

TEMPORARY

T-14687

Name Ben Van Dyke Farms, Inc.Address 15221 NW Westside Rd.
Yamhill, OR 97148
vandykeben@yahoo.comChange in POU, PODDate Filed 6/27/2025Initial notice date 7/8/2025

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 8/29/2025 Vol 135 Page 524-528

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Will McGill Surveying, LLCwillmcgill.surveying@gmail.com

CWRE _____

CC's list Yamhill County

DESCRIPTION OF WATER RIGHT(S)

Name of Stream North Yamhill RiverTrib. of Yamhill RiverUse IrrigationCounty Yamhill

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# S-41927Per # S-31385Cert # 39106PR Date 2/28/1966App# S-45639Per # S-34035Cert # 39108PR Date 12/12/1968

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>6-27-25</u>	<u>\$1,436.⁰⁴</u>	<u>145499</u>

FEES REFUNDED

Date	Amount	Receipt #

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **145499**

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

APPLICATION _____

PERMIT _____

TRANSFER T-14687

CASH: ☐ CHECK: # 2421 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,436.04

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 46110 \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1,436.04

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **145499**

DATED: 6-22-25 BY: 6801 MIA



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

August 29, 2025

Ben VanDyke Farms Inc
15221 NW Westside Rd
Yamhill, OR 97128

REFERENCE: District Temporary Transfer Application T-14687

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

The temporary change shall be effective at the **beginning of the 2025 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2029 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.m.smith@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

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

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-14687, Yamhill County	)	CHANGES IN PLACES OF USE AND POINTS
	)	OF DIVERSION

Authority

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

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

Applicant

BEN VAN DYKE FARMS, INC.
5221 NW WESTSIDE RD
YAMHILL, OR 97128

Findings of Fact

1. On June 27, 2025, Ben Van Dyke Farms, Inc. filed an application to temporarily change the places of use and to change the points of diversion to serve the proposed places of use under Certificates 39106 and 39108 for a period of 5 years. The Department assigned the application number T-14687.
2. Notice of the application for transfer was published on July 8, 2025, pursuant to OAR 690-380-4000.
3. On July 9, 2025, the Department contacted the agent for the applicant and requested a revised table 2 and map removing a portion of the land from the application due to nonuse.
4. On July 15, 2025, the Agent for the applicant submitted a revised table and map, removing the acreage in question.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. The portion of the first right to be temporarily transferred is as follows:

Certificate: 39106 in the name of MARK FIDEL (perfected under Permit S-31385)
Use: IRRIGATION of 34.9 ACRES
Priority Date: FEBRUARY 28, 1966
Rate: 0.44 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year
Source: NORTH YAMHILL RIVER a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	6	NW SE	39	POD 1- 2930 FEET NORTH AND 2480 FEET WEST FROM THE NW CORNER OF DLC 80

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	6	NE SW	39	0.3
3 S	4 W	WM	6	NW SW	39	0.1
3 S	4 W	WM	6	SW SW	39	15.5
3 S	4 W	WM	6	SE SW	39	18.6
3 S	4 W	WM	7	NW NW	39	0.4
Total						34.9

6. Temporary Transfer Application T-14687 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	8	NW NE	80	0.1
3 S	4 W	WM	8	SW NE	80	6.4
3 S	4 W	WM	8	NE NW	80	11.2
3 S	4 W	WM	8	NW NW	80	3.3
3 S	4 W	WM	8	SW NW	80	1.4
3 S	4 W	WM	8	SE NW	80	12.5
Total						34.9

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14687 proposes to move the authorized point of diversion approximately 1.27 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	8	NE NE	41	POD 2- 200 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 8

8. The portion of the second right to be temporarily transferred is as follows:

Certificate: 39108 in the name of FIDEL BROS. (perfected under Permit S-34035)
Use: IRRIGATION of 29.3 ACRES
Priority Date: DECEMBER 12, 1968
Rate: 0.37 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: NORTH YAMHILL RIVER a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	6	NW SE	39	POD 1 - 2930 FEET NORTH AND 2480 FEET WEST FROM NW CORNER OF DLC 80

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	6	SW SW	39	0.7
3 S	4 W	WM	6	SE SW	39	15.15
3 S	4 W	WM	6	SW SE	39	3.65
3 S	4 W	WM	7	NE NW	39	6.8
3 S	4 W	WM	7	NW NW	39	3.0
Total						29.3

9. Temporary Transfer Application T-14687 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	POD
3 S	4 W	WM	4	SW NW	42	4.2	3
3 S	4 W	WM	4	NW SW	42	3.7	3
3 S	4 W	WM	5	SE NE	42	7.0	3
3 S	4 W	WM	5	NE SE	42	5.1	3
3 S	4 W	WM	8	SW NW	80	0.8	2
3 S	4 W	WM	8	SE NW	80	8.5	2
Total						29.3	

10. A change in points of diversion are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14687 proposes to move the authorized point of diversion (POD) with approximate distances in mile both downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from the authorized POD
3 S	4 W	WM	5	SE SE	42	POD 3 – 350 FEET NORTH AND 850 FEET WEST FROM THE SE CORNER OF SECTION 5	1.26 mile
3 S	4 W	WM	8	NE NE	41	POD 2 – 200 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECITON 8	1.27 mile

Temporary Transfer Review Criteria

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, mainline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
14. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14687 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

15. The temporary changes in place of use and change in points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14687 are approved.
16. The former place of use **shall not** be irrigated as part of these water rights during the 2025, 2026, 2027, 2028, and 2029 irrigation seasons.

17. The use shall revert to the authorized places of use at the end of the 2029 irrigation season. The authorization to use the additional points of diversion shall be terminated concurrently.
18. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
19. The quantity of water diverted at the proposed temporary points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
20. A subsequent application for permanent transfer of Certificates 39106 and 39108 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.
21. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 39106 and 39108.
22. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
23. The use of the remaining water rights described by Certificates 39106 and 39108 shall continue to be in accordance with the terms and conditions of Certificates 39106 and 39108.

Dated in Salem, Oregon on **AUG 29 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **SEP 02 2025**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14687

Transfer Specialist: *Joan*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: Ben Van Dyke Farms Inc 15221 NW Westside Rd Yamhill, OR 97128	Agent: William E. McGill 15333 Pletzer Rd SE Turner, OR 97392	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Yamhill County	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
☐	S-41927	S-31385	39106
☐	S-45639	S-34035	39108
☐			

Key Dates & Initial Actions (Support Staff)

Rec'd: June 27, 2025	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 1436.04	Acknowledgement Letter Sent ☒	Basin: 2 Willamette
Initial Public Notice: 7/8/2025	County sent cc: of Ack Letter ☒	County: YAMHILL
WM District: 22 Joel M. Plahn	WM Review request sent: 7/2/2025	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <i>8/18/25</i> Initials: <i>Joan</i>	Date: <i>8/11/25</i> Initials: <i>Scott</i>	Date: <i>8/19/25</i> Initials: <i>CC</i>	Date: _____ Initials: <i>JS</i>	Date: <i>8/19</i> No. of docs for sig: _____ WM Sheet ☐	Date: <i>8/19</i> <i>8/29/2025</i>

Special Issues: *Needs new map & table 2 reviewed* *0*

Special Order Volume: Vol. *135* Pages *524-528*

SMITH Joan M * WRD

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Tuesday, July 15, 2025 2:33 PM
To: SMITH Joan M * WRD
Cc: Will McGill
Subject: Re: Temporary Transfer Application T-14687
Attachments: T-14687 Revised Map.pdf; T-14687 Revised Pgs.pdf

Hi Joan,

The revised pages and map are attached. Let us know if you need anything else to proceed. Thanks!

--

Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



On Fri, Jul 11, 2025 at 4:17 PM Grant McGill <grantmcgill.wr@gmail.com> wrote:

Hi Joan,

Sorry for the oversight on that application. We will get an updated EOU affidavit and revise the transfer accordingly. We'll try to have that delivered to you early next week.

--

Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



On Wed, Jul 9, 2025 at 9:19 AM SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov> wrote:

Good Morning, I am working on this application and will need the lands under the driveway and house removed. Please see the attached.

Thank you

Joan

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of YAMHILL)

I, BEN VAN DYKE, in my capacity as TENANT,

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

telephone number (503)799-3873, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for
Certificate # ____; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
39106	3	S	4	W	WM	6	NE	SW	39	0.3
39106	3	S	4	W	WM	6	NW	SW	39	0.1
39106	3	S	4	W	WM	6	SW	SW	39	15.5
39106	3	S	4	W	WM	6	SE	SW	39	18.6
39106	3	S	4	W	WM	7	NW	NW	39	0.4
39108	3	S	4	W	WM	6	SW	SW	39	0.7
39108	3	S	4	W	WM	6	SE	SW	39	15.15
39108	3	S	4	W	WM	6	SW	SE	39	3.65
39108	3	S	4	W	WM	7	NE	NW	39	6.8
39108	3	S	4	W	WM	7	NW	NW	39	3.0

OR

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

(continues on reverse side)

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 39106

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
3	S	4	W	6	NE SW	1203	39	0.3	Irrigation	POD 1	1966	POU/POD	3	S	4	W	8	NW NE	200	80	0.1	Irrigation	POD 2	1966
3	S	4	W	6	NW SW	1203	39	0.1	Irrigation	POD 1	1966	POU/POD	3	S	4	W	8	SW NE	200	80	6.4	Irrigation	POD 2	1966
3	S	4	W	6	SW SW	1203	39	15.5	Irrigation	POD 1	1966	POU/POD	3	S	4	W	8	NE NW	200	80	11.2	Irrigation	POD 2	1966
3	S	4	W	6	SE SW	1203	39	18.6	Irrigation	POD 1	1966	POU/POD	3	S	4	W	8	NW NW	200	80	3.3	Irrigation	POD 2	1966
3	S	4	W	7	NW NW	1203	39	0.4	Irrigation	POD 1	1966	POU/POD	3	S	4	W	8	SW NW	200	80	1.4	Irrigation	POD 2	1966
												POU/POD	3	S	4	W	8	SE NW	200	80	12.5	Irrigation	POD 2	1966
TOTAL ACRES						34.9						TOTAL ACRES						34.9						

Additional remarks: _____

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

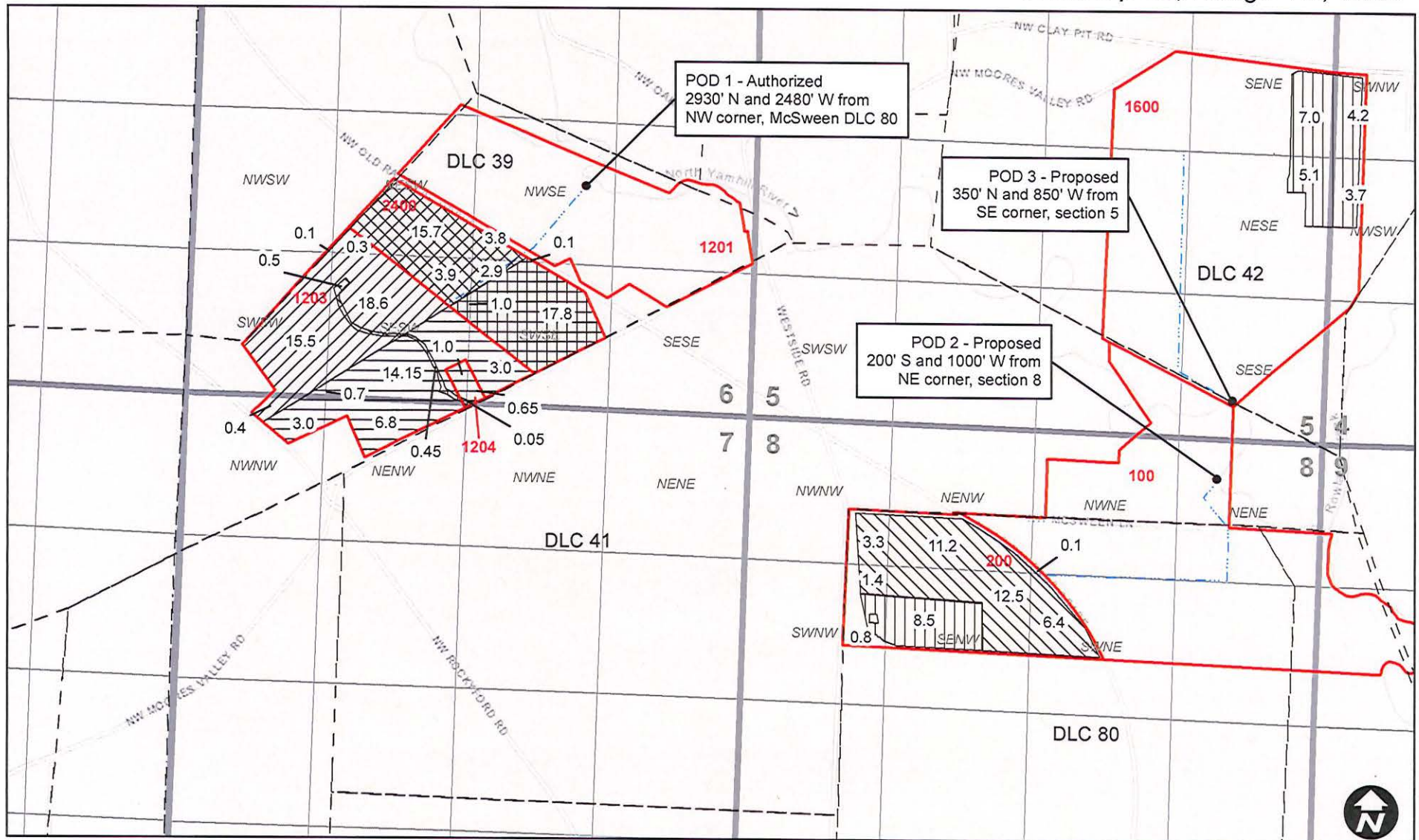
Table 2. Description of Temporary Changes to Water Right Certificate # 39108

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

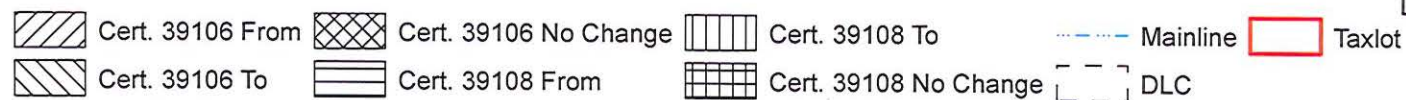
AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
3 S	4 W	6	SW SW	1203	39	0.7	Irrigation	POD 1	1968	POU/POD	3 S	4 W	4	SW NW	1600	42	4.2	Irrigation	POD 3	1968		
3 S	4 W	6	SE SW	1203	39	14.15	Irrigation	POD 1	1968	POU/POD	3 S	4 W	4	NW SW	1600	42	3.7	Irrigation	POD 3	1968		
3 S	4 W	6	SE SW	1204	39	1.0	Irrigation	POD 1	1968	POU/POD	3 S	4 W	5	SE NE	1600	42	7.0	Irrigation	POD 3	1968		
3 S	4 W	6	SW SE	1203	39	3.0	Irrigation	POD 1	1968	POU/POD	3 S	4 W	5	NE SE	1600	42	5.1	Irrigation	POD 3	1968		
3 S	4 W	6	SW SE	1204	39	0.65	Irrigation	POD 1	1968	POU/POD	3 S	4 W	8	SW NW	200	80	0.8	Irrigation	POD 2	1968		
3 S	4 W	7	NE NW	1203	39	6.8	Irrigation	POD 1	1968	POU/POD	3 S	4 W	8	SE NW	200	80	8.5	Irrigation	POD 2	1968		
3 S	4 W	7	NW NW	1203	39	3.0	Irrigation	POD 1	1968													
TOTAL ACRES						29.3						TOTAL ACRES						29.3				

Temporary Transfer - Ben Van Dyke Farms, Inc.

Township 3S, Range 4W, W.M.



Legend



0 660 1,320 2,640 Feet

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14687

Review Due Date:

Applicant Name: Ben Vandyke Farm Inc

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

Reviewer(s): Joel Plahn

Date of Review: 07/08/2025

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☒ Yes ☐ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☒ Yes ☐ No If "Yes", explain:

The driveway and one house have been in place for over five years. That area should not be available to transfer off.

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
 be required to be installed prior to diversion of water, as a condition of this transfer:

☐ *at each point of diversion/appropriation (new and existing) OR*

☐ *at each new point of diversion/appropriation.*

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

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

 Watermaster signature

 District

 Date

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

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

Temporary Transfer Application Intake Checklist

Transfer # T- 14687

Reviewer <u>Elyse</u> Date <u>7/1/2025</u>	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u> ☐ POU ☒ POU/POD ☐ POU/APOD ☐ POU/POA ☐ POU/APOA
Calculated Fee \$ <u>1436.04</u> Use fee calculator on back of this form Fee Received \$ <u>1436.04</u>	
Certificate(s): <u>39106, 39108</u>	Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	
☒ YES ☐ NO ☐ N/A	
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	☒ YES	☐ NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	☒ YES	☐ NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	☒ YES	☐ NO	☐ N/A For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?

Map Requirements: OAR 690-380-3100			
4.	☒ YES	☐ NO	Map included and meets mapping requirements?
5.	☐ YES	☐ NO	☒ N/A Map Waiver? The map waiver must be issued by the Department
Notes:			

Attachments: OAR 690-380-3000			
6.	☒ YES	☐ NO	Evidence of Use included, signed, & notarized w/supporting documentation?
	☒ YES	☐ NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?
	☒ YES	☐ NO	☐ N/A Affidavit of Consent from Landowner(s) described on the deed?
7.	☒ YES	☐ NO	☐ N/A Land Use Form included and signed by the County?
8.	☒ YES	☐ NO	☐ N/A Consent Form included, signed, and notarized?
9.	☐ YES	☒ NO	☐ N/A District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District
10.	☐ YES	☐ NO	☒ N/A For changes in POA/APOA – are the well logs included?
11.	☐ YES	☐ NO	☒ N/A For change in POU within Umatilla County, Supplemental Form U included?

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

Temporary Transfer Application Intake Checklist

[illegible]
$$\begin{array}{r} 950.00 \\ + 310.00 \\ 176.04 \\ \hline 1436.04 \end{array}$$

1436.04



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

July 2, 2025

Ben Van Dyke Farms Inc
15221 NW Westside Rd
Yamhill, OR 97128

Reference: Application T-14687

On June 27, 2025, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1436.04. Receipt number 145499 is enclosed.

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

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

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

Enclosure

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: Cert. 39106, 39108**
Please include a separate Part 5 for each water right. (See instructions on page 6)

- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2025 End Year: 2029.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Received by OWRD

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☒ ☐ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

JUN 27 2025

Salem, OR

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ Application fee not enclosed/insufficient
- ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required
- ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	310
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>65.2 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	176.04
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1,436.04
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	1,436.04

Temporary Transfer Application – Page 3 of 11

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Ben Van Dyke Farms, Inc.			PHONE NO. (503) 799-3873	ADDITIONAL CONTACT NO.
ADDRESS 15221 NW Westside Rd.			FAX NO.	
CITY Yamhill	STATE OR	ZIP 97148	E-MAIL vandykeben@yahoo.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Will McGill Surveying, LLC			PHONE NO. (503) 931-0210	ADDITIONAL CONTACT NO. (503) 510-3026
ADDRESS 15333 Pletzer Rd. SE			FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
It is proposed to do a temporary transfer of 35.4 acres of Certificate 39106, 29.8 acres of Cert. 39108, and temporarily authorize POD 2 and 3 for irrigation of these acres.

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

B. J. Van Dyke
Applicant signature

Benjamin J. Van Dyke
Print Name (and Title if applicable)

6-27-25
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

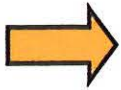
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JUN 27 2025
Salem, OR

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Yamhill County	ADDRESS 400 NE Baker St.	
CITY McMinnville	STATE OR	ZIP 97128

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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JUN 27 2025
Salem, OR

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 39106

Description of Water Delivery System

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

345 gallons per minute (gpm)

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Salem, OR

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

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	☒ Authorized ☐ Proposed		3	S	4	W	6	NW	SE	39	2930' N and 2480' W from NW corner of McSween DLC 80.
POD 2	☐ Authorized ☒ Proposed		3	S	4	W	8	NE	NE	41	200' S and 1000' W from NE corner of section 8.
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

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

- ☐ Yes
☒ No

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

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

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 39106

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
3	S	4	W 6	NE SW	1203	39	0.3	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	NW NE	200	80	0.1	Irrigation	POD 2	1966	
3	S	4	W 6	NW SW	1203	39	0.1	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	SW NE	200	80	6.4	Irrigation	POD 2	1966	
3	S	4	W 6	SW SW	1203	39	15.5	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	NE NW	200	80	11.2	Irrigation	POD 2	1966	
3	S	4	W 6	SE SW	1203	39	19.1	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	NW NW	200	80	3.4	Irrigation	POD 2	1966	
3	S	4	W 7	NW NW	1203	39	0.4	Irrigation	POD 1	1966	POU/POD	3	S	4	W 8	SW NW	200	80	1.8	Irrigation	POD 2	1966	
											POU/POD	3	S	4	W 8	SE NW	200	80	12.5	Irrigation	POD 2	1966	
TOTAL ACRES						35.4						TOTAL ACRES						35.4					

Additional remarks: _____

For Place of Use Changes

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

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

Pursuant to ORS 540.523, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

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

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

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

Received by OWRD

JUN 27 2025

Water Right Certificate # 39108

Description of Water Delivery System

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

345 gallons per minute (gpm)

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

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	☒ Authorized ☐ Proposed		3 S	4 W	6	NW SE	39	2930' N and 2480' W from NW corner of McSween DLC 80.
POD 2	☐ Authorized ☒ Proposed		3 S	4 W	8	NE NE	41	200' S and 1000' W from NE corner of section 8.
POD 3	☐ Authorized ☒ Proposed		3 S	4 W	5	SE SE	42	350' N and 850' W from SE corner, section 5
	☐ Authorized ☐ Proposed							

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

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

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

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

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

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

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Salem, OR

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 39108

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the “from” or “off” lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see “CODES” from previous page)	PROPOSED (the “to” or “on” lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
3 S	4 W	6	SW SW	1203	39	0.7	Irrigation	POD 1	1968	POU/POD	3 S	4 W	4	SW NW	1600	42	4.2	Irrigation	POD 3	1968			
3 S	4 W	6	SE SW	1203	39	14.6	Irrigation	POD 1	1968	POU/POD	3 S	4 W	4	NW SW	1600	42	3.7	Irrigation	POD 3	1968			
3 S	4 W	6	SE SW	1204	39	1.0	Irrigation	POD 1	1968	POU/POD	3 S	4 W	5	SE NE	1600	42	7.0	Irrigation	POD 3	1968			
3 S	4 W	6	SW SE	1203	39	3.0	Irrigation	POD 1	1968	POU/POD	3 S	4 W	5	NE SE	1600	42	5.1	Irrigation	POD 3	1968			
3 S	4 W	6	SW SE	1204	39	0.7	Irrigation	POD 1	1968	POU/POD	3 S	4 W	8	SW NW	200	80	1.3	Irrigation	POD 2	1968			
3 S	4 W	7	NE NW	1203	39	6.8	Irrigation	POD 1	1968	POU/POD	3 S	4 W	8	SE NW	200	80	8.5	Irrigation	POD 2	1968			
3 S	4 W	7	NW NW	1203	39	3.0	Irrigation	POD 1	1968														
TOTAL ACRES						29.8						TOTAL ACRES						29.8					

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

Salem, OR

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

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

Pursuant to ORS 540.523, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

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

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

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

Business Registry Business Name Search

[New Search](#)

Business Entity Data

05-06-2025
08:56

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

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[New Search](#)

Associated Names

Salem, OR

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

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

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

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

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

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

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

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

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

THIS SPACE RESERVED FOR RECORDER'S USE

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

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

Brian Van Bergen - County Clerk

STATUTORY WARRANTY DEED

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

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

Subject to:

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

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

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Salem, OR

First American Title 3703253

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

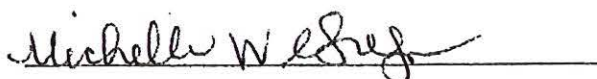
Dated this 15 day of April, 2021.


Peter Fraser

STATE OF Oregon)
)ss.
County of Yamhill)

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





Notary Public for Oregon

My commission expires: 4/30/21

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EXHIBIT A

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

Parcel 1:

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

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

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

PARCEL 2:

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

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

EXCEPTING THEREFROM:

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

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

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

EXCEPTING FROM PARCELS 1 AND 2:

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

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

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

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Yamhill)

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

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

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

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

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

(transfer number, if known)

submitted by Ben Van Dyke Farms Inc.

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

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

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

(site address)

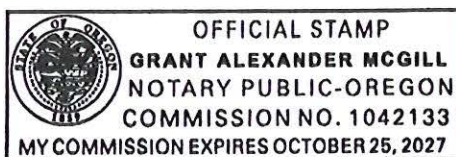
Robert B. Tabke
Signature of Affiant

6-27-25
Date

Debra A. Dawson
Signature of Affiant

6-27-25
Date

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



Just McGill
Notary Public for Oregon

My commission expires 10/25/2027.

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of YAMHILL)

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JUN 27 2025

Salem, OR

I, BEN VAN DYKE, in my capacity as TENANT,

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

telephone number (503)799-3873, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 39106, 39108; **OR**

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

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

OR

☐ Confirming Certificate # _____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

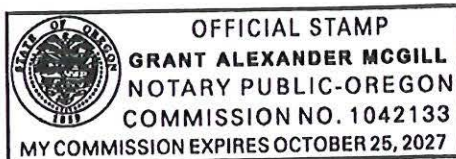
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

B. J. V.
Signature of Affiant

6-27-25
Date

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



Grant McGill
Notary Public for Oregon

My Commission Expires: 10/25/2027

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

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14687 - Salem, OR

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Salem, OR

Land Use Information Form



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

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

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3S	4W	8	NENE	3406 100	EFU	☒ Diverted ☐ Conveyed ☐ Used	Farming
3S	4W	8	NWNE SWNE NENW NWNW SWNW SENW	3408 200	EFU	☐ Diverted ☐ Conveyed ☒ Used	Farming
3S	4W	5	SESE	3405 1600	EFU	☒ Diverted ☐ Conveyed ☐ Used	Farming
3S	4W	5	SENE NESE	3405 1600	EFU	☐ Diverted ☐ Conveyed ☒ Used	Farming
3S	4W	4	SWNW NWSW	3405 1600	EFU	☐ Diverted ☐ Conveyed ☒ Used	Farming

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

Yamhill

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

B. Description of Proposed Use

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

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

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

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

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

Briefly describe:

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

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

See Page 4 →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

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

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

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

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

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

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

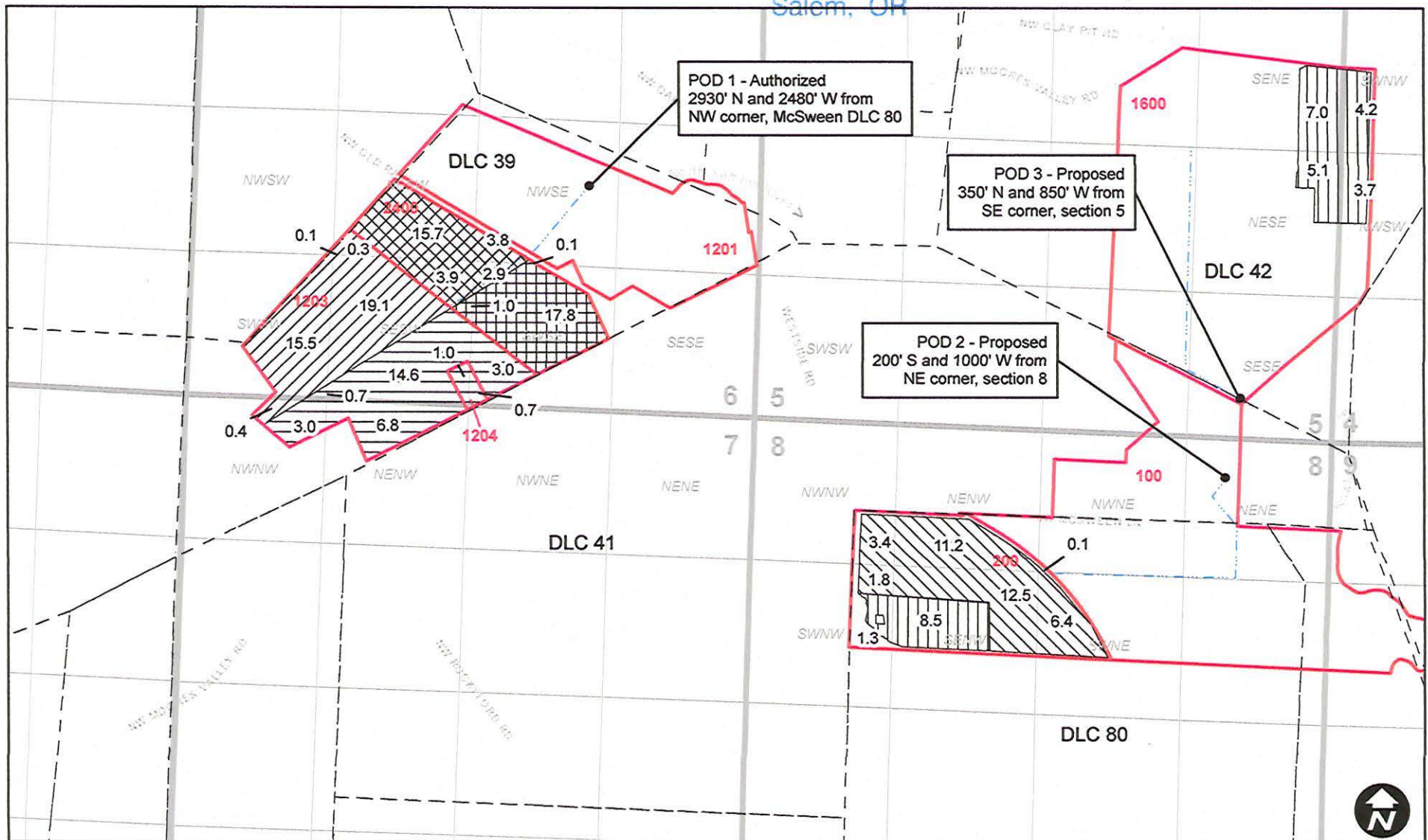
Governmental Entity: _____ Phone: _____

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Temporary Transfer - Ben Van Dyke Farms, Inc.

Salem, OR

Township 3S, Range 4W, W.M.



Legend

- | | | | | |
|------------------|-----------------------|-----------------------|----------|--------|
| Cert. 39106 From | Cert. 39106 No Change | Cert. 39108 To | Mainline | Taxlot |
| Cert. 39106 To | Cert. 39108 From | Cert. 39108 No Change | DLC | |

14687 -



Received by OWRD
JUN 27 2025
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Ben Van Dyke Farms Inc.
15221 NW Westside Rd. Yamhill, OR 97148

Transaction Type: Temp Transfer

Fees Received: \$ 1436.04

☐ Cash

☒ Check:

Check No. 2421

Name(s) on Check: Will McGill Surveying Inc

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Sarah Benham
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.