

T-10353

T-10353

TEMPORARY

Name A. Dwight & Robert W. ArnoldusBy Trico FarmsAddress 66911 Hunter RoadSummerville, OR 97876541-963-2752Change in FOU

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order S-24-07 Vol. 72, page 129

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Grande Ronde RiverTrib. of Snake River County of UnionUse IR

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1/24/1969In name of John Schroeder

_____ Adjudication, Vol. _____, page _____

App. No. 545722 Per. No. 34119 Cert. No. 41066

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-28-07</u>	<u>211.80</u>	<u>86868</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: Trico Farms Partnership 66911 Hunter Rd. Summerville, OR 97876541-962-2752 541-962-7074 Fax Dwight - 541-963-6194 Robert - 541-962-7172NOISD



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

May 29, 2007

A DWIGHT & ROBEN ARNOLDUS
C/O TRICO FARMS PARTNERSHIP
66911 HUNTER ROAD
SUMMERVILLE OR 97876

Reference: Temporary Transfer 10353

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2011 irrigation season.

Sincerely,

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #6

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10353, Union County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

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

Applicant

A. Dwight and Roben W. Arnoldus
C/O Trico Farms Partnership
66911 Hunter Road
Summerville OR 97876

Findings of Fact

Background

1. On April 2, 2007, A. Dwight and Roben W. Arnoldus of Trico Farms Partnership filed an application to temporarily change the place of use under Certificate 41066 for a period of five years. The Department assigned the application number T-10353.

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

Certificate: 41066 in the name of John J. Schroeder (perfected under Permit S-34119)

Use: IRRIGATION of 36.8 ACRES

Priority Date: JANUARY 24, 1969

Rate: 0.42 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per irrigation season

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 either 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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	35	SW SE	3550 FEET NORTH AND 1340 FEET WEST FROM THE E1/4 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	35	SW SW	11.7
2 S	38 E	WM	35	SE SW	9.0
2 S	38 E	WM	35	SW SE	11.9
2 S	38 E	WM	35	SE SE	4.2

3. Application T-10353 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	2	SW NW	11.0
3 S	38 E	WM	2	NW SW	25.8

4. Notice of the application for temporary transfer was published on April 10, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record 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 not result in enlargement of the right.
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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

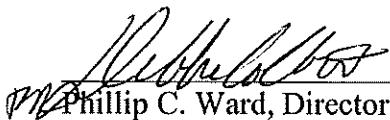
The temporary change in place of use proposed in application T-10353 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- The change in place of use proposed in application T-10353 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008, 2009, 2010 and 2011 irrigation seasons.

3. The use shall revert to the authorized place of use at the end of the 2011 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 41066 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 41066.
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. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. The use of the remaining water right described by Certificate 41066 shall continue to be in accordance with the terms and conditions of Certificate 41066.

Dated at Salem, Oregon this 24th day of May 2007.


Phillip C. Ward, Director

Mailing Date: MAY 29, 2007

Water Right Transfer Checklist

Transfer T- 10353 temp Transfer Specialist: Sue
 Transfer Type: POU only/temp
 Applicant Name/Address: a Dwight + Roben W. Arnoldus
 Agent Name/Address: na 40 Trico Farms Partnership
 CWRE Name/Number: na 166911 Hunter Rd.
 Rec Landowner Name/Address: na Summerville OR 97876
 Irr. District Name/Address: na
 Affected Gov'ts Name/Address: na
 Commentors: Name/Address: na

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	<u>5-45722</u>	<u>5-34119</u>	<u>41066</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>na</u>
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: <u>4/2/07</u>	Proposed Action(s): <u>POU</u> POD HST APOD USE OTHER:
Fees Pd: <u>211.80</u>	WM District: <u>#6</u> ODFW District: <u>✓</u>
Initial Notice: <u>4/10/07</u>	WM Review sent: <u>✓</u> ODFW Review sent: <u>✓</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: <u>✓</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>ASP</u>
Date: _____	Date: _____	Date: <u>5/21/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>ASP</u>
Date: _____	Date: _____	Date: <u>5/21/07</u>
Comments/Special Issues: <u>temp - 36.8 acres pou A</u>		

Special Order Volume: Vol 72 Pages 129 Final Order Signature Date: 5-24-07

Notice of FO email'd to processors Susan

DB done

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map | <input type="checkbox"/> FPS | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs | <input type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input type="checkbox"/> dpd | | | |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Transfer Processing Log (Div 380)

Reviewer's Name: Sue

Date: 4/19/07

Transfer #:	<u>10353</u>	Type of Change:	<u>APOU</u>		
Originating Certificate:	<u>410666</u>	(Appl #:	<u>5-45722</u>	Permit #:	<u>34119</u>
Date filed:	<u>4/20/07</u>	County:	<u>Union</u>	WM District:	
Applicant's Name & Mailing Address:	<u>A. Dwight + Robert W. Arnold</u> <u>66911 Hunter Rd</u> <u>Sumner, IL, IL 61876</u>				
CWRE:	<u>NA</u>				

IPN = 4/10/07
% Trico Farms Partnership
? use
Send to agent

Transfer Workflow Maintenance: Has file been assigned to me? Y ☒ N ☐ (If No, Update Transfer Workflow.)

Check Application

- ☒ Type of change indicated clearly? NO use change
- ☒ Signed by applicants? 4/2/07
- ☒ Are fees due or to be refunded? OK ☐ If to be refunded, generate Request for Refund to be sent to WRD with Final Order.
- ☒ Does the land use form match affected tax lots and is it signed by proper official?
- ☐ If a ditch company or district is involved, send them a copy of the application and map.
- ☐ If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner.

175
36.8
211.80 ✓

Check Ownership

- ☒ Check that deed/lot book report matches the "from" lands.
- ☒ Get current tax lot map. (If transfer application is several years old, contact assessor's office for current landowner)
- ☒ Is the applicant the owner of the "from" lands? (Update mailing address of applicant/owner if needed)
- ☒ Have all owners on the deed/lot book report signed the application?
- ☒ Is there a notarized, signed statement of consent from any landowners other than applicant?
- ☒ Is there a copy of written notification of transfer to each lien holder identified on deed/lot book report?
- ☒ Verify agent authority if applicant has not specifically signed a statement giving authorization for agent to work on his behalf.

Check Application Map

- ☐ Does it have an original CWRE signature?
- ☒ Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(b)(c)&(d)?
- ☒ Are all authorized and proposed POD's/POA's and POU's shown and clearly labeled?
- ☒ Do the metes and bounds for the POD's/POA's properly describe the location on the map?
- ☒ Do map acres match the tabulation on the certificate?
- ☒ Pull final proof maps for the rights. Does application map match certificate FPS maps?
- ☒ Pull aerial photos, if needed (and available).
- ☒ Do the POD/POA dimensions match the location on map?
- ☒ Do the POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions?

Is Application complete?

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> application form | <input checked="" type="checkbox"/> map | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input checked="" type="checkbox"/> well logs |

Reviews/comments received?

☒ Watermaster ☐ ODFW ☐ GW

may be right in future measure head

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☐ Are *only* the authorized POD's/POA's and POU's to be transferred listed?
- ☐ Do application & certificate tabulations match? (check off on application and certificate copies and note corrections needed)
- ☐ Mark on certificate copy which acreage is being transferred and what will remain in each 1/4 1/4.

Is right valid and subject to transfer by applicant?

- ☐ Certificate _____ -or- Proof accepted "to the satisfaction...." _____
- ☐ Has the right been exercised according to terms & conditions of certificate?
- ☐ Compare delivery system capacity against with the rate/duty of the right.
- ☐ Print plat card report. Are there conflicting water rights? _____
- ☐ Is newspaper notice required? If so, generate a draft of the notice.
- ☐ Are there any rights that need to be canceled or diminished to supplemental? If so prepare an affidavit.

Deficiencies to be resolved:

- ☐
- ☐

Injury Determination

- | | | |
|--------------------------------------|---|---|
| <input type="checkbox"/> Watermaster | Injury: Y <input type="checkbox"/> N <input type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |
| <input type="checkbox"/> ODFW | Injury: Y <input type="checkbox"/> N <input type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |
| <input type="checkbox"/> GW | Injury: Y <input type="checkbox"/> N <input type="checkbox"/> | Conditions: Y <input type="checkbox"/> N <input type="checkbox"/> |

- ☐ Will the "from" lands be able to be dried up? Yes ☐ No ☐
- ☐ Use Interactive Mapping to check for intervening PODs: No ☐ Yes ☐
- ☐ Check relation to instream water rights: ☐ Moves into or within ISWR ☐ No problem
- ☐ Check movement related to reduction of flows to junior rights

Determination: Enlargement? ☐ Yes ☐ No
Injury? ☐ Yes ☐ No

☐ Approve -or- ☐ Reject

Conditions requested:

- Measurement devices: ☐ Required prior to use -or- ☐ "When in the judgment..."
☐ Fish screen (see ODFW comments)
☐ Other:

Remarks:

Meridian: WILLAMETTE • Township: 3 South • Range: 38 East • Section: 2 • Records per Page: 100 Search

http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

Select	Inchoate: T 9105 CF (REG) WD	2/17/1966	IRRIGATION	WD					37.7	38.7										
	Additional Info: ELTON MAILENBURG App: S41889 Permit: S31353																			
Select	Inchoate: T 9695 CF (TMP) *	9/1/1994	IRRIGATION								1									
	Additional Info: TRICO FARMS PARTNERSHIP App: G13805 Permit: G12533																			
Select	Inchoate: T 9694 CF (TMP) WD	1/24/1969	IRRIGATION	WD				41.6	41.2			37.3								
	Additional Info: TRICO FARMS PARTNERSHIP App: S45722 Permit: S34119																			
Select	Cert:80771 CF *	2/17/1966	IRRIGATION						37.7	38.7										
	Additional Info: ELTON MUILENBURG App: S41889 Permit: S31353 Cert: 80771																			
Select	Inchoate: T 9884 (TMP) {Originating}, T 9695 CF (TMP) *	1/24/1969	IRRIGATION				41.6	41.2				37.3								
	Additional Info: TRICO FARMS PARTNERSHIP App: S45722 Permit: S34119																			
Select	Cert:27031 OR SP	T9695	6/5/1950	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	SP	38	38													
	Additional Info: J J SCHREODER App: S24811 Permit: S19539 Cert: 27031																			
Select	Inchoate: T 9695 CF (TMP) *	6/5/1950	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			38	38													
	Additional Info: TRICO FARMS PARTNERSHIP App: S24811 Permit: S19539																			
Select	Inchoate: T 9695 CF (TMP) *	9/1/1994	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			40	40	41.6	41.2			37.3								
	Additional Info: TRICO FARMS PARTNERSHIP App: G13805 Permit: G12533																			

Water Rights Platcard Report

Meridian: WILLAMETTE - Township: 2 - South - Range: 38 - East - Section: 35 - Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:34393 OR *			FIRE PROTECTION								*				*	*								
Additional Info: BOISE CASCADE CORP. App: G3132 Permit: G2930 Cert: 34393																								
Select Cert:34393 OR *			INDUSTRIAL/MANUFACTURING USES												*									
Additional Info: BOISE CASCADE CORP. App: G3132 Permit: G2930 Cert: 34393																								
Select Cert:41154 OR *		6/6/1966	INDUSTRIAL/MANUFACTURING USES											*										
Additional Info: BORDEN CO. CHEMICAL DIVISION App: G3529 Permit: G3321 Cert: 41154																								
Select Cert:6499 OR CN		12/31/1872	IRRIGATION		CN						40	30												
Additional Info: ORODELL DITCH ASSOCIATION Cert: 6499																								
Select Cert:6520 OR CN		12/31/1904	IRRIGATION		CN			40	40					20	40		10	10	37	34				
Additional Info: PIERCE & VAN BLOKLAND IRRIGATION CO. Decree: GRANDE RONDE RIVER Cert: 6520																								
Select Cert:27031 OR SP	T9695	6/5/1950	IRRIGATION		SP																18	27.4		
Additional Info: J J SCHREODER App: S24811 Permit: S19539 Cert: 27031																								
Select Cert:41066 OR *	T9884, T9106, T9694, T10353, T10131	1/24/1969	IRRIGATION					38.2	40					6.8	37.6	36.6	14.8	11.4	40.8	41.2	14	6		
Additional Info: JOHN J SCHROEDER App: S45722 Permit: S34119 Cert: 41066																								
Select Cert:41158 OR CN	T9105	2/17/1966	IRRIGATION		CN												10.2	5.1						
Additional Info: ELTON MUILENBURG App: S41889 Permit: S31353 Cert: 41158																								
Select Cert:53516 RR *		12/31/1904	IRRIGATION											10										
Additional Info:																								

[illegible]

Susan



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10353

Review Due Date: 5/10/2007

Applicant Name: Trico Farms/ Dwight & Roben Arnoldus

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

Reviewer(s): Shad Hattan

Date of Review: 4/16/2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Grande Ronde River in this reach is heavily managed by the Watermaster typically beginning in mid July until at least October 1.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, 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: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.

Return by 5-10-07

POU change

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

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

Reference Transfer #: 10353

A. Please check box if you believe there is a potential for injury to an instream water right.

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____. Because,
(Stream) _____

(Please attach

Note: This
instream w
ODFW's r
requests co

POU change

etermination whether the transfer will injure an
nation of injury to a water right, while
gation and net benefit to the resource if WRD

B. Please check box if you believe there is a potential for injury to a fish screening and/or by-pass device.

Not applicable

o requiring a fish screen and/or by-

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently not screened and/or by-pass device.

Note: This

Finding of
pass device
transport
equipped

screening and/or by-pass device and is
and/or by-pass device.

as determined that a fish screening and/or by-
fish from entering the diversion and/or safely
e diverted and that the diversion is currently
vice.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☐ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>

RECEIVED

APR 25 2007

Page 1

WATER RESOURCES DEPT
SALEM, OREGON

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

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

Condition: *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: *The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.*

Condition: *Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: *The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.*

Condition: *Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

Signature

Printed Name

Title

() _____

Phone

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APR 25 2007

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10353

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

- ☐ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

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

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____

Oregon Water Resources Department



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: Trico Farms

Fax Number: 541-962-7074

Date: 3-29-07

Pages: 2, including cover sheet

From: Sarah Henderson

Phone: 503-986-0 883

Comments:

Please have Dwight and Roben sign. Then return in
regular mail Attn: Sarah Henderson.
Thank you.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or
503-986-0904

1 10353

Faxed
10:52/3-29-07

Indicate in this column whether or not the item is satisfied.

Temporary Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Trico Farms/Arnoldus

(Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

NOTE: The Department can accept a Transfer application for any right that is:

- ____ 1) an adjudication with a court decree; *or*
____ 2) a certificate that is not cancelled; *or*
____ 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Temporary Transfer process?

[ORS 540.523]

NOTE: Only **POU** changes are allowed on Temporary Transfers.

UNLESS... POA/POD change is necessary to convey water to the new temp place of use.

OR - Character of Use of storage right (R-xxxxx)

OR - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: 211.80

Fee Schedule – ORS 536.050(1)(i)

Total Fees Paid: 211.80

\$175 - Base (1st CFS of water)

Fees Due (if any): 0

+ \$ 1 - Per acre of land irrigated

+ \$ 75 - For each cfs or fraction thereof beyond the 1st cfs for non-irrigated land

Refund Due (if any): 0

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Temporary Transfer application complete?

All required elements necessary for a complete temporary transfer application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

- Type of transfer application clearly marks Temporary and indicates the number of years.

(Page 1)

- Applicant's name, mailing address and contact information.

(Page 1)

- Agent's name, mailing address and contact information, *if applicable*.

(Page 1)

- Are the water rights to be affected by this temporary transfer listed?

(Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.

Checklist for Supplemental Form A – (Attachments)	
✓	<ul style="list-style-type: none"> • Certificate # filled in on each page? (Page 1)
✓	<ul style="list-style-type: none"> • Type of change(s) proposed clear? (Page 1)
✓	<ul style="list-style-type: none"> • Current Water Right information is complete? (Page 2)
✓	<ul style="list-style-type: none"> • If for a change in POU... (Page 2) <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO</p> <p>If YES.... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>OR...applicant indicates supplemental right will not be exercised on “From” lands</p> <p>Are they included in application? If not, contact applicant or agent.</p>
✓	<ul style="list-style-type: none"> • Location description of the authorized POA/POD to be changed. (Page 3) <p>NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p><u>N/A</u> 1) supply a copy of the well log(s), <u>or</u></p> <p><u>N/A</u> 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>
✓	<ul style="list-style-type: none"> • Location description of the existing authorized POU and associated acres (if applicable). (Page 4) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
✓	<ul style="list-style-type: none"> • Location description of the proposed POA/POD. (Page 5) <p>NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p><u>N/A</u> 1) supply a copy of the well log(s), <u>or</u></p> <p><u>N/A</u> 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>
✓	<ul style="list-style-type: none"> • Location description of the proposed POU and associated acres (if applicable). (Page 6) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
Return back to Page 2 of transfer application	
✓	<ul style="list-style-type: none"> • The type of change(s) being proposed. (Page 2)
✓	<ul style="list-style-type: none"> • Reason for the temporary transfer. (Page 2)
✓	<ul style="list-style-type: none"> • Description of current water delivery system. (Page 2)
✓	<ul style="list-style-type: none"> • System Capacity. (Page 2)
Checklist for Supplemental Form B – (Attachments)	
✓	<ul style="list-style-type: none"> • Is there a box checked in #1? (Page 1)

✓	• Is there a box checked in #2?	(Page 1)
✓	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? <i>doesn't match</i>	(Page 1)
✓	• In question #4 and #5 are they filled out.	(Page 2)
✓	• Is there a box checked in #6?	(Page 2)
✓	• Is the #6 supporting documentation included with application?	(Page 2)
✓	• Is there an original signature of the notary and notary stamp?	(Page 2)
	Return back to Page 3 of transfer application	
✓	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands	(Page 3)
✓	• Is the applicant the Landowner of the "from" and "to" Lands? YES NO If NO The applicant must list current landowner name & address. <i>[initials]</i> And include a notarized statement granting consent to the transfer from each landowner.	(Page 4)
✓	• Who will be responsible for completion of the changes? Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
✓	• Map..... ✓ if more than 3 rights are included in transfer, is there a separate map for each water right? ✓ If larger than 8 ½ X 14 - then 3 copies of map is needed & an electronic pdf of map ✓ north arrow ✓ size & scale other: _____ ✓ authorized acreage per ¼ ¼ matches the water right ✓ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ✓ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ✓ proposed POD/POA and/or POU (clearly shown, labeled & matches application "proposed" listing) ✓ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
✓ N/A	• Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
✓ N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
✓	• Is a copy of the current deed included for the From lands?	(Page 5)
OK	• Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.	(Page 6)
WRD Completeness Reviewer's Name: <u>Smith Henderson</u> Date: <u>3-29-07</u>		

TRANSFER CHECK OFF LIST

TRANSFER FILE # 7-10353

DATE RECEIVED 3-28-07

DATE MONEY SLIPPED 3-28-07

DATE RECEIPTED 3-28-07

VALID WATER RIGHT? X Yes No

TEMP ALT AC IRR DIST PERM AMEND DIV 15

TEMP Div 15 X ISWR

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) X NO

FOLDER FILLED OUT* yes

ENTERED IN DB yes

CONTENTS MARKED yes

COLOR CODED X Yes yes

4 COPIES MADE & STAMPED yes

CERTIFICATE MARKED yes

CERTIFICATE COPIED yes

PULL APPLICATIONS yes

APP FOLDER MARKED yes

FINAL PROOF MAP COPIED yes

PERMIT MARKED no

PERMIT COPIED /

PERMIT MAP COPIED /

DECREB MARKED /

DECREB COPIED /

ADJUDICATION MAP COPIED /

ENTRIES CHECKED 4-10-07 CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE 4-10-07 (PREPARED & COPIED) yes

LETTER SENT yes Irrigation District no (copy of app & map)

COPY TO WM yes

COPY TO GW yes Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

COPY TO GW no POA, APOA, or [SW TO GW ONLY(as POD)]

COPY TO GW no Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

COPY TO CWRE no

LETTER TO ODFW yes ALL Surface water POU/USE (POD and APOD FISH SCREENS)

TRANSFER SENT TO: Susan SW --- NCR --- SCR --- ER

PRINT DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 11, 2007

A DWIGHT & ROBEN ARNOLDUS
TRICO FARMS
66911 HUNTER ROAD
SUMMERVILLE OR 97876

Reference: Temporary Transfer 10353

On March 28, 2007 we received your water right transfer application requesting place of use change for use of water from GRANDE RONDE RIVER, tributary to SNAKE RIVER. The application was accompanied by \$211.80. Our receipt 86868 is enclosed.

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

Pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be transferred and the land to which the right is to be 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.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #6
Nadine Craft, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 04/10/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: UNION
Transfer: 10353
Water Right: CERT 41066
Priority Date: 1969
Name: A DWIGHT & ROBEN W ARNOLDUS/ TRICO FARMS
Address: 66911 HUNTER RD; SUMMERVILLE OR 97876
Change: POU
Source: GRANDE RONDE RIVER
Authorized POU: T2S R38E 35
Proposed POU: T3S R38E 2

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

DIV. PTS. LOCATED: 1- 3710'N & 3790'W; 2- 3690'N & 1340'W; 3- 3550'N & 1340'W; 4- 3490'N & 1350'E;
5- 800'S & 5170'W ALL FROM E 1/4 SECTION 2.

Application No. 45722 Permit No. 34119
IN NAME OF _____

Surveyed July 11, 1973, by D. Norby

Before submitting your application to the Department, be sure you have:

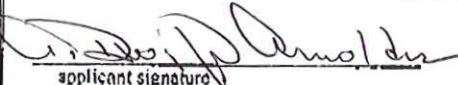
- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

- ☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	<u>A. DWIGHT ARNOLDUS</u> name (print)	<u>3/29/07</u> date
<u>Robert W. Arnoldus</u> applicant signature	<u>Robert W. Arnoldus</u> name (print)	<u>3/29/07</u> date

T 10353

Last revised: 1/4/2007

Transfer Application/6

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FS

APR 02 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

**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 # **86868**

INVOICE # _____

RECEIVED FROM: Trico Farms

BY: _____

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

☐ ☒ 18473 ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10353</u>

TOTAL REC'D \$ 211.80

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 211.80

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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 _____ \$ _____

RECEIPT: **86868**

DATED: 3/28/07 BY: L. P. Pappalardo



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input checked="" type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: <u>5</u>	<input type="checkbox"/> Time-Limited
(begin year: <u>2007</u>)	<input type="checkbox"/> Drought Transfer
(end year: <u>2012</u>)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: A. Dwight & Roben W. Arnoldus
First Last
 Address: Trice Farms - 66911 Hunter Road
Summerville Oregon 97876
City State Zip
 Phones: Dwight 541-963-6194 Roben 541-962-7178 Trice Farms 541-963-2752
Home Work Other
 Fax: 541-962-7074 E-Mail address: n/a

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Trice Farms Partnership
First Last
 Address: 66911 Hunter Road
Summerville OR 97876
City State Zip
 Phone: 541-963-2752 →
Home Work Other
 Fax: 541-962-7074 E-Mail address: n/a

▪ If an agent is listed above, please check one of the following:

- ☒ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

■ Certificate Number or other identifying number: 41066

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	41066 <small>Certificate Number</small>	34119 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	 <small>Permit Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	 <small>Previous Transfer Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: John J. Schroeder
- County: Union
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): January 24, 1969

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Grande Ronde River

Tributary to: Slate River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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■ Certificate Number or other identifying number: 41066

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	#3 Jan. 24, 1969	25	38	E 1/4	35	SW ¼ SE ¼		3550 ft. N x 1340 ft. W.

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: 41066

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

■ Certificate Number or other identifying number: 41066

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☒ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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■ Certificate Number or other identifying number: 41066

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Grande Ronde River	35	38E.	WM	2	NW¼SW¼		25.8
" " "	35	38E.	WM	2	SW¼NW¼		11.0

Remarks: old certificate 27036 Permit 19537 on these acres is
unavailable due to NO water, and Div. 5

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4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.		34119	41066
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.

- Check **all** proposed change(s) included in this transfer application:

- ☒ Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion
☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation
☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): Requesting for irrigation water (for Canola Seed 2007) & other crops needing water.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time within the last 5 years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

current system in authorized place of use
& passing under Hwy 237

- System capacity: 1300 g.p.m. cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

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8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): ⁽¹⁾ A. Dwight Arnoldus ⁽²⁾ Robert W. Arnoldus
First Last
Address: ⁽¹⁾ 65000 Booth Lane ⁽²⁾ 10604 S. McAlister Road
Cove, OR 97824 Island City, OR 97850
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes ☒ No *partial* ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): Robert + Cindy Arnoldus
First Last
Address: 10604 S. McAlister Road
Island City, OR 97850
City State Zip

- Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- ☐ Water Right Transfer
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☒ Temporary Transfer or Historical POD Change
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- ☐ Enclosed; *or*
- ☒ Not Required if all of the following are met:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 241.60
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☒ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Temporary Transfer Application Map

PERMIT NO 34119 PRIORITY 1-24-1969 under JOHN J. SCHROEDER
PARTIAL ACREAGE TRANSFER & diversion point #3

PRESENT OWNERS: A. DWIGHT ARNOLDUS & ROSEN W. ARNOLDUS
TAX LOT #501 1997 year

FROM



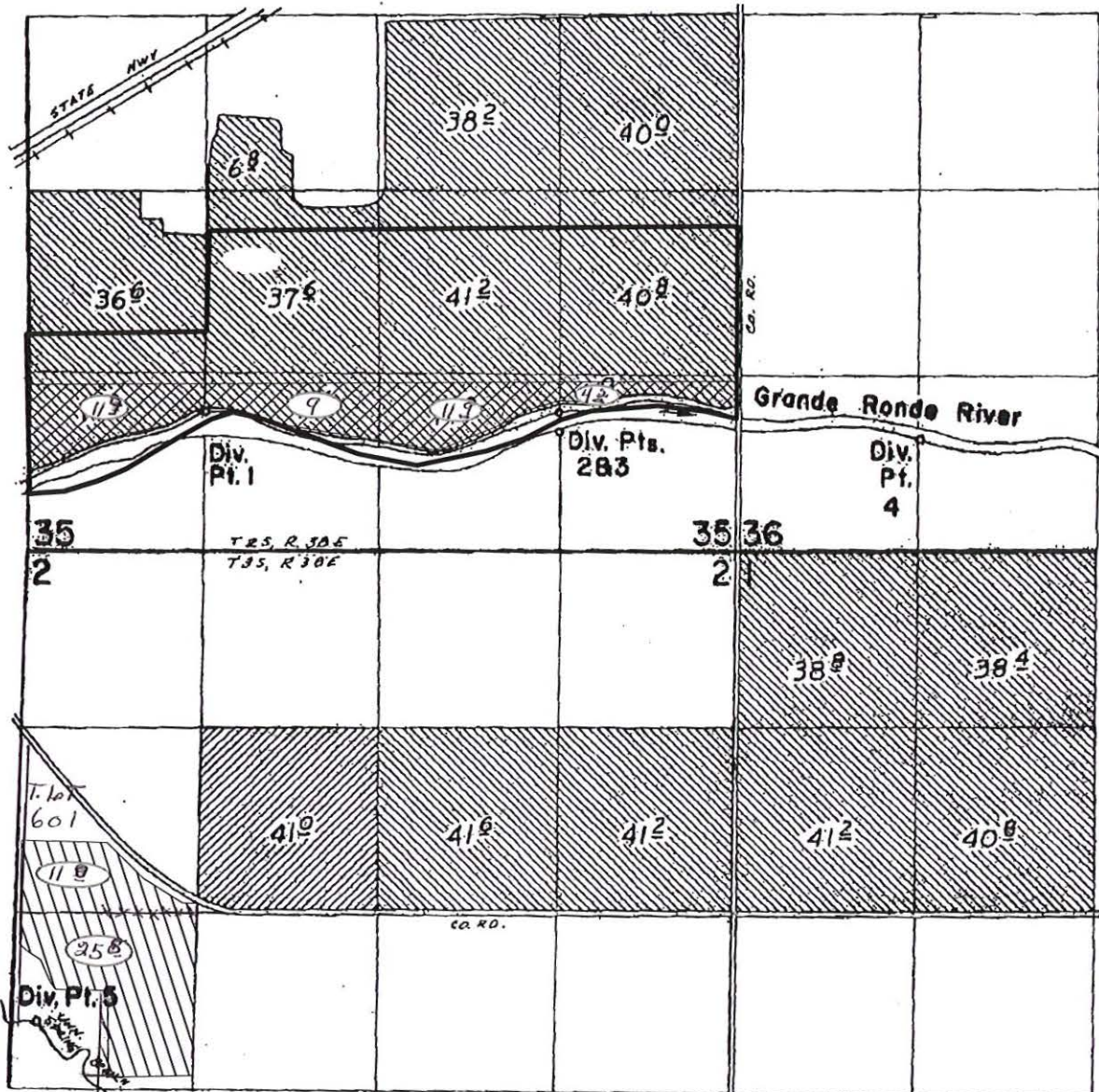
ACRES

TO:



PLACE OF TEMPORARY TRANSFER

T.28&3S., R.38E., W.M.



DIV. PTS. LOCATED: 1- 3710' N & 3970' W; 2- 3690' N & 1340' W; 3- 3550' N & 1340' W; 4- 3490' N & 1350' E;
5- 800' S & 5170' W ALL FROM E 1/4 SECTION 2.

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**WATER RESOURCES DEPT
SALEM, OREGON**

**FINAL PROOF SURVEY
UNDER**

Application No. **45722** Permit No. **34119**
IN NAME OF

JOHN J. SCHROEDER

Scale 1" = 1320'



STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN J. SCHROEDER

of Route 2, Box 2823, La Grande, State of Oregon 97850, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Grande Ronde River and an unnamed spring branch a tributary of Snake River for the purpose of irrigation of 566.7 acres under Permit No. 34119 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 24, 1969

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 6.93 cubic feet per second, being 6.0 cubic feet per second from Grande Ronde River and 0.93 cubic foot per second from unnamed spring branch

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the 1-SW $\frac{1}{4}$ SW $\frac{1}{4}$, 2 & 3-SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, 4-SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, T. 2 S., R. 38 E., W. M., 5-NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 3 S., R. 38 E., W.M., 1-3710 feet North and 3970 feet West, 2-3690 feet North and 1340 feet West, 3-3550 feet North and 1340 feet West, 4-3490 feet North and 1350 feet East, 5-800 feet *

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-fortieth 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 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

Unnamed Spring Branch

37.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 2
T. 3 S., R. 38 E., W. M.

Doesn't exist anymore - cutoff feeder tributary

* South and 5170 feet West, all from E $\frac{1}{2}$ Corner, Section 2.

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Grande Ronde River

38.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

6.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

37.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

36.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$

14.8 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

11.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

40.8 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

41.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

14.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$

6.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 35

T. 2 S., R. 38 E., W. M.

38.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

38.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

41.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

40.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 1

41.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$

41.2 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 2

T. 3 S., R. 38 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 33 day of October, 19 74.

Chris L. Wheeler

State Engineer

Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
 County of Union) ss

I, Alfred A. Arnoldus, in my capacity as Senior Partner,
 mailing address 66911 Hunter Road, Summerville, OR 97876
 telephone number (541) 963-4335, being first duly sworn depose and say:

1. I attest that:

- ☐ Water was used during the previous five years (under T- 9106 - years 2002-2006) on the entire authorized place of use of the - 2004 year water right proposed for transfer as described on the accompanying transfer application; or
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

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

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
2	5	3	8	E. 1/4	501	11.8
2	5	3	8	E. 1/4	501	10.4
2	5	3	8	E. 1/4	501	11.0
2	5	3	8	E. 1/4	501	5.5
2	5	3	8	E. 1/4	501	6.8

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(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

crops grown - alfalfa & 5 ac. feed corn

5. The water delivery system used to apply water as authorized by the right is described below:

Foot valve located in Grande Ronde River, 100 H.P. pump or 75 H.P. pump connected to buried mainline to suballine or hand lines.

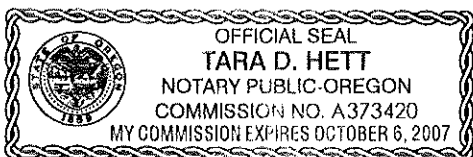
6. One or more of the following documentation supporting the above statements is attached:

- ☒ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☐ Other: _____

Arfred A. Arnoldus
Signature of Affiant

3-26-07
Date

Signed and sworn to (or affirmed) before me this 26th day of March, 2007.



Tara D. Hett

Notary Public for Oregon

My Commission Expires: October 6, 2007

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached. 0353

*Copy of Expired Temporary Transfer
That has expired*

Copy only

STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 9106 submitted by

DWIGHT AND ROBEN ARNOLDUS
66911 HUNTER ROAD
SUMMERVILLE, OREGON 97876.

The right to be modified, as evidenced by a PORTION of Certificate 41066, was perfected under Permit 34119 with a date of priority of JANUARY 24, 1969. The right allows the use of the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER, for IRRIGATION of 45.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.52 cubic feet per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 35, T 2 S, R 38 E, W.M.; POD 1 - 3710 FEET NORTH AND 3970 FEET WEST; POD 2 - 3690 FEET NORTH AND 1310 FEET WEST; BOTH FROM E $\frac{1}{4}$ CORNER, SECTION 2, or its equivalent in case of rotation, measured at the points of diversion from the source.

This is an 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

T-9106.BW

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The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH 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 3 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.8 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.4 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.5 ACRES

SECTION 35

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

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

The applicant proposes to **temporarily** change the place of use to:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33.8 ACRES

SECTION 2

TOWNSHIP 3 SOUTH, RANGE 38 EAST, W.M.

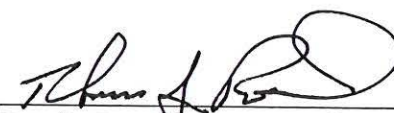
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The change is temporary. The change shall be effective upon issuance of this order.

2. The former place of use shall not be irrigated as part of this water right during the 2002, 2003, 2004, 2005 and 2006 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2006 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. The portions of the water right evidenced by Certificate 27030 appurtenant to the proposed place of use shall not be exercised during the 2002, 2003, 2004, 2005 and 2006 irrigation seasons.
6. The use of the remaining water right described by Certificate 41066 shall continue to be in accordance with the terms and conditions of Certificate 41066.
7. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed August 7, 2002.


For Paul R. Cleary, Director

After Recording Return to:

Farm Credit Services - Baker City
2024 Washington
PO Box 698
Baker City, OR 97814

Customer/Note No: 06271 - 442

Deed of Trust

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

On May 7, 1997, A. Dwight Arholdus, a married person dealing in his/her separate property, Roben W. Arnoldus, a married person dealing in his/her separate property, hereinafter called Grantors, whose address is

66911 Hunter Road
Summerville, OR 97876

grant, convey, warrant, transfer and assign to Abstract & Title Company, a corporation, hereinafter called Trustee, whose address is PO Box 489, La Grande, OR 97850, in trust with power of sale for the benefit of Northwest Farm Credit Services, ACA, a corporation organized under the Farm Credit Act of 1971, as amended, hereinafter called Beneficiary, whose address is West 601 First Avenue, P.O. Box TAF-CS, Spokane, Washington 99220-4005, property in Union County(ies), State of Oregon, more particularly described as follows:

Commencing at a point of the east line of Section 35, Township 2 South, Range 38 East of the Willamette Meridian, which point is South 0°04' West 2898.7 feet from the northeast corner of said Section 35 (said point being the southeast corner of land conveyed to Union Pacific Railroad Company, a Utah Corporation, by deed recorded July 7, 1966, in Book 153 at Page 245, deed records of Union County, Oregon; thence South 88°37' West along the south line of said Union Pacific Railroad Company property a distance of 2662.1 feet to the southwest corner thereof (said point being also the southeast corner of land conveyed to Boise Cascade Corporation by deed recorded in Book 151 at Page 3 of the deed records of said county); thence Westerly along the south line of said Boise Cascade Corporation property to the southwest corner thereof (said point being on the east line of land conveyed to The Borden Company, a New Jersey corporation, at a point which is 1272.0 feet south of the intersection of said line with the south line of the right of way of the Oregon-Washington Railroad and Navigation Company Railroad; thence South along the east line of The Borden Company property 763.61 feet to the southeast corner thereof; thence West along the south line of The Borden Company property, to the west line of said Section 35; thence South to the north bank of Grande Ronde River at a point where said river crosses the west line of said Section 35; thence Easterly along the north bank of said Grande Ronde River, approximately one-half mile to the west line of the south half of southeast quarter of said Section 35; thence South along the west line of said south half of southeast quarter to the south bank of the Grande Ronde River; thence Easterly along the said south bank of the Grande Ronde River approximately one-half mile to the east line of said section 35; thence North along the said east line of Section 35, a distance of 1500 feet, more or less, to the point of beginning.

SITUATE IN Union County, State of Oregon.

TAX IDENTIFICATION NO. Code 1-7 2S38 35 #500 Ref #06719;

All irrigation equipment, now owned and used, in whole or in part, to irrigate the mortgaged property, together with all similar goods which may be acquired at any time, any additions, replacements, substitutions and accessions, including, but not limited to the following: All irrigation equipment;

and including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances, (including without limitation private roads, grazing privileges, water rights, ditches and conduits and rights of way therefor, all plumbing, lighting, heating, cooling, ventilating, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

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

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MAR 28 2007

WATER RESOURCES DEPT
SALEM OREGON

10353

JO-1 ACCOUNT NO. -
PARTNERSHIP

Proof of useage
PREVIOUS BALANCE

Mtr # 86227650

PAYMENTS

\$1,153.45
\$1,153.45CR
\$.00

9/14/06

PAST DUE BALANCE

BILL DATE	FROM	SERVICE PERIOD	TO	BILLING DAYS	PREVIOUS	METER READINGS PRESENT	MULTIPLIER	USAGE	AMOUNT
8/31/06		7/26 - 8/28		33	81590	93069	1	11479	
		Demand				45.600	1	45.600	

Monthly Consumer Charge 10.00
IRRIGATION RATE 11479 @ .04235 486.14
HORSE POWER CHARGE 187.50
JULY 2006 BPA IR DISCOUNT 167.07CR
TOTAL CURRENT CHARGES 516.57
TOTAL AMOUNT DUE 516.57

mb - 25 ac. 948.35
6P - 97 ac x 9.934 ac. = 268 ac
59 ac. = 9.934 price
Peppermint 5 ac. 4.84-B

Location: PUMP 75 HP PIERCE RD LAG

SERVICE TO	NO. OF DAYS	USAGE	AVG. USE PER DAY
8/26/05	31	12957	418
9/28/05	33	5433	165
10/26/05	28		
11/29/05	34		
12/30/05	65		
1/30/06	96		
2/27/06	124		
3/30/06	155		
4/28/06	184		
5/25/06	211	12164	58
6/27/06	33	17234	522
7/26/06	29	24533	846
8/28/06	33	11479	348

SEE OTHER SIDE FOR INFORMATION

MAKE CHECKS PAYABLE TO: O.T.E.C.

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MAR 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10353

LEASE OF PROPERTY PURCHASED 4/1997 BY A.DWIGHT ARNOLDUS AND
ROBEN W. ARNOLDUS (BOOHER LAND)

THIS LEASE ON -----DAY OF -----1997, BY AND BETWEEN
ROBEN ARNOLDUS, 10604 S. MCALISTER, LA GRANDE, OR AND A. DWIGHT
ARNOLDUS, 65000 BOOTH LANE, COVE, OREGON AS LESSORS AND TRICO
FARMS, A PARTNERSHIP HEREINAFTER REFERRED TO AS LESSEES,
WITNESSETH:

LESSORS, IN CONSIDERATION OF AND UNDER THE TERMS AND CONDITIONS
SET FORTH, DO HEREBY LEASE AND GRANT TO LESSEES THE PREMISES
AS ATTACHED COPY OF DEED OF TRUST (formerly known as the Booher
land), CONSISTING OF 153.3 FARM ACRES.

THIS LEASE SHALL RUN WHILE TRICO FARMS IS A PARTNERSHIP WITH
PRESENT PARTNERS FOR THE PURPOSE OF FARMING THE LAND.

RENTAL; LESSEES AGREE TO PAY AS RENT THE AMOUNT OF THE FARM
CREDIT SERVICES MORTGAGE PAYMENT ON THE LAND, WHICH HAS BEEN
TAKEN OUT IN THEIR (TRICO FARMS) NAME AND ALSO THE TAXES. THE
LESSEES SHALL SEE THAT ALL PAYMENTS ARE MADE TIMELY.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE SET their hands this
day and year first above written.

LESSORS;

Roben W. Arnoldus

ROBEN W. ARNOLDUS

A. Dwight Arnoldus

A. DWIGHT ARNOLDUS

LESSEES; TRICO FARMS

Roben W. Arnoldus

ROBEN W. ARNOLDUS

A. Dwight Arnoldus

A. DWIGHT ARNOLDUS

Alfred A. Arnoldus

ALFRED A. ARNOLDUS

Bonnie J. Arnoldus

BONNIE J. ARNOLDUS

T 10353

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MAR 28 2007

WATER RESOURCES DEPT
SALEM, OREGON