

T-10401

T-10401

TEMPORARY

Name Leon Eichler

By \_\_\_\_\_

Address 12025 SW Lancefield RdMc Minnville OR 97128503 835-2020Change in POUDate filed 6-6-07

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 7-16-07 Vol. 72, page 637

Date for application of water \_\_\_\_\_

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT

Name of stream South Yamhill RiverTrib. of Yamhill River County of YamhillUse Irrigation

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority 4-1-1963In name of Merrill O/Odell Ohling

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 5-38558 Per. No. 5-28726 Cert. No. 33129

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>6-6-07</u>	<u>241.50</u>	<u>87976</u>
TOTAL . . .		
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.

## REMARKS

VOID



Susan

Return by 7-12-07

Susan  
FO!

**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 #: 10401

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 any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

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 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 currently equipped with an appropriate fish screening and/or by-pass device.

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>.

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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.

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- ☒ 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:

*No change in POD*

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.

*Danette L. Ehlers*

Signature

*Danette L. Ehlers*

Printed Name

*Asst. District Fish Biologist*

Title

*(571) 673-6013*

Phone



**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 # 10401

**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

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

July 18, 2007

LEON EICHLER  
12025 SW LANCEFIELD RD  
MCMINNVILLE OR 97128

Reference: Temporary Transfer 10401

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,

*Sarah Henderson*

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #16

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10401, Yamhill 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**

LEON EICHLER  
12025 SW LANCEFIELD RD  
MCMINNVILLE OR 97128

**Findings of Fact**

1. On June 6, 2007, Leon Eichler filed an application to temporarily change the place of use under Certificate 33129 for a period of five years. The Department assigned the application number T-10401.

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

**Certificate:** 33129 in the name of MERRILL D. OHLING AND ODELL S. OHLING  
(perfected under Permit S-28726)

**Use:** IRRIGATION of 66.5 ACRES

**Priority Date:** APRIL 1, 1963

**Rate:** 0.83 CUBIC FOOT PER SECOND (cfs)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

**Source:** SOUTH YAMHILL RIVER, tributary to YAMHILL 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	DLC	Survey Coordinates
5 S	5 W	WM	13	SW SW	Jeffries DLC 67	540 FEET NORTH AND 5200 FEET WEST FROM THE SE CORNER OF GARRISON DLC 66

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	13	SE SW	Garrison DLC 66	4.2
5 S	5 W	WM	13	SE SW	Jeffries DLC 67	4.2
5 S	5 W	WM	13	SW SE	Jeffries DLC 67	3.5
5 S	5 W	WM	13	SW SE	Garrison DLC 66	5.5
5 S	5 W	WM	13	SE SE	Garrison DLC 66	0.9
5 S	5 W	WM	24	NE NE	Garrison DLC 66	0.5
5 S	5 W	WM	24	NE NE	Jeffries DLC 67	17.0
5 S	5 W	WM	24	NW NE	Jeffries DLC 67	25.7
5 S	5 W	WM	24	NE NW	Jeffries DLC 67	5.0

3. Application T-10401 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	4 W	WM	19	NW NW	6.0
5 S	4 W	WM	19	SW NW	30.0
5 S	4 W	WM	19	NW SW	15.0
5 S	4 W	WM	19	SW SW	3.0
5 S	5 W	WM	24	NE NE	1.0
5 S	5 W	WM	24	SE NE	2.0
5 S	5 W	WM	24	NE SE	8.0
5 S	5 W	WM	24	SE SE	1.5

4. Notice of the application for temporary transfer was published on June 12, 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 were present within the five year period prior to submittal of Transfer Application T-10401.
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.

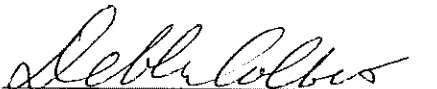
### Conclusions of Law

The temporary change in place of use proposed in Transfer Application T-10401 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10401 is approved.
2. 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 33129 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 33129.
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 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.
9. The use of the remaining water right described by Certificate 33129 shall continue to be in accordance with the terms and conditions of Certificate 33129.

Dated at Salem, Oregon this 16<sup>th</sup> day of July 2007.

  
R Phillip C. Ward, Director

Mailing Date: JUL 19 2007

# Water Right Transfer Checklist

Transfer T-10401

Transfer Specialist: Susan Douthit

Transfer Type: Temporary

Applicant Name/Address: Leon Eichler, 12025 Sw Lancefield Rd, McMinnville, OR 97128

Agent Name/Address: NONE

CWRE Name/Number: NONE

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

## Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>S 38558</u>	<u>S 28726</u>	33129	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Temp</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>06/06/07</u>	Proposed Action(s): <u>POU</u> <del>POD</del> <del>HST</del> <del>APOD</del> <del>USE</del> OTHER: <u>POU</u>	
Fees Pd: <u>241.50</u>	WM District: <u>16</u>	ODFW District: <u>Danette Ehlers</u>
Initial Notice: <u>06/12/07</u>	WM Review sent: <u>06/13/07</u>	ODFW Review sent: <u>06/13/07</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

## Processing Dates & Actions

Deficiency Contacts: 6-19 all resolved

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>SSP</u>
Date: _____	Date: _____	Date: <u>7/13/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>SSP</u>
Date: _____	Date: _____	Date: <u>7/13/07</u>
Comments/Special Issues:		

Special Order Volume: Vol 72 Pages 637 Final Order Signature Date: 7-16-07

Notice of FO email'd to processors Susan



### 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 & 1/4 1/4 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 POUs 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 1/4 1/4.

### 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. -Term on deed need notarized signature def letter sent
- ☒ 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 checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map         | <input checked="" type="checkbox"/> FPS       | <input checked="" type="checkbox"/> evidence of use | <input checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI            | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input checked="" type="checkbox"/> well logs       | <input checked="" type="checkbox"/> plat card     |
| <input checked="" type="checkbox"/> audit                | <input checked="" type="checkbox"/> dpd         |   |   |   |

Reviews/comments/conditions received? ☒ Watermaster

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 -



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-10401

Review Due Date: 7/12/07

Applicant Name: Leon Eichler

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

Reviewer(s): M Mccord

Date of Review: Jul. 12, 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: The S. Yamhill may be regulated for the ISWR. This right involved in this transfer is Sr. to the ISWR.
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: The from lands will be checked to insure they are not receiving water.
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: NA
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:

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



STATE OF OREGON  
COUNTY OF YAMHILL  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MERRILL D. OHLING AND ODELL S. OHLING  
of Route 3, Box 681-18, Salem, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
South Yamhill River

a tributary of Yamhill River  
irrigation of 123.0 acres

for the purpose of

under Permit No. 28726 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 April 1, 1963

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  
1.54 cubic feet per second

$$1.54 \div 123 = 0.012520 \times 66.5 =$$

0.83  
on  
temp

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Jeffries DLC 67, Sec-  
tion 13, T. 5 S., R. 5 W., W. M. Diversion point located 540 feet North and  
5200 feet West from SE Corner, Garrison DLC 66.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited  
to a diversion of not to exceed 2 $\frac{1}{2}$  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:

10.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Jeffries DLC 67 Section 19 T. 5 S., R. 4 W., W. M.	0.9 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$ → 0.9 as projected within Garrison DLC 66 Section 13 0.5 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$ → 0.5 as projected within Garrison DLC 66
4.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ → 17
8.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ → 4.2	25.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ → 25.7
both as projected within Jeffries DLC 67	25.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ → 5
4.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ → 4.2	7.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
11.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ → 5.5	all as projected within Jeffries DLC 67
both as projected within Garrison DLC 66	Section 24 T. 5 S., R. 5 W., W. M.
3.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ → 3.5	
as projected within Jeffries DLC 67	
Section 13 T. 5 S., R. 5 W., W. M.	

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

WITNESS the signature of the State Engineer, affixed

this date. April 8, 1966

CHRIS L. WHEELER  
State Engineer

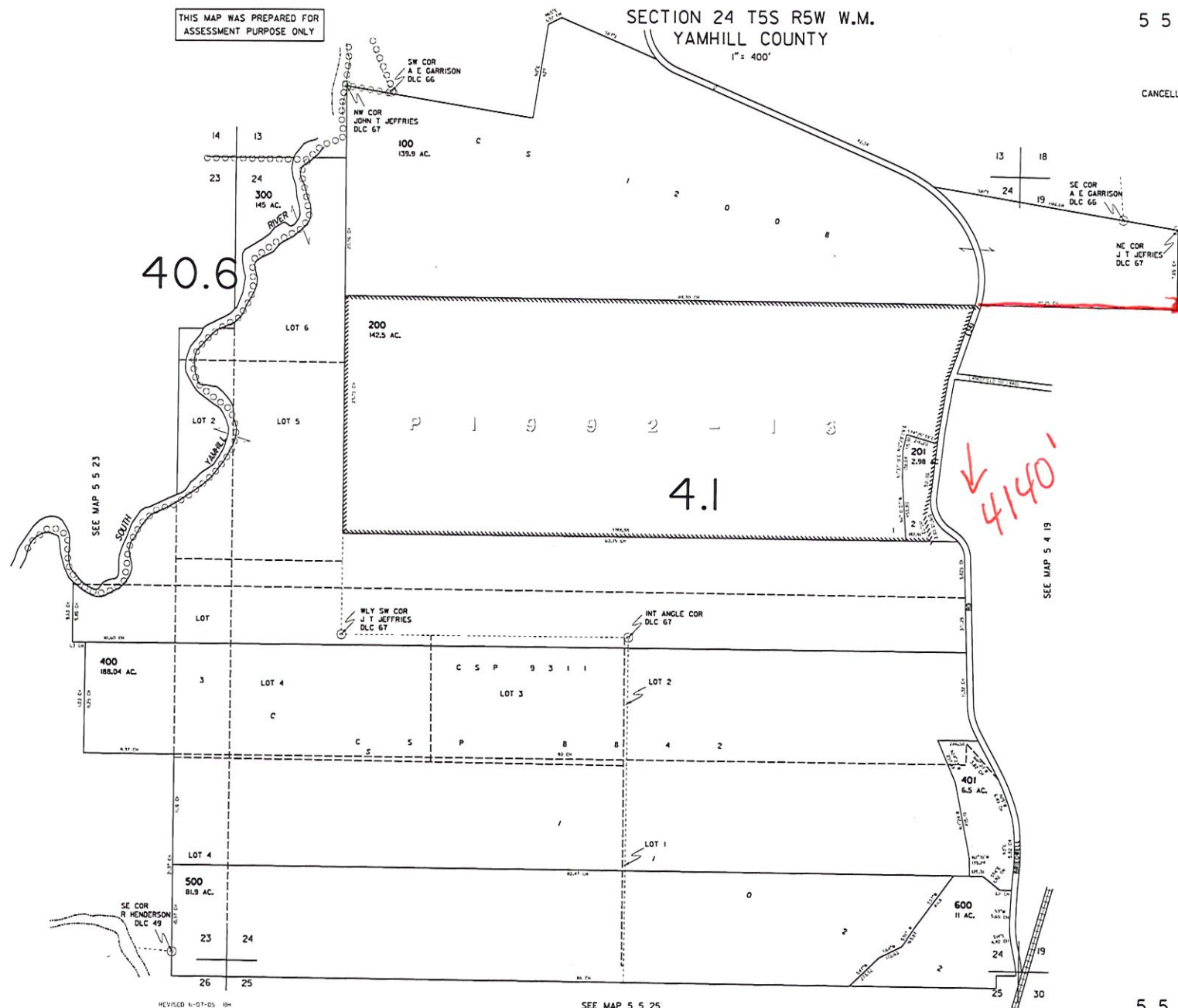
Recorded in State Record of Water Right Certificates, Volume 25, page 33129

T-10401

V54p500 Jmg  
T8535

SECTION 24 T5S R5W W.M.  
YAMHILL COUNTY  
1" = 400'

CANCELLED



5 5 24

SEE MAP 5 4 18

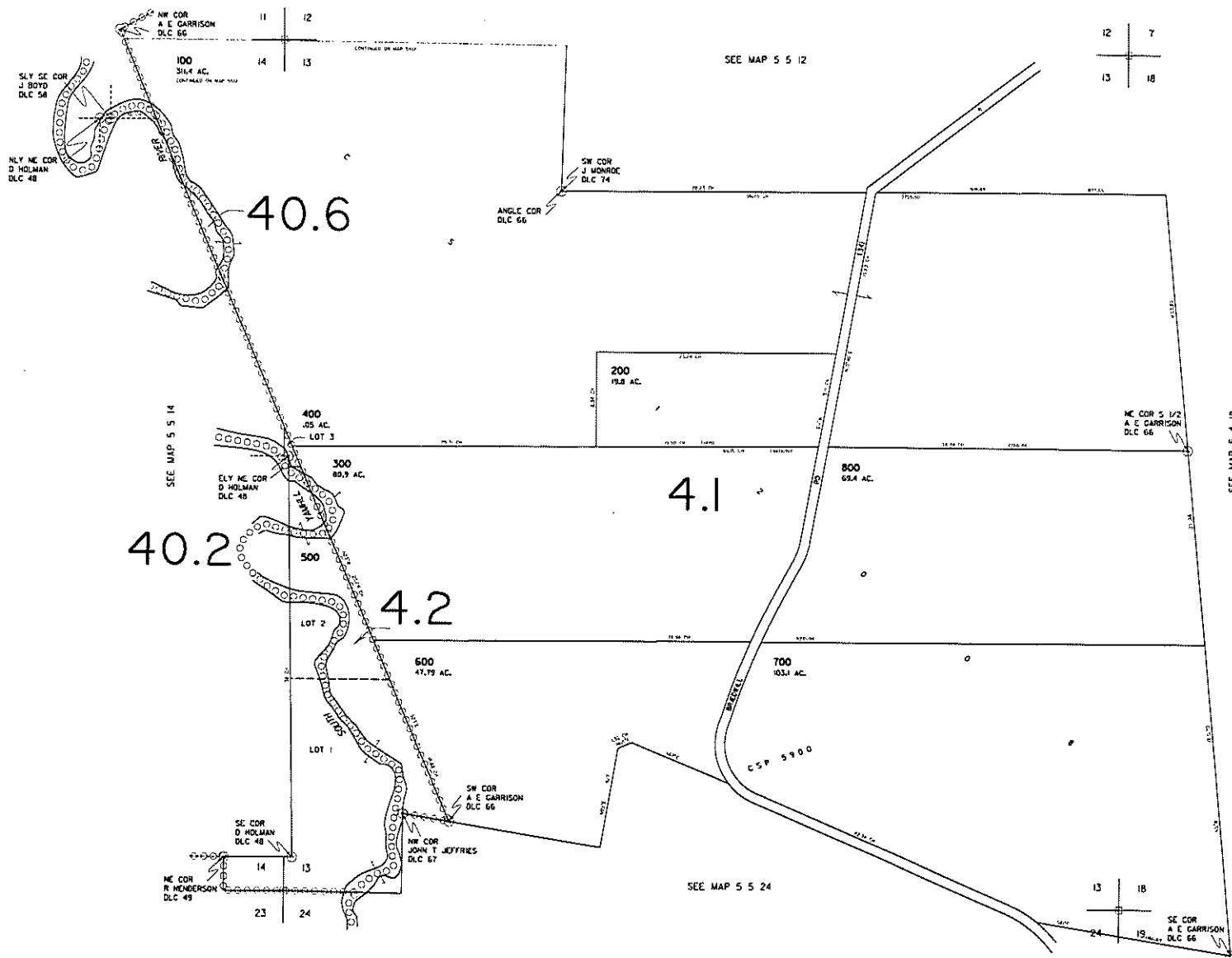
**CANCELLED**  
**2000** REV. 1

5 4 19

SEE MAP 5 4 30



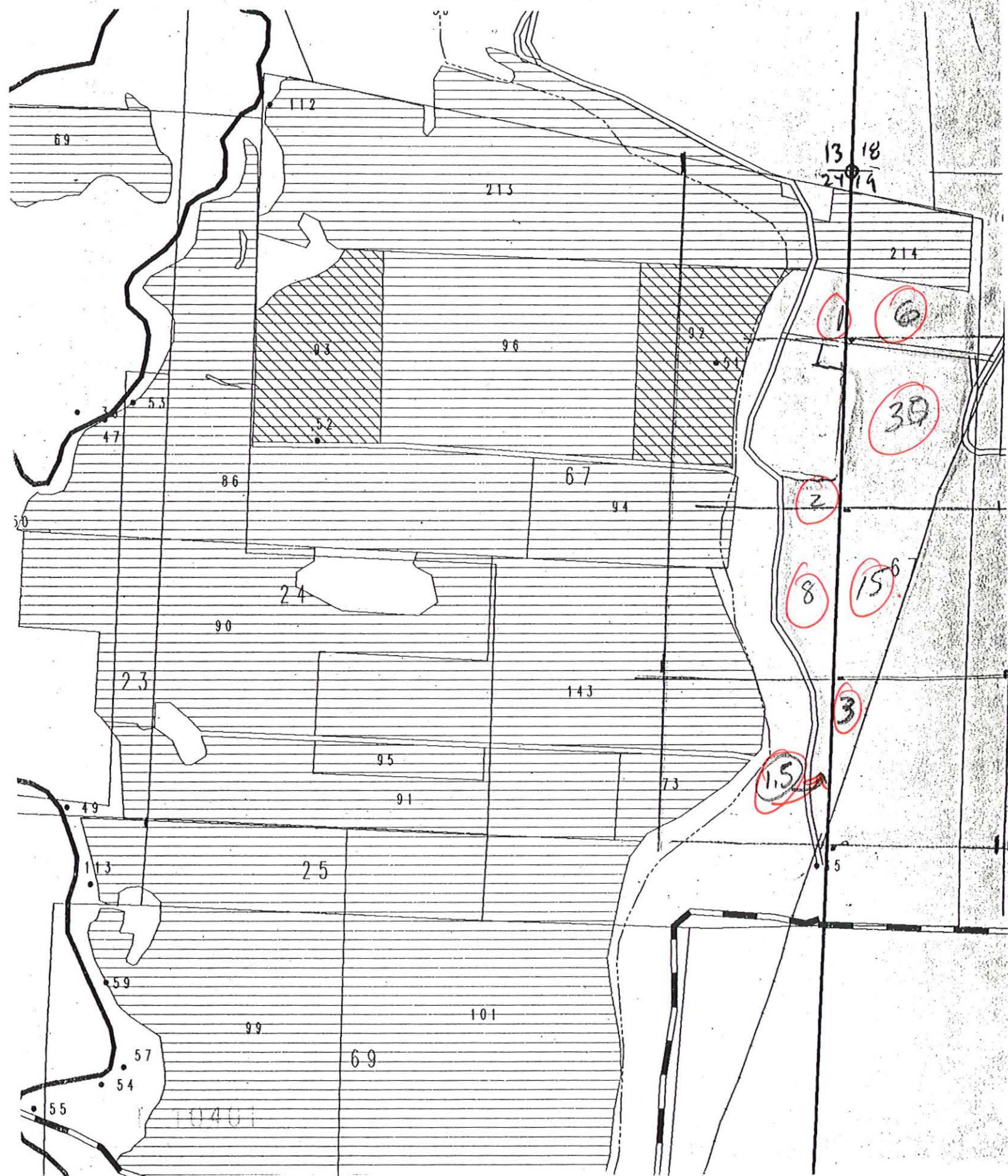
CANCELLED



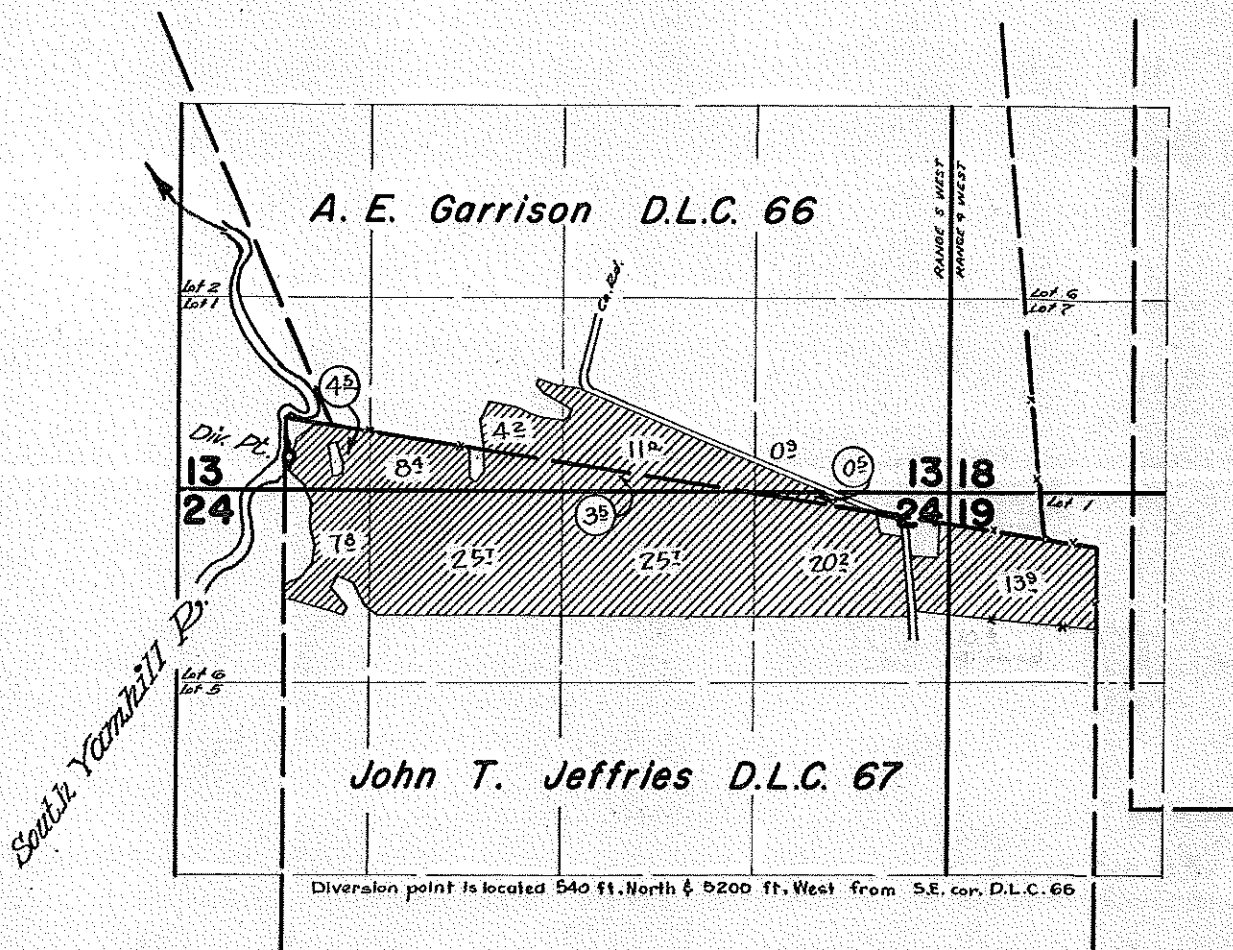
HEV 15,00 4-07-05 BH

# RIGHTS IN TOWNSHIP 5 S

## Section(s) 24



T.5S.R.4&5W.W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 38558 Permit No. 28726  
IN NAME OF

**MERRILL D. & ODELL S. OHLING**

Surveyed August 7, 1964, by

*[Signature]*



# Water Rights Platcard Report

*from*

Meridian: WILLAMETTE Township: 5 South Range: 5 West Section: 13 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:15396 OR *		1/25/1939	IRRIGATION		66								4.4	11.6										
Additional Info: MRS. GEORGE C FULLER App: S17770 Permit: S13457 Cert: 15396																								
Select Cert:19849 OR *		7/5/1946	IRRIGATION		1													2.1						
Additional Info: FLOYD W JACKSON App: S21779 Permit: S17133 Cert: 19849																								
Select Cert:19849 OR *		7/5/1946	IRRIGATION		2												2.3							
Additional Info: FLOYD W JACKSON App: S21779 Permit: S17133 Cert: 19849																								
Select Cert:32142 OR *		11/5/1958	IRRIGATION		66											10.1		4.4		4.6	0.9			
Additional Info: MINNIE SHELDON App: S32746 Permit: S25892 Cert: 32142																								
Select Cert:33129 OR *	T10401	4/1/1963	IRRIGATION		66													4.2			11	0.9		
Additional Info: MERRILL D/ODELL OHLING App: S38558 Permit: S28726 Cert: 33129																								
Select Cert:33129 OR *	T10401	4/1/1963	IRRIGATION		67													4.5	8.4		3.5			
Additional Info: MERRILL D/ODELL OHLING App: S38558 Permit: S28726 Cert: 33129																								



[illegible]

Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	* Acreage is not specified
-----------------	-----------------------	---	--	----------------------------



# Water Rights Platcard Report

*from*

*to*

Meridian: WILLAMETTE

Township: 5

South Range: 5

West Section: 24

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	Unkown QQ
Select <b>Claim:GR 3440 *</b> Additional Info: HERMAN E WOOD Claim: GR3440		6/19/1938	IRRIGATION									1.5	2	10.5	6									
Select <b>Claim:GR 3441 *</b> Additional Info: HERMAN E WOOD Claim: GR3441		6/30/1952	IRRIGATION					4.5	2.5	10	13													
Select <b>Cert:31317 OR *</b> Additional Info: LEHMAN BROTHERS App: S32786 Permit: S25867 Cert: 31317		12/2/1958	IRRIGATION			3										2.4								
Select <b>Cert:31317 OR *</b> Additional Info: LEHMAN BROTHERS App: S32786 Permit: S25867 Cert: 31317		12/2/1958	IRRIGATION			4										10.5								
Select <b>Cert:31317 OR *</b> Additional Info: LEHMAN BROTHERS App: S32786 Permit: S25867 Cert: 31317		12/2/1958	IRRIGATION			5								20.9										
Select <b>Cert:31317 OR *</b> Additional Info: LEHMAN BROTHERS App: S32786 Permit: S25867 Cert: 31317		12/2/1958	IRRIGATION			6						10.6												
Select <b>Cert:31317 OR *</b> Additional Info: LEHMAN BROTHERS App: S32786		12/2/1958	IRRIGATION			67				0.9				2.2	4.6	15	6.8				3.5			

Permit: S25867 Cert: 31317				7.2	13.6	34	13.8	13.5	1.3	15.2	34								
Select	Cert:32368 OR *	12/15/1961	IRRIGATION	67															
Additional Info: HERMAN E WOOD App: S37262 Permit: S27760 Cert: 32368																			
Select	Cert:33129 OR *	T10401 4/1/1963	IRRIGATION	66	0.5														
Additional Info: MERRILL D/ODELL OHLING App: S38558 Permit: S28726 Cert: 33129																			
Select	Cert:33129 OR *	T10401 4/1/1963	IRRIGATION	67	20.2	25.7		25.7	7.8										
Additional Info: MERRILL D/ODELL OHLING App: S38558 Permit: S28726 Cert: 33129																			
Select	Cert:33661 OR *	5/3/1961	IRRIGATION										27.4						
Additional Info: D K HOWARD App: S34866 Permit: S27366 Cert: 33661																			
Select	Cert:33661 OR *	5/3/1961	IRRIGATION	67									8.2	22.6	21.6	13.2			
Additional Info: D K HOWARD App: S34866 Permit: S27366 Cert: 33661																			
Select	Cert:33669 OR *	1/30/1962	IRRIGATION										20.7	2.4					
Additional Info: GALE B VINTON App: S37366 Permit: S27815 Cert: 33669																			
Select	Cert:33669 OR *	1/30/1962	IRRIGATION	3							13.5								
Additional Info: GALE B VINTON App: S37366 Permit: S27815 Cert: 33669																			
Select	Cert:33669 OR *	1/30/1962	IRRIGATION	4								21.3							



[illegible]

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 5 South Range: 4 West Section: 19 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	Unkown QQ
Select <b>Permit:R 9973 CN</b> Additional Info: ROY VANDERVELDE App: R68165 Permit: R9973		8/29/1984	DAIRY BARN USES	CN														*	*					
Select <b>Claim:GR 46 *</b> Additional Info: W R & MAY F KONZELMAN Claim: GR46		4/2/1946	IRRIGATION									2	2											
Select <b>Claim:GR 832 *</b> Additional Info: DONALD E WARNER Claim: GR832		3/15/1952	IRRIGATION							2.59					2	16					28	6		
Select <b>Permit:S 48765 CN</b> Additional Info: ROY VANDERVELDE App: S68166 Permit: S48765		8/29/1984	IRRIGATION	CN						26.6					24.6	10.4	10	9.8	4.6		2	14		
Select <b>Permit:S 53408 *</b> Additional Info: MELVIN KEMPF App: S83460 Permit: S53408		6/20/1997	IRRIGATION									1		8	14	22	21							
Select <b>Cert:33129 OR *</b> Additional Info: MERRILL D/ODELL OHLING App: S38558 Permit: S28726 Cert: 33129	T10401	4/1/1963	IRRIGATION											10.6										
Select <b>Cert:42573 OR *</b> Additional Info: ROBERT LANCEFIELD App: S41606 Permit: S31196		11/15/1965	IRRIGATION									11.6			6.4									



Cert: 42573																			
Select	Cert:42575 OR *	10/20/1969	IRRIGATION	44	24.9	27.3	19.9	19.2											
Additional Info: ROBERT LANCEFIELD App: S46494 Permit: S34745 Cert: 42575																			
Select	Cert:50066 OR *	7/18/1973	IRRIGATION	44	3.2	4.4													
Additional Info: LANCEFIELD FARM CO. App: S50890 Permit: S37762 Cert: 50066																			
Select	Cert:60419 OR *	8/17/1972	IRRIGATION														0.8		
Additional Info: REBEL EVETTE MARTIN App: G5871 Permit: G5211 Cert: 60419																			
Select	Permit:S 39599 *	5/16/1973	MUNICIPAL USES									*	*			*	*		
Additional Info: CITY OF AMITY App: S50474 Permit: S39599																			
Select	Cert:28994 OR CN	3/6/1959	MUNICIPAL USES	CN													*		
Additional Info: CITY OF AMITY App: G1410 Permit: G1283 Cert: 28994																			
Select	Cert:42279 OR *	4/24/1970	MUNICIPAL USES									*					*		
Additional Info: CITY OF AMITY App: G5169 Permit: G4780 Cert: 42279																			
Select	Cert:61988 CF *	1/24/1939	MUNICIPAL USES									*	*			*	*		
Additional Info: CITY OF AMITY App: S17767 Permit: S13455 Cert: 61988																			
Select	Cert:82452 CF *	3/6/1959	MUNICIPAL USES														*		
Additional Info:																			

6/19/2007





# 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

June 12, 2007

LEON EICHLER  
12025 SW LANCEFIELD RD  
MCMINNVILLE OR 97128

Reference: Temporary Transfer 10401

On June 6, 2007 we received your water right transfer application. The application was accompanied by \$241.50. Our receipt 87976 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the 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 #16  
Danette Ehlers, 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 06/12/07

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. 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.

County: Yamhill  
Transfer: T -10401  
Water Right: Cert:33129 OR \*  
Priority Date: 1963  
Name: LEON EICHLER  
Address: 12025 SW LANCEFIELD RD; MC MINNVILLE OR 97128  
Change: POU  
Source: SOUTH YAMHILL RIVER > YAMHILL RIVER  
Authorized POU: T5S R5W 13,24  
T5S R4W 13  
Proposed POU: T5S R5W 24  
T5S R4W 19

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. Comments should be sent to the Transfers Section at the Department's Salem office.



# 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

June 19, 2007

LEON EICHLER  
12025 SW LANCEFIELD RD  
MCMINNVILLE OR 97128

REFERENCE: Temporary Transfer T-10401

We are examining your water right temporary transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The deed submitted covers lands to which you proposed to move the right "to". It is necessary for the Department to verify ownership of the lands which you propose to move water rights "from". Exhibit A that you provided describes property in tax lot 400 in Section 19, T5S R4W. I have enclosed a copy of Exhibit A that you submitted. If you own the land "from" which you are transferring a water right please submit the deed that describes the property also known as tax lot 100 in Section 24, T5S R5W. If you do not own the land, you need to submit signed, notarized statements from all landowners indicating that they consent to the proposed change to the water right. ✓
2. Please ensure that all owners listed on the deed have authorized this transaction. For example, on the deed you submitted describing the property in Section 19, T5S R4W both Leon and Terri are listed as owners. We would require a notarized signature for Terri as well. ✓

Please submit the deed describing the "from" lands if you are the landowner and if necessary, notarized signatures of all persons listed on the deed. If you are not the landowner you will need to obtain written, notarized authorization from the landowners of the water right change. Please submit this information by **July 19, 2007**, to Susan Douthit, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0858.

Sincerely,

Susan Douthit  
Water Rights Transfer Specialist

cc: Mike McCord, Watermaster, District 16

enclosures

Home Place

EXHIBIT "A"

Legal Description:

PARCEL 1:

A tract of land in Section 24, Township 5 South, Range 5 West, and Section 19 of Township 5 South, Range 4 West, Yamhill County, Oregon, and being more particularly described as follows:

BEGINNING at a point on the East line of the John T. Jeffries Donation Land Claim No. 67 that is 7.66 chains South of the Northeast corner of said Jeffries Donation Land Claim; thence West 1230 feet more or less along the North line of that tract of land described in deed to G.E. Wood and recorded December 1, 1904 in Book 47 Page 183, Yamhill County Deed Records, to the center line of Briedwell Road; thence Southerly 4140 feet more or less along said center line to a point that is 20 feet West of the Northwest corner of Tract No. 1 of that tract of land described in deed from W.T. Vinton to Gale Vinton and recorded January 7, 1942, in Book 119 Page 182; thence East 20.00 feet to said Northwest corner; thence North  $89^{\circ} 59' 36''$  East 201.96 feet along the North line of said Vinton tract to the Westerly margin of the Southern Pacific Railroad; thence Northeasterly 3060 feet more or less along said Westerly margin to the East line of said J. T. Jeffries Donation Land Claim; thence North 680 feet more or less along said East line to the POINT OF BEGINNING.

EXCEPT the portions lying in the County Road.

ALSO EXCEPTING that portion conveyed to Yamhill County by Deed recorded November 3, 1972 in Film Volume 91, Page 1850 Deed Records, Yamhill County, Oregon.

AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED PORTION:

A tract of land in Section 24, Township 5 South, Range 5 West, Yamhill County, Oregon, and being more particularly described as follows: BEGINNING at an iron rod set North  $00^{\circ} 51' 59''$  West 1875.11 feet from the Southeast corner of said Section 24; thence North  $82^{\circ} 56' 04''$  West 318.10 feet to an iron rod on the easterly margin of Briedwell Road (20 feet from center line); thence South  $00^{\circ} 13' 08''$  East 174.88 feet along said easterly margin to the beginning of a curve concave to the East having a radius of 406.69 feet; thence Southerly 216.00 feet along curve (chord=South  $15^{\circ} 26' 03''$  East 213.47 feet); thence South  $30^{\circ} 38' 58''$  East 192.21 feet to the beginning of a curve concave to the West having a radius of 1772.02 feet; thence Southerly 174.65 feet along said curve (chord=South  $26^{\circ} 21' 22''$  East 175.49 feet) to an iron rod; thence North  $07^{\circ} 03' 56''$  East 669.21 feet to the POINT OF BEGINNING.

YOTE  
1954-9

10401



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 19 T5S R4W W.M.  
YAMHILL COUNTY  
1" = 400'

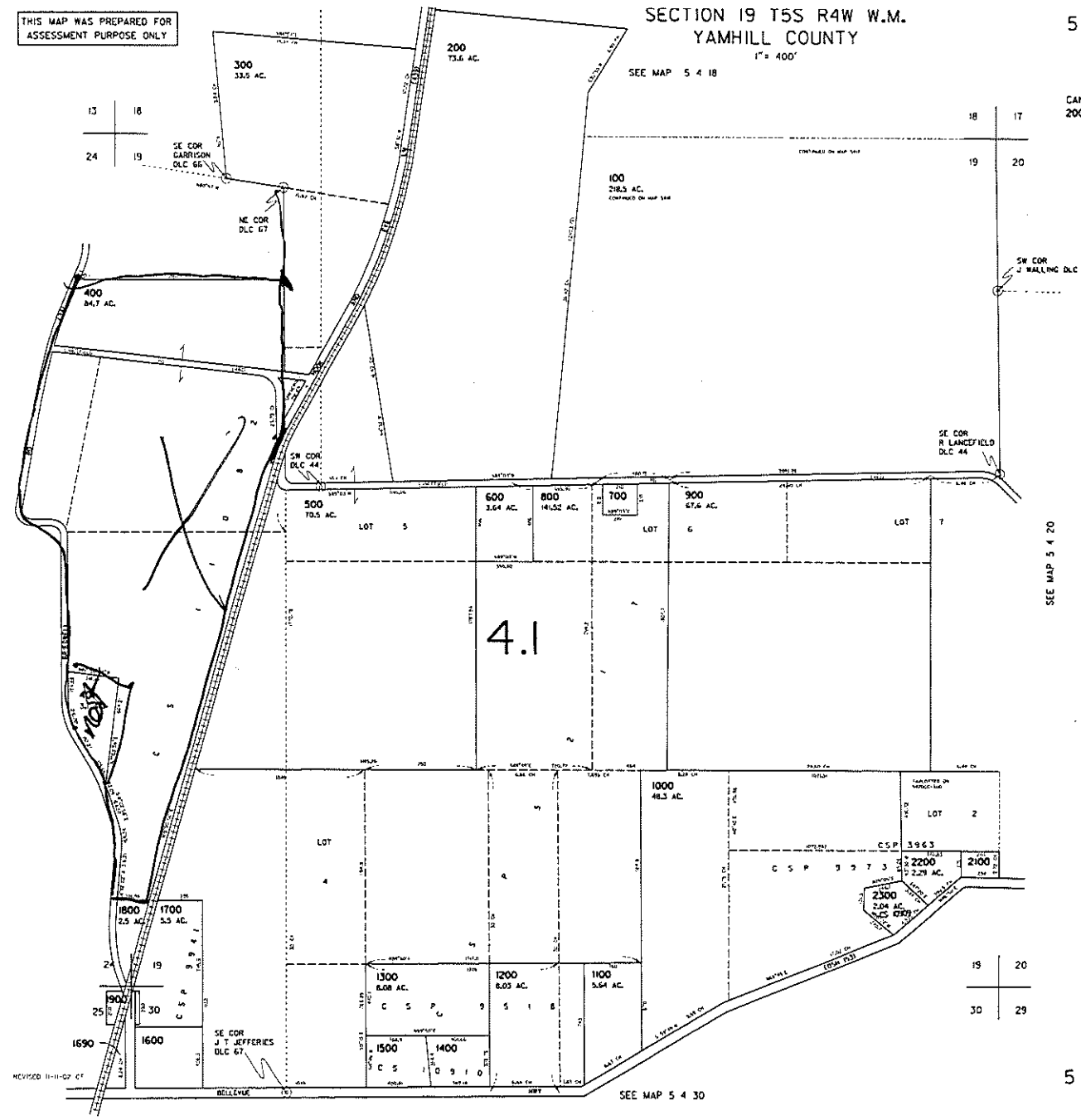
5 4 19

SEE MAP 5 4 18

CANCELLED  
2000 W

SEE MAP 5 5 24

SEE MAP 5 4 20



5 4 19

# **ORIGINALS**

**Transfer Application and Map**

**Receipt**

**Deed or Lot Book Report**

**Notarized Consent**

**Evidence of Use Affidavit**

**Land Use Information Form**

**Lien Holder Notification *(if applicable)***

**Report of Ownership and Lien Info *(if applicable)***

**&**

**Other Supporting Documentation**



# 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

June 19, 2007

LEON EICHLER  
12025 SW LANCEFIELD RD  
MCMINNVILLE OR 97128


REFERENCE: Temporary Transfer T-10401

We are examining your water right temporary transfer application. There are some problems that need to be resolved before we can continue processing your application.

1. The deed submitted covers lands to which you proposed to move the right "to". It is necessary for the Department to verify ownership of the lands which you propose to move water rights "from". Exhibit A that you provided describes property in tax lot 400 in Section 19, T5S R4W. I have enclosed a copy of Exhibit A that you submitted. If you own the land "from" which you are transferring a water right please submit the deed that describes the property also known as tax lot 100 in Section 24, T5S R5W. If you do not own the land, you need to submit signed, notarized statements from all landowners indicating that they consent to the proposed change to the water right.
2. Please ensure that all owners listed on the deed have authorized this transaction. For example, on the deed you submitted describing the property in Section 19, T5S R4W both Leon and Terri are listed as owners. We would require a notarized signature for Terri as well.

Please submit the deed describing the "from" lands if you are the landowner and if necessary, notarized signatures of all persons listed on the deed. If you are not the landowner you will need to obtain written, notarized authorization from the landowners of the water right change. Please submit this information by **July 19, 2007**, to Susan Douthit, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0858.

Sincerely,

  
Susan Douthit  
Water Rights Transfer Specialist

cc: Mike McCord, Watermaster, District 16

enclosures

RECEIVED

JUN 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON

6/25/07  
I Terri Eichler  
Authorize this  
Temporary Transfer  
of water rights.

X  
Notarized



PO Box 250  
Amity, OR 97101  
503-835-2660 Telephone  
503-835-9192 Fax

# Eichler Brothers

Water Resources Dept, Attn Susan Douthit

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1266

Ref: Temporary Transfer T-10401

To Whom It May Concern:

We, Leon Eichler and Terri Eichler, authorize the transfer of my water rights, as they apply to Temporary Transfer T-10401.

Signed:



Terri Eichler

Signed:



Leon Eichler

6-25-07

State of Oregon  
County of Yamhill

Terri and Leon Eichler personally appeared  
before me on June 25, 2007 and signed  
this paper.



Provider of Quality Agriculture Products & Services



Providing Quality Agriculture Services & Products  
Hay & Straw Products, Hay Storage, Forklift & Trucking

RECEIVED

JUN 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON



After recording return to:  
Leon Eichler and Terri Eichler  
12025 SW Lancefield Road  
McMinnville, OR 97128

Until a change is requested all tax statements  
shall be sent to the following address:  
Leon Eichler and Terri Eichler  
12025 SW Lancefield Road  
McMinnville, OR 97128

File No.: 1031-559850 (LVF)  
Date: May 03, 2005

THIS SPACE RESERVED FOR RECORDER'S USE

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$36.00

00199925200500104110030038

200510411

1:44:56 PM 5/20/2005

DMR-DDMR Cnt=1 Stn=3 KENTV  
\$15.00 \$10.00 \$11.00

### STATUTORY BARGAIN AND SALE DEED

**HUB Farms, Inc., an Oregon Corporation**, Grantor, conveys to **Leon Eichler and Terri Eichler, Husband and Wife**, Grantee, the following described real property:

See attached Exhibit "A"

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$Fulfillment of that certain contract recorded in FV 306, Page 930.** (Here comply with requirements of ORS 93.030)

Dated this 6<sup>th</sup> day of May, 2005.

HUB Farms, Inc.

By: 

John G. Duyn, President

Page 1 of 13

RECEIVED

JUN 27 2007

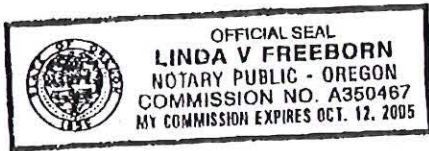
WATER RESOURCES DEPT  
SALEM, OREGON

APN:

Bargain and Sale Deed  
- continuedFile No.: 1031-559850 (LVF)  
Date: 05/03/2005

STATE OF Oregon )  
 )ss.  
 County of Yamhill )

This instrument was acknowledged before me on this 6 day May, 2005  
 by John G. Duyn, as President of HUB Farms, Inc.



Linda V. Freeborn

Notary Public for Oregon

My Commission Expires: 10/12/05

Page 2 of 13

**RECEIVED**

**JUN 27 2007**

**WATER RESOURCES DEPT  
 SALEM, OREGON**



## EXHIBIT "A"

Being a part of the John T. Jeffries Donation Land Claim No. 67 and the A. E. Garrison Donation Land Claim No. 66 in Sections 13 and 24, Township 5 South, Range 4 West, and in Section 19, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northeast corner of said Jeffries Donation Land Claim; thence South 7.66 chains along East line of said Donation Land Claim to a point; thence West 84.30 chains to a point on West line of said Jeffries Donation Land Claim said point also being the Northwest corner of a certain tract of land conveyed to Herman E. Wood by deed recorded February 17, 1936 in Book 111, Page 98 Deed Records; thence North along the West line of said Jeffries Donation Land Claim to the Northwest corner of said Donation Land Claim; thence South 81° East, a distance of 19.12 chains to a point; thence North 9° East 9.50 chains to a point thence North 65° East 1.32 chains; thence South 67° East 42.34 chains to a point on the North line of said Jeffries Donation Land Claim; thence South 81° East 23.64 chains to the place of beginning.

EXCEPTING THEREFROM that tract of land conveyed to Yamhill County by deed recorded June 11, 1973 in Film Volume 94, Page 1850, Deed and Mortgage Records.

RECEIVED  
JUN 27 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

3/3

## Eichler Brothers



12025 SW Lancefield Rd.  
McMinnville, OR 97128

Ph: 503-835-2660 Fax: 503-835-9192

Just the Fax

To: Susan Douthett  
From: Juan Smith 503 835 2660 x 27  
Date: \_\_\_\_\_  
Re: WALK RIGHTS # T-10401

Please see if this  
is the deed you  
require -

Thanks

Susan (Also)  
Signature

TO  
188  
Teffin

There are (5) pages including this cover page. Please  
call me at the above number if you do not receive all pages.

PO Box 250  
Amity, OR 97101  
503-835-2660 Telephone  
503-835-9192 Fax

# Eichler Brothers

Water Resources Dept, Attn Susan Douthit

North Mall Office Building

725 Summer Street NE, Suite A

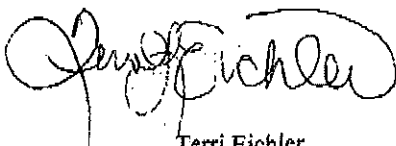
Salem, OR 97301-1266

Ref: Temporary Transfer T-10401

To Whom It May Concern:

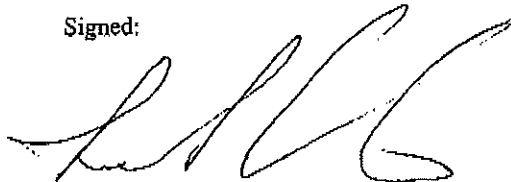
We, Leon Eichler and Terri Eichler, authorize the transfer of my water rights, as they apply to Temporary Transfer T-10401.

Signed:



Terri Eichler

Signed:



Leon Eichler

6-25-07

State of Oregon  
County of Yamhill

Terri and Leon Eichler personally appeared  
before me on June 25, 2007 and signed  
this paper.

Judy Tanzi



Provider of Quality Agriculture Products & Services





## Eichler Brothers



12025 SW Lancefield Rd.  
McMinnville, OR 97128

Ph: 503-835-2660 Fax: 503-835-9192

Just the Fax

To: Susan Douthett  
From: Jean Smith 503 835 2660 x 27  
Date: \_\_\_\_\_  
Re: WALK R.S.H.S # T-10401

Please see if this  
is the deed you  
require -

Thanks

There are (5) pages including this cover page. Please  
call me at the above number if you do not receive all pages.



***First American  
Title Insurance Company***

To: Jan  
Company:  
Fax: 5038359192  
  
From: Donna Befus  
Phone: 503.565.2121  
Fax: 866.800.7294

---

NOTES

503-986-0903

Date and time of transmission Monday, June 25, 2007 1:06:54 PM  
Number of pages including cover 04



After recording return to:  
Leon Eichler and Terri Eichler  
12025 SW Lancefield Road  
McMinnville, OR 97128

Until a change is requested all tax statements  
shall be sent to the following address:  
Leon Eichler and Terri Eichler  
12025 SW Lancefield Road  
McMinnville, OR 97128

File No.: 1031-559850 (LVF)  
Date: May 03, 2005

THIS SPACE RESERVED FOR RECORDER'S USE

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$36.00

00198825200500104110030038

200510411

1:44:56 PM 5/20/2005

DMR-DDMR Cnt=1 Stn=3 KENTV  
\$15.00 \$10.00 \$11.00

### STATUTORY BARGAIN AND SALE DEED

HUB Farms, Inc., an Oregon Corporation, Grantor, conveys to Leon Eichler and Terri Eichler, Husband and Wife, Grantee, the following described real property:

See attached Exhibit "A"

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$Fulfillment of that certain contract recorded in FV 306, Page 930. (Here comply with requirements of ORS 93.030)

Dated this 6th day of May, 2005.

HUB Farms, Inc.

By: 

John G. Duyn, President

NORTHWEST TITLE COMPANY 83285



APN:

Bargain and Sale Deed  
- continuedFile No.: 1031-559850 (LVF)  
Date: 05/03/2005

STATE OF Oregon )  
County of Yamhill )ss.  
)

This instrument was acknowledged before me on this 6 day May, 20 05  
by John G. Duyn, as President of HUB Farms, Inc.



Linda V. Freeborn

Notary Public for Oregon

My Commission Expires: 10/12/05

## EXHIBIT "A"

Being a part of the John T. Jeffries Donation Land Claim No. 67 and the A. E. Garrison Donation Land Claim No. 66 in Sections 13 and 24, Township 5 South, Range 4 West, and in Section 19, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northeast corner of said Jeffries Donation Land Claim; thence South 7.66 chains along East line of said Donation Land Claim to a point; thence West 84.30 chains to a point on West line of said Jeffries Donation Land Claim said point also being the Northwest corner of a certain tract of land conveyed to Herman E. Wood by deed recorded February 17, 1936 in Book 111, Page 98 Deed Records; thence North along the West line of said Jeffries Donation Land Claim to the Northwest corner of said Donation Land Claim; thence South 81° East, a distance of 19.12 chains to a point; thence North 9° East 9.50 chains to a point thence North 65° East 1.32 chains; thence South 67° East 42.34 chains to a point on the North line of said Jeffries Donation Land Claim; thence South 81° East 23.64 chains to the place of beginning.

EXCEPTING THEREFROM that tract of land conveyed to Yamhill County by deed recorded June 11, 1973 in Film Volume 94, Page 1850, Deed and Mortgage Records.

3/3

**When 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:

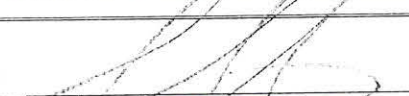

☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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>Leon S. Eichler</u> name (print)	<u>6-6-07</u> date
 applicant signature	<u>Terri L. Eichler</u> name (print)	<u>6-27-07</u> date

RECEIVED

JUN 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **87976**

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

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

RECEIVED FROM: Eichler Brothers

APPLICATION	
PERMIT	
TRANSFER	T-10401

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 5818 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 241.50

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$  
OTHER: (IDENTIFY) \$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER \$  
0203 GROUND WATER \$  
0205 TRANSFER \$ 241.50

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$  
LANDOWNER'S PERMIT \$

OTHER (IDENTIFY) \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$  
0210 MONITORING WELLS \$  
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 \$

ECEIPT: **87976**

DATED: 6/6/07 BY: JSm40

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





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](http://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>07</u> )	<input type="checkbox"/> Drought Transfer
(end year: <u>12</u> )	<input type="checkbox"/> Other

## 2. APPLICANT INFORMATION

Name: Leon Eichler  
First Last

Address: 12025 SW Lancefield RD  
McMinnville OR 97128  
City State Zip

Phone: 503 835 2020 503 835 2660 503 560 2290 (cell-8091)  
Home Work Other

Fax: 503-835-9192 E-Mail address: eichler Brothers Verizon.net ⑨

## 3. AGENT INFORMATION

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

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

▪ 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.

#### 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.			33129
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): Crop rotation

#### 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.*

60 hp electric
- System capacity: 1.5 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

T 10401

## 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:*

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- 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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T 10401



## 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): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

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

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

*If "No", provide the following information:*

Names of Receiving Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
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.)

T 10401



## 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:
- ❶ In EFU zone or irrigation district,
  - ❷ Change in place of use only,
  - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ❹ Irrigation only.

#### Fees:

- ☐ Amount enclosed: \$ \_\_\_\_\_  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://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.

**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	Leon S Eichler name (print)	6-6-7 date
 applicant signature	 name (print)	 date

10401



## 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: 33129

### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (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"/> <b>Additional</b> (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"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (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"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)  <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

## 2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>33129</u>	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Merril Ohling & Ood Ohling
- County: Yanhill
- Authorized Use(s) to be Affected by Transfer: ir
- Priority Date(s): 4-1-63

*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: S. Fork Yanhill River
- Tributary to: Yanhill

*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).*



▪ Certificate Number or other identifying number: 33129

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)
	4/1/43	5S	5W		13	SW-SW	66	540' N 5200' W SE GARISON

- 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

33129

*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.*

(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: \_\_\_\_\_

### 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

▪ Certificate Number or other identifying number: 33129

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)
	5S	5W		24	NE-NE		1
	5S	5W		24	SE-NE		2
	5S	5W		24	NE SE		8
	5S	5W		24	SE SE		1.5
	5S	4W		19	NW-NW		6
	5S	4W		19	SW NW		30
	5S	4W		19	NW SW		15
	5S	4W		19	SW SW		3
							66.5

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

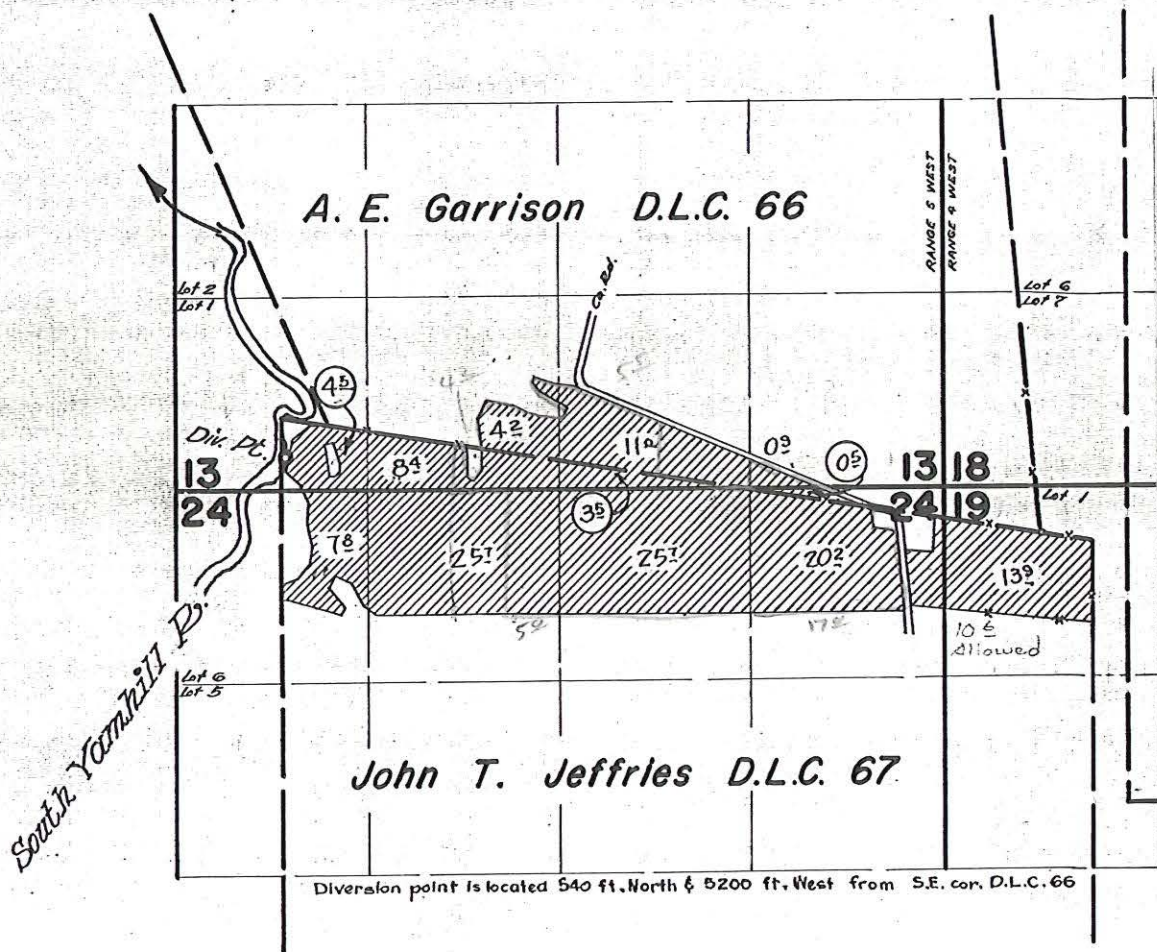
T 10401



From

T-8535

T.5S.R.485W.W.M.



FINAL PROOF SURVEY  
UNDER

Application No. 38558... Permit No. 28726...  
IN NAME OF

MERRILL D. & ODELL S. OHLING

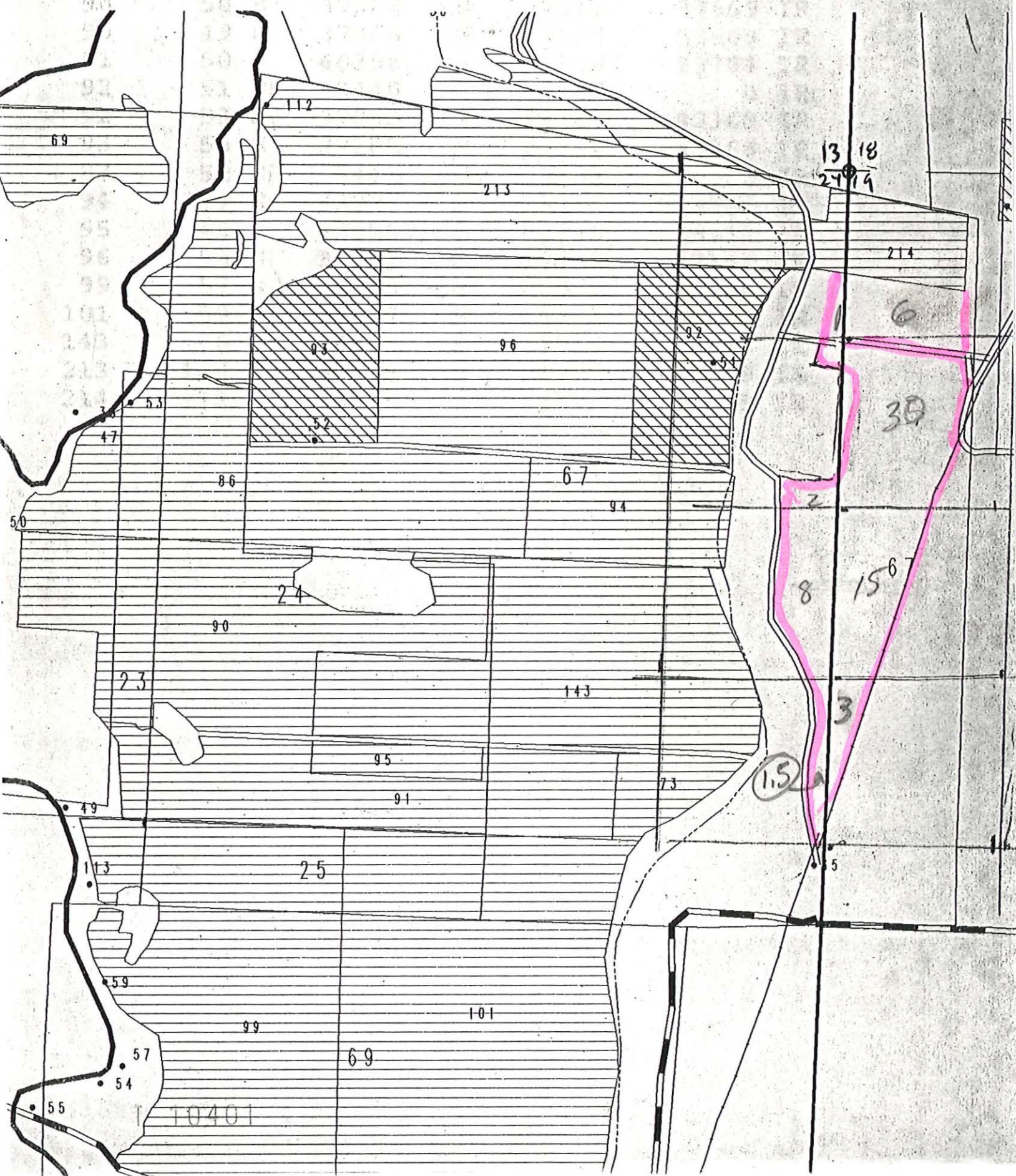
T 10401

Surveyed August 7, 1964, by *[Signature]*



# RIGHTS IN TOWNSHIP 5 S

## Section(s) 24



Home Place

EXHIBIT "A"

Legal Description:

PARCEL 1:

A tract of land in Section 24, Township 5 South, Range 5 West, and Section 19 of Township 5 South, Range 4 West, Yamhill County, Oregon, and being more particularly described as follows:

BEGINNING at a point on the East line of the John T. Jeffries Donation Land Claim No. 67 that is 7.66 chains South of the Northeast corner of said Jeffries Donation Land Claim; thence West 1230 feet more or less along the North line of that tract of land described in deed to G.E. Wood and recorded December 1, 1904 in Book 47 Page 183, Yamhill County Deed Records, to the center line of Briedwell Road; thence Southerly 4140 feet more or less along said center line to a point that is 20 feet West of the Northwest corner of Tract No. 1 of that tract of land described in deed from W.T. Vinton to Gale Vinton and recorded January 7, 1942, in Book 119 Page 182; thence East 20.00 feet to said Northwest corner; thence North  $89^{\circ} 59' 36''$  East 201.96 feet along the North line of said Vinton tract to the Westerly margin of the Southern Pacific Railroad; thence Northeasterly 3060 feet more or less along said Westerly margin to the East line of said J. T. Jeffries Donation Land Claim; thence North 680 feet more or less along said East line to the POINT OF BEGINNING.

EXCEPT the portions lying in the County Road.

ALSO EXCEPTING that portion conveyed to Yamhill County by Deed recorded November 3, 1972 in Film Volume 91, Page 1850 Deed Records, Yamhill County, Oregon.

AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED PORTION:

A tract of land in Section 24, Township 5 South, Range 5 West, Yamhill County, Oregon, and being more particularly described as follows: BEGINNING at an iron rod set North  $00^{\circ} 51' 59''$  West 1875.11 feet from the Southeast corner of said Section 24; thence North  $82^{\circ} 56' 04''$  West 318.10 feet to an iron rod on the easterly margin of Briedwell Road (20 feet from center line); thence South  $00^{\circ} 13' 08''$  East 174.88 feet along said easterly margin to the beginning of a curve concave to the East having a radius of 406.69 feet; thence Southerly 216.00 feet along curve (chord=South  $15^{\circ} 26' 03''$  East 213.47 feet); thence South  $30^{\circ} 38' 58''$  East 192.21 feet to the beginning of a curve concave to the West having a radius of 1772.02 feet; thence Southerly 174.65 feet along said curve (chord=South  $26^{\circ} 21' 22''$  East 175.49 feet) to an iron rod; thence North  $07^{\circ} 03' 56''$  East 669.21 feet to the POINT OF BEGINNING.

YCTE  
1954-9

10401



**EXHIBIT "A"**

**Legal Description:**

**PARCEL 1:**

A tract of land in Section 24, Township 5 South, Range 5 West, and Section 19 of Township 5 South, Range 4 West, Yamhill County, Oregon, and being more particularly described as follows:

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YCTE  
1954-9



Escrow No.: 145988T



40.00

00003053199906855002

199906855

2:29:20 PM 04/02/1999

DMR DDMR 1 - 2 ANITA  
10.00 10.00 20.00

Philip S. Eichler, Trustee of the Philip S.  
Eichler Revocable Living Trust dated May  
7, 1992

GRANTOR

Leon S. Eichler and Terri L. Eichler  
GRANTEE

Send Recorded Deed and Tax Statements To:

Leon S. Eichler and Terri L. Eichler  
12025 SW Lancefield Road  
McMinnville, OR 97128

Names, Address, Zip

## WARRANTY DEED

PHILIP S. EICHLER, Trustee of the Philip S. Revocable Living Trust dated May 7, 1992, Grantor, conveys and warrants to LEON S. EICHLER and TERRI L. EICHLER, husband and wife, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in Yamhill COUNTY, OREGON, to wit:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART  
HEREOF.

This property is free from encumbrances, EXCEPT: Those exceptions as shown on Yamhill County Title & Escrow, Inc. report 145988 and that grantor will warrant and forever defend the same against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS \$900,000.00 as paid by an accommodator pursuant to an IRC 1031 Exchange. (Here comply with the requirements of ORS 93.030)

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 29 day of March, 1999.

Philip S. Eichler Trustee

YAMHILL COUNTY TITLE & ESCROW, INC.

145988

MARCH 29 1999

YAMHILL COUNTY TITLE

145988

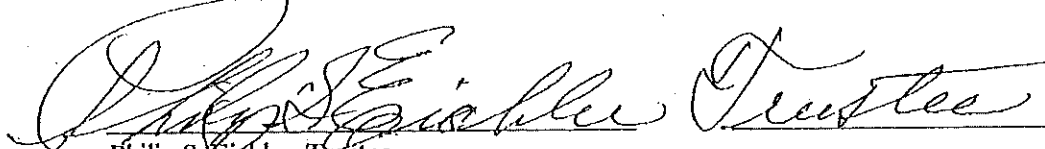
SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE BE A PART  
HEREOF.

This property is free from encumbrances, EXCEPT: Those exceptions as shown on Yamhill County Title & Escrow, Inc. report 145988 and that grantor will warrant and forever defend the same against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

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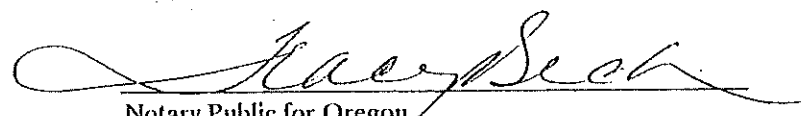
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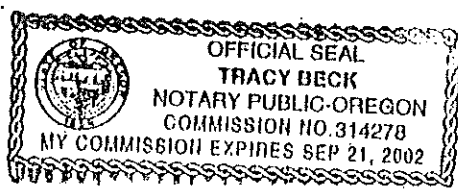
Dated this 29 day of March, 1999.

  
Philip S. Eichler, Trustee

STATE OF OREGON, County of Yamhill) ss.

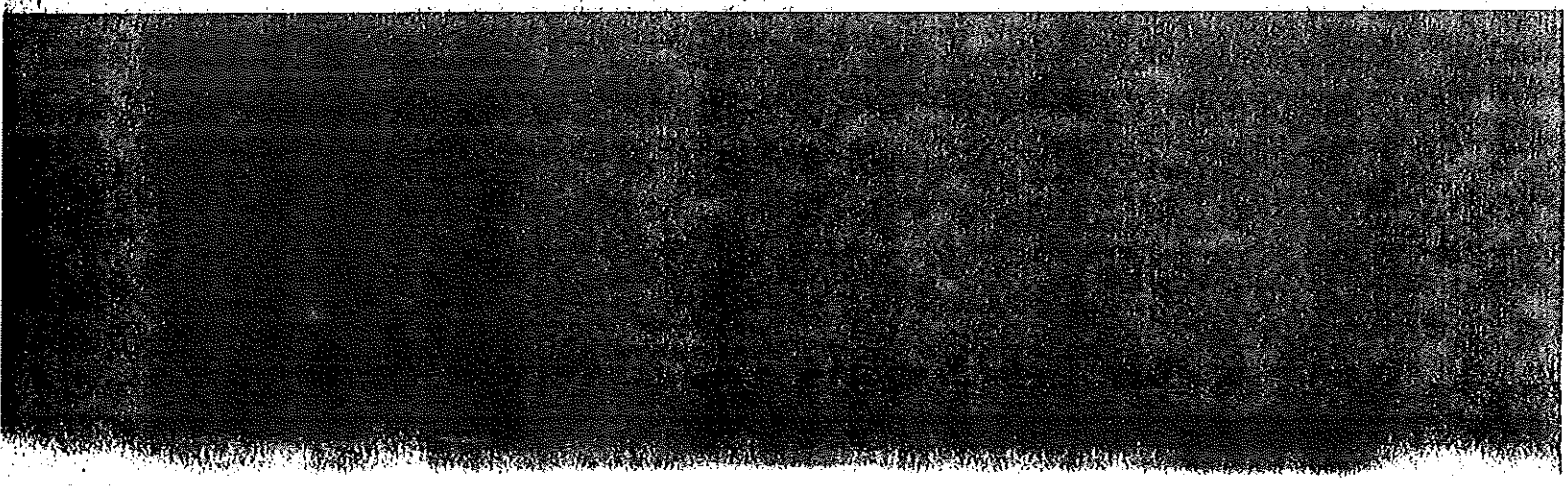
This instrument was acknowledged before me on March 29, 1999, by Philip S. Eichler, Trustee.

  
Notary Public for Oregon  
My Commission Expires: 9/21/2002



T 10401

lot 2



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

State of Oregon )  
 County of Yamhill ) ss

I, Leon Eichler, in my capacity as owner,  
 mailing address P.O. Box 250 Amity OR 97101  
 telephone number (503) 560-2290, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the 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	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
5	S	5	W		13			1.5
5	S	5	W		24			48.6
5	S	4	W		13			17.4

T 10401

(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):

Row crop rotation,

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

60 hp electric

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: \_\_\_\_\_

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 6 day of June, 2007.



Notary Public for Oregon

My Commission Expires:

4/24/09

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

Eichler Brothers

PO Box 250  
Amity, OR 97101

## Invoice

Date	Invoice #
9/16/2005	2464

Bill To
Kraemer Farms, LLC 13318 Dominic Road Mt. Angel, OR 97362

Ship To

Ship	Terms	Via
9/16/2005	Due Upon Receipt	EB Truck

Load Slip#	Scale#	COMMODITY

Quantity	Item Code	Description	Price Each	Amount
1	Custom Farm	Electricity 6/13 to 7/13	186.77	186.77
1	Custom Farm	Electricity 7/14 to 8/11	922.55	922.55
1	Custom Farm	Electricity 7/14 to 8/11	919.30	919.30
		PGE Bill for Pump Meter# SH84859911 Elec for Irrigation Pump for Beans		
<p>TO Sarah Henderson 4035 for Leon Eichler</p>				

Thank you for your business.

If you have any questions, please call Jann at 503-835-2660 x 27.

**Total****\$2,028.62**

10401

10.00  
292.13  
11.83  
112.12  
428.08  
62.40CR  
3.72  
2.15

**How to contact P.**  
Customer Service:  
Portland (503) 228-6322  
Salem (503) 359-7717  
Outside Portland/Salem 1-800-544-1795  
Power Outage/Downed Power Line:  
Portland (503) 464-7777  
Outside Portland 1-800-544-1795  
Credit/debit card payment:  
BillMatrix 1-877-518-6542  
Energy Experts: 1-800-722-9287  
TDD/TTY (Deaf and Hard of Hearing):  
Portland (503) 672-3932  
Outside Portland 1-800-422-5231  
Mail payments to:

(503)228-6322 or 1-800-542-8818  
PortlandGeneral.com

and General Electric

Service Address:  
EICHLER BROS-PUMP  
12025 SW LANCEFIELD RD  
MCMINNVILLE, OR 97128

Cycle: 1003  
Feeder Line Code: AM2

Account #

Previous Amount Due	30.90
Payments/Adjustments	30.90CR
Balance Forward	0.00
Current Charges	186.77

AMOUNT DUE \$ 186.77  
Due date for current bill 08/01/05

### This month's charges (turn over for details)

Meter # SH84859911, Schedule 49  
Energy Charges ( 2127 kWh)  
Adjustments

223.94  
43.31CR

Taxes and Fees

180.63  
6.14

Current Charges

186.77

Thank you for your payment. It's a privilege to provide your electric service.

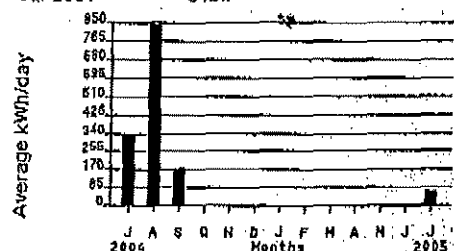
Point of Delivery Identification (PODID) number for  
meter number SH84859911 is 049554471.

### Your energy use

Meter # SH84859911  
Schedule 49

Service Period	Meter Reading
07/13/05	820
06/13/05	98693
30 days of service	2127 kWh

Period Ending	Average kWh Per Day	Average Cost Per Day
Jul 2005	70.9	6.02
Jul 2004	342.7	



Kramer

10401



10.00  
382.11  
13.45  
117.50  
1.72  
474.18  
70.95CR  
4.23  
2.44

**How to contact PGE:** Po.  
Customer Service:  
Portland (503) 228-6322  
Salem (503) 398-7717  
Outside Portland/Salem 1-800-542-8818  
Power Outage/Downed Power Line:  
Portland (503) 464-7777  
Outside Portland 1-800-544-1735  
Credit/debit card payment:  
BillMatrix 1-877-518-6542  
Energy Experts: 1-800-722-9287  
Portland (503) 612-3000  
Outside Portland 1-800-722-9287

PGE

Portland General Electric

Service Address:  
**EICHLER BROS-PUMP**  
12025 SW LANCEFIELD RD  
MC MINNVILLE, OR 97128

(503)228-6322 or 1-800-542-8818  
PortlandGeneral.com

Account #

Previous Amount Due 186.77  
Payments/Adjustments 0.00  
Balance Forward 186.77  
Current Charges 922.55

AMOUNT DUE \$ 1,109.32

Due date for current bill 08/30/05

Cycle: 1003

Feeder Line Code: AM2

**This month's charges** (turn over for details)

Meter # SH84859911, Schedule 49

Energy Charges (19026 kWh)

Adjustments

1,276.95  
387.37CR

Taxes and Fees

889.58  
32.97

Current Charges

922.55

**Your energy use**

Meter # SH84859911

Schedule 49

Service Period

Meter Reading

08/11/05

19846

07/13/05

820

29 days of service

19026 kWh

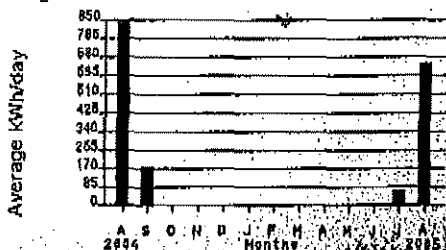
This bill includes a previously billed amount. Thank you.

Thank you for your excellent bill payment record.  
We appreciate having you as a customer and we look forward to serving your energy needs in the years ahead.

Point of Delivery Identification (PODID) number for meter number SH84859911 is 049554471.

ENTERED

Period Ending	Average kWh Per Day	Average Cost Per Day
Aug 2005	656.0	30.67
Aug 2004	847.7	



B:4 Krawns

10401

or 1-800-542-8818  
 ical.com

Account #

Previous Amount Due	1,109.32
Payments/Adjustments	1,109.32cr
Balance Forward	0.00
Current Charges	919.13

Address:  
 ER BROS-PUMP  
 25 SW LANCEFIELD RD  
 MC MINNVILLE, OR 97128

Cycle: 1003  
 Feeder Line Code: AM2

AMOUNT DUE

\$ 919.13

Due date for current bill 09/30/05

**This month's charges** (turn over for details)

Meter # SH84859911, Schedule 49  
 Energy Charges ( 19017 kWh)  
 Adjustments

1,273.43  
 387.18cr

Taxes and Fees

886.25  
 32.88

Current Charges

919.13

**Your energy use**

Meter # SH84859911  
 Schedule 49

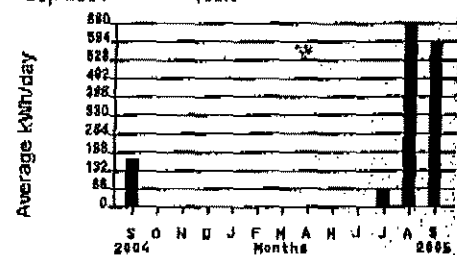
Service Period	Meter Reading
09/12/05	38863
08/11/05	19846
32 days of service	19017 kWh

Thank you for your payment. It's a privilege to provide your electric service.

Point of Delivery Identification (PODID) number for  
 meter number SH84859911 is 049554471.

186.77  
 922.55  
 919.30  
 2028.62  
 1109.32 pr

Period Ending	Average kWh Per Day	Average Cost Per Day
Sep 2005	594.2	27.69
Sep 2004	183.6	



10401

cc to Warr Farm