

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? 2 List them here: Cert. 39106, 39108**
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: 2025 End Year: 2029**.
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

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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).

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(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°).

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> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	310
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>65.2 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	176.04
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1,436.04
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 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » Transfer Fee:	7	1,436.04

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	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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 Ben Van Dyke Farms, Inc.			PHONE NO. (503) 799-3873	ADDITIONAL CONTACT NO.
ADDRESS 15221 NW Westside Rd.				FAX NO.
CITY Yamhill	STATE OR	ZIP 97148	E-MAIL vandykeben@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 do a temporary transfer of 35.4 acres of Certificate 39106, 29.8 acres of Cert. 39108, and temporarily authorize POD 2 and 3 for irrigation of these acres.

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

B. J. Van Dyke Benjamin J. Van Dyke / President 6-27-25
 Applicant signature Print Name (and Title if applicable) Date

_____ _____ _____
 Applicant signature Print Name (and Title if applicable) Date

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

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

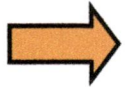
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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 400 NE Baker 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 # 39106

Description of Water Delivery System

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

345 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **A 40 HP pump delivers water to the POU through 6" above ground mainline where water is applied to the POU by a hard hose traveler with a 1.1" nozzle.**

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		3	S	4	W	6	NW	SE	39	2930' N and 2480' W from NW corner of McSween DLC 80.
POD 2	☐ Authorized ☒ Proposed		3	S	4	W	8	NE	NE	41	200' S and 1000' W from NE corner of section 8.
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

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 # 39106

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		
3	S	4	W 6	NE SW	1203	39	0.3	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	NW NE	200	80	0.1	Irrigation	POD 2	1966
3	S	4	W 6	NW SW	1203	39	0.1	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	SW NE	200	80	6.4	Irrigation	POD 2	1966
3	S	4	W 6	SW SW	1203	39	15.5	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	NE NW	200	80	11.2	Irrigation	POD 2	1966
3	S	4	W 6	SE SW	1203	39	18.6	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	NW NW	200	80	3.3	Irrigation	POD 2	1966
3	S	4	W 7	NW NW	1203	39	0.4	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	SW NW	200	80	1.4	Irrigation	POD 2	1966
											POU/POD	3	S	4	W 8	SE NW	200	80	12.5	Irrigation	POD 2	1966
TOTAL ACRES						34.9																
						</																

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 540.523, 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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Water Right Certificate # 39108**Description of Water Delivery System**System capacity: _____ cubic feet per second (cfs) **OR**345 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. **A 40 HP pump delivers water to the POU through 6" above ground mainline where water is applied to the POU by a hard hose traveler with a 1.1" nozzle.**

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		3	S	4	W	6	NW	SE	39	2930' N and 2480' W from NW corner of McSween DLC 80.
POD 2	☐ Authorized ☒ Proposed		3	S	4	W	8	NE	NE	41	200' S and 1000' W from NE corner of section 8.
POD 3	☐ Authorized ☒ Proposed		3	S	4	W	5	SE	SE	42	350' N and 850' W from SE corner, section 5
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

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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 # 39108

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						
3	S	4	W	6	SW	SW	1203	39	0.7	Irrigation	POD 1	1968	POU/POD	3	S	4	W	4	SW	NW	1600	42	4.2	Irrigation	POD 3	1968
3	S	4	W	6	SE	SW	1203	39	14.15	Irrigation	POD 1	1968	POU/POD	3	S	4	W	4	NW	SW	1600	42	3.7	Irrigation	POD 3	1968
3	S	4	W	6	SE	SW	1204	39	1.0	Irrigation	POD 1	1968	POU/POD	3	S	4	W	5	SE	NE	1600	42	7.0	Irrigation	POD 3	1968
3	S	4	W	6	SW	SE	1203	39	3.0	Irrigation	POD 1	1968	POU/POD	3	S	4	W	5	NE	SE	1600	42	5.1	Irrigation	POD 3	1968
3	S	4	W	6	SW	SE	1204	39	0.65	Irrigation	POD 1	1968	POU/POD	3	S	4	W	8	SW	NW	200	80	0.8	Irrigation	POD 2	1968
3	S	4	W	7	NE	NW	1203	39	6.8	Irrigation	POD 1	1968	POU/POD	3	S	4	W	8	SE	NW	200	80	8.5	Irrigation	POD 2	1968
3	S	4	W	7	NW	NW	1203	39	3.0	Irrigation	POD 1	1968														
TOTAL ACRES						29.3						TOTAL ACRES						29.3								

Additional remarks: _____

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Water Right Certificate # 39108**For Place of Use Changes**

Salem, OR

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 540.523, 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

Business Registry Business Name Search

[New Search](#)

Business Entity Data

05-06-2025
08:56

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
583489-97	DBC	ACT	OREGON	03-02-2009	03-02-2026	
Entity Name	BEN VAN DYKE FARMS, INC.					
Foreign Name						

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JUN 27 2025

[New Search](#)

Associated Names

Salem, OR

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	15221 NW WESTSIDE RD					
Addr 2						
CSZ	YAMHILL	OR	97148		Country	UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT		Start Date	01-22-2021	Resign Date	
Name	BEN		VANDYKE				
Addr 1	15221 NW WESTSIDE RD						
Addr 2							
CSZ	YAMHILL	OR	97148	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS				
Addr 1	15221 NW WESTSIDE RD					
Addr 2						
CSZ	YAMHILL	OR	97148		Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT			Resign Date	
Name	BENJAMIN	J	VANDYKE			
Addr 1	15221 NW WESTSIDE RD					
Addr 2						
CSZ	YAMHILL	OR	97148	Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY			Resign Date	
Name	BENJAMIN	J	VANDYKE			
Addr 1	15221 NW WESTSIDE RD					
Addr 2						
CSZ	YAMHILL	OR	97148	Country	UNITED STATES OF AMERICA	

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After recording return to:
The Tabke Dawson Living Trust
PO Box 760
Florence, MT 59833

Until a change is requested all tax
statements shall be sent to the
following address:
The Tabke Dawson Living Trust
PO Box 760
Florence, MT 59833

File No.: 1031-3703253 (MWG)
Date: March 16, 2021

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **202107974**
DMR-DDMR
Stn=6 MILLSA **04/20/2021 09:31:00 AM**
4Pgs \$20.00 \$11.00 \$5.00 \$60.00 **\$96.00**

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

STATUTORY WARRANTY DEED

Peter Fraser, Grantor, conveys and warrants to **Robert B. Tabke and Debra A. Dawson, Trustees of the The Tabke Dawson Living Trust dated July 17, 1997**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

The true consideration for this conveyance is **\$1,700,000.00**. (Here comply with requirements of ORS 93.030)

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Salem, OR

First American Title 3703253

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 this 15 day of April, 2021.

Peter Fraser

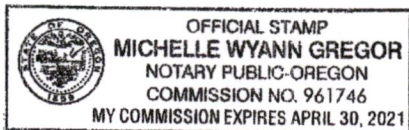
STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 15 day of April, 2021
by **Peter Fraser**.

Michelle W. Eber

Notary Public for Oregon

My commission expires: 4/30/21



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Salem, OR

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

Parcel 1:

A part of the Andrew K. Wright and wife Donation Land Claim No. 39 Notification No. 1578, in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at the intersection of the center line of the County Road with the North line of said Donation Land Claim, said point being 18.04 chains East of the Northwest corner of the East half of said Donation Land Claim; thence East along the North line of said Claim 12.28 chains to angle corner in said Claim; thence North 40° East along the North boundary line of said Claim 31.51 chains to the Southerly line of the Carlton & Coast Railroad right of way; thence South 61° East along said Railroad right of way 25.00 chains; thence South 60° West 41.51 chains; thence South 66° West 2.85 chains to the center of the County Road; thence North 61° West along center of said County Road 11.44 chains; thence North 58° West along the center of said County Road 6.97 chains to the place of beginning.

EXCEPTING THEREFROM that parcel conveyed to A. E. Stovall, et ux. by deed recorded November 18, 1964 in Film Volume 41, Page 632, Deed and Mortgage Records.

PARCEL 2:

A portion of the Andrew K. Wright Donation Land Claim in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the most Southerly corner of that certain tract conveyed by William R. Petch to Theodore M. Bernards, et ux. by deed recorded October 4, 1935 in Book 110, Page 558, Deed Records, said point being a point on the South line of the Andrew K. Wright Donation Land Claim that is South 60° West 29.09½ chains from the most Easterly corner of said Donation Land Claim; thence continuing Southwesterly along the South line of the said Wright Claim to a point in the center of County Road 224; thence Northwesterly along the center of said road, 12.81 chains, more or less, to the most Southerly corner of Parcel 4 described in that certain contract of sale from Margaret M. Bernards to Fred N. Fedel, et al. recorded December 22, 1961 in Film Volume 20, Page 375, Deed and Mortgage Records; thence North 66° East 2.85 chains along the South line of said Parcel 4, a distance of 41.51 chains to a point on the Southwesterly line of the Carlton & Coast Railroad; thence Southeasterly along said railroad to a point on the West line of the Theodore N. Bernards tract described in deed recorded in Book 110, Page 558, Deed Records; thence South 30° East along the West line of said Bernard tract to the place of beginning.

EXCEPTING THEREFROM:

Beginning at an iron pipe set for the Northwest corner of William Stillwell Donation Land Claim, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence North 59°45' East along the County Road 263.75 feet thence North 26°27'

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West 452.61 feet to an iron rod; thence South 60°43' West 593.84 feet to a point in the center of the existing County Road; thence along the center of the County Road, South 40°09' East 468.53 feet; thence North 59°45' East 219.49 feet to the place of beginning.

FURTHER EXCEPTING THEREFROM that portion conveyed to Frank and lone cook, by Deed recorded August 27, 1945 in Book 130, Page 383, Deed Records.

EXCEPTING FROM PARCELS 1 AND 2:

A part of the Andrew K. Wright and wife Donation Land Claim No. 39 Notification No.1578, in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at the intersection of the center line of the County Road with the North line of said Donation Land Claim, said point being 18.04 chains East of the Northwest corner of the East half of said Donation Land Claim; thence East along the North line of said Claim 12.28 chains to angle corner in said claim; thence North 40° East along the North boundary line of said Claim 31.51 chains to the Southerly line of the Carlton & Coast Railroad right of way, to the TRUE POINT OF BEGINNING of the herein described; thence South 40° West 620 feet to a point; thence Southeasterly to the East line of the Andrew K. Wright Donation Land Claim that is South 60° West 915 feet more or less from the Southeast corner of a tract of land conveyed to Frank Cook et ux, by instrument recorded August 27, 1946 in Book 130, Page 383, Deed Records; thence North 60° East 915 feet, more or less, to the Southeast corner of a tract of land conveyed to Frank Cook and lone Cook, husband and wife, by instrument recorded August 27, 1946 in Book 130 Page 383, Deed Records; thence North 30° West 444 feet to the Southerly line of the Carlton Coast Railroad right of way; thence North 61° West along the Southerly line of the Carlton & Coast Railroad right of way, to the true point of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.

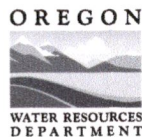
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Salem, OR

14687 -

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)
)ss
County of Yamhill)

I Robert B. Tabke and Debra A. Dawson in my/our capacity as Owners/Trustees,

mailing address 11120 NW Moores Valley Rd., Yamhill, OR 97148,

telephone number (406) 381-9013, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 39106, 39108

described in a Water Right Transfer Application (T-____),

(transfer number, if known)

submitted by Ben Van Dyke Farms Inc.

on the property in tax lot number(s) 1203 and 1204,

Section 6 Township 3 South Range 4 West, W.M.,

located at 10520 NW Moores Valley Rd., Yamhill, OR 97148

(site address)

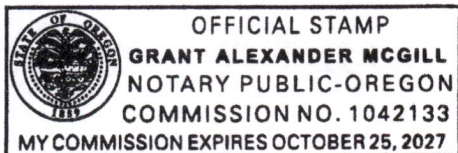
Robert B. Tabke
Signature of Affiant

6-27-25
Date

Debra A. Dawson
Signature of Affiant

6-27-25
Date

Subscribed and Sworn to before me this 27 day of June, 2025.



Just McGill
Notary Public for Oregon

My commission expires 10/25/2027.

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, BEN VAN DYKE, in my capacity as TENANT,

mailing address 15221 NW WESTSIDE RD., YAMHILL, OR 97148

telephone number (503)799-3873, 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)
39106	3	S	4	W	WM	6	NE	SW	39	0.3
39106	3	S	4	W	WM	6	NW	SW	39	0.1
39106	3	S	4	W	WM	6	SW	SW	39	15.5
39106	3	S	4	W	WM	6	SE	SW	39	18.6
39106	3	S	4	W	WM	7	NW	NW	39	0.4
39108	3	S	4	W	WM	6	SW	SW	39	0.7
39108	3	S	4	W	WM	6	SE	SW	39	15.15
39108	3	S	4	W	WM	6	SW	SE	39	3.65
39108	3	S	4	W	WM	7	NE	NW	39	6.8
39108	3	S	4	W	WM	7	NW	NW	39	3.0

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**
☐ 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)

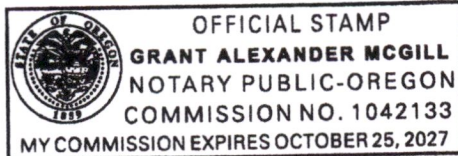
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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.

Brian J. V.
Signature of Affiant

6-27-25
Date

Signed and sworn to (or affirmed) before me this 27 day of June, 2025.



Grant McGill
Notary Public for Oregon

My Commission Expires: 10/25/2027

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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14687 - Salem, OR

Land Use Information Form



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

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Salem, OR

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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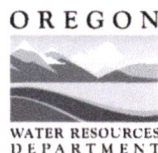
JUN 27 2025

Salem, OR

JUN 27 2025

Salem, OR

Land Use Information Form



Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

NAME Ben Van Dyke Farms, Inc.				PHONE (503) 799-3873	
MAILING ADDRESS 15221 NW Westside Rd.					
CITY Yamhill	STATE OR	ZIP 97148	EMAIL vandykeben@yahoo.com		

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3S	4W	8	NENE	3408 100	EFU	☒ Diverted ☐ Conveyed ☐ Used	Farming
3S	4W	8	NWNE SWNE NENW NWNW SWNW SENE	3408 200	EFU	☐ Diverted ☐ Conveyed ☒ Used	Farming
3S	4W	5	SESE	3405 1600	EFU	☒ Diverted ☐ Conveyed ☐ Used	Farming
3S	4W	5	SENE NESE	3405 1600	EFU	☐ Diverted ☐ Conveyed ☒ Used	Farming
3S	4W	4	SWNW NWSW	3405 1600	EFU	☐ Diverted ☐ Conveyed ☒ Used	Farming

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Yamhill

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Exchange of Water ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) North Yamhill River

Estimated quantity of water needed: 163 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

It is proposed to temporarily transfer 35.4 acres of Certificate 39106 and 29.8 acres of Cert. 39108 to TL 200 and 1600 to irrigate crops from existing PODs.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

JUN 27 2025

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 402 of the YCZO
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: Ken Fridgen Title: P.D.
 Signature: [Signature] Date: 06/27/2025
 Governmental Entity: Yamhill Co. Phone: 503 434-7516

Receipt Acknowledging Request for Land Use Information**Note to Local Government Representative:**

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

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 # 39106

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			
3 S	4 W	6	NE SW	1203	39	0.3	Irrigation	POD 1	1966	POU/POD	3 S	4 W	8	NW NE	200	80	0.1	Irrigation	POD 2	1966			
3 S	4 W	6	NW SW	1203	39	0.1	Irrigation	POD 1	1966	POU/POD	3 S	4 W	8	SW NE	200	80	6.4	Irrigation	POD 2	1966			
3 S	4 W	6	SW SW	1203	39	15.5	Irrigation	POD 1	1966	POU/POD	3 S	4 W	8	NE NW	200	80	11.2	Irrigation	POD 2	1966			
3 S	4 W	6	SE SW	1203	39	19.1	Irrigation	POD 1	1966	POU/POD	3 S	4 W	8	NW NW	200	80	3.4	Irrigation	POD 2	1966			
3 S	4 W	7	NW NW	1203	39	0.4	Irrigation	POD 1	1966	POU/POD	3 S	4 W	8	SW NW	200	80	1.8	Irrigation	POD 2	1966			
										POU/POD	3 S	4 W	8	SE NW	200	80	12.5	Irrigation	POD 2	1966			
TOTAL ACRES						35.4						TOTAL ACRES						35.4					

Additional remarks: _____

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 # 39108

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						
3	S	4	W	6	SW	SW	1203	39	0.7	Irrigation	POD 1	1968	POU/POD	3	S	4	W	4	SW	NW	1600	42	4.2	Irrigation	POD 3	1968
3	S	4	W	6	SE	SW	1203	39	14.6	Irrigation	POD 1	1968	POU/POD	3	S	4	W	4	NW	SW	1600	42	3.7	Irrigation	POD 3	1968
3	S	4	W	6	SE	SW	1204	39	1.0	Irrigation	POD 1	1968	POU/POD	3	S	4	W	5	SE	NE	1600	42	7.0	Irrigation	POD 3	1968
3	S	4	W	6	SW	SE	1203	39	3.0	Irrigation	POD 1	1968	POU/POD	3	S	4	W	5	NE	SE	1600	42	5.1	Irrigation	POD 3	1968
3	S	4	W	6	SW	SE	1204	39	0.7	Irrigation	POD 1	1968	POU/POD	3	S	4	W	8	SW	NW	200	80	1.3	Irrigation	POD 2	1968
3	S	4	W	7	NE	NW	1203	39	6.8	Irrigation	POD 1	1968	POU/POD	3	S	4	W	8	SE	NW	200	80	8.5	Irrigation	POD 2	1968
3	S	4	W	7	NW	NW	1203	39	3.0	Irrigation	POD 1	1968														
TOTAL ACRES						29.8						TOTAL ACRES						29.8								

Additional remarks: _____

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JUN 27 2025
Salem, OR

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, BEN VAN DYKE, in my capacity as TENANT,
mailing address 15221 NW WESTSIDE RD., YAMHILL, OR 97148
telephone number (503)799-3873, being first duly sworn depose and say:

Received by OWRD

JUN 27 2025

Salem, OR

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 # 39106, 39108; **OR**

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

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

OR

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

(continues on reverse side)