

T-10401

Name Leon Eichler
 By
 Address 12025 SW Lancefield Rd
McMinnville OR 97128
503 835-2020
 Change in POL
 Date 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 _____

T-10401

TEMPORARY

DESCRIPTION OF WATER RIGHT

Name of stream South Yamhill River
 Trib. of Yamhill River County of Yamhill
 Use 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. S-38558 Per. No. S-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>
<u>TOTAL . . .</u>		
	<u>Cert. Fee</u>	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOID

Susan Return by 7-12-07

Susan
FD

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

(503) 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 # 1040

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,

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

Limit/Duty: ONE-EIGHTIETH cfs per acre, m

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 16th day of July 2007.


R Phillip C. Ward
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"/>	S 38558	S 28726	33129	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<i>Temp</i>
<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> POD HST APOD USE OTHER: POU	
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* ①

DPD Mailed: _____

ODFW contact sheet sent with DPD, or N/A

PD Mailed: _____

PD Weekly Notice: _____

Newspaper Pub Affid Due: _____

not required

Affid of Pub Rec'd: _____

Last Day Published: _____

Affidavit Reminder Sent: _____

Reminder Deadline: _____

Preliminary Determination

- Electronic Files uploaded
- PD Cover letter
- PD Notice
- File Assigned/ ModPod updated

- Preliminary Determination
- Fee Refund Due
- Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>SJP</u>
Date: _____	Date: _____	Date: <u>7/13/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>SJP</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/decrees 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 litter 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 type="checkbox"/> land-use form
<input checked="" type="checkbox"/> deed/ROLI	<input checked="" type="checkbox"/> certificate	<input checked="" type="checkbox"/> fees paid	<input type="checkbox"/> well logs	<input checked="" type="checkbox"/> plat card
<input checked="" type="checkbox"/> audit	<input type="checkbox"/> dpd			

Reviews/comments/conditions received?

Headgate	<input type="checkbox"/> When in the judgment	<input type="checkbox"/> Prior to diverting	<input type="checkbox"/> Existing and maintain
Measuring Devices	<input type="checkbox"/> When in the judgment	<input type="checkbox"/> Prior to diverting	<input type="checkbox"/> Existing and maintain
Injury: Y <input checked="" type="radio"/> N <input type="radio"/>	Enlargement: Y <input type="radio"/> N <input checked="" type="radio"/>		
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:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input 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, Section 13, T. 5 S., R. 5 W., W. M. Division 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-eighthieth 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.

4.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
8.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ → 4.2
both as projected within Jeffries DLC 67
4.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ → 4.2
11.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ → 5.5
both as projected within Garrison DLC 66
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.

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

20.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ → 17
25.7 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ → 25.7
25.7 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ → 5
7.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
all as projected within Jeffries DLC 67
Section 24
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 V54 p560 Jun 1966

T-10401

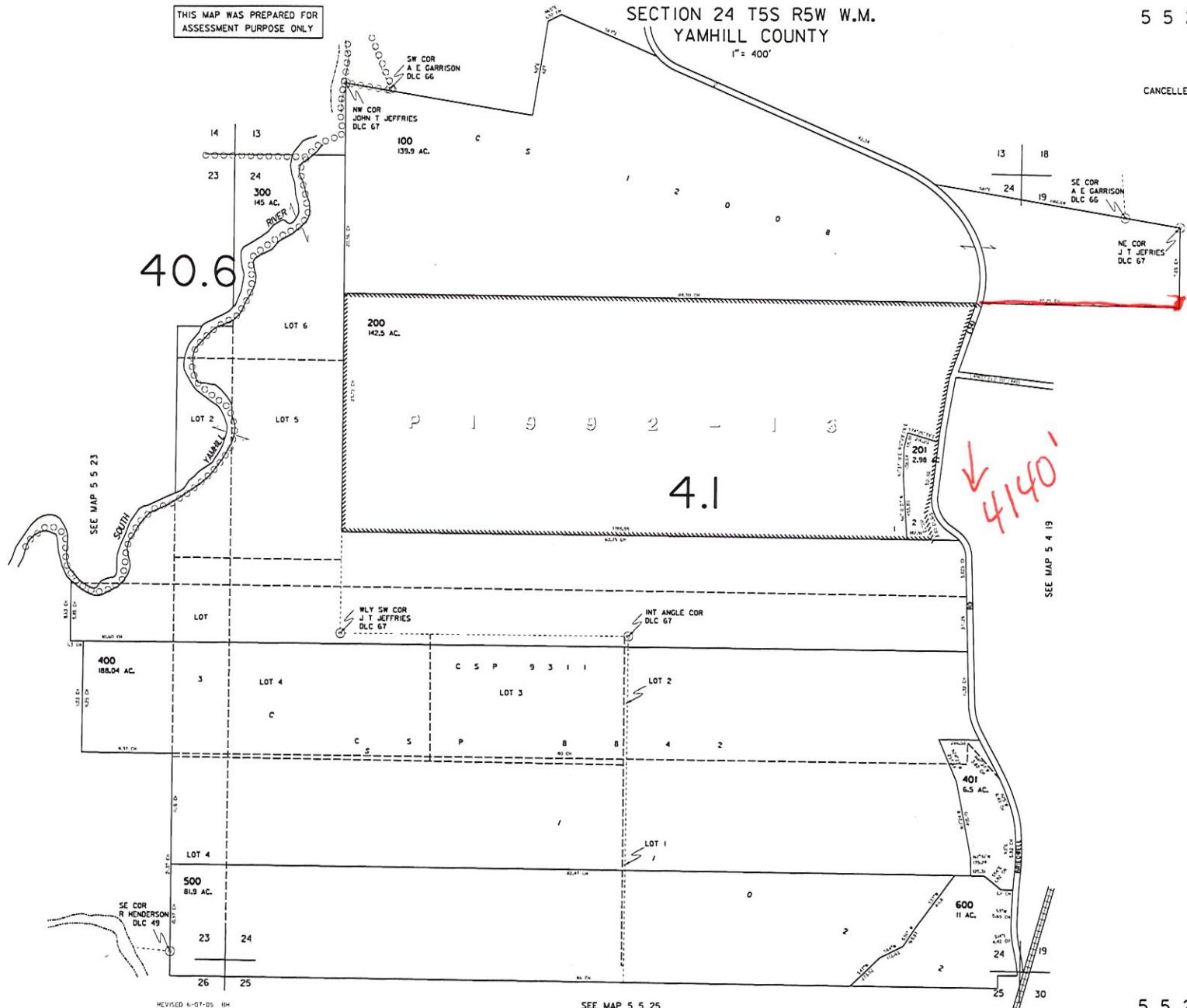
T 8535

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 24 T5S R5W W.M.
YAMHILL COUNTY

5 5 24

CANCELLED

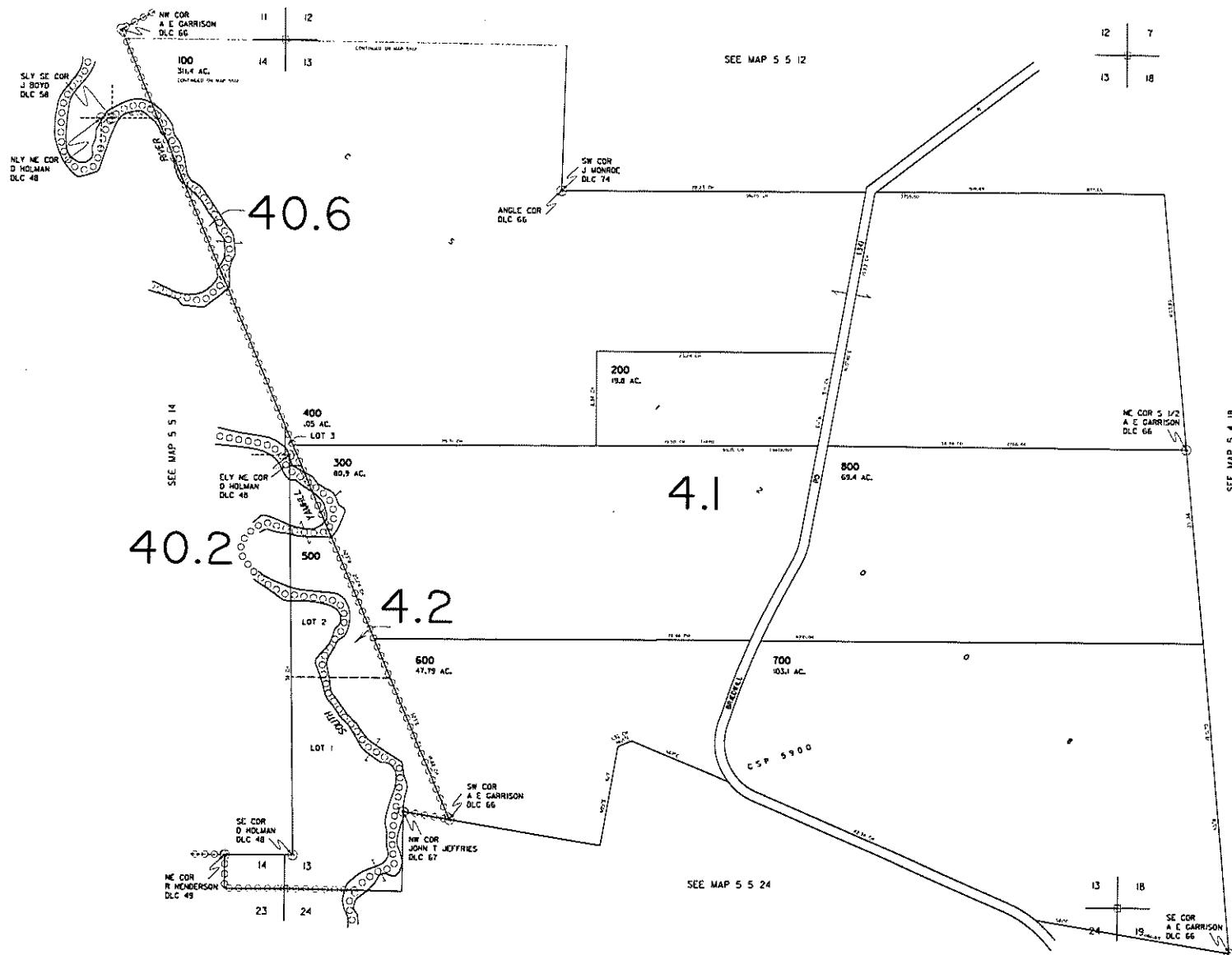


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 13 T5S R5W W.M.
YAMHILL COUNTY

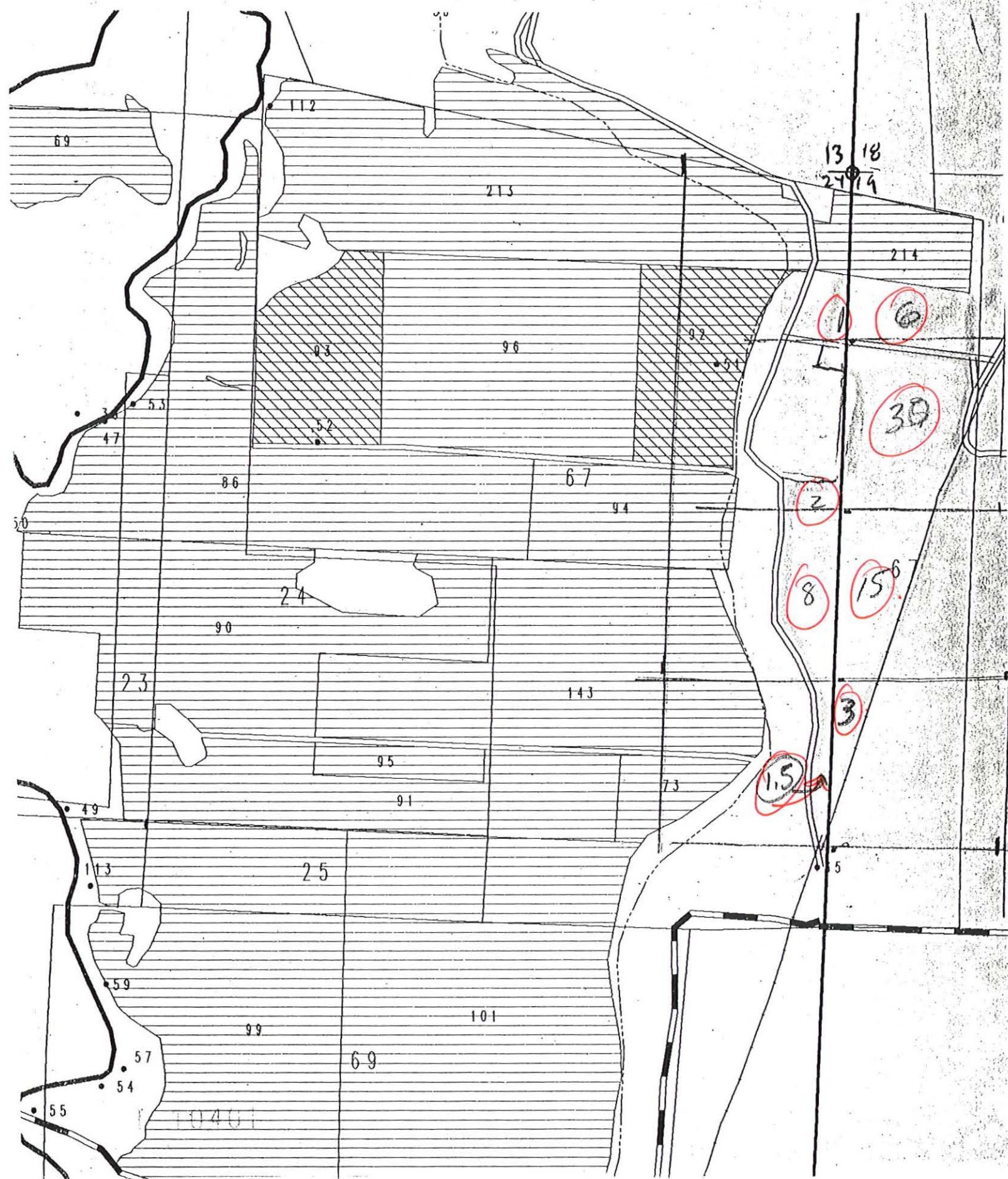
5 5 13

1" ± 400'

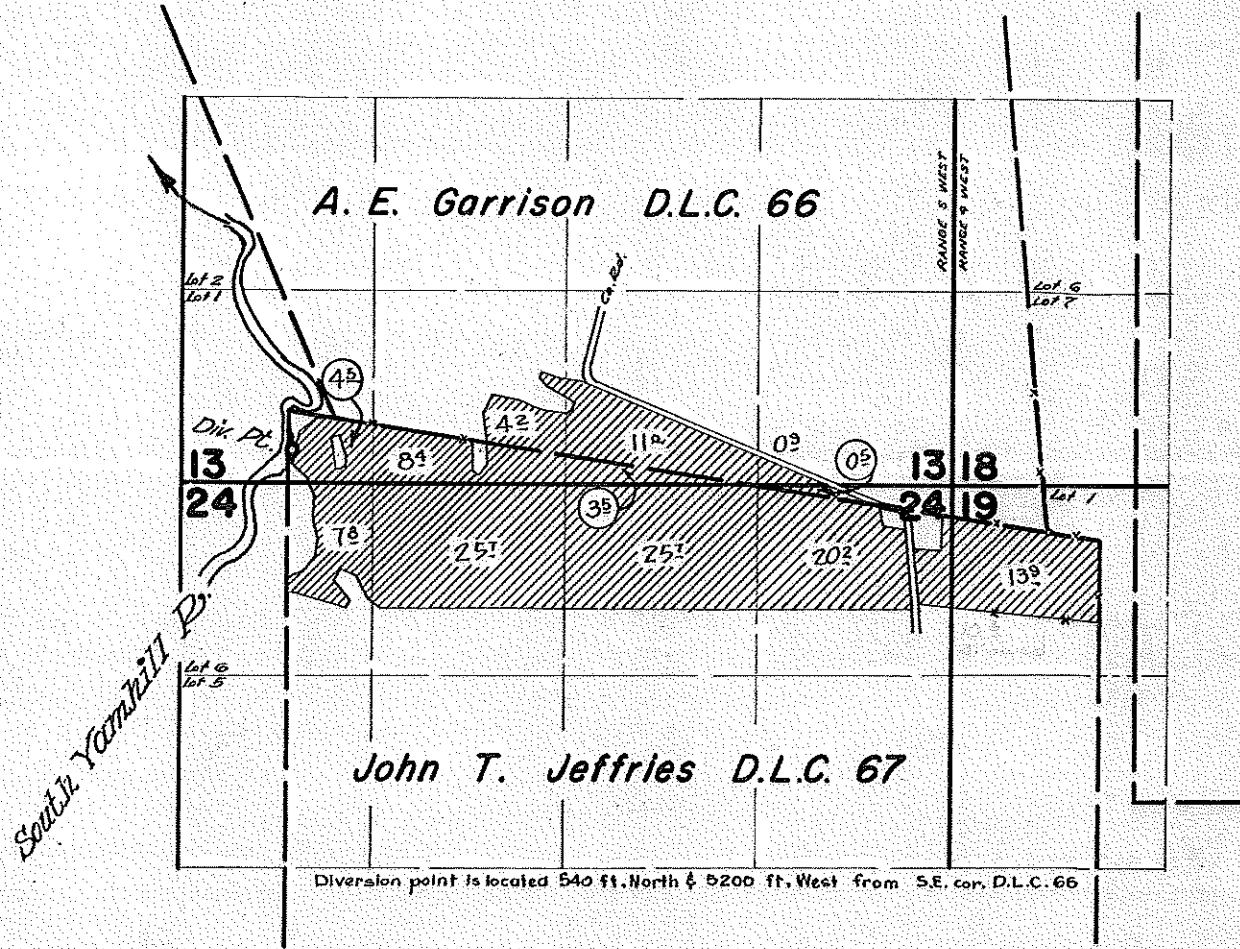


5 5 13

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 *John T. Jeffries*

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	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ	
Select Cert:15396 OR *		1/25/1939	IRRIGATION		66								4.4	11.6											
Select Cert:19849 OR *		7/5/1946	IRRIGATION		1																				
Select Cert:19849 OR *		7/5/1946	IRRIGATION		2																				
Select Cert:32142 OR *		11/5/1958	IRRIGATION		66																				
Select Cert:33129 OR *		T10401	4/1/1963	IRRIGATION	66																				
Select Cert:33129 OR *		T10401	4/1/1963	IRRIGATION	67																				

Select Cert:33228 OR *	1/18/1962	IRRIGATION	1																0.3							
Additional Info: RUSSELL SHELDON App: S37316 Permit: S27798 Cert: 33228				85623																						
Select Cert:33228 OR *	1/18/1962	IRRIGATION	2																0.1							
Additional Info: RUSSELL SHELDON App: S37316 Permit: S27798 Cert: 33228																										
Select Cert:33228 OR *	1/18/1962	IRRIGATION	66																3.3	1.7	13.5	24.5	2.1	2.5		
Additional Info: RUSSELL SHELDON App: S37316 Permit: S27798 Cert: 33228																										
Select Cert:39557 OR *	5/29/1968	IRRIGATION	74																12.1							
Additional Info: MARSHAL H CAIN App: G4421 Permit: G4166 Cert: 39557																										
Select Cert:39557 OR *	5/29/1968	IRRIGATION	74																4.2							
Additional Info: MARSHAL H CAIN App: G4421 Permit: G4166 Cert: 39557																										
Select Cert:59044 OR *	1/24/1979	IRRIGATION	66																13.5	11.6	22.1	34.9	14.7	35.6	22.5	13.4
Additional Info: PETER DINSDALE App: S58264 Permit: S44308 Cert: 59044																										
Select Cert:59044 OR *	1/24/1979	IRRIGATION	74																5.1	17.5		14.2				
Additional Info: PETER DINSDALE App: S58264 Permit: S44308 Cert: 59044																										
Select Cert:60883 OR *	2/17/1977	IRRIGATION	1																							
Additional Info: HAL D SHELDON				113247																						

App: S55259 Permit: S43573 Cert: 60883																			
Select Cert:60883 OR *	2/17/1977	IRRIGATION	66														2.7	7.5	
Additional Info: HAL D SHELDON App: S55259 Permit: S43573 Cert: 60883																OK!			
Select Cert:59043 OR *	1/24/1979	STORAGE	66					*			*								
Additional Info: PETER DINSDALE App: R58263 Permit: R7840 Cert: 59043																			
Select Cert:32141 OR *	10/21/1960	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	66	84536										10.1		4.4	4.6	0.9	
Additional Info: MINNIE SHELDON App: G1889 Permit: G1728 Cert: 32141															OK				
Select Cert:33228 OR *	1/18/1962	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	66											10.1		4.4	4.6	0.9	
Additional Info: RUSSELL SHELDON App: S37316 Permit: S27798 Cert: 33228								✓							OK				
Select Cert:59044 OR *	1/24/1979	SUPPLEMENTAL IRRIGATION (Suppl'mtl)												4.4	11.6				
Additional Info: PETER DINSDALE App: S58264 Permit: S44308 Cert: 59044																			
Select PERMIT:R 11414 CN	5/3/1991	WILDLIFE	CN					*	*										
Additional Info: STEVE RICE App: R71596 Permit: R11414																			
Select PERMIT:S 51344 CN	5/3/1991	WILDLIFE	CN					*	*										
Additional Info: STEVE RICE App: S71597 Permit: S51344																			

Acreage Legend: 12.25 Regular acreage

12.25 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 you

Meridian: WILLAMETTE Township: 5 South Range: 5 West Section: 24 Records per Page: 100 Search

Additional Info: GALE B VINTON App: S37366 Permit: S27815 Cert: 33669	Select Cert:33784 OR *	10/29/1964	IRRIGATION	16.1	9.6		
Additional Info: D K HOWARD App: S40398 Permit: S30123 Cert: 33784	Select Cert:33784 OR *	10/29/1964	IRRIGATION	67		15.4	
Additional Info: D K HOWARD App: S40398 Permit: S30123 Cert: 33784	Select Cert:39111 OR *	3/1/1967	IRRIGATION			2.8	7
Additional Info: D.K. HOWARD App: S43326 Permit: S32386 Cert: 39111	Select Cert:39566 OR *	1/24/1967	IRRIGATION	67	3.6	2	6.8 13.9
Additional Info: LEHMAN BROTHERS App: S43225 Permit: S32316 Cert: 39566	Select Permit:S 39599 *	5/16/1973	MUNICIPAL USES				*
Additional Info: CITY OF AMITY App: S50474 Permit: S39599	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							

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	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Permit:R 9973 CN		8/29/1984	DAIRY BARN USES	CN															*	*				
Additional Info: ROY VANDERVELDE App: R68165 Permit: R9973																								
Select Claim:GR 46 *		4/2/1946	IRRIGATION																					
Additional Info: W R & MAY F KONZELMAN Claim: GR46																								
Select Claim:GR 832 *		3/15/1952	IRRIGATION																					
Additional Info: DONALD E WARNER Claim: GR832																								
Select Permit:S 48765 CN		8/29/1984	IRRIGATION	CN																				
Additional Info: ROY VANDERVELDE App: S68166 Permit: S48765																								
Select Permit:S 53408 *		6/20/1997	IRRIGATION																					
Additional Info: MELVIN KEMPF App: S83460 Permit: S53408																								
Select Cert:33129 OR *	T10401	4/1/1963	IRRIGATION	67																				
Additional Info: MERRILL D/O'DELL OHLING App: S38558 Permit: S28726 Cert: 33129																								
Select Cert:42573 OR *		11/15/1965	IRRIGATION	44				11.6			6.4													
Additional Info: ROBERT LANCEFIELD App: S41606 Permit: S31196																								

Acreage Legend: 12.25 Regular acreage

12.25 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



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; MCMINNVILLE 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° 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° 51' 59" West 1875.11 feet from the Southeast corner of said Section 24; thence North 82° 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° 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° 26' 03" East 213.47 feet); thence South 30° 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° 21' 22" East 175.49 feet) to an iron rod; thence North 07° 03' 56" East 669.21 feet to the POINT OF BEGINNING.

YCTE
1954-9

10401

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 19 T5S R4W W.M.
YAMHILL COUNTY

5 4 19

CANCELLED
2000-

SEE MAP 5418

$$1'' = A$$

SEE MAP 5 & 20

SEE MAP 543

555 1425524

۱۰۰

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)*

8

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

6/25/07

I, Terri Eichler
authorize this
transfer
Temporary
rights
of water

RECEIVED

JUN 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

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

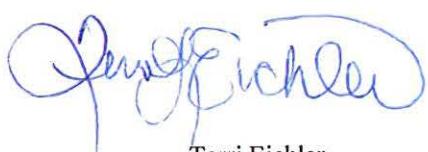
Salem, OR 97301-1266

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:

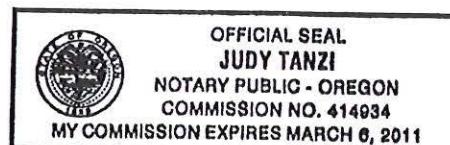


Leon Eichler

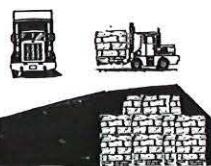
6-25-07

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 6th 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)
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

Page 2 of 3

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

P.M.

Eichler Brothers



12025 SW Lancefield Rd.
McMinnville, OR 97128
Ph: 503-835-2660 Fax: 503-835-9192

Just the Fax

To: Susan Douthat
From: Tina Smith 503 835 2660 x 27
Date:
Re: Way Rents # T-10401

Please see if this
is the deed you
require -

Thanks

(pls.)

cc's
6/25/07

10/28/07
Rec'd

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

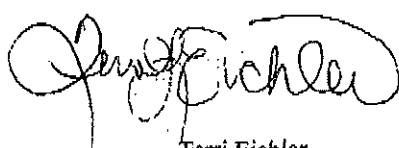
Salem, OR 97301-1266

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:

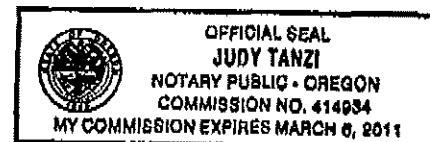


Leon Eichler

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.



Provider of Quality Agriculture Products & Services



Eichler Brothers

PFT



12025 SW Lancefield Rd.

McMinnville, OR 97128

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

Just the Fax

To: Susan Douthat
From: Terry Smith 503 835 2660 x 27
Date:
Re: WAVX Rights # 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

NORTHWEST TITLE COMPANY 833265



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

00198825200500104110030036

200510411 1:44:56 PM 5/20/2005

DMR-DDMR Cnt=1 Sth=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:

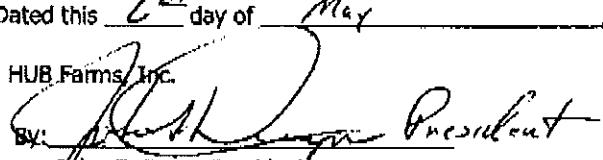
See attached Exhibit "A"

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 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

Page 1 of 13

APN:

Bargain and Sale Deed
- continued

File 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

Page 2 of 3

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

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

- ✓ Each question completely.
- ✓ All the required attachments.
- ✓ Added 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	6-06-07
	name (print)	date
applicant signature	Terri L. Eichler	6-24-07
	name (print)	date

RECEIVED

JUN 27 2007

FS

**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

BY: _____

CASH: CHECK: # 5818 OTHER: (IDENTIFY)

APPLICATION	_____
PERMIT	_____
TRANSFER	T-10401

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) **RECEIVED
OVER THE COUNTER**

\$ _____

TC162 DEPOSIT LIAB. (IDENTIFY)

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

0202

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

241.50

EXAM FEE

0219

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$ _____

0220

\$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD #

0210 MONITORING WELLS

\$ _____

CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

\$ _____

DESCRIPTION _____

RECEIPT:

87976

DATED: 6/6/07

BY: JSn40



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

<p>Please check one</p> <p><input type="checkbox"/> Permanent Transfer</p> <p><input checked="" type="checkbox"/> Temporary Transfer</p> <p>• total number of years: <u>5</u></p> <p>(begin year: <u>05</u>)</p> <p>(end year: <u>12</u>)</p>		<p><input type="checkbox"/> Instream Transfer</p> <p><input type="checkbox"/> Permanent</p> <p><input type="checkbox"/> Time-Limited</p> <p><input type="checkbox"/> Drought Transfer</p> <p><input type="checkbox"/> Other</p>
---	--	---

2. APPLICANT INFORMATION

Name: Leon Eichler
First Last

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

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

Fax: 503-835-9192 E-Mail address: eichler Brothers @ verizon.net

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:

- 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).

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.

<p>Supplemental Form A – Description of Proposed Change(s) to a Water Right</p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p>Supplemental Form B – Evidence of Use Affidavit(s)</p> <p><input checked="" type="checkbox"/> 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), <u>and</u></p> <p><input type="checkbox"/> The Evidence of Use Affidavit must be accompanied by supporting documentation.</p> <p>Map</p> <p><input type="checkbox"/> <i>Water Right Transfer</i> 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.</p> <p><input checked="" type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p>Water Well Report(s)/Well Log(s):</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p>Land Use Information Form:</p> <p><input type="checkbox"/> Enclosed; <i>or</i></p> <p><input checked="" type="checkbox"/> Not Required if <u>all</u> of the following are met:</p> <ol style="list-style-type: none">① In EFU zone or irrigation district,② Change in place of use only,③ No structural changes needed, including diversion works, delivery facilities, other structures, <u>and</u>④ Irrigation only. <p>Fees:</p> <p><input type="checkbox"/> Amount enclosed: \$ _____ See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</p> <p><u>Instream Water Right Transfers, also include:</u></p> <p>Supplemental Form C – Instream Water Right Transfer</p> <p><input type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><u>Temporary Transfers, also include:</u></p> <p>Recorded Deed:</p> <p><input checked="" type="checkbox"/> 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.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> 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.</p>
--	--

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

Last revised: 1/4/2007

Transfer Application/6

FS

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.

<ul style="list-style-type: none"> ▪ Certificate Number or other identifying number: <u>33129</u>
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	33129	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 & Odell 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

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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	4/1/93	55	5W		13	SW-SW 66		540' N 5200' W SE GARRISON

- 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:

- 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*
- 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

- Certificate Number or other identifying number:

33129

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

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

Location of Existing Authorized Place of Use to be Affected:

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

- 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	$\frac{1}{4}$ $\frac{1}{4}$ 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

10401

- 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.)

Remarks: _____

T 10401

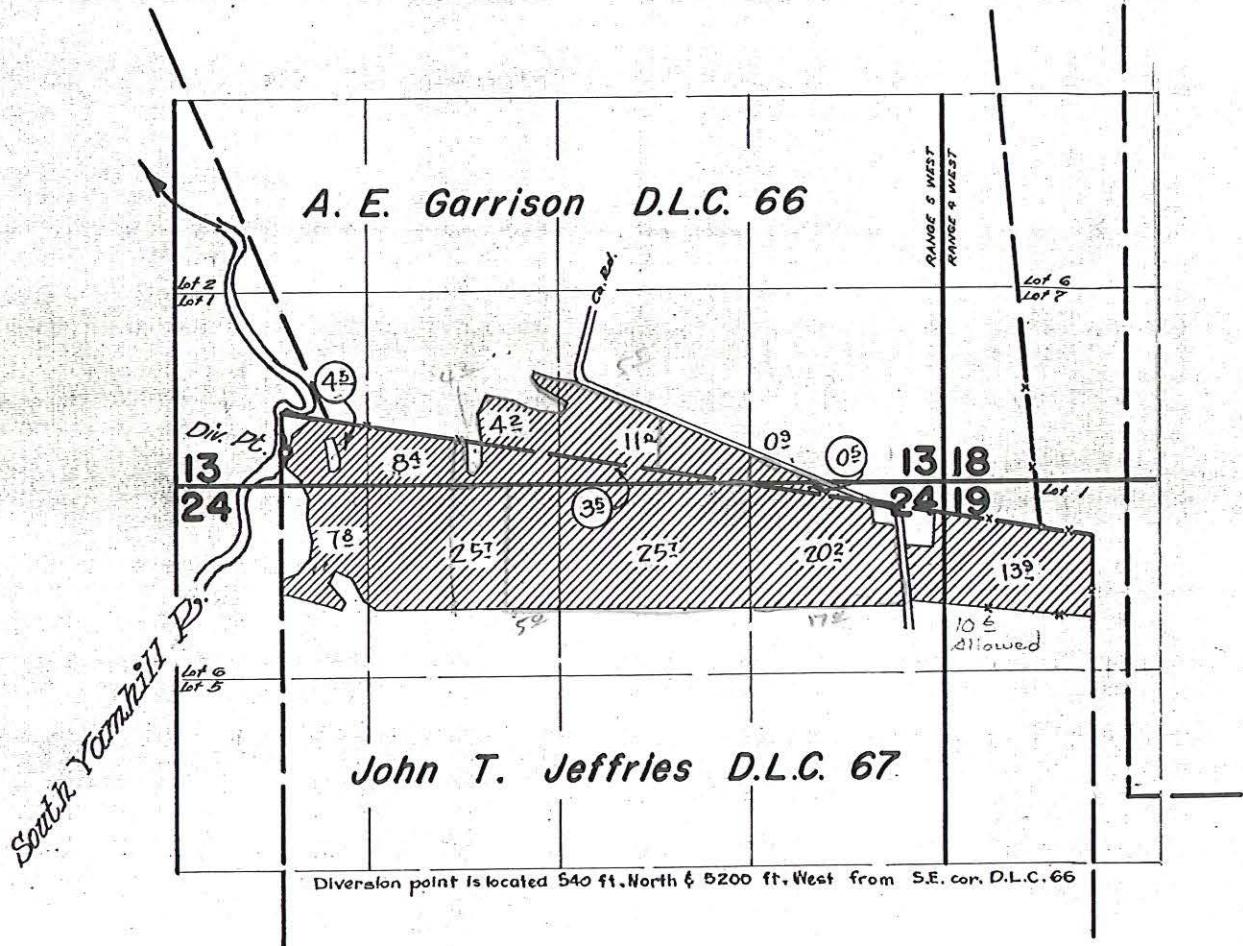
From

T-8535

MAY 31 2000

WATER RECOGNES DEPT
SALEM OR

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



FINAL PROOF SURVEY UNDER

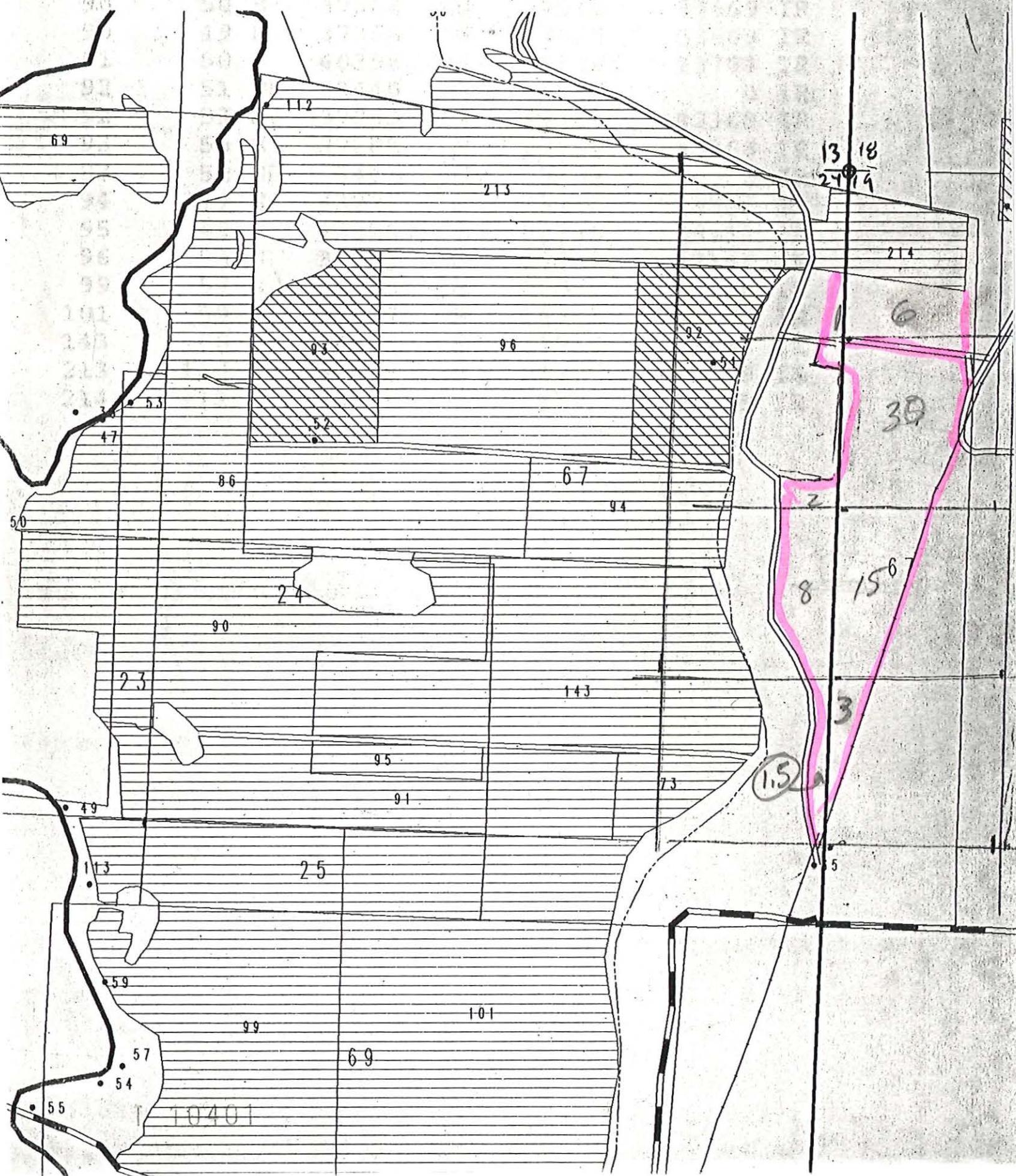
Application No. 38558... Permit No. 28726...
IN NAME OF

MERRILL D. S. ODELL S. OHLING

T 10401

Surveyed August 7, 1904, by C. H. Nelson

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° 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° 51' 59" West 1875.11 feet from the Southeast corner of said Section 24; thence North 82° 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° 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° 26' 03" East 213.47 feet); thence South 30° 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° 21' 22" East 175.49 feet) to an iron rod; thence North 07° 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:

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° 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° 51' 59" West 1875.11 feet from the Southeast corner of said Section 24; thence North 82° 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° 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° 26' 03" East 213.47 feet); thence South 30° 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° 21' 22" East 175.49 feet) to an iron rod; thence North 07° 03' 56" East 669.21 feet to the POINT OF BEGINNING.

YCTE
1954-9

(10401



40.00

Escrow No.: 145988T

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

199906855 2:29:20 PM 04/02/1999
DMR DDMR 1 2 ANITA
10.00 10.00 20.00

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. (Hereby 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 FEED 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

145988 04/02/1999 10:45 AM

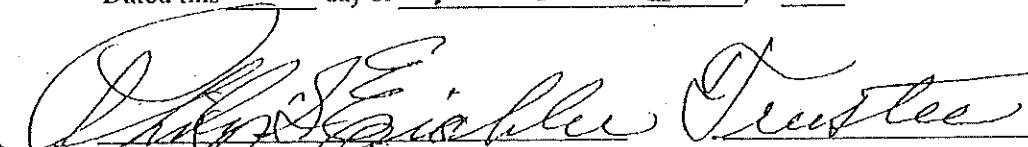
SEE 'LEGAL DESCRIPTION' AT CHED HERETO AND BY REFERENCE .DE A PART
HEREOF.

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.

145988
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)

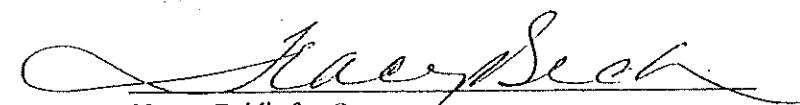
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO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

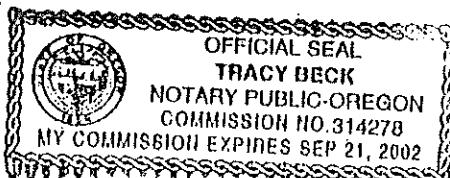
Dated this 29 day of March, 1999.


Philip S. Eichler, Trustee

STATE OF OREGON, County of Yamhill) ss.

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


Tracy Beck
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 Anxiety 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:

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

6-6-07

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




Janet L. Vito
Notary Public for Oregon

My Commission Expires: 4/24/09

10401

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		
		<i>TO Spar Henderson 4025 for Leon Rich</i>		

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
52.40CR
3.72
2.15

How to contact PGE

Customer Service: (503) 228-6322
Portland (503) 228-6322
Salem (503) 359-7717
Outside Portland/Salem 1-800-542-8818
Power Outage/Brown Power Line: (503) 494-7777
Outside Portland 1-800-544-7795

Credit/Debit card payment: BillMatrix 1-877-578-6542
Energy Experts: 1-800-722-9287
TDURITY (Deaf and Hard of Hearing): Portland (503) 612-3932
Outside Portland 1-800-422-5231
Mail payments to:

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

Account #

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

General Electric

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

Cycle: 1003
Feeder Line Code: AM2

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)	223.94
Adjustments	43.31CR
	180.63
Taxes and Fees	6.14
Current Charges	186.77

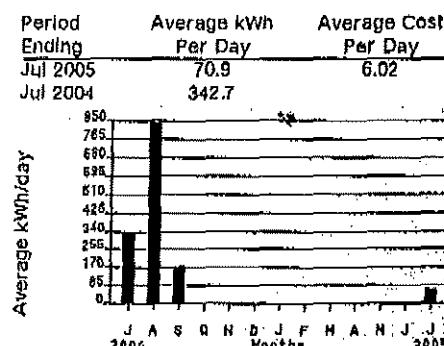
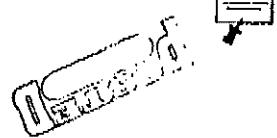
Your energy use

Meter # SH84859911	
Schedule 49	
Service Period	Meter Reading
07/13/05	820
06/13/05	98693
30 days of service	2127 kWh

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.

10401



10.00
117.50
332.11
13.45
1.12
474.18
70.95
4.23
2.44

How to contact PGE

Customer Service: PGE

Portland (503) 228-6322

Salem (503) 228-6322

Outside Portland (503) 389-7717

Power Portland/Salem 1-800-542-8818

Outside Portland 484-7777

Credit/Debit Card Payment

Energy 1-877-578-6542

TDD/TTY Expenses: 1-800-722-9287

Portland (503) 612-2000

Outside Portland and Hard of H.



Portland General Electric

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

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

Cycle: 1003
Feeder Line Code: AM2

Account #

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

186.77
0.00
186.77
922.55

AMOUNT DUE \$ 1,109.32
Due date for current bill 08/30/05

This month's charges (turn over for details)

Meter # SH84859911, Schedule 49

Energy Charges (19026 kWh)

1,276.95

Adjustments

387.37 CR

Taxes and Fees

889.58

32.97

Current Charges

922.55

Your energy use

Meter # SH84859911	Meter Reading
Schedule 49	19846
Service Period 08/11/05	07/13/05
29 days of service 19026 kWh	820

This bill includes a previously billed amount. Thank you.

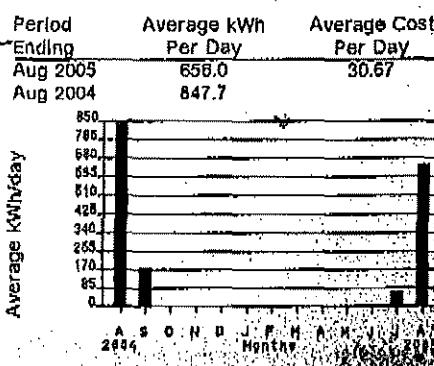
Thank you for your excellent bill payment record.
We appreciate having you as a customer and we look
forward to serving your energy needs in the years ahead.

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

ENTERED

10401

G. H. Krueger



or 1-800-542-8818
www.ebreal.com

Account # [REDACTED]

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

Address:
EICHLER BROS-PUMP
25 SW LANCEFIELD RD
McMINNVILLE, 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)	1,273.43
Adjustments	387.18CR
	886.25
Taxes and Fees	32.88
Current Charges	919.13

Your energy use

Meter # SH84859911	Meter Reading
Schedule 49	
Service Period	
08/12/05	38863
08/11/05	18846
32 days of service	19017 kWh

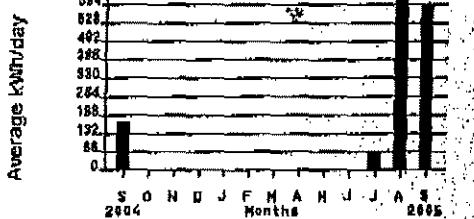
Thank you for your payment. It's a privilege to provide your electric service.

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

186.77
922.55
919.30
2028.62

1109.32

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



10461

cc to [REDACTED] Forms