

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This 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.

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

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed 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 new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: Cert. 45979, 56862, 57371**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(For Staff Use Only)**

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- 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 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), 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°).



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>HBF Enterprises</b>		PHONE NO. <b>(971) 237-5031</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>23301 SW McKibben Rd.</b>			FAX NO.
CITY <b>Sheridan</b>	STATE <b>OR</b>	ZIP <b>97378</b>	E-MAIL <b>markdanielhurst@gmail.com</b>
<b>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.</b>			

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

AGENT/BUSINESS NAME <b>Will McGill Surveying, LLC</b>		PHONE NO. <b>(503) 931-0210</b>	ADDITIONAL CONTACT NO. <b>(503) 510-3026</b>
ADDRESS <b>15333 Pletzer Rd. SE</b>			FAX NO.
CITY <b>Turner</b>	STATE <b>OR</b>	ZIP <b>97392</b>	E-MAIL <b>willmcgill.surveying@gmail.com</b>
<b>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.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
*It is proposed to authorize POD A for the portion of water rights on the neighboring property and authorize all the PODs on the subject property for the respective water right portions giving flexibility to interconnect the irrigation system.*

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

### Check One Box

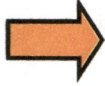
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: McMinnville, News-Register.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



[Handwritten Signature]  
Applicant signature

Mark Hurst, owner  
Print Name (and Title if applicable)

2/14/23  
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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: [https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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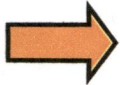
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Yamhill County</b>	ADDRESS <b>525 NE 4<sup>th</sup> St.</b>	
CITY <b>McMinnville</b>	STATE <b>OR</b>	ZIP <b>97128</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

CERTIFICATE # 45979

### Description of Water Delivery System

System capacity: 2.5 cubic feet per second (cfs) **OR**  
 \_\_\_\_\_ 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. **40 HP submersible pump delivers water through buried PVC mainline to rotator sprinklers and drip lines.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	570' N & 30' W from NW corner, McCane DLC 62
POD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	630' N & 630' W from NW corner, McCane DLC 62
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	640' N & 640' W from NW corner, McCane DLC 62
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- |  |   |
|--|---|
| <input type="checkbox"/> Place of Use (POU)                              | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

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

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

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**Table 2. Description of Changes to Water Right Certificate # 45979**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date			
										APOD	5	S	5	W	31	NW	SW	2400	75	8.2	Irrigation	POD 1, 2, 3	1969
										APOD	5	S	5	W	31	NW	SW	2400, 2300	75	6.8	Irrigation	POD 1, 2, 3	1969
TOTAL ACRES:							TOTAL ACRES:											15.0					

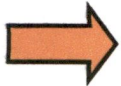
Additional remarks: \_\_\_\_\_.



**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers:\_\_\_\_\_.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached 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](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 for any wells that do not have a well log. For *proposed wells 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

## Part 5 of 5 – Water Right Information

CERTIFICATE # 56862

### Description of Water Delivery System

System capacity: 3.1 cubic feet per second (cfs) OR  
 \_\_\_\_\_ 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. **50 HP submersible pump delivers water through buried PVC mainline to rotator sprinklers and drip lines.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	640' N & 640' W from NW corner, McCane DLC 62
POD 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	630' N & 630' W from NW corner, McCane DLC 62
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	570' N & 30' W from NW corner, McCane DLC 62
POD A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	650' N & 690' W from NW corner, McCane DLC 62

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

- |  |   |
|--|---|
| <input type="checkbox"/> Place of Use (POU)                              | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

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

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

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**Table 2. Description of Changes to Water Right Certificate # 56862**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

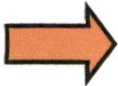
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
5	S	5	W	31	SW	SW	100	75	23.6	Irrigation	POD 2	1974	APOD	5	S	5	W	31	SW	SW	100	75	23.6	Irrigation	POD 1, 2, 3	1974
5	S	6	W	36	SE	SE	500, 600	47	20.9	Irrigation	POD 2	1974	POD	5	S	6	W	36	SE	SE	500, 600	47	20.9	Irrigation	POD A	1974
6	S	6	W	1	NE	NE	100, 500	87	27.2	Irrigation	POD 2	1974	APOD	6	S	6	W	1	NE	NE	100	87	22.7	Irrigation	POD 1, 2, 3	1974
6	S	6	W	1	NW	NE	500, 600	87	31.7	Irrigation	POD 2	1974	POD	6	S	6	W	1	NE	NE	500	87	4.5	Irrigation	POD A	1974
6	S	6	W	1	SW	NE	500, 600	87	10.3	Irrigation	POD 2	1974	POD	6	S	6	W	1	NW	NE	500, 600	87	31.7	Irrigation	POD A	1974
6	S	6	W	1	SE	NE	500	87	1.0	Irrigation	POD 2	1974	POD	6	S	6	W	1	SW	NE	500, 600	87	10.3	Irrigation	POD A	1974
													POD	6	S	6	W	1	SE	NE	500	87	1.0	Irrigation	POD A	1974
TOTAL ACRES:							114.7						TOTAL ACRES:							114.7						

Additional remarks:\_\_\_\_\_.

**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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Well log(s) are attached 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.

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**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells 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**

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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

## Part 5 of 5 – Water Right Information

CERTIFICATE # 57371

### Description of Water Delivery System

System capacity: 2.5 cubic feet per second (cfs) OR  
 \_\_\_\_\_ 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. **40 HP submersible pump delivers water through buried PVC mainline to rotator sprinklers and drip lines.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	630' N & 630' W from NW corner, McCane DLC 62
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	640' N & 640' W from NW corner, McCane DLC 62
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	570' N & 30' W from NW corner, McCane DLC 62
POD A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		5	S	5	W	31	NW	SW	75	650' N & 690' W from NW corner, McCane DLC 62

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input checked="" type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

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

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

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**Table 2. Description of Changes to Water Right Certificate # 57371**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
5	S	5	W	31	NW	SW	2200	75	9.3	Irrigation	POD 3	1969	APOD	5	S	5	W	31	NW	SW	2200	75	7.9	Irrigation	POD 1, 2, 3	1969
5	S	5	W	31	SW	SW	2200	75	7.2	Irrigation	POD 3	1969	APOD	5	S	5	W	31	SW	SW	2200	75	6.6	Irrigation	POD 1, 2, 3	1969
5	S	6	W	36	NE	SE	2000	47	18.6	Irrigation	POD 3	1969	POD	5	S	6	W	36	NE	SE	2000	47	18.6	Irrigation	POD A	1969
5	S	6	W	36	SE	SE	2000	47	14.2	Irrigation	POD 3	1969	POD	5	S	6	W	36	SE	SE	2000	47	14.2	Irrigation	POD A	1969
													POU/APOD	6	S	6	W	1	NE	NE	100	87	2.0	Irrigation	POD 1, 2, 3	1969
TOTAL ACRES:							49.3						TOTAL ACRES:							49.3						

Additional remarks: \_\_\_\_\_.

**For Place of Use or Character of Use Changes**

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

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached 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](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 for any wells that do not have a well log. For *proposed wells 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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## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

02-14-2023

11:16

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
699595-84	ABN	INA		07-09-1999		
<b>Entity Name</b>	HBF ENTERPRISES					
<b>Foreign Name</b>						
<b>Affidavit?</b>	N					

[New Search](#)

## Associated Names

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Type	PPB	PRINCIPAL PLACE OF BUSINESS			
<b>Addr 1</b>	23301 SW MCKIBBEN RD				
<b>Addr 2</b>					
<b>CSZ</b>	SHERIDAN	OR	97378	<b>Country</b>	UNITED STATES OF AMERICA

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE	Start Date	05-24-2011	Resign Date	
<b>Name</b>	MARK		HURST			
<b>Addr 1</b>	23301 SW MCKIBBEN RD					
<b>Addr 2</b>						
<b>CSZ</b>	SHERIDAN	OR	97378	<b>Country</b>	UNITED STATES OF AMERICA	

Type	REG	REGISTRANT			
<b>Name</b>	MARK		HURST		
<b>Addr 1</b>	23301 SW MCKIBBEN RD				
<b>Addr 2</b>					
<b>CSZ</b>	SHERIDAN	OR	97378	<b>Country</b>	UNITED STATES OF AMERICA

Type	REG	REGISTRANT			
<b>Name</b>	PATTY	D	HURST		
<b>Addr 1</b>	23301 SW MCKIBBEN RD				
<b>Addr 2</b>					
<b>CSZ</b>	SHERIDAN	OR	97378	<b>Country</b>	UNITED STATES OF AMERICA

[New Search](#)

## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
HBF ENTERPRISES	EN	CUR	07-09-1999	



# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of YAMHILL)

I, MARK HURST, in my capacity as OWNER,  
 mailing address 23301 SW MCKIBBEN RD., SHERIDAN, OR 97378  
 telephone number (971)237-5031, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_\_; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
45979	5	S	5	W	WM	31	NW	SW	75	8.2
45979	5	S	5	W	WM	31	SW	SW	75	6.8
56862	5	S	5	W	WM	31	SW	SW	75	23.6
56862	6	S	6	W	WM	1	NE	NE	87	22.7
57371	5	S	5	W	WM	31	NW	SW	75	9.3
57371	5	S	5	W	WM	31	SW	SW	75	7.2

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)

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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.

[Signature]  
Signature of Affiant

2/14/23  
Date

Signed and sworn to (or affirmed) before me this 14 day of Feb., 2023.



[Signature]  
Notary Public for Oregon

My Commission Expires: 11/13/23

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>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.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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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 )  
 ) ss  
 County of YAMHILL

I, DAVID BRANDT, in my capacity as OWNER/FARMER,  
 mailing address 25015 SW BALLSTON RD., SHERIDAN, OR 97378  
 telephone number (503)550-0348, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_\_; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
56862	5	S	6	W	WM	36	SE	SE	47	20.9
56862	6	S	6	W	WM	1	NE	NE	87	4.5
56862	6	S	6	W	WM	1	NW	NE	87	31.7
56862	6	S	6	W	WM	1	SW	NE	87	10.3
56862	6	S	6	W	WM	1	SE	NE	87	1.0
57371	5	S	6	W	WM	36	NE	SE	47	18.6
57371	5	S	6	W	WM	36	NE	SE	1	0.6
57371	5	S	6	W	WM	36	SE	SE	47	14.2

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)

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MY COMMISSION EXPIRES JULY 12, 2025

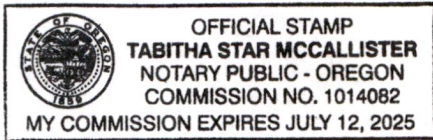
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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.

[Signature]  
Signature of Affiant

2/21/23 - NAB  
Date

Signed and sworn to (or affirmed) before me this 21<sup>st</sup> day of February, 2023.



[Signature]  
Notary Public for Oregon.

My Commission Expires: July 12 2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>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.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



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141-90

# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Yamhill )

I David and Christine Brandt in ~~my~~/our capacity as Owners,  
mailing address 25015 SW Ballston Rd., Sheridan, OR 97378,  
telephone number (503) 550-0348, duly sworn depose and say that ~~I~~/We  
consent to the proposed change(s) to Water Right Certificate Number 56862 and 57371  
described in a Water Right Transfer Application (T-    ),  
*(transfer number, if known)*  
submitted by HBF Enterprises  
on the property in tax lot number(s) 500, 600, and 2000,

Section 36 / 1 Township 5 / 6 South Range 6 / 6 West, W.M.,

located at 23900 Loganberry Ln., Sheridan, OR 97378

*(site address)*

[Signature]

Signature of Affiant

2/21/23

Date

[Signature]

Signature of Affiant

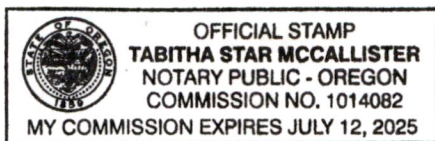
2/21/23

Date

Subscribed and Sworn to before me this 21<sup>st</sup> day of February, 2023.

[Signature]

Notary Public for Oregon



My commission expires July 12 2025

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MEMORANDUM OF REAL PROPERTY CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that on the 16th day of December, 2010, EDGAR A. BRANDT and MARYLOUISE BRANDT, husband and wife, as SELLER, and DAVID BRANDT and CHRISTINE BRANDT, husband and wife, as PURCHASER, executed a Contract for Sale of Real property. Said Contract provides for the purchase of Seller's interest in the real property more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

The true and actual consideration paid for such transfer is the sum of \$260,000.

Dated this 16th day of December, 2010.

SELLER:

Edgar A. Brandt  
Edgar A. Brandt

Marylouise Brandt  
Marylouise Brandt

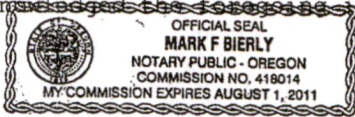
PURCHASER:

David Brandt  
David Brandt

Christine Brandt  
Christine Brandt

STATE OF OREGON )  
 ) ss.  
County of Yamhill )

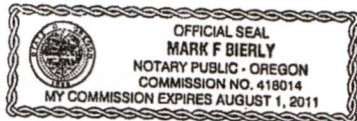
On this 16th day of December, 2010 personally appeared before me the above named Edgar A. Brandt and Marylouise Brandt, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Mark F. Bierly  
Notary Public for Oregon  
My commission expires: 8-1-11

STATE OF OREGON )  
 ) ss.  
County of Yamhill )

On this 16th day of December, 2010 personally appeared before me the above named David Brandt and Christine Brandt, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Mark F. Bierly  
Notary Public for Oregon  
My commission expires: 8-1-11

Until a change is requested, all tax statements shall be sent to the following address:

David and Christine Brandt  
25015 SW Ballston Rd  
Sheridan, OR 97378

After recording, return to:

Mark F. Bierly  
345 NE 6th St.  
McMinnville, OR 97128

SELLER:

Edgar A. & Marylouise Brandt  
390 N. Kings Valley Hwy  
Dallas, OR 97338

PURCHASER:

David and Christine Brandt  
25015 SW Ballston Rd  
Sheridan, OR 97378

MEMORANDUM OF REAL PROPERTY CONTRACT

OFFICIAL YAMHILL COUNTY RECORDS  
REBEKAH STERN DOLL, COUNTY CLERK

201017689



\$45.00

00361944201000176890020021

12/20/2010 01:44:46 PM

DMR-CONDMR Cnt=1 Stn=2 ANITA  
\$10.00 \$10.00 \$11.00 \$15.00

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EXHIBIT A

Parcel 1:

ALL OF THAT PART OF LOT NO. 1 IN THE JAMES GRAVES DONATION LAND CLAIM WHICH IS SITUATED NORTH OF THE RIGHT OF WAY OF THE OREGON AND CALIFORNIA RAILROAD COMPANY, AND SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING A PART OF THE SAID JAMES M. GRAVES DONATION LAND CLAIM, NOTIFICATION NO. 5240, CLAIM NO. 87, IN TOWNSHIP 6 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON WHICH SAID PART THEREOF IS MORE PARTICULARLY DESCRIBED AS BEGINNING ON THE WEST BOUNDARY LINE OF SAID JAMES M. GRAVES DLC AT A POINT 35.053 CHAINS NORTH 00° 54' EAST FROM THE SOUTHWEST CORNER OF SAID CLAIM, AND RUNNING THENCE NORTH 89° 30' EAST 17.895 CHAINS; THENCE SOUTH 00° 35' WEST TO THE NORTH LINE OF SAID RIGHT OF WAY OF THE OREGON-CALIFORNIA RAILROAD COMPANY AS NOW ESTABLISHED BY SAID COMPANY; THENCE WESTERLY ALONG THE NORTH LINE OF THE RIGHT OF WAY OF SAID OREGON AND CALIFORNIA RAILROAD COMPANY TO THE WEST BOUNDARY OF SAID JAMES M. GRAVES DLC; THENCE NORTH 00° 35' EAST ALONG SAID WEST LINE OF SAID GRAVES DLC TO THE PLACE OF BEGINNING, CONTAINING 40 ACRES, MORE OR LESS.

TOGETHER WITH A ROADWAY 20 FEET WIDE BEGINNING AT THE SW CORNER OF LOT NO. 5 OF COUNTY SURVEY NO. 2001 IN TOWNSHIP 6 SOUTH RANGE 6 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 5 TO A POINT 40 FEET NORTH OF THE NORTH LINE OF THE OREGON CALIFORNIA RAILROAD RIGHT OF WAY; THENCE EAST 20 FEET; THENCE SOUTH TO THE SOUTH LINE OF SAID LOT 5; THENCE WEST 20 FEET ALONG THE SOUTH LINE OF LOT NO. 5 TO THE PLACE OF BEGINNING.

ALSO, THE EAST ONE HALF OF LOT NO. 2 OF THE DIVISION OF THE JAMES M. GRAVES DONATION LAND CLAIM NOTIFICATION NO. 5240, CLAIM NO. 47 IN TOWNSHIP 5 SOUTH, RANGE 6 WEST AND CLAIM NO. 87 IN TOWNSHIP 6 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, OREGON, AS SURVEYED IN COUNTY SURVEY NO. 2001, YAMHILL COUNTY, OREGON.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT NO. 2, BEING NORTH 00° 54' EAST 69.86 CHAINS AN NORTH 89° 30' EAST 17.693 CHAINS FROM THE SOUTHWEST CORNER OF SAID GRAVES CLAIM; THENCE SOUTH 00° 35' WEST ALONG THE EAST LINE OF SAID LOT 2, 34.807 CHAINS TO THE SOUTHEAST CORNER OF SAID LOT NO. 2; THENCE SOUTH 89° 30' WEST ALONG THE SOUTH LINE OF SAID LOT NO. 2, 8.947 CHAINS TO THE SOUTHWEST CORNER OF THE EAST ONE HALF OF SAID LOT NO. 2; THENCE NORTH 00° 45' EAST ALONG DIVISION OF SAID LOT NO. 2, 34.807 CHAINS TO THE NORTHWEST CORNER OF SAID EAST ONE-HALF OF SAID LOT NO. 2; THENCE 89° 30' EAST ALONG THE NORTH LINE OF SAID LOT NO. 2, 8.847 CHAINS TO THE BEGINNING AND CONTAINING 30.968 ACRES, MORE OR LESS.

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Parcel 2:

Being a part of the James M. Graves D. L. C. Notification #5240 Claim #47 in T. 5 S. R. 6 W. and Claim #87 in T. 6 S. R. 6 W. of the Willamette Meridian in Yamhill County, Oregon, and beginning at the N.W. corner of Lot #4 said survey, said point being S. 16' W. 19.77 chains and S. 89°30' W. 17.996 chains from the N.E. corner of said Claim; thence S. 35' W. along the West line of said Lot #4 32.372 chains to iron pipe at the N.W. corner of that certain 11.30 acre tract sold off the South side of said Lot #4; thence N. 67°02' E. along the line of said 11.30 acre tract .329 chains to East side of roadway; thence N. 35' E. parallel to West line of Lot #4 32.247 chains to North line of Lot #4; thence S. 89°30' W. .303 chains to beginning, containing .98 of an acre

14190

NIN RS636 02000  
R6601 00600

David J. Brandt, Pers.Rep  
 25015 SW Ballston Rd  
 Sheridan, OR 97378  
First Party's Name and Address

David J. Brandt, Trustee  
 25015 SW Ballston Rd  
 Sheridan, OR 97378  
Second Party's Name and Address

After recording, return to (Name, Address, Zip):  
 David J. Brandt, Trustee  
 25015 SW Ballston Rd  
 Sheridan, OR 97378

Until requested otherwise, send all tax statements to (Name, Address, Zip):  
 David J. Brandt, Trustee  
 25015 SW Ballston Rd  
 Sheridan, OR 97378

STATE OF OREGON, } ss.  
 County of \_\_\_\_\_

I certify that the within instrument was recorded for recording on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception

SPACE RESERVED

OFFICIAL YAMHILL COUNTY RECORDS 200117823  
 CHARLES STERN, COUNTY CLERK



\$36.00

10/10/2001 11:09:13 AM

DMR-DDMR Cnt=1 Stn=2 ANITA  
 \$15.00 \$10.00 \$11.00

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE dated Sept. 28, 2001, by and between David J. Brandt, the duly appointed, qualified and acting personal representative of the estate of Vernon E. Brandt, deceased, hereinafter called the first party, and David J. Brandt, Trustee of the Vernon E. Brandt Testamentary Trust, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of Yamhill, State of Oregon, described as follows, to-wit: a one-half interest in:

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

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(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ none. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols <sup>o</sup>, if not applicable, should be deleted. See ORS 93.030.)

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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

David Brandt  
 David J. Brandt, Personal Representative

STATE OF OREGON, County of Yamhill ) ss.

This instrument was acknowledged before me on \_\_\_\_\_

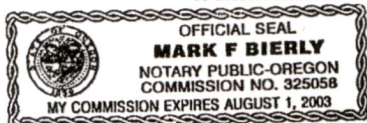
by \_\_\_\_\_

This instrument was acknowledged before me on September 28, 2001

by David J. Brandt

as Personal Representative

of Estate of Vernon E. Brandt



Mark F Bierly  
 Notary Public for Oregon  
 My commission expires 8-1-03

**Parcel 1:**

Beginning at the Northwest corner of the James M. Graves Donation Land Claim, Notification No. 5240, Claim No. 87, in Township 5 South, Range 5 and 6 West of the Willamette Meridian, Yamhill County, Oregon, and running thence North 89° 12' East, 18.50 chains to a stake; thence South 0° 35' West, 19.72 chains to a stake on the North line of Lot 4; thence South 89° 30' West, 0.927 chains to the corner of Lots 2 and 4; thence South 89° 30' West, 17.693 chains to the Southwest corner of Lot 3; thence North 0° 54' East, 19.59 chains to the place of beginning.

**Parcel 2:**

All of Lots 5, 6, 9, 11, 13 and 15 of YAMHILL RIVER BOTTOM ACRES subdivision in Township 5 South, Range 6 West and Township 6 South, Range 6 West of the Willamette Meridian, in Yamhill County, Oregon; EXCEPT the following described:

Beginning at the Northeast corner of said Lot 6, being a point of intersection of the center of County Road No. 423 with the center of a 40 foot wide road as shown on the original plat of said subdivision; thence North 73° 45' West along the center of said county road, 470.79 feet to a point on the North line of said Lot 5; thence South 00° 00' 30" West 530.83 feet to an iron rod; thence East 452.0 feet to the East line of said Lot 6 and center of said 40 foot wide road; thence North 00° 00' 30" East 399.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion deeded to Yamhill County by deed dated December 28, 1976 and recorded January 21, 1977 in Deed and Mortgage, Film Volume 117, Page 1130, Yamhill County Deed Records.

**Parcel 3:**

The West one-half of Lot 2 as described in County Survey #2001 in the James M. Groves Donation Land Claim #47 in Section 1, Township 6 South, Range 6 West of the Willamette Meridian, County of Yamhill, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 2, being on the West line of and North 00° 54' East a distance of 35.053 chains from the Southwest corner of said Donation Land Claim; thence North 00° 54' East along the West line of said claim a distance of 34.807 chains to the Northwest corner of said Lot #2; thence North 89° 30' East along the North line of said Lot 2 a distance of 8.846 chains to the division line of said Lot 2; thence South 00° 45' West along the division line of Lot 2 a distance of 34.807 chains to the South line of said Lot 2; thence South 89° 30' West along the South line of said Lot a distance of 8.948 chains to the place of beginning. TOGETHER WITH that certain right-of-way for irrigation line reserved to the Vendor herein in that contract of purchase wherein the Vendor herein was Vendor, and James E. Mickelson and Arlette D. Mickelson, husband and wife, were Purchasers, dated October \_\_\_\_, 1972, recorded November 8, 1972 in Film Volume 91, Page 2000, Deed Records, Yamhill County.

**Parcel 4:**

All of Lots 14, 16 and all of Lot 12 lying in Section 1, Township 6 South, Range 6 West of the Willamette Meridian, of YAMHILL RIVER BOTTOM ACRES, Yamhill County, Oregon.

**Parcel 5:**

Being a part of the Donation Land Claim of Nathan Conner and wife, in Township 5 South, Range 6 West, situate in the Counties of Polk and Yamhill, State of Oregon, and more particularly bounded and described as follows:

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The Northerly 75.60 acres of the following:

Beginning at the Northwest corner of said Donation Land Claim at a stone from which an oak 30 inches in diameter bears South 89° 30' East 250 links distant, which said point of beginning is also the Northeast corner of the Donation Land Claim of John Miller and wife, Claim No. 60, Notification No. 4965 and running thence South 43.25 chains; thence East 23.13 chains; thence North 43.25 chains to the North boundary line of the Nathan Conner Donation Land Claim and thence West along the North line of said Conner Donation Land Claim 23.13 chains to the place of beginning.

**Parcel 6:**

A tract of land in the James M. Groves Donation Land Claim in Section 1, Township 6 South, Range 6 West of the Willamette Meridian, County of Yamhill, Oregon, described as follows:

Beginning at the Southwest corner of the James M. Groves Donation Land Claim in said Section; thence North 89° 30' East along the South line of said Groves Donation Land Claim, a distance of 18.098 chains; thence North 00° 35' East a distance of 10.453 chains to the South line of the right-of-way of the O & C Railroad Company; thence North 74° 20' West along the South line of said O & C Railroad right-of-way to the West boundary line of said Groves Donation Land Claim; thence South 00° 54' West along the West line of said Donation Land Claim to the place of beginning.

**Parcel 7:**

The following described tract situated in the Counties of Polk and Yamhill, being 15-1/4 acres off of the East side of the West half of the Donation Land Claim of Benjamin Franklin and wife, Notification No. 4972 and Claim No. 61 and part of Section 1 and 2 in T. 6 S., R. 6 W., being the same premises conveyed to said P. M. Scroggin by Susanah Gates and L. Gates by deed dated November 8, 1875, all in Oregon.

**Parcel 8:**

A tract of land in Section 2, Township 6 South, Range 6 West, of the Willamette Meridian, in Yamhill County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Benjamin Franklin and wife Donation Land Claim; thence East 29.42 chains; thence South 34.10 chains; thence West 29.42 chains; thence North 34.10 chains to the place of beginning. EXCEPTING therefrom that part lying within public roads.

**Parcel 9:**

The following described tract situated in the Counties of Polk and Yamhill and State of Oregon described as follows: Commencing at the Northeast corner of the Donation land Claim of S. C. Foster No. 4969 in Township 6 South, Range 6 West of the Willamette Meridian and running thence South 35 chains; thence West 14.24 chains; thence North 35 chains; thence East 14.24 chains to the place of beginning, containing 49.84 acres.

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R5531 00500  
R6601 00100  
R5531 02200  
R5531 02300  
R5531 02400



WARRANTY DEED

HBF Enterprises, an Oregon general partnership consisting of Mark D. Hurst, Patty D. Hurst, Daniel S. Caldwell, and Deborah L. Caldwell, who took title to:

Parcels A and F as HBF Enterprises, an Oregon corporation;

Parcels B and C as HBF Enterprises, an Oregon general partnership consisting of Mark D. Hurst, Patricia D. Hurst, Daniel S. Caldwell, & Deborah L. Caldwell;

Parcel D as HBF Enterprises, an Oregon general partnership, consisting of Mark D. Hurst and Patty D. Hurst;

Parcel E as HBF Enterprises, an Oregon general partnership consisting of Mark Hurst, Patty D. Hurst, Dan Caldwell, and Deborah L. Caldwell;

(hereinafter collectively "Grantor"), conveys and warrants to HBF Enterprises, an Oregon general partnership consisting of Mark D. Hurst and Patty D. Hurst co-partners (hereinafter "Grantee"), the following described real property, free of encumbrances except as specifically set forth herein:

The Legal descriptions for Parcels A, B, C, D, E, and F are attached hereto as Exhibit A and incorporated by this reference.

The true and actual consideration for this conveyance is other property or value given or promised, the receipt and sufficiency of which is hereby acknowledged by Grantor.

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD OR EXTENDED POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. IT IS THE INTENTION OF THE GRANTOR TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

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

Dated this 20<sup>th</sup> day of May, 2011.

HBF Enterprises, an Oregon general partnership

Mark D. Hurst

Daniel S. Caldwell

Patty D. Hurst

Deborah L. Caldwell

AFTER RECORDING,  
RETURN TO:  
Churchill Leonard Lawyers  
PO Box 804  
Salem, OR 97308

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:  
None

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STATE OF OREGON )  
 ) ss.  
County of Yamhill )

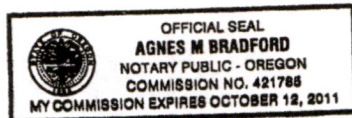
The forgoing instrument was acknowledged before me this 20<sup>th</sup> day of May 2011, 2011, by Mark D. Hurst and Patty D. Hurst, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.



*Agnes M Bradford*  
Notary Public for Oregon  
My Commission Expires:

STATE OF OREGON )  
 ) ss.  
County of Yamhill )

The forgoing instrument was acknowledged before me this 20<sup>th</sup> day of May 2011, 2011, by Daniel S. Caldwell and Deborah L. Caldwell, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.



*Agnes M Bradford*  
Notary Public for Oregon  
My Commission Expires:

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**EXHIBIT A:**

**Legal Descriptions of Real Property**

**Parcel A – Stutzman:**

A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

BEGINNING at the Northeast corner of the James M. Graves Donation Land Claim No. 75 in said Section 31; thence South 00°16' West along the East line of said Graves Claim, a distance of 1304.82 feet to the Southeast corner of Lot 3B of County Survey No. 2001 in Yamhill County, Oregon; thence South 89°30' West along the South line of said Lot 3B, a distance of 563.31 feet; thence North 00°25'45" East, a distance of 1303.17 feet to a point on the North line of said lot; thence North 89°19'31" East along the North line of said Lot, a distance of 559.68 feet to the point of beginning.

SUBJECT TO rights of the public in streets, roads and highways

**Parcel B – Brandt (14 acres):**

PARCEL 1: A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point South 00°16' West 1304.82 feet and South 89°20' West 563.31 feet from the Northeast corner of the James M. Graves Donation Land Claim No. 75, in said Section 31, to the South line of Lot 3B of County Survey No. 2001 in Yamhill County, Oregon; thence South 89°30' West along said South line a distance of 563.31 feet to the Southwest corner of said Lot 3B; thence North 00°35' East along the West line of said Lot 3B a distance of 1301.52 feet to the Northwest corner of said Lot 3B; thence North 89°19'30" East along the North line of said Lot a distance of 559.68 feet; thence South 00°25'45" West a distance of 1303.17 feet to the point of beginning.

SAVING AND EXCEPTING THEREFROM the following described tract of land;

A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 3B of County Survey No. 2001 said corner being South 0°16' West 1304.82 feet and South 89°30' West 1126.62 feet from the Northeast corner of the James M. Graves Donation Land Claim No. 75 in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, thence North 00°35' East 208 feet; thence North 89°30' East 208 feet, thence South 00°35' West 208 feet; thence South 89°30' West 208 feet to the point of beginning.

RESERVING to Grantor, their successors and assigns, an exclusive, perpetual easement parallel with and adjacent to the western and northern boundaries of said parcel for the purpose of providing Grantor access from Loganberry Lane to the point of Grantor's diversion of water from the South Yamhill River, and also an easement running diagonally across the northern portion of said parcel in a generally northeast direction to the point of diversion of water from the South Yamhill river for the purpose of the placement, maintenance, and transmission of underground electricity and water, said easements being appurtenant to other real property on which the water is being applied.

**Parcel C – Brandt House (1 acre):**

PARCEL 2: A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 3B of County Survey No. 2001, said corner being South 0°16' West 1304.82 feet and South 89°30' West 1126.62 feet from the Northeast corner of the James M. Graves Donation Land Claim No. 75 in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence North 00°35' East 208 feet; thence North 89°30' East 208 feet; thence South 00°35' West 208 feet; thence South 89°30' West 208 feet to the point of beginning.

RESERVING to Grantor, their successors and assigns, an exclusive, perpetual easement parallel with and adjacent to the western boundary of said parcel for the purpose of providing Grantor access from Loganberry Lane to Parcel 1, said easement being appurtenant to other real property on which water from the South Yamhill River is being applied.

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**Parcel D – Palmer:**

Being a part of Section 1, Township 6 South, Range 6 West and Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and also a part of the James M. Graves Donation Land Claim No. 87, Notification No. 5240 in said Township and Range, more particularly described as follows:

Lot No. 4, which is more particularly described as follows:

BEGINNING at a stake set South 00°16' West 19.77 chains from the Northeast corner of the James M. Graves' Donation Land Claim, Notification No. 5240, Claim No. 87 in Yamhill County, Oregon; thence South 00°16' West 34.807 chains to a stake set at the Southeast corner of Lot 4 and the Northeast corner of Lot 5; thence South 89°30' West 18.20 chains to the corner of Lots 1, 2, 4 and 5; thence North 00°35' East 34.807 chains to a stake at the Northeast corner of Lot 2; thence North 89°30' East 17.996 chains to the point of beginning.

EXCEPTING THEREFROM a strip of land 20 feet wide on the West side of the above described premises for roadway purposes.

ALSO SAVE AND EXCEPT THEREFROM that tract described in a certain Warranty Deed from Ellen Graves, a widow and Lacy E. Graves, grantors, to Oscar Graves and Hilda Graves, his wife, grantees, which deed is dated February 27, 1915 and recorded March 1, 1915 in Book 69, Page 247, Deed Records of Yamhill County, Oregon.

**Parcel E – Homeplace (1 acre):**

A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at an iron pipe at the Southeast corner of the Owen P. Turner Donation Land Claim; thence North 647.68 feet along the East line of said Claim; thence North 88°32'30" West 20.01 feet to an iron rod on the West margin of County Road No. 424, said iron rod being the True Point of Beginning; thence North 88°32'30" West 181.76 feet to an iron rod; thence North 239.70 feet to an iron rod; thence South 88°32'30" East 180.53 feet to an iron rod; thence continuing South 88°32'30" East 1.20 feet to the West margin of said County Road; thence South 239.70 feet along said West margin to the True Point of Beginning.

**Parcel F – Homeplace (16 acres):**

Part of Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said part being a portion of the James Toney Donation Land Claim, Notification No. 2375, Claim No. 56, and being more particularly described as follows:

Beginning at the Southwest corner of said Toney Donation Land Claim; thence North 13.988 chains to a point 20 feet West of the Southwest corner of a certain tract of land conveyed to B. M. Wepster and wife by deed recorded October 30, 1958 in Film Volume 1, Page 990, Deed and Mortgage Records; thence East along the South line of said Wepster Tract and Westerly extension thereof 11.425 chains to the Northwest corner of a tract of land conveyed by Edna Rierson, et al., by deed recorded October 10, 1957 in Book 163, Page 282, Deed Records; thence South along the West line of said Rierson tract 13.988 chains to a point; thence West 11.425 chains to the place of beginning.

SUBJECT to any adverse claim based upon the assertion that some portion of the herein described premises has been removed or brought within the boundaries thereof by an avulsive movement of the South Yamhill River or has been formed by the process of accretion or reliction.

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# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

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## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

# Land Use Information Form



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

**Applicant**

NAME HBF ENTERPRISES			PHONE (HM)		
PHONE (WK)		CELL (971) 237-5031		FAX	
ADDRESS 23301 SW MCKIBBEN RD.					
CITY SHERIDAN		STATE OR	ZIP 97378	E-MAIL* MARKDANIELHURST@GMAIL.COM	

**A. Land and Location**

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5S	5W	31	SWSW	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
6S	6W	1	NENE	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	SESE	500	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	NESE	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	6W	36	SESE	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
6S	6W	1	NENE NWNE SWNE SENE	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	6W	36	SESE	600	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
6S	6W	1	NWNE SWNE	600	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	6W	36	NESE SESE	2000	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	NWSW	2200	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	SWSW	2200	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	SWSW	2300	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	NWSW	2400	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	5W	31	SWSW	2400	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
5S	6W	36	NESE	2600	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming

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

Yamhill

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**B. Description of Proposed Use**

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

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

Source of water:  Reservoir/Pond     Groundwater     Surface Water (name) South Yamhill River

Estimated quantity of water needed: 1,000  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)

Municipal     Quasi-Municipal     Instream     Other Frost Protection

Briefly describe:

*It is proposed to authorize POD A for the portions of water rights on the neighboring property. It is proposed to authorize POD 1, 2, and 3 for all water rights on the subject property. It is also proposed to apply new surface water for frost protection on kiwi berries in the months of March and April.*



**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

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

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

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

NAME: <u>Ken Friday</u>	TITLE: <u>PD</u>
SIGNATURE:	PHONE: <u>503 434-7526</u>
GOVERNMENT ENTITY: <u>Yamhill County</u>	DATE: <u>2/28/23</u>

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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MAR 17 2023  
OWRD

# Permanent Transfer Application Intake Checklist

Check the Certificates in WRIS

Transfer # T-14190

Checked by <u>[Signature]</u> Date <u>3/10/23</u>	Type of Change(s) Proposed: <b>NO</b> other changes allowed other than those listed		
Calculated Fee \$ <u>3670<sup>00</sup></u>	<input checked="" type="checkbox"/> POU <input checked="" type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE		
Fee Received \$ <u>3670<sup>00</sup></u>		# of rights to be Transferred? <u>3</u>	
Deficiencies and Observations:		Certificate #(s) <u>45979, 56862, 53731</u>	

If OK, check box; if not, fill in.

1. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_
2. Have all the applicants listed at the top of the page signed at the bottom? If not, whose signature is missing? \_\_\_\_\_
3. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D?  N/A. Name of the District \_\_\_\_\_
4. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application? If not, you may need to contact the applicant or agent? \_\_\_\_\_
5. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
6. Is there more than one landowner or more than one water use? (OAR 690-380-3220). If so, a separate application for each water use from each landowner **must** be submitted unless:
  - a. There is a change in POD/POA to a new common POD/POA for a delivery system serving multiple rights and multiple ownerships; or
  - b. A change in USE or POU of all rights are on a single parcel from all sources; or
  - c. Transfers between two parcels using water are from the same source.
7. Has the map been completed and signed by a CWRE? Does the map meet the requirements? If not, what is missing? \_\_\_\_\_. Map waiver included?
8. If a change in point of appropriation, have the well logs been included?  N/A.
9. If a change in place of use is within Umatilla County, is there a Supplemental Form U included?  N/A.

If all boxes (#1-#9) are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If any boxes are not checked, this application is deficient, and **CANNOT** be accepted. Unless the applicant or agent can resolve the deficiencies within 2-3 days, it should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1.**

**Actions taken:**

\_\_\_\_\_ Date \_\_\_\_\_

# Permanent Transfer Application Intake Checklist

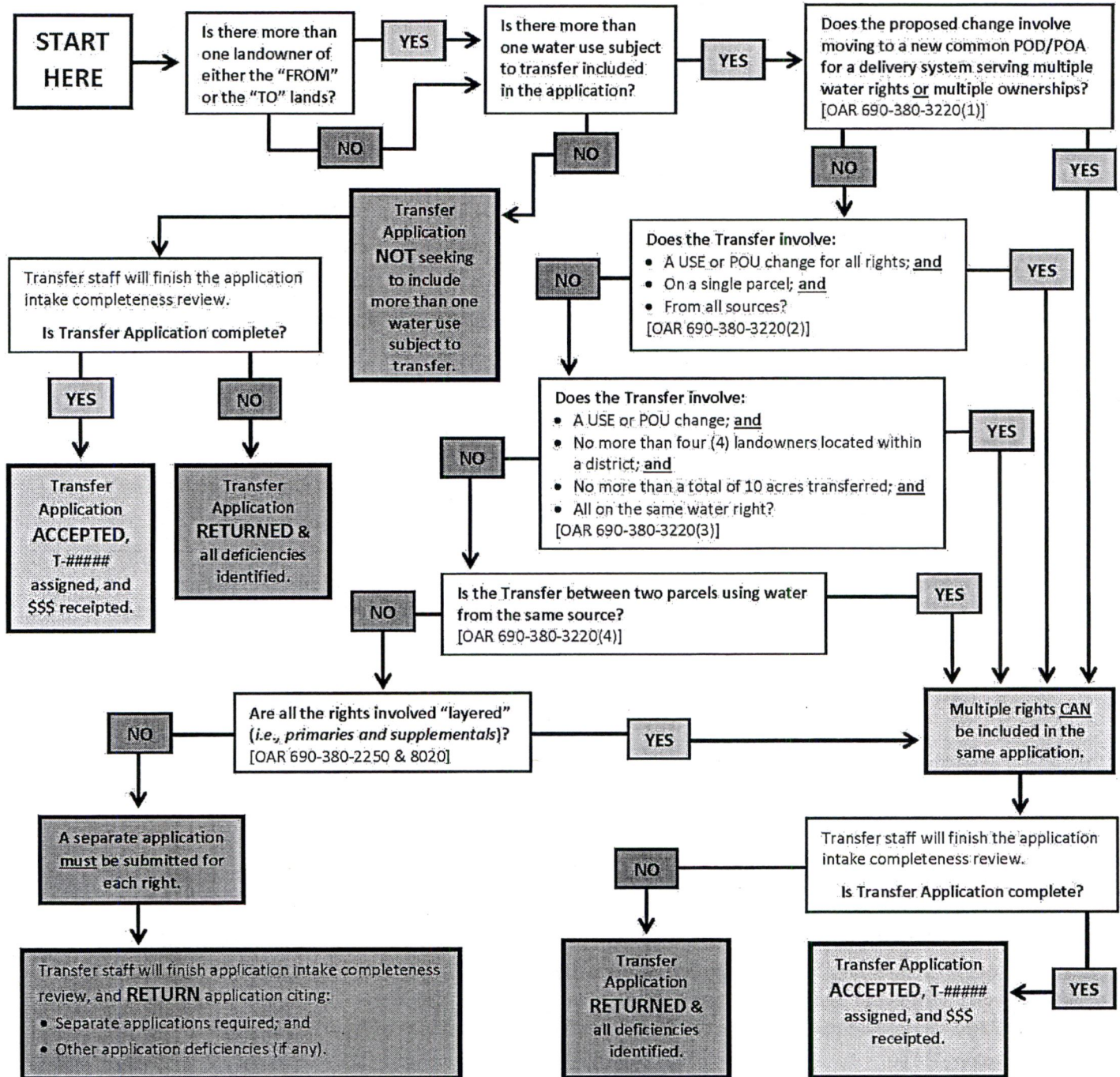
Last Revised: August 19, 2022

By: Lisa Jaramillo

## Decision Tree: Can Multiple Water Rights be included in a Single Transfer Application?

OAR 690-380-3220 – General Criteria / OAR 690-380-2250 – Suppl Water Right or Permit / OAR 690-380-8020 – Temp Transfer Suppl WR

**FOR DIV. 380 TRANSFERS:** The following series of questions outlined in the flow chart below can be used to determine if separate transfer applications are required for each water right proposed for transfer. To qualify for including multiple water rights in a single application, a proposed transfer application must meet at least one of the exceptions outlined in OAR 690-380-3220(1)-(4).



- **NOTE:** Only water rights that meet the criteria of a "water use subject to transfer" under ORS 540.505 may be transferred in a Div. 380 Transfer, except as otherwise noted in OAR 540.510, OAR 690-380-2240, & OAR 690-380-2250. Permit Amendments & GR Modifications are administered under ORS 537.211(4) & OAR 690-382, respectively.
- "More than one landowner" does NOT mean two individuals who are married & are both a deeded owner of the parcel(s), nor a single Trust citing more than one name.
- **Other considerations:** The claim of beneficial use for all the water rights involved in a transfer will be evaluated at one time. The Department does not allow sequential or partial perfection of the rights changed through a water right transfer. As a result, the ability of a water right holder to obtain a certificate and/or apply for a subsequent transfer, including a temporary transfer, will be limited if the first transfer includes rights held by other parties who have not completed the authorized changes.

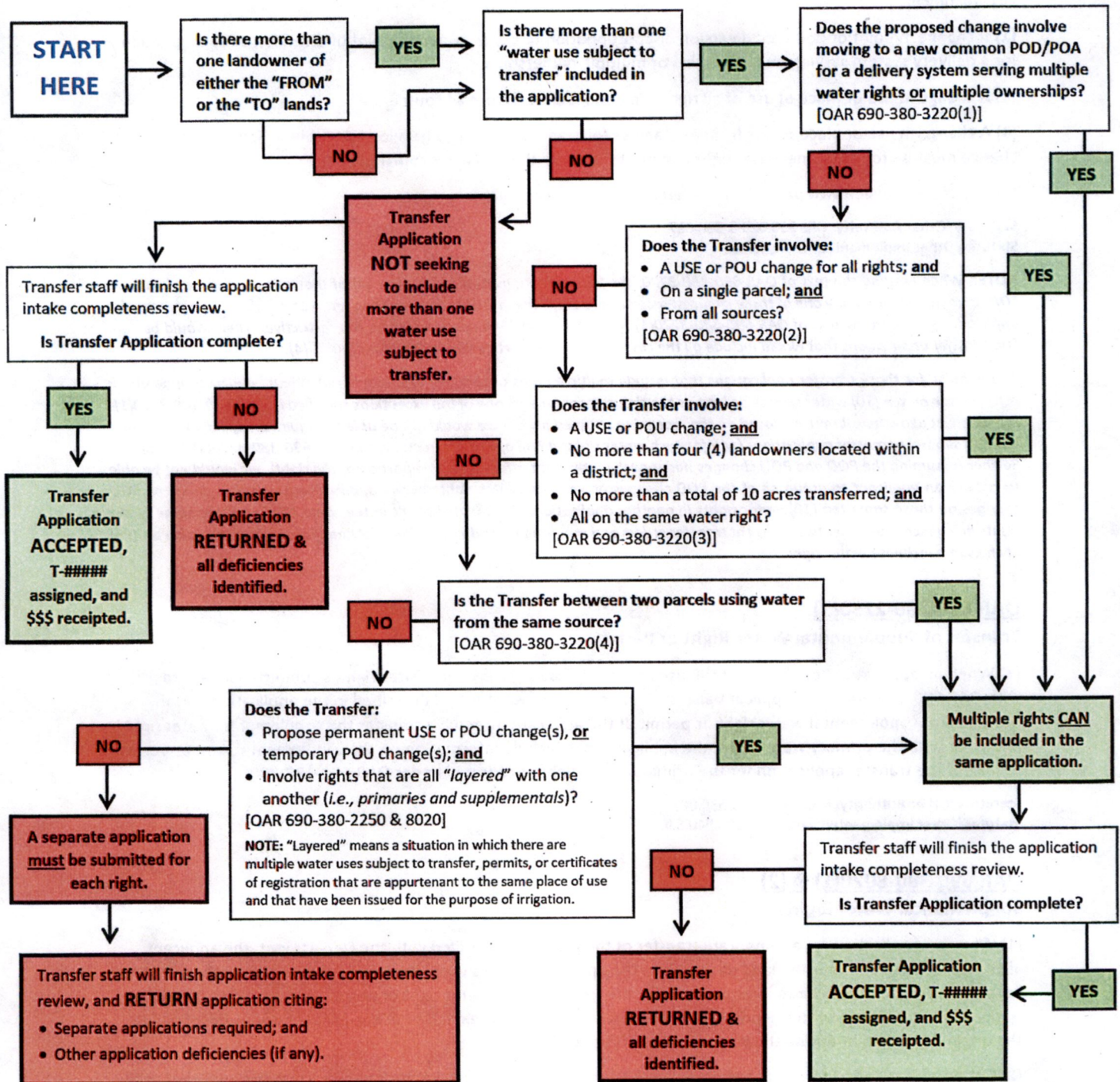
## Permanent Transfer Application Intake Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2</u> (2a) Subtract 1 from the number in line 2a = <u>1</u> (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » »	2	1,090
	Number of water rights included in transfer <u>3</u> (3a) Subtract 1 from the number in 3a above: <u>2</u> (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	1,220
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter » » » » » » » » » » » » » » » »	4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.01</u> (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c)		
5	Multiply 5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal:	6	3,670
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> 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 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	8	3,670

## Decision Tree: Can Multiple Water Rights be included in a Single Transfer Application?

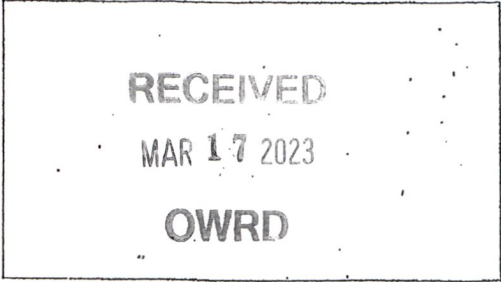
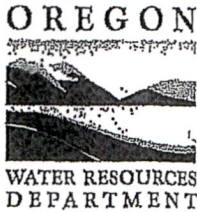
OAR 690-380-3220 – General Criteria / OAR 690-380-2250 – Suppl Water Right or Permit / OAR 690-380-8020 – Temp Transfer Suppl WR

**FOR DIV. 380 TRANSFERS:** The following series of questions outlined in the flow chart below can be used to determine if separate applications are required for each "water use subject to transfer" (as defined in ORS 540.505 & OAR 690-380-0100) that is proposed for transfer. To qualify for including multiple water rights in a single application, a proposed transfer application must meet at least one of the exceptions outlined in OAR 690-380-3220(1)-(4).



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Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: HB F Enterprises

23301 SW McKibben RD, Sheridan OR 97378

Transaction Type: Transfer

Fees Received: \$ 3670.00

Cash

Check:

Check No. 2116

Name(s) on Check: Will McGill Surveying

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

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

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

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

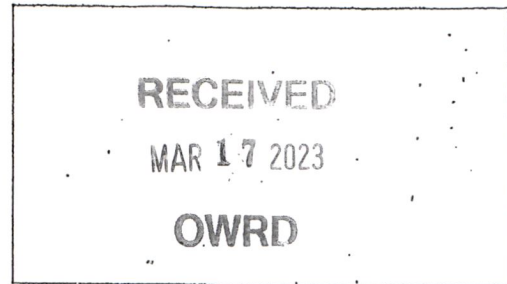
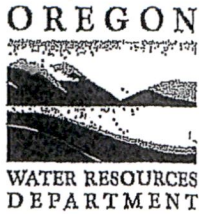
Sincerely,  
OWRD Customer Service Staff

Submission received by: Corie Lovrien  
(Name of OWRD staff)

### Instructions for OWRD staff:

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

14190



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: HBF Enterprises

23301 SW McKibben RD, Sheridan OR 97378

Transaction Type: Transfer

Fees Received: \$ 3670.00

Cash

Check:

Check No. 2116

Name(s) on Check: Will McGill Surveying

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Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Covner  
(Name of OWRD staff)

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