		
6	If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	