

T-13435

Temporary

T-13435

Name Ditchen land company LLCAddress 7385 Howell Prairie Rd NE
Silverton Oregon 97381
dean@gulfusa.comChange in PODate Filed 5/12/2020Initial notice date 5/26/2020

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 12/31/2020 Vol 1110 Page 1109-11
12/6/2023 129 487-488

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)

Name of Stream luckiamote riverTrib. of willamette RiverUse IrrigationCounty Polk

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 5-42040 Per # 5-31469 Cert # 41902 PR Date 05/29/2020

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
5-12-2020	\$ 981.58	132498

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments: _____

Irrigation District _____

Agent Iolly anderson iolly.anderson@andersonschultz.com

CWRE _____

CC's list Polk County☐ - Oversized map - Location _____



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

December 6, 2023

Ditchen Land Co., LLC
7385 Howell Prairie Rd NE
Silverton, OR 97381

FINAL ORDER FOR TERMINATING A TEMPORARY TRANSFER

Re: Transfer T-13435

The Department received a voluntary request to terminate the above referenced temporary transfer on July 12, 2023. Enclosed is a copy of the Terminating Final Order as recorded in Special Order Vol. 129 Page 487 and signed on December 6, 2023.

Transfer T-13435 is of no further force or effect.

If you have any questions please contact Arla Davis, by telephone at (503) 979-3511 or by e-mail at arla.l.davis@water.oregon.gov.

Sincerely,

Elyse Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Lolly Anderson, Agent
Polk County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application)
T-13435, Polk County)

ORDER TERMINATING A TEMPORARY
TRANSFER

OSOS - e 1140

Authority

OAR 690-380-8002(3) and 690-380-8004(7) provide that the uses authorized under a temporary transfer revert to the terms and conditions of the originating water right on the written request of the applicant.

Applicant

DITCHEN LAND COMPANY, LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

1001 8 300

Findings of Fact

1. On June 30, 2020, the Water Resources Department issued an order approving the temporary changes under Certificate 41962 proposed in Transfer Application T-13435. The order was recorded in Special Order Volume 116, pages 1109 to 1111.
2. Under the order, the water right would revert to the authorized place of use at the end of the 2024 irrigation season.
3. On July 12, 2023, the applicant submitted a written request via email that Temporary Transfer T-13435 be voluntarily terminated.
4. The most recent use of water at the place of use authorized under the temporary transfer was during the 2023 irrigation season.

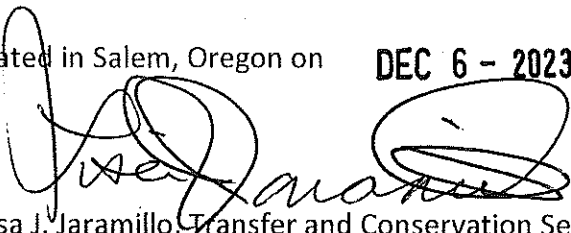
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review 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.

Now, therefore, it is ORDERED:

Temporary Transfer T-13435 is terminated. The use shall revert to the place of use authorized under Certificates 41962. Water may not be used at the authorized place of use during the same season in which water was used under the Temporary Transfer.

Dated in Salem, Oregon on

DEC 6 - 2023



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date:

DEC 7 - 2023

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-13435

Transfer Specialist:

Aula

Transfer Type: **Temporary Transfer**

DROUGHT? ☐

Applicant DITCHEN LAND CO. LLC 7385 HOWELL PRAIRIE RD NE SILVERTON, OR 97381	Agent: LOLLY ANDERSON PO BOX 42427 PORTLAND, OR 97242	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Polk County Planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
☐	S42040	S31469	41962
☐			
☐			

Key Dates & Initial Actions (Support Staff)

Rec'd: May 19, 2020	Proposed Action(s): PLACE OF USE	
Fees Pd: 981.58	Acknowledgement Letter Sent ☐	Basin: 2 Willamette
Initial Public Notice: 5/26/2020	County sent cc: of Ack Letter ☐	County: POLK
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Electronic

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
<i>Terminated</i> FO	Date: <u>11/15/23</u> Initials: <u>AO</u>	Date: <u>11-16-23</u> Initials: <u>AL</u>	Date: <u>11/22/23</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____ WM Sheet ☐	Date: _____

Special Issues: _____

Special Order Volume: Vol. **129** Pages **487-488**

DAVIS Arla L * WRD

From: DAVIS Arla L * WRD
Sent: Thursday, July 13, 2023 8:01 AM
To: PLAHN Joel M * WRD; SMITH Joan M * WRD; GREW Scott A * WRD
Subject: RE: Temporary transfer termination T-13435

Good Morning Joel,

Yes this is all we need to do a termination. I was the caseworker on this file, so I will get the termination started and reach out to Mr. Ditchen. Thank you! 😊

Arla L. Davis
She/Her/Hers
Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

-----Original Message-----

From: PLAHN Joel M * WRD <Joel.M.PLAHN@water.oregon.gov>
Sent: Thursday, July 13, 2023 6:43 AM
To: SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov>; DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: FW: Temporary transfer termination T-13435

Hello,

I received the below email from Duane Ditchen for T-13435. Is that all you need to terminate the temp transfer? Thanks for your time.

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.wrd.state.or.us%2Fapps%2Fwr%2Fwrinfo%2Fwr_transfer_centric.aspx%3Ftransfer_nbr%3D13435%26transfer_char%3D%3DT&data=05%7C01%7CArla.L.DAVIS%40water.oregon.gov%7C986bf738382d4b17f9a608db83a71802%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C638248525931978466%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=K2yojnA%2Fy5gVB3iXVuCoR4RJUwUDLvG7YfetCUv8T4o%3D&reserved=0

Thanks, Joel Plahn

District 22 Watermaster
Cell 503-508-2394

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-----Original Message-----

From: Duane Ditchen <duane.ditchen@gmail.com>
Sent: Wednesday, July 12, 2023 5:15 PM
To: PLAHN Joel M * WRD <Joel.m.plahn@water.oregon.gov>
Subject: Temporary transfer termination

[You don't often get email from duane.ditchen@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Joel,
Please terminate temporary transfer
T-13435 for Ditchen Land Company LLC.
Thanks,
Duane Ditchen

Sent from my iPhone

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Arla L. Davis
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Thanks, Joel Plahn

District 22 Watermaster
Cell 503-508-2394

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Subject: Temporary transfer termination

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Joel,
Please terminate temporary transfer
T-13435 for Ditchen Land Company LLC.
Thanks,
Duane Ditchen

Sent from my iPhone



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 1, 2020

DITCHEN LAND CO. LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381
REFERENCE: Temporary Transfer Application T-13435

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 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2024 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 986-0806 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Polk County Planning
Lolly Anderson, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13435, Polk County	)	TEMPORARY CHANGE IN PLACE
	)	OF USE

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

DITCHEN LAND COMPANY, LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

Findings of Fact

1. On May 12, 2020, DITCHEN LAND COMPANY, LLC, filed an application to temporarily change the place of use under Certificate 41962 for a period of 5 years. The Department assigned the application number T-13213.
2. Notice of the application for transfer was published on May 26, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:

Certificate:	41962 in the name of DONALD HECTOR (perfected under Permit S-31469)
Use:	IRRIGATION of 74.6 ACRES
Priority Date:	MARCH 29, 1966
Rate:	0.46 CUBIC FEET 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:	LUCKIAMUTE RIVER tributary of WILLAMETTE RIVER

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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
9 S	4 W	WM	33	SE NE		49	POD #1 - 3610 FEET NORTH AND 560 FEET EAST FROM THE SW CORNER OF LOVELADY DLC 49
9 S	4 W	WM	34	SE NW		68	POD #2 - 3880 FEET NORTH AND 3420 FEET EAST FROM THE SW CORNER OF LOVELADY DLC 49
9 S	4 W	WM	34	SE SW	4		POD #3 - 90 FEET NORTH AND 4180 FEET EAST FROM THE SW CORNER OF LOVELADY DLC 49

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	33	NE NE		68	5.1
9 S	4 W	WM	33	NE NE		49	8.2
9 S	4 W	WM	33	SE NE		49	4.7
9 S	4 W	WM	34	NE NE		68	6.5
9 S	4 W	WM	34	NW NE		49	9.7
9 S	4 W	WM	34	NW NE		68	12.2
9 S	4 W	WM	34	SW NE		49	16.1
9 S	4 W	WM	34	SE NE		68	8.2
9 S	4 W	WM	34	NE NW		68	1.0
9 S	4 W	WM	34	NW NW		49	2.9
Total							74.6

4. Temporary Transfer Application T-13435 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	33	NW NW		69	21.1
9 S	4 W	WM	33	SW NW		69	34.9
9 S	4 W	WM	33	NE NW	4		0.6
9 S	4 W	WM	33	NW SW		69	18.0
Total							74.6

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- 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(5) if the Department later finds that the transfer is causing injury to any existing water right.

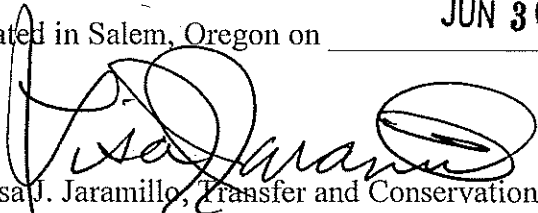
Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13435 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13435 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2020, 2021, 2022, 2023, and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 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 41962 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 41962.
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. Water use measurement conditions:
 - 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 (new and existing)
 - 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.
9. The use of the remaining water right described by Certificate 41962 shall continue to be in accordance with the terms and conditions of Certificate 41962.

Dated in Salem, Oregon on JUN 30 2020


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: JUL 01 2020

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13435

Transfer Specialist:

Transfer Type: Temporary Transfer

Aula

Applicant: DITCHEN LAND CO. LLC 7385 HOWELL PRAIRIE RD NE SILVERTON, OR 97381 Email: _____ Phone: _____		Agent: ☐ N/A LOLLY ANDERSON PO BOX 42427 PORTLAND, OR 97242 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Polk County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S-42040	S-31469	41962	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: May 19, 2020	Proposed Action(s): PLACE OF USE	
Fees Pd: 981.58	WM District: 22	ODFW District:
Initial Public Notice: May 26, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: 10-11-2020 Initials: <i>BS</i>	Date: _____ Initials: _____	Date: 6/11/20 Initials: <i>PLCS</i>	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. 1110 Pages 1109-1111

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-13435

Review Due Date:

Applicant Name: Ditchen Land Co LLC

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

Reviewer(s): Joel Plahn

Date of Review: 06/04/2020

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:
This right has been regulated in the past due to senior user not being met downstream.
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:

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

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

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

Transfer #: T- 13435



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** 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: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-986-0889

Email: joel.m.plahn@oregon.gov

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 19, 2020

DITCHEN LAND CO. LLC
7385 HOWELL PRAIRIE RD NE
SILVERTON, OR 97381

Reference: Application T- 13435

On May 19, 2020, we received your water right Transfer application. The application was accompanied by \$981.58. Our receipt number 132498 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 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) 986-0815.

Cc: Watermaster Dist. #22 (via email)
Polk County
Lolly Anderson, Agent

Enclosure

**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 # **132498**

INVOICE # _____

RECEIVED FROM:

Golden Valley Farms, LLC

APPLICATION

PERMIT

TRANSFER

T-13435

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

21830

☐

TOTAL REC'D

\$ *981.58*

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ *981.58*

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **132498**

DATED: *5-12-2020*

BY: *[Signature]*

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.

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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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificate 41962**
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: 2020 End Year: 2024.**
- ☐ ☐ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

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 (or signed land use form receipt stub) 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).

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: _____/_____/_____

13435

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.

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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°).

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FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS					
1	Base Fee (includes temporary change to one water right for up to 1 cfs)		1	\$810.00	
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »		2	0	
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 \$200.00, then enter on line 3	RECEIVED MAY 12 2020 OWRD	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 for the portions of the rights to be transferred: <u>74.6 (4a)</u> Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »		4	171.58	
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:		5	981.58	
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 »		6	0	
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:		7	981.58	

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c)		
2	and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs , since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Ditchen Land Company, LLC			PHONE NO. (503)873-4541	ADDITIONAL CONTACT NO.
ADDRESS 7385 Howell Prairie Road NE			FAX NO.	
CITY Silverton	STATE OR	ZIP 97381	E-MAIL dean@gvfusa.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 Lolly Anderson / Anderson Schultz LLP			PHONE NO. (619)995-1057	ADDITIONAL CONTACT NO.
ADDRESS PO Box 42427			FAX NO.	
CITY Portland	STATE OR	ZIP 97242	E-MAIL lolly.anderson@andersonschultz.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:
This transfer application is to provide irrigation water for farm land that does not currently have a water right. This property is adjacent to land currently irrigated under certificated water right 41962. The water will be transferred off a nearby field. Both properties involved in the transfer are owned by Ditchen Land Company, LLC .

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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


Applicant signature

David Ditchen, Manager
Print Name (and Title if applicable)

5-4-2020
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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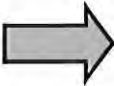
13435

☐ 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 Polk County	ADDRESS 850 Main Street	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # **41962**

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Description of Water Delivery System

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

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2000 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. Centrifugal pump through PVC pipeline to places of use. Application is through big gun traveling sprinklers.

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)
	☒ Authorized ☐ Proposed		9	S	4	W	33	SE	NE	49	3610 FEET NORTH AND 560 FEET EAST FROM SW CORNER, LOVELADY DLC 49
	☒ Authorized ☐ Proposed		9	S	4	W	34	SE	N W	68	3880 FEET NORTH AND 3420 FEET EAST FROM SW CORNER, LOVELADY DLC 49
	☒ Authorized ☐ Proposed		9	S	4	W	34	SE	S W	Lot4	90 FEET NORTH AND 4180 FEET EAST FROM SW CORNER, LOVELADY DLC 49
	☐ Authorized ☐ Proposed										

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 41962

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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
"	"	"	" " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
9	S	4	W 34 NE NE		68	6.5	Irrigation	POD 1	1966		9	S	4	W 33 NW NW		69	21.1	Irrigation	POD 1	1966				
9	S	4	W 34 NW NE		49	9.7	Irrigation	POD 1	1966		9	S	4	W 33 SW NW		69	34.9	Irrigation	POD 1	1966				
9	S	4	W 34 NW NE		68	12.2	Irrigation	POD 1	1966		9	S	4	W 33 NE NW		4	.6	Irrigation	POD 1	1966				
9	S	4	W 34 SW NE		49	16.1	Irrigation	POD 1	1966		9	S	4	W 33 NW SW		69	18	Irrigation	POD 1	1966				
9	S	4	W 34 SE NE		68	8.2	Irrigation	POD 1	1966															
9	S	4	W 34 NE NW		68	1.0	Irrigation	POD 1	1966															
9	S	4	W 34 NW NW		49	2.9	Irrigation	POD 1	1966															
9	S	4	W 33 NE NE		68	5.1	Irrigation	POD 1	1966															
9	S	4	W 33 NE NE		49	8.2	Irrigation	POD 1	1966															
9	S	4	W 33 SE NE		49	4.7	Irrigation	POD 1	1966															
TOTAL ACRES						74.6																		
							TOTAL ACRES 74.6																	

Additional remarks: _____

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TACS

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: G6093, G4480, G8747, G16914

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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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)
County of MARION) ss

I, DAVID DITCHEN, in my capacity as MANAGER, DITCHEN LAND COMPANY, LLC,
mailing address 7385 HOWELL PRAIRIE RD NE, SILVERTON, OR 97381
telephone number (503)932-9851, being first duly sworn depose and say:

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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 # 41962; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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.

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David D. Eichen
Signature of Affiant

5-4-2020
Date

Signed and sworn to (or affirmed) before me this 4th day of May, 2020.



Karen L. Lang
Notary Public for Oregon

My Commission Expires: Aug 23, 2022

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.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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P.O. Box 400
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1-888-221-7070
fax 1-888-800-2851
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April 23, 2020

Golden Valley Farms
klang@gvfusa.com

Account # [REDACTED]

Dear Karen:

Enclosed is a copy of the meter reading history you requested.

We're constantly updating our website and mobile app so it's easier for you to do business with us. Check out these great features available online:

- View, print and pay bills — can only do 2 yrs
- Customize text and email alerts
- Access energy usage graphs and savings tips
- Report and track outages
- Plus much more!

If you have additional questions, we're ready to help. Please visit our website and select "Contact Us" or call us at 1-888-221-7070. A specialist from our customer care team will be happy to assist you.

Thank you.

Sincerely,

Pacific Power

Para más información, llame al 1-888-225-2611 para hablar con un especialista en español.

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 fax 1-888-800-2851
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Meter Reading History *

Meter #: 75661712
 Site Address: 0904 337700 100hp, Monmouth, Oregon

Billing Month	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily Kwh	Kwh	Kwh Usage	Kw	Kw Usage	On Kwh	On Kwh Usage	Off Kwh	Off Kwh Usage	Invoice
4	04/21/2020		15		E		29	0	104446	0	0	0	0	0	0	0	\$0.00
3	03/23/2020		15		E		31	0	104446	0	0	0	0	0	0	0	\$0.00
2	02/21/2020		15		E		29	0	104446	0	0	0	0	0	0	0	\$0.00
1	01/23/2020		15		E		31	0	104446	0	0	0	0	0	0	0	\$0.00
12	12/23/2019		15		E		33	0	104446	0	0	0	0	0	0	0	\$0.00
11	11/20/2019		15		E		30	0	104446	0	0	0	0	0	0	0	\$1,194.80
10	10/21/2019		15		E		31	2	104446	51	92	0	0	0	0	0	\$5.12
9	09/20/2019		15		E		30	268	104395	8043	73495	73	0	0	0	0	\$799.52
8	08/21/2019		15		E		30	17	96352	496	69633	70	0	0	0	0	\$49.31
7	07/22/2019		15		E		32	515	95856	16484	75183	75	0	0	0	0	\$1,638.07
6	06/20/2019		15		E		30	802	79372	24050	80701	81	0	0	0	0	\$2,389.96
5	05/21/2019		15		E		29	353	55322	10242	89267	89	0	0	0	0	\$1,017.79
4	04/22/2019		15		E		31	0	45080	0	0	0	0	0	0	0	\$0.00
3	03/22/2019		15		E		29	0	45080	0	0	0	0	0	0	0	\$0.00
2	02/21/2019		15		E		29	0	45080	0	0	0	0	0	0	0	\$0.00
1	01/23/2019		15		E		33	0	45080	0	0	0	0	0	0	0	\$0.00
12	12/21/2018		15		E		31	0	45080	0	0	0	0	0	0	0	\$0.00
11	11/20/2018		15		E		32	0	45080	7	91	0	0	0	0	0	\$1,298.52
10	10/19/2018		15		E		29	2	45073	65	408	0	0	0	0	0	\$6.80
9	09/20/2018		15		E		30	2	45008	65	341	0	0	0	0	0	\$6.80
8	08/21/2018		15		E		32	283	44943	9065	73297	73	0	0	0	0	\$948.44
7	07/20/2018		15		I		31	363	35878	11244	87296	87	0	0	0	0	\$1,176.71
6	06/19/2018		15		I		28	659	24634	18458	93219	93	0	0	0	0	\$1,932.13
5	05/22/2018		15		I		28	221	6176	6176	96640	97	0	0	0	0	\$646.48
4	04/24/2018		15		S	SD	32	0	0	0	0	0	0	0	0	0	\$0.00

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Billing Month	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily Kwh	Kwh	Kwh Usage	Kw	Kw Usage	On Kwh	On Kwh Usage	Off Kwh	Off Kwh Usage	Invoice
3	03/23/2018		15		S	SD	28	0	0	0	0	0	0	0	0	0	\$0.00
2	02/23/2018		15		S	SD	31	0	0	0	0	0	0	0	0	0	\$0.00
1	01/23/2018		15		S	SD	32	0	0	0	0	0	0	0	0	0	\$0.00
12	12/22/2017		15		S	SDSU	35	0	0	0	0	0	0	0	0	0	\$0.00
11	11/17/2017		15		S	SD	29	0	0	0	0	0	0	0	0	0	\$1,205.10
10	10/19/2017		15		I		28	1	24180	15	341	0	0	0	0	0	\$1.58
9	09/21/2017		15		I		30	19	24165	556	62826	63	0	0	0	0	\$58.10
8	08/22/2017		15		I		33	477	23609	15752	78739	79	0	0	0	0	\$1,646.12
7	07/20/2017		15		I		28	518	7857	14511	73704	93	0	0	0	0	\$1,516.44
6	06/22/2017		15		I		30	0	84157	6	1713	2	0	0	0	0	\$0.63
5	05/23/2017		15		I		32	0	84151	0	0	0	0	0	0	0	\$0.00
4	04/21/2017		15		S	SD	29	0	84151	0	0	0	0	0	0	0	\$0.00
3	03/23/2017		15		S		29	0	84151	0	0	0	0	0	0	0	\$0.00
2	02/22/2017		15		S		29	0	84151	0	0	0	0	0	0	0	\$0.00
1	01/24/2017		15		S		32	0	84151	0	0	0	0	0	0	0	\$0.00
12	12/23/2016		15		S		31	0	84151	0	0	0	0	0	0	0	\$0.00
11	11/22/2016		15		S		33	0	84151	0	0	0	0	0	0	0	\$1,225.70
10	10/20/2016		15		I		29	1	84151	19	340	0	0	0	0	0	\$1.96
9	09/21/2016		15		I		29	2	84132	62	334	0	0	0	0	0	\$6.43
8	08/23/2016		15		I		33	297	84070	9810	75719	76	0	0	0	0	\$1,016.69
7	07/21/2016		15		I		30	144	74260	4306	69350	69	0	0	0	0	\$446.15
6	06/21/2016		15		I		33	630	69954	20790	99108	99	0	0	0	0	\$2,152.73
5	05/19/2016		15		I		28	0	49164	0	0	0	0	0	0	0	\$0.00
4	04/21/2016		15		S		30	0	49164	0	0	0	0	0	0	0	\$0.00
3	03/22/2016		15		S		29	0	49164	0	0	0	0	0	0	0	\$0.00
2	02/22/2016		15		S		31	0	49164	0	0	0	0	0	0	0	\$0.00
1	01/22/2016		15		S		31	0	49164	0	0	0	0	0	0	0	\$0.00
12	12/22/2015		15		S		33	0	49164	0	0	0	0	0	0	0	\$0.00
11	11/19/2015		15		S		31	0	49164	0	0	0	0	0	0	0	\$586.96
10	10/19/2015		15		I		27	0	49164	12	334	0	0	0	0	0	\$1.22
9	09/22/2015		15		I		33	2	49152	70	339	0	0	0	0	0	\$7.12

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Month



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Invoice

	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily Kwh	Kwh	Kwh Usage	Kw	Kw Usage	On Kwh	On Kwh Usage	Off Kwh	Off Kwh Usage	
8	08/20/2015		15		I		30	413	49082	12375	75262	75	0	0	0	0	\$1,258.56
7	07/21/2015		15		I		28	230	36707	6442	68198	68	0	0	0	0	\$655.16
6	06/23/2015		15		I		39	776	30265	30265	70464	70	0	0	0	0	\$3,075.18

*Information provided for the requested time period is valid as of the date this letter was created. Adjustments or other account activity may result in different information at a later date.

Comments:

Sources:

A=Adjustment, C=Customer, E=Electronic (regular), F=Field Read, I=Itron Read (regular), M=Manual (regular), O=Office Estimate, S=System Estimate

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AFTER RECORDING RETURN TO:

Daniel A. Ritter, P.C.
530 Center Street NE, Suite 700
Salem, OR 97301-3740

MAIL TAX STATEMENTS TO:

Ditchen Land Company, LLC
7385 Howell Prairie Road NE
Silverton, OR 97381

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2006-016123



\$96.00

REC-QD Cnt=1 Stn=1 D. LESLIE
\$75.00 \$10.00 \$11.00

09/28/2006 10:14:47 AM

QUITCLAIM DEED

DITCHEN LAND COMPANY LIMITED PARTNERSHIP, an Oregon limited partnership, also known as DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP, hereinafter called the Grantor, does hereby remise, release, and quitclaim unto DITCHEN LAND COMPANY, LLC, an Oregon limited liability company, hereinafter called Grantee, and unto Grantee's heirs, successors, and assigns all of Grantor's right, title, and interest in that certain real property which is described below, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This deed is executed and delivered unto Grantee limited liability company as a contribution to the capital of such limited liability company and no monetary consideration has been paid to Grantor.

The real property is situated in the county of Polk, and state of Oregon, and is described as follows, to wit:

PARCEL 1: (Parcel Number R074310001300, Ref Parcel Number 158158)

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey, Claim No. 54, Notification No. 99 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence North 14.17 chains to point 49.50 chains South of the Southwest corner of the Donation Land Claim of David Goff, Notification No. 113, Claim No. 45; thence East 64.88 chains to a point due South of the Southwest corner of the Donation Land Claim of Samuel Burch, Notification No. 100, Claim No. 47; thence South 10.59 chains to the North line of the Donation Land Claim of Alonzo Wood, Claim No. 39, Notification No. 1618; thence West along the North line of said claim 11.16 chains to the Northwest corner of said claim; thence South 45 West along the West line of said claim 440 chains; thence West 53.68 chains; thence North 82 links to the place of beginning.

SAVE AND EXCEPTING from the above, that certain tract or parcel of land sold to the State of Oregon, by and through its State Highway Commission as set forth in that certain deed recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT that Parcel laid out and described on Partition No. 1990.025 in the Northwest quarter of Section 6, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

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SUBJECT TO:

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1. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Rights of the public in streets, roads and highways.
3. Access Restrictions, including the terms and provisions thereof, contained in deed from O. W. Kellogg and Maud M. Kellogg, husband and wife, to the State of Oregon, by and through its Department of Transportation, dated September 29, 1953, and recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

Modification of said Access Restrictions, including the terms and provisions thereof, recorded April 20, 1954, in Volume 153, Page 612, Deed Records for Polk County, Oregon.

4. Lease, including the terms and provisions thereof, as disclosed by Subordination of Lease by and between Vincent E. Haworth and Joanna Haworth, Lessors, and Edward Brown, Lessee, recorded November 9, 1979, in Volume 144, Page 1964, Book of Records for Polk County, Oregon.
5. Easement as disclosed by Partition No. 1990025, Polk County, Oregon.
6. Any liens or encumbrances suffered or permitted by the grantees herein.

Parcel 2: (9730 Orrs Corner Rd., Rickreall, Oregon; R 084060000100, Ref. Parcel Number 165967)

PARCEL A:

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence East 59.20 chains to the West line of the Donation Land Claim of Alonzo Wood Claim No. 39, at a point 19.55 chains South from the Northwest corner of said Claim; thence South 45' West along the West line of said Claim, 15.45 chains to the Southeast corner of Lot 5, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon.

PARCEL B:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82.00 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim, 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land

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Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by

PARCEL C:

Beginning at the quarter Section post on the line between Section 6, Township 8 South, Range 4 West, and Section 1, Township 8 South, Range 5 West of the Willamette Meridian, Polk County, State of Oregon; thence North 31.79 chains; thence East 20.00 chains; thence South 31.79 chains; thence west 20.00 chains to the place of beginning.

SAVE and EXCEPTING 2.00 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East 4.47 chains; thence North 4.47 chains to the point of beginning.

PARCEL 3: (Parcel Number R 094280000100, Ref. Parcel Number 213693; and Parcel Number R 094330000200, Ref. Parcel Number 214434)

Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification Number 1554, Claim Number 50, running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River, thence Southerly and Easterly, following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification Number 2567, Claim Number 68; thence Northerly along the West line to place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO the following described property: The West half of the Donation Land Claim of Elijah D. Butler and Sarah E. Butler, his wife, and marked and designated on the official plats and surveys of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at a point on the West line of the Elijah D. Butler Donation Land Claim No. 68, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, which is 2920.64 feet South of the Northeast corner of the C.X. Davidson Donation Land Claim, No. 50, in said Township and Range, thence along said Donation Land Claim line South 152.47 feet; thence South 87° East 242.00 feet; thence North 180.00 feet; thence North 87° West 242.00 feet to a point on said Donation Land Claim line; thence South 27.53 feet to the point of beginning.

SAVE AND EXCEPT: Any portion of the above described tract lying within the right of way limits of public roads and highways.

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SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The following matters are excluded from the coverage of the policy based on the proximity of the property to Luckiamute River,
 - 1) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Luckiamute River as it now exists or has existed.
 - 2) Any adverse claim based on the assertion that:
 - a) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - b) some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Luckiamute River or has been formed by accretion to such portion.
 - c) any adverse claim based upon the assertion that the Luckiamute River has changed its location.
3. An easement created by instrument, including the terms and provisions thereof, dated June 14, 1974, Recorded June 25, 1974, in Book 59, Page 665, Book of Records, Polk County, Oregon, in favor of R. C. Warner and Nadene Warner (TL 101) for maintaining water line and pump. Affects as set forth in document.
4. An easement created by instrument, including the terms and provisions thereof, dated September 1, 1992, Recorded September 10, 1992 in Book 258, Book of Records, Polk County, Oregon, in favor of adjacent property owner (TL 101) for septic drainfield.

PARCEL 4: (13025 Corvallis Road, Independence, OR 97351, Parcel Number R094330000300, Ref. Parcel Number 214447; Parcel Number R094280000400, Ref. Parcel Number 213747; Parcel Number R094280000500, Ref. Parcel Number 213750; Parcel Number R094330000100, Ref. parcel Number 214421; Parcel Number R094330000400, Ref Parcel Number 214450; and Parcel Number R094340000600, Ref Parcel Number 214517)

(Sayer Parcel)

Commencing at the Southwest corner of the property described as the West one half of the Donation Land Claim of Elijah D. Bu and Sarah E. Butler, his wife, situate in Polk County, Oregon, and marked and designated on the official plats and of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, in Township 9 South, Range 4 West of the Willamette Meridian; and running thence to the Southeast corner of the above-described premises; running thence North along the East line of said premises to the Luckiamute River; thence Westerly along the South bank of said Luckiamute River to where the said river crosses the West line of the above described premises; thence South along the West line of said premises to the place of beginning.

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ALSO Government Lots 5 and 6 and all Government Lot 4 that lies South of the Luckiamute River in Section 28, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Government Lots 2, 3, 4, 5, 6, 7, 8, and 9, and the Southeast quarter of the Southwest quarter of Section 33 in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the northeast corner of Government Lot 1 of said Section 33; thence running South a distance of 28.59 chains to the township line; thence West along said line a distance of 13.0 chains; thence North a distance of 28.59 chains; thence East a distance of 13.0 chains to the place of beginning. All lying in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO All of the Donation Land Claim of P. W. Lovelady, Notification No. 1584, Claim No. 49, in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the Southeast corner of said Lovelady claim; thence running East to the Southeast corner of Government Lot 4 of Section 34; thence North to said Luckiamute River; thence Northerly along and following the meanderings of said river to point which is 10.44 chains West and 6.7 chains North of the Northeast corner of said P. W. Lovelady Donation Land Claim; thence South a distance of 6.77 chains to the North line of said Claim; thence East a distance of 10.44 chains to the Northeast corner of said claim; thence South along the East line of said claim, a distance of 67.36 chains to the place of beginning, lying in Section 34, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

SAVE AND EXCEPT from the above described tracts of land that certain tract of land conveyed to Ben M. Griffith et ux by deed recorded May 13, 1947, in Volume 128, Page 351, Deed Records for Polk County, Oregon, and more particularly described as follows: Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification No. 1554, Claim No. 50; and running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River thence Southerly and Easterly following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification No. 1567, Claim No. 68; thence Northerly along the West line to the place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO, SAVE AND EXCEPT that certain tract of land conveyed to Mountain States Power Co., by deed recorded May 29, 1951, in Volume 145, page 6, Deed Records for Polk County, Oregon, and more particularly described as follows: That portion of Government Lot 8 of Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon, bounded and particularly described as follows: Beginning at a point on the East boundary and said Government Lot 8 that is 167.64 feet East and North 0°13' East 1603.66 feet from the Northeast corner of the Amon Pyburn Donation Land Claim No. 67 (said Donation Land Claim corner being on the South boundary of Government Lot 9 of said Section 33) and running thence North 0°13' East along the East boundary of said Government Lot 8, a distance of 317.10 feet; thence South 89°46' West a distance of 152.15 feet; thence

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South 25°03' East a distance of 350.59 feet, more or less, to the point of beginning; subject to the rights of the public in Market Roads No. 7 and 9 along the North and East sides of said parcel.

ALSO SAVE AND EXCEPT that portion of the above described tracts of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT a parcel of land lying in the Preston W. Lovelady Donation Land Claim No. 49, Township 9 South, Range 4 West, Willamette Meridian and in Government Lots 6 and 7 in Section 33, Township 9 South, Range 4 West, Willamette Meridian, in Polk County, Oregon, as described in deed conveyed to Polk County, a political subdivision of the State of Oregon, recorded June 12, 1964, in Book 190, page 674, Deed Records for Polk County, Oregon.

ALSO Beginning at the Southeast corner of the George W. Pyburn Donation Land Claim, Notification No. 1590, Claim No. 69, in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North along the East line of said Donation Land Claim a distance of 101.58 chains to the Northeast corner of said Claim; thence West a distance of 15.23 chains to the most Northerly Northwest corner of said claim; thence South a distance of 21.73 chains to the re-entrant corner on the North line of said Donation Land Claim; thence West on the North line of said Donation Land Claim a distance of 2.42 chains; thence South a distance of 79.83 chains, more or less, to the South line of said Donation Land Claim; thence East on the South line of said Donation Land Claim a distance of 17.65 chains to the place of beginning.

SAVE AND EXCEPT the West 20.0 feet of the South 66 chains of the above described tract reserved for a roadway.

PARCEL 5: (Parcel Number R 094320002000, Ref Parcel Number 214418)

(Sayer II Parcel)

Beginning 17.65 chains West of the Southeast corner of the George Pyburn Donation Land Claim No. 69 in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence West 17.65 chains to the Southwest corner of the East half of said Claim No. 69; thence North 20 chains to an iron rod; thence East 17.65 chains to an iron rod; thence South 20 chains to the place of beginning.

EXCEPTING a strip of land 20 feet wide off the East side of said tract for a part of roadway North and South.

FURTHER SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

PARCEL 6: (Parcel Number R073060000202A1, Ref Parcel Number 413813; Parcel Number R073060000202, Ref Parcel Number 479378; Parcel Number R063300000406, Ref Parcel Number 265720; Parcel Number R063310000201, Ref Parcel Number 265832; Parcel Number R063310000202, Ref Parcel Number 265845; Parcel Number R063310000300, Ref Parcel Number 265858; Parcel Number R063310000400, Ref Parcel Number 265861; Parcel Number R063310000500, Ref Parcel Number 265874; Parcel Number R064360000800, Ref Parcel Number 266417; Parcel Number R073060000301, Ref Parcel

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Number 266871; and Parcel Number R073060000304, Ref Parcel Number 266884)

PARCEL 1: Beginning at an iron pipe which is 39.830 chains South 84°00' West 6.195 chains North and 1018.08 feet North 12°56' East and 17°00 feet South 72°50' East and 311.20 feet South 78°00' East and 1100.00 feet South 81°04' East from the Southeast corner of the Walter K. Walker Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, said iron pipe being on the Southerly right of way line of a County Road; thence South 2°50' West 97.30 feet to an iron pipe; thence North 89°19' East 25.04 feet to an iron pipe; thence North 2°50' East 96.46 feet to a point on the Southerly line of said County Road; thence North 88°46' West 25.00 feet to the place of beginning.

PARCEL 2: That portion of the following described tracts of land lying Easterly of County Road /648, (also known as Spring Valley Road) as now located: The East one-half (E ½) of the Donation Land Claim of Jesse D. Walling and Eliza Ann Walling, his wife, being Notification No. 247, Claim No. 52, in Section 31, Township 6 South, Range 3 West, Claim No. 48, in Sections 35 and 36, in Township 6 South, Range 4 West, and Claim No. 58, in Sections 1 and 2 in Township 7 South, Range 4 West, all being West of the Willamette Meridian in Polk County, Oregon.

ALSO: Beginning on the North line of said Jesse D. Walling and wife, Donation Land Claim at a point that is South 74-1/2° West 78.17 chains from the most Northerly Northeast corner of said Donation Land Claim; said beginning point being also the Northeast corner of the West one-half (W ½) of said Donation Land Claim; thence South 74 1/2 West along the North line of said Donation Land Claim 38.67 chains; thence South 15 East 22.64 chains; thence North 74-1/2 East 17 chains; thence North 15 West 7 chains; thence North 74-1/2 East 21.66 chains to the East line of the West one-half (W1/2) of said Donation Land Claim; thence North 15° West 15.25 chains to the place of beginning.

ALSO: Beginning on the South boundary line of said J. D. Walling and wife Donation Land Claim at a point North 74°40' East 21.18 chains from the Southwest corner of said Donation Land Claim; thence North 74°40' East along the south boundary of said Donation Land Claim 35.74 chains; thence North 75°17' East along the South boundary line of said Donation Land Claim 21.99 chains to the Southeast Corner of the West one-half (W ½) of said Walling Donation Land Claim; thence North 15 West along the East boundary line of the West one-half (W1/2) of said Walling Donation Land Claim 25.59 chains to the Southeast corner of a tract of land heretofore conveyed to Eliza Ann Walling by the heirs of Jesse D. Walling; thence South 74°30' West 21.66 chains; thence South 15 East 7 chains; thence South 74°30' West 36.88 chains- thence South 15 East 17.63 chains to the place of beginning, in Section 36, Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, all being a part of the Jesse D. Walling and Eliza Ann Walling, his wife, Donation Land Claim No. 52, in Township 6 South, Range 3 West and No. 48, Township 6 South, Range 4 West, and No. 58, Township 7 South, Range 4 West, all West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above described Parcel 2 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that say be produced from a depth below 5130 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or

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extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 3: Beginning in the center of the County Road at a point which is 455.20 feet North 75°15' East from a stone set for the Southeast corner of the John Phillips Donation Land Claim, in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; thence South 75°15' West 455.20 feet to said stone; thence South 89°51' West, along the South line of said claim, 122.75 feet; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence North 74°41' East, along the Northerly line of the said Walling claim, 583.83 feet; thence North 0°02' East 1696.21 feet to the place of beginning.

SAVE AND EXCEPT that portion of the above described premises lying within the limits of public roads and roadways.

FURTHER SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the Surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 4: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, at a point which is 122.75 feet South 89°41' West from a stone set for the Southeast corner of said claim; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence South 74°41' West, along the Northerly line of said Walling claim, 550.28 feet to the Southeast corner of a tract of land conveyed to Frank Crawford by deed recorded in Volume 109, Page 422, Deed Records for Polk County, Oregon; thence North 0°02' East, along the East line of the said Crawford Tract, 1 78.17 feet to a point on the South line of the said Phillips claim; thence North 89°41' East, 530.65 feet to the place of beginning.

EXCEPTING THEREFROM premises described in deed to Blanche V. Snyder, recorded June 4, 1968, in Volume 210, Page 694, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM premises described in deed to Mae I. Hampton, recorded June 4, 1968, in Volume 210, Page 695, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 5: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County,

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Oregon, at a point which is 122.75 feet South 89°51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West along the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for Polk County, Oregon. 180.00 feet; thence South 89°51' West, parallel with said South line, a distance of 140.00 feet; thence North 0°02' East, parallel with the said East line, 180.00 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said Claim line, 140.00 feet to the place of beginning.

SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 6: Beginning on the South line of the John Phillips Donation land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon, at a point which is 413.40 feet South 89°51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West parallel to the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for said county, 363.00 feet; thence South 89°51' West, parallel to said South line, 160 feet to a point; thence North 0°02' East parallel to the East line of said Crawford Tract 363 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said South line, 160 feet to the place of beginning.

TOGETHER WITH a perpetual nonexclusive easement to use a strip of land 20 feet wide, the center line of which is located as follows across the Servient Estate: Beginning at a point on the North line of Brush College Road in Polk County, Oregon, said point being North 42°27' West 1212.85 feet from the Southeast corner of the W. M. Walker Donation Land Claim No. 62, in Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence North 05°11' East 1964.96 feet; thence South 62°01' West 627.92 feet; thence North 00°52' East 2326.87 feet to a point and terminus, said terminus point being approximately 22 feet North of the North line of the W. M. Walker Donation Land Claim No. 43 and approximately South 76° West 1201.35 feet from the Northeast corner of W. M. Walker Donation Land Claim No. 43 in Section 31, Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above Parcel 6 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 7: That tract of land lying within Section 31, Township 6 South, Range 3 West, and Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the Donation Land Claim of Walter M. Walker and wife in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon,

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said point being marked by a stone 24x12x12 inches; thence North 75°17' East 3.44 chains along the South line of Donation Land Claim of Jesse O. Walling; thence South 0°02' West 73.01 chains to the County Road from which an iron pipe bears North 50 links and an oak tree 14 inches in diameter bears North 81°10' East 3.1 links; thence North 56°57' West 19 links, along the South Road; thence North 39°15' West 2.80 chains, along the County Road; thence North 49°40' West 1.80 chains, along said Road to the East line of the Donation Land Claim of Welter M. Walker; thence North 53° West 5 chains, along the County Road; thence North 79° West 3.22 chains, along the County Road; thence North 85° West 8 chains along the County Road; thence North 22.72 chains; thence South 72° West 2.74 chains; thence North 38.20 chains to the North line of the Walter M. Walker Claim; thence North 75°17' East 18.43 chains along the North line of said claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point which is 227.04 feet North 75°17' East and 2948.05 feet South 0°02' West of the Northeast corner of the Walter N. Walker Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; running thence the following bearings and distances: South 0°02' West 1903.61 feet to the center of the County road, North 56°57' West 12.54 feet along center of County Road, North 39°15' West 184.80 feet along center of County Road, North 49°40' West 118.80 feet along center of County Road, North 53°00' West 33.00 feet along center of County Road, North 79°00' West 97.16 feet along center of County Road, North 0°06'33" West 1459.63 feet to a point, East 580.00 feet to the point of beginning.

SAVE AND EXCEPT all that portion lying within public road and/or highways.

ALSO SAVE AND EXCEPT: Beginning at a 1" axle at the Northeast corner of the Walter Walker Donation land Claim No. 43 in Section 31, Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon; thence North 76°44'51" East 226.38 feet to a 5/8" rod; thence South 0°01'24" West 2914.99 feet to a 5/8" rod; thence North 89°55'23" West 580.00 feet to a 5/8" rod; thence South 0°25'04" East 289.62 feet to a 5/8" rod at the true point of beginning; thence North 89°55'23" West 349.26 feet to a 5/8" rod; thence South 4°04'05" West 1114.45 feet to a 5/8" rod on the North right of way line of Brush College Road; thence along said right of way, South 89°04'26" East 323.54 feet to a 5/8" rod; thence South 7°21'07" East 108.75 feet to a 5/8" rod; thence leaving said right of way, North 0°05'04" West 1138.36 feet to said true point of beginning; all in the Northwest quarter of Section 6, Township 7 South, Range 3 West, Willamette Meridian, Polk County, Oregon.

PARCEL 8: All of the following described property lying North of the Northerly line of County Road No. 738:

Beginning at a post 18.43 chains South 75°17' West of the Northeast corner of the Donation Land Claim of Walter M. Walker and wife, Notification No. 138, claim Nos. 43, 46, 57, and 62, being part of Sections 36, 31, 6 and 1, Townships 6 and 7 South, Ranges 3 and 4 West of the Willamette Meridian, Polk County, Oregon; and running thence South 75°17' West 30.10 chains to a post; thence South 40.00 chains to a post; thence North 72° East 29.81 chains to a post; thence North 38.20 chains to a post and the place of beginning, and being a part of aforesaid Donation Land Claim.

ALSO: Beginning at the Southeast corner of the Donation Land Claim of Walter M. Walker and wife. Notification No. 138, in Township 7 South, Range 3 West of the

Willamette Meridian; And running thence North 9.85 chains to the center of the County Road; thence North 53 West, following the center of said road, 5.07 chains; thence North 79 West, 3.26 chains; thence West 8.00 chains to a post in the road; thence North 22.72 chains; thence South 72° West 25.38 chains to the Township line; thence South along the Township line 33.00 chains, more or less, to the South line of said Donation Land Claim; thence North 84 East 39.80 chains to the place of beginning, and being a part of said Donation Land Claim.

ALSO: Beginning South 84 West 39.43 chains and North 6.195 chains from the Southeast corner of Walter N. Walker's Claim No. 62 in Township 7 South, Range 3 West of the Willamette Meridian, on the Range line between Ranges 3 and 4 at a 1 inch pipe; thence North along Range line 26.34 chains to a stone; thence South 72 West 7.50 chains to a stone; thence South 0 30' East 24.117 chains to a 1 inch pipe; thence North 88 51' East 6.95 chains to the place of beginning. All situated in the County of Polk, State of Oregon.

Parcel 7: (Parcel Number R063050000100; Ref Parcel Number 275949)

Batz Tract 1:

Beginning at the intersection of the North line of the George K. Gay Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, with the East line of the Salem-Dayton Highway; thence West along the North line of said claim to a point which is 20.96 chains East from the Northwest corner thereof; thence Southerly along the East line of an 80 acre tract conveyed by deed recorded in Volume 0, page 240, of Yamhill County Deed Records, a distance of 38.12 chains to a stone on the line dividing said Claim into North and South halves; thence East along said dividing line 3887 feet to a stone at the Southern corner of the North half of said Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Palmer Creek Water District Improvement Company by deed recorded in Film Volume 63, page 31, Deed and Mortgage Records; thence North 73°20'48" West 156 feet, more or less, to an iron pipe set on the East line of the Salem-Dayton Highway; thence Northerly along the East line of said Highway 154 feet to an iron pipe; thence South 71° East 130 feet, more or less, to the East line of said Gay Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Roy C. Gifford, et ux, by deed recorded in Film Volume 46, page 784, Deed and Mortgage Records, said point being Northeasterly along the Easterly line of said Highway 32 feet and South 71° East from the Northwest corner of said Palmer Creek tract; thence North 71° West to the Easterly line of said Highway; thence Northeasterly along the East line of said Highway to the place of beginning.

Batz Tract 2:

Parcel 1: Being a part of the Adam Matheny Donation Land Claim, Notification No. 1633, Claim No. 60 and a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 65 in Sections 32 and 33, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set in the center of the County Road at a point South 5°09' East 6.312 chains from an iron pipe at the Southwest corner of the Daniel Matheny Donation Land Claim; thence North 88°26' West along the center of ditch, 1.020 chains to angle in ditch; thence North 66°27' West along the center of ditch, 5.140 chains to angle in ditch; thence North 88°19' West along the center of ditch, 19.030 chains to angle in ditch; thence North 84°26' West along the center

of ditch, 9.934 chains to angle in ditch; thence South 71°32' West along the center of ditch, 14.385 chains to stake at bend in ditch and end of line fence; thence South 88°21' West along line fence, 17.020 chains to anchor post at the Northwest corner thence South 9°00' West along fence 23.543 chains to stake set for the Southwest corner of Lot 3 and the Northwest corner of Lot 4; thence East on line between Lots 3 and 4 of County Survey No. 2815, 67.992 chains to a point in the center of the County Road; thence North 4° 14' East along the center of County Road, 15.336 chains to angle in road; thence North 1°03' East along the center of road, 4.772 chains to angle in road; thence North 3°33' West along the center of road, 4.621 chains to the place of beginning and being designated as Lots 1, 2, and 3 of County Survey No. 2815 of Yamhill County, Oregon.

Parcel 2: Being a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 59 in Sections 4 and 5, Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a stake set North 89°25' East 25.780 chains and North 9°00' East 17.467 chains from stone ml the Southwest corner of said Claim; thence East on line between Lot 4 and 5 of County Survey No. 2815, 68.704 chains to a point in the center of the County Road; thence North 4°41' East along the center of road, 8.458 chains to the Northeast corner of Lot 4 and the Southeast corner of Lot 3; thence West on line between Lots 3 and 4, 67.992 chains to stake; thence South 9°00' West 8.540 chains to the place of beginning, and being designated as Lot 4 of County Survey No. 2815, County Surveys of Yamhill County, Oregon.

SAVE AND EXCEPT:

- (1) As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
- (2) Rights of the public in streets, roads and highways.
- (3) Anchor Permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland, Oregon, recorded August 11, 1958, in Volume 167, page 528, Deed Records for Polk County, Oregon. (Affects Tract I)
- (4) Anchor permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland Oregon, dated May 19, 1958, and recorded June 26, 1958, in Book 187, page 787, Deed Records for Polk County, Oregon. (Affects Tract I.)
- (5) Transmission line easement, given by Lloyd L. Lind and Mary Lind to Portland General Electric Co., recorded May 21, 1953, in Book 169, page 712, Yamhill County Deed Records. (Affects Tract 2.)
- (6) Anchor permit, including the terms and provisions thereof given by Lloyd L. Lind and Mary Lind to Portland General Electric Company, dated April 22, 1958, and recorded May 2, 1958, in Book 187, page 397, Yamhill County Deed Records, (Affects Tract 2.)

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- (7) Easement, including the terms and provisions thereof, from Lloyd L. and Mary Lind to Palmer Creek Water District Improvement Company, dated July 28, 1967, and recorded August 1, 1967, in Film Volume 61, pages 849 and 850, Deed and Mortgage Records for Yamhill County, Oregon, for construction and maintenance of irrigation system. (Affects Tracts 1. and 2.)
- (8) The premises herein described are within and subject to the statutory powers of Palmer Creek Water Irrigation District of Yamhill County, Oregon. (Affects Tracts 1. and 2.)
- (9) Line easement, including the terms and provisions thereof, from John A. Bats and Dolores J. Batz, husband and wife, to Portland General Electric Company, an Oregon corporation, recorded June 22, 1973, in Film Volume 94, page 2267, Deed and Mortgage Records of Yamhill County, Oregon. (Affects Tract 2.)

Parcel 8: (Parcel Number R084060000101, Ref Parcel Number 445841 and Parcel Number R084060000102, Ref Parcel Number 445854)

Parcel 1:

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the D.L.C. of James Kimsey and wife Lot. No. 99. Claim No. 54 in Township Eight (8) South. Rang. Four (4) West of the Willamette Meridian in Polk County, Oregon; running thence East 59.20 chains to the West line of the D.L.C. of Alonzo Wood Claim No. 39 at a point 19.55 chains South from the Northwest corner of said claim; thence South 45 West along the West line of said claim 15.45 chains to the Southeast corner of Lot No. 5 in Section 6, Township 8 South. Range 4 West of the Willamette Meridian. in Polk County. Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the state of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in Book 152, page 202. Book of Records for Polk County. Oregon.

Parcel 2:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification Number 99, Claim Number 54. in Township 8 South. Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in book 152, page 202, Book of Records for Polk County. Oregon.

Parcel 3:

Beginning at the quarter section post on the line between Section 6. Township B South, Range 4 West and Section Township 8 South, Range 5 West of the Willamette Meridian. Polk County, State of Oregon; thence North 31.79 chains;

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thence East 20.00 chains; thence South 31.79 chains; thence West 20.00 chains to the place of beginning.

SAVE AND EXCEPTING 2 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife. Notification No. 99, Claim No. 54. in Section 6, Township 8 South. Range 4 West of the Willamette Meridian in Polk County. Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East .4.47 chains; thence North 4.47 chains to the point of beginning.

SUBJECT TO:

The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given; The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways; Limited access provision in deed to the State of Oregon, recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon (Parcel I and II); Any lien or encumbrance made or permitted to be may by Grantee subsequent to August 15, 1990, the date of that contract recorded in Book 234, Page 2156, which this deed is given to fulfill.

To Have and To Hold the same unto the said Grantee and Grantee's heirs, successors, and assigns forever.

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352."

In construing this deed and where the context so requires, the singular includes the plural.

DATED this 11 day of September, 2006.

Ditchen Land Company Limited Partnership, an
Oregon limited partnership

By: David L. Ditchen
David L. Ditchen, General Partner

By: Eldon D. Ditchen
Eldon D. Ditchen, General Partner

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STATE OF OREGON)
) ss.
County of Marion

On this 11 day of September, 2006, before me personally appeared the above named DAVID L. DITCHEN and ELDON D. DITCHEN, GENERAL PARTNERS OF DITCHEN LAND COMPANY LIMITED PARTNERSHIP, and acknowledged the foregoing instrument to be their voluntary act and deed.



Diane L. Davis
Notary Public for Oregon
My Commission Expires: March 7, 2008

May 11, 2020

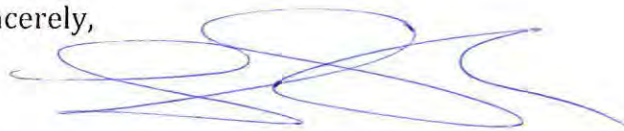
Via U.S. Mail

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

RE: Ditchen Land Company, LLC: Application for Temporary Transfer

Enclosed please find Ditchen Land Company's application for temporary transfer, application fee, and exhibits. Please feel free to contact me directly if you have any questions regarding this application

Sincerely,



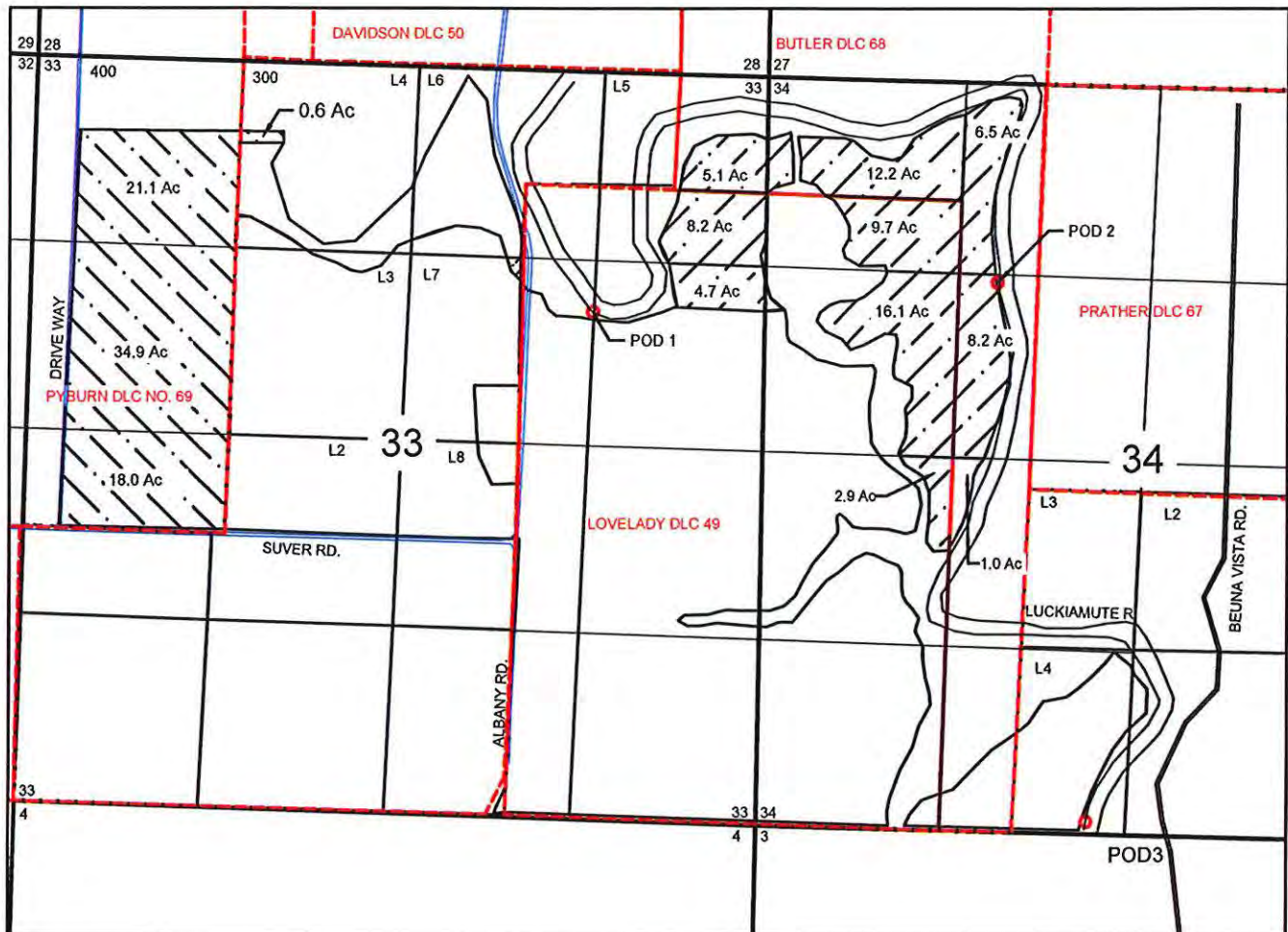
Lolly Anderson

RECEIVED

MAY 12 2020

13435 OWRD

T.9S. R.4W, W.M.



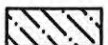
DITCHEN LAND COMPANY, LLC TEMPORARY TRANSFER

1" = 1,320'

LEGEND



TRANSFER FROM - 74.6 Ac.

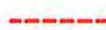


TRANSFER TO - 74.6 Ac.

APPLICATION: 42040

PERMIT: 31469

CERTIFICATE: 41962



DLC BOUNDARY



ROADS



SECTION LINES

RECEIVED

MAY 12 2020

OWRD

Drawing Number:

Sheet Name:

DRAWING FOR INFORMATION ON
WATER RIGHTS ONLY NOT
LEGAL BOUNDS

TEMPORARY
TRANSFER MAP

M2

NO.	REVISION DESCRIPTION	DATE
4		
3		
2		
1		

0 SCALE CHECK 1"



IRZ ENGINEERING™
CONSULTANTS
A LINDSAY COMPANY

500 N 1ST, HERMISTON, OREGON 97838
OFFICE (541) 567-0252 FAX (541) 567-4239

DESIGNED

DRAWN SUVA SHAKYA

DATE 04-22/2020

SCALE 1:1320

PROJECT

517-19-001

DITCHEN LAND COMPANY, LLC

WATER RIGHTS PROJECT

13435

Regular Temporary Water Right Transfer Application Checklist

Checked by B

Date 5.15.2020

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☐ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

C 41962

44.6
2
1492

74.60
2.90
6000
22380
14920
171,5800