

GR MOD

Name Jonck FarmsDonnie JonckAddress 745 third StreetHillamook or 97141Change in POA AREADate Filed 10/21/2021Initial notice date 10/21/2021

DPD issued date

PD issued date 12/15/2023PD notice date 12/19/2023Date of FO 3/28/2024 Vol 129 Page 1026-1030

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream wellTrib. of Hogwartia Slough

Use

County

Quantity of water (CFS)

No. of Acres

Name of ditch

App# GR 2952 Per #Cert # GR 2771 PR Date 5/13/1951

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

FEES PAID

| Date | Amount | Receipt # |
|-------------------|------------------|----------------------|
| <u>10-12-2021</u> | <u>\$1250.00</u> | <u>136592</u> |
| <u>12-6-2023</u> | <u>\$200.88</u> | <u>Schurbe acct.</u> |

FEES REFUNDED

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

Assignments:

Irrigation District

Agent Schurbe - Elizabeth Howard

CWRE

CC's list Hillamook County☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

March 28, 2024

Jenck Farms, LLC
C/O Donnie Jenck
745 Third St
Tillamook, OR 97141

REFERENCE: Groundwater Registration Modification Application T-13849

Enclosed is a copy of the final order approving recognition of your Groundwater Registration Modification application.

If you have any questions related to the approval of this application, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at Corey.a.courchane@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Right Services Support
Transfers and Conservation Section

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)
Elizabeth Howard, Agent
Deanna and Harold Beeler, Applicants
Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Groundwater |) | FINAL ORDER APPROVING RECOGNITION |
| Registration Modification Application |) | OF MODIFICATIONS IN POINT OF |
| T-13849, Tillamook County |) | APPROPRIATION AND PLACE OF USE |

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

JENCK FARMS LLC
C/O DONNIE JENCK
745 THIRD STREET
TILLAMOOK, OR 97141

Findings of Fact

1. On October 12, 2021, JENCK FARMS LLC, C/O DONNIE JENCK filed a groundwater registration modification application for an additional point of appropriation and to modify the place of use under Registration Application GR-2952 (Certificate of Registration GR-2771). The Department assigned the application number T-13849.
2. On October 24, 1972, Registration Application GR-2952 (Certificate of Registration GR-2771) was assigned from ANTONE AND JOHANNA BEELER to HAROLD AND DEANNA BEELER.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. On October 26, 2021, Registration Application GR-2952 (Certificate of Registration GR-2771) was partially assigned from HAROLD AND OR DEANNA BEELER to MARY FAITH BELL, CHAIR, TILLAMOOK COUNTY BOARD OF COMMISSIONERS. Registration Application GR-2952 (Certificate of Registration GR-2771) was subsequently partially assigned from MARY FAITH BELL, CHAIR, TILLAMOOK COUNTY BOARD OF COMMISSIONERS to JENCK FARMS, LLC.
4. Notice of the application for groundwater registration modification was published on October 26, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
5. On April 27, 2023, the Department contacted the applicant's agent to verify whether one of the changes requested, was a change in point of appropriation or an additional point of appropriation. The application indicates an additional point of appropriation under Table 1 and within Table 2. However, the Table 2 column labeled, "POA(s) to be (from Table 1)" identified only Proposed Well 2, which indicates a change in point of appropriation. The Department requested revisions to be submitted.
6. On April 28, 2023, the Department received revisions to the application, resolving the deficiency.
7. On October 2, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13839 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 1, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the modification.
8. On December 15, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13849 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on December 19, 2023, and in the Tillamook Headlight Herald newspaper on January 30 and February 6, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The portion of the groundwater registration to be modified is as follows:
Registration: Application GR-2952 (Certificate of Registration GR-2771), in the name of ANTONE AND JOHANNA BEELER (*partially assigned to JENCK FARMS, LLC*)
Use: IRRIGATION of 60.8 ACRES
Tentative
Priority Date: MAY 1951
Quantity: 156.3 GALLONS PER MINUTE

Duty: 2-3 ACRE-FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 1 S | 10 W | WM | 24 | NW SW | WELL 1 - 650 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF THE SW1/4 OF SECTION 24 |

Original Place of Use:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 1 S | 10 W | WM | 23 | NE SE | 8 | 9.9 |
| 1 S | 10 W | WM | 23 | SE SE | 8 | 4.8 |
| 1 S | 10 W | WM | 24 | SW NW | 1 | 11.6 |
| 1 S | 10 W | WM | 24 | NW SW | | 31.1 |
| 1 S | 10 W | WM | 24 | SW SW | 3 | 3.4 |
| Total | | | | | | 60.8 |

10. Groundwater Registration Modification Application T-13849 proposes to modify the point of appropriation approximately 0.9 mile south from the original well to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 1 S | 10 W | WM | 25 | NW SW | PROPOSED WELL 2 - 320 FEET SOUTH AND 1075 FEET EAST FROM THE W1/4 CORNER OF SECTION 25 |

11. Groundwater Registration Modification Application T-13849 also proposes to modify the place of use under the groundwater registration to:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 1 S | 10 W | WM | 25 | NW SW | 9 | 19.8 |
| 1 S | 10 W | WM | 25 | SW SW | 9 | 16.3 |
| 1 S | 10 W | WM | 26 | NE SE | 12 | 9.3 |
| 1 S | 10 W | WM | 26 | SE SE | 13 | 15.4 |
| Total | | | | | | 60.8 |

Review Criteria for Groundwater Registration Modification Applications

[OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2110(2)]

12. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
13. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. The proposed modifications would not result in enlargement of the registration.

15. The proposed modifications would not result in injury to other water rights.

16. All other application requirements are met.

Conclusions of Law

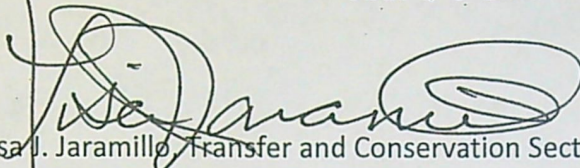
The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13849 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-2952 (Certificate of Registration GR-2771) proposed in Groundwater Registration Modification Application T-13849 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-2952 (Certificate of Registration GR-2771) and any related decree.
3. Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation and the new place of use.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. Water shall no longer be appropriated from the original point of appropriation as part of this groundwater certificate of registration.
6. The quantity of water diverted at the proposed point of appropriation (Proposed Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
7. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.

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

Dated in Salem, Oregon on **MAR 28 2024**


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

Mailing date: **MAR 29 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13849

Transfer Specialist:

Transfer Type: GR Modification Transfer

Corey

| | | | |
|--|--|---|--|
| Applicant: DONNIE JENCK 745 THIRD ST TILLAMOOK, OR 97141 Email: _____ Phone: _____ | | Agent: <input type="checkbox"/> N/A ELIZABETH HOWARD 1211 SW 5TH AVE SUITE 1900 PORTLAND, OR 97204 Email: _____ Phone: _____ | |
| Irrigation District: <input type="checkbox"/> N/A Email: _____ | | CWRE: <input type="checkbox"/> N/A Email: _____ | |
| Affected Local Gov'ts: <input type="checkbox"/> N/A Tillamook County Planning Department Email: _____ | | Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ | |
| Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____ | | Receiving Landowner: <input type="checkbox"/> N/A Email: _____ | |

Water Rights Affected

| File Marked | App. File # or Decree Name | Permit | Certificate | RR/CR Needed | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|---|------------|
| <input type="checkbox"/> | GR2952 | | GR2771 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Key Dates & Initial Actions:

| | | |
|---|---|--|
| Rec'd: October 12, 2021 | Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE | |
| Fees Pd: 1250.00 | WM District: 1 | ODFW District: |
| Initial Public Notice: October 26, 2021 | WM Review sent: | ODFW Review sent: |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> | | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/> | BOR notified (date): <input type="checkbox"/> N/A | |
| Newspaper quote requested: 10/26/23 | Request for news \$ sent: | News \$ received: 12/6/23 |
| Request to publish sent: | Affidavit of publication received: | Last day of publication: |

Tillamook Headlight Electronic

| Document | Drafted | Peer Review | Changes Made | Coordinator | Changes Made | Signature Bin | Signature Date |
|----------|---------------------------------------|--|--------------------------------------|--|---------------------------------------|------------------|----------------|
| DPD | Date: 12/20/21 Initials: <i>Ce</i> | Date: 1/29/23 Initials: <i>CEK</i> | Date: <i>/</i> Initials: <i>/</i> | Date: 9/29/23 Initials: <i>PKS</i> | Date: 10/2/23 Initials: <i>Ce</i> | CW Sent: 10/2/23 | N/A |
| PD | Date: 10/16/23 Initials: <i>Ce</i> | Date: 10/24/23 Initials: <i>CEK</i> | Date: <i>/</i> Initials: <i>/</i> | Date: 10/29/23 Initials: <i>PKS</i> | Date: 10/26/23 Initials: <i>Ce</i> | Date: 12/7/23 | Date: 12/15/23 |
| FO | Date: 12/19/23 Initials: <i>Ce</i> | Date: 1/27/24 Initials: <i>CEK</i> | Date: <i>/</i> Initials: <i>/</i> | Date: 1/22/24 Initials: <i>PKS</i> | Date: 3/20/24 Initials: <i>Ce</i> | Date: 3/20/24 | Date: 3/28/24 |

Special Issues: _____

Special Order Volume: Vol. 129 Pages 1026-1030

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

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Groundwater |) | FINAL ORDER APPROVING RECOGNITION |
| Registration Modification Application |) | OF MODIFICATIONS IN POINT OF |
| T-13849, Tillamook County |) | APPROPRIATION AND PLACE OF USE |

Authority

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8. On October 2, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13839 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 1, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the modification.
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10. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-2952 (Certificate of Registration GR-2771), in the name of ANTONE AND JOHANNA BEELER (*partially assigned to JENCK FARMS, LLC*)

Use: IRRIGATION of 60.8 ACRES

Tentative

Priority Date: MAY 1951

Quantity: 156.3 GALLONS PER MINUTE

Duty: 2-3 ACRE-FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 1 S | 10 W | WM | 24 | NW SW | WELL 1 - 650 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF THE SW1/4 OF SECTION 24 |

Original Place of Use:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 1 S | 10 W | WM | 23 | NE SE | 8 | 9.9 |
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| 1 S | 10 W | WM | 24 | NW SW | | 31.1 |
| 1 S | 10 W | WM | 24 | SW SW | 3 | 3.4 |
| Total | | | | | | 60.8 |

11. Groundwater Registration Modification Application T-13849 proposes to modify the point of appropriation approximately 0.9 mile from the original well to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 1 S | 10 W | WM | 25 | NW SW | PROPOSED WELL 2 - 320 FEET SOUTH AND 1075 FEET EAST FROM THE W/14 CORNER OF SECTION 25 |

12. Groundwater Registration Modification Application T-13849 also proposes to modify the place of use under the groundwater registration to:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 1 S | 10 W | WM | 25 | NW SW | 9 | 19.8 |
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| 1 S | 10 W | WM | 26 | NE SE | 12 | 9.3 |
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| Total | | | | | | 60.8 |

***Review Criteria for Groundwater Registration Modification Applications
[OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2110(2)]***

13. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
14. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
15. The proposed modifications would not result in enlargement of the registration.
16. The proposed modifications would not result in injury to other water rights.
17. All other application requirements are met.

Conclusions of Law

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13849 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-2952 (Certificate of Registration GR-2771) proposed in Groundwater Registration Modification Application T-13849 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-2952 (Certificate of Registration GR-2771) and any related decree.
3. Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation and the new place of use.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. Water shall no longer be appropriated from the original point of appropriation as part of this groundwater certificate of registration.

6. The quantity of water diverted at the proposed point of appropriation (Proposed Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
7. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated in Salem, Oregon on

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

Mailing date: _____

Registration No. GR - 2952

Certificate No. GR - 2771

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

TO THE STATE ENGINEER OF OREGON:

I, Antone + Johanna Beeler
 of Rt. 1 Bay City, OREG. County of Tillamook
 State of ORE. do hereby make application for a certificate of registration as evidence
 of a right to appropriate ground water.

1. Source from which water is withdrawn is pump well
(Flowing well, pump well, infiltration trench, or tunnel)
 2. Location is: 1 1/2 miles Northwest of Tillamook, ORE
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) 650 ft. S. and 310 ft. E. of N.W. Corner of SW 1/4 of
Sect. 24 (Give distance and bearing to corner of section or other legal subdivision)
 being within NW 1/4 of SW 1/4 of Sec. 24 Twp. 15 Rge. 10 W
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city:

in Lot 4 Block of
(Name of plat or addition)(If within city or town, give name) County of

3. Construction Work was begun on May 1951; was completed on June 1951
(Date) (Date)
 and the ground water claimed was first used for the purposes set out below on June 1951
(Date)
 since which time the water has been used intermittently (May-Oct)
(Continuous or intermittently)
 from 1951 to 1958
(Date) (Date)

4. Quantity of water claimed and used is 184 gallons per minute; 2-3 acre
 feet per year.

5. Purpose or Purposes for which water is used irrigation

(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 115 feet. Type drilled
(Dug or drilled)
 diameter 9 inches. Elevation of ground at well site 5 feet, mean sea level.
(As near as known)
 Depth to water table 8 feet.

7. Capacity of Well: 184 g.p.m. with 9 feet drawdown.
 g.p.m. with feet drawdown.

Date of test actual field useIf Flowing Well: Measured discharge g.p.m. on
(Date)Shut-in pressure at ground surface lbs. per sq. in. on
(Date)Water is controlled by
(Cap, valve, etc.)

9 inch diameter from 0 to 115 feet
 inch diameter from to feet
 inch diameter from to feet
 inch diameter from to feet

about "1/4" perforations from 0 to 38
(Number per foot and size of perforations; or describe screen)

[illegible]

If log of well is not available, give name and address of driller.

11. Infiltration Trench: Covered or open

Dimensions: Length ft. Minimum depth ft. Maximum depth ft.

Bottom width ft. Discharge g.p.m. Date of test

12. Tunnel: Type of lining

Dimensions: (Length, course, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials, as pertinent.)

13. Pumping Equipment:

(a) Pump Capacity 200 g.p.m.

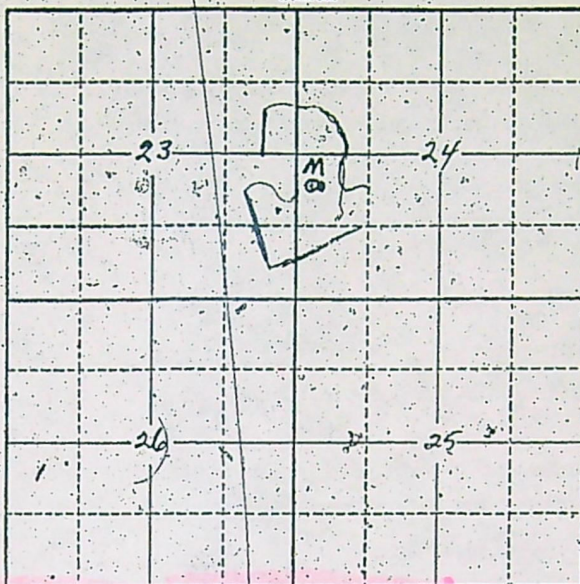
(b) Motor 5 H.P. Electric (Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

| Township North or South | Range E. or W. of Williams Meridian | Section | Forty-acre Tract | Number Acres To Be Irrigated | Date of Reclamation |
|-------------------------------|-------------------------------------|---------|------------------|------------------------------|------------------------|
| 15 | 10 W | 24 | SW 1/4 NW 1/4 | 11.6 | 1951 11.6 |
| 15 | 10 W | 24 | NW 1/4 SW 1/4 | 31.1 | " 31.1 |
| 15 | 10 W | 24 | SW 1/4 SW 1/4 | 3.4 | " 3.4 |
| 15 | 10 W | 23 | SE 1/4 NE 1/4 | 10.8 | " |
| 15 | 10 W | 23 | NE 1/4 SE 1/4 | 9.9 | " 9.9 |
| 15 | 10 W | 23 | SE 1/4 SE 1/4 | 4.8 | " 4.8 |
| Total | | | | 71.6 acres | |
| $\frac{184}{448.83} = 0.4099$ | | | | $0.005725 (60.8) = 0.3481$ | $(448.83) = 156.245$ |
| $\frac{2 AF}{71.6} = 0.02793$ | | | | $(60.8) = 1.698$ | $1.7 AF - 2.5 AF/year$ |
| $\frac{3 AF}{71.6} = 0.04184$ | | | | $(60.8) = 2.5474$ | |

15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.

Township 15 Range 10 W, W.M.
North



Locate well and acreage of irrigated land on plat.
Scale: 2" = 1 Mile

STATE OF OREGON

County of Tillamook

ss.

I, Anton Becker, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Anton Becker
(Signature of Registrant)

Subscribed and sworn to before me this 26th day of July, 1958

My commission expires July 18-1960

W. Benschmidt
(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

ss.

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 29 day of July, 1958, at 8:00 o'clock A.M. and has been duly recorded in said office in Book No. 12 of Registration Statements on page GR 2771

Witness my hand this 29th day of May, 1959

Henry A. Stanley
(State Engineer)

By

(Deputy)

GR - 2771

Application for Groundwater Registration Modification



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

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Applicant Information and Signature.
- ☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- ☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Groundwater registration modification fees – Amount enclosed: \$ 1,250.00.
(\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

Attachments:

- ☒ ☐ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is not the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) or the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(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"/> Assignment Form and fee not enclosed/insufficient |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

RECEIVE

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

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- ☒ 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 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 appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes hachuring, 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 registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- ☒ ☐ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including 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 appropriation with distance and bearing or coordinates from a recognized survey corner.
- ☒ ☐ N/A If you are proposing a modification in point(s) of appropriation, 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 3 of 4 – Applicant Information and Signature

Applicant Information

| | | | |
|---|--------------------|------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME Jenck Farms LLC c/o Donnie Jenck | | PHONE NO. (503) 812-8348 | ADDITIONAL CONTACT NO. |
| ADDRESS 745 Third Street | | FAX NO. | |
| CITY Tillamook | STATE OR | CITY Tillamook | ZIP 97141 |
| 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. | | | |

RECEIVED

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

| | | | |
|---|--------------------|------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME Schwabe, Williamson & Wyatt c/o Elizabeth Howard | | PHONE NO. (503) 796-2093 | ADDITIONAL CONTACT NO. |
| ADDRESS 1211 SW Fifth Ave., Suite 1900 | | FAX NO. | |
| CITY Portland | STATE OR | CITY Portland | ZIP 97204 |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | |

Explain in your own words what you propose to accomplish with this modification; and why:

The applicant intends to move a portion of the place of use and to add a point of appropriation to irrigate the applicant's crops and to do so in conjunction with the applicant's confined animal feeding operation permit.

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

modification
See Lindsay's email
12/20/21

(Check one box)

- ☒ By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); OR
- ☐ I (we) 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 (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

I understand that prior to Department approval of the groundwater registration modification, 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 groundwater registration 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 paper: Tillamook Headlight Herald.

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



Applicant Signature

Donnie Jenck - Owner
Print Name (and Title if applicable)

Date

9/23/21

Applicant Signature

Joe Jenck
Print Name (and Title if applicable)

Date

9/23/21

Andrew Je
Andrew Jenck
9/6

Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located? ☐ Yes ☒ No If NO, include signatures of all deeded landowners (and

13849

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 Groundwater registration has been conveyed.

See attached Affidavits of Consent from Tillamook County, as deeded landowner of the portion of GR-2952 requested to be moved pursuant to this application, consenting to the changes submitted by Jenck Farms LLC.

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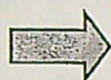
Check the appropriate box, if applicable:

- ☐ Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

| | | |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

- ☐ Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity.

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



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

| | | |
|---------------------------------|----------------------------|--------------|
| ENTITY NAME Tillamook County | ADDRESS 201 Laurel Ave. | |
| CITY Tillamook | STATE OR | ZIP 97141 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

Groundwater Registration # **GR-2952** (Certificate # **GR-2771**)

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

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

| POA Name or Number | Is this POA Authorized by the registration or is it Proposed? | OWRD Well Log ID# (or Well ID Tag # L-) | Twp | Rng | Sec | 1/4 | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|-----|------|-----|-------|---------------------------|--|
| Well 1 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | TILL 627 | 1 S | 10 W | 24 | NW SW | | 650 feet south and 310 feet east from NW Corner, SW1/4, Section 24. |
| Proposed Well 2 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | TILL 50225 <i>0.9 mi. South</i> | 1 S | 10 W | 25 | NW SW | 700 | 320 feet south and 1,075 feet east from the W1/4 corner, Section 25. |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | |

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

☒ Place of Use (POU)

☐ Character of Use (USE)

☒ Point of Appropriation (well) (POA)

☒ Additional Point of Appropriation (APOA)

Will all of the proposed changes affect the entire Groundwater registration?

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

☒ No Complete all of Table 2 to describe the portion of the registration to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 5 for instructions.

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

Table 2. Description of Modifications to Registration GR-29952 (Certificate # GR-2771)

List only the part of the registration that will be modified. For the acreage in each $\frac{1}{4}$, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

| AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration 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 | Acre | Type of USE listed on Certificate | POA(s) (name or number from Table 1) | Priority Date | | Twp | Rng | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acre | New Type of USE | POA(s) to be used (from Table 1) | Priority Date | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E | 15 | NE | NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E | 1 | NW | NW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| 2 | S | 9 | E | 15 | NE | NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E | 1 | NW | NW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| 2 | S | 9 | E | 15 | NE | NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E | 1 | NW | NW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| 1 | S | 10 | W | 23 | NE | SE | 3200 | Lot 8 | 9.9 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 25 | NW | SW | 700 | Lot 9 | 19.8 | Irrigation | Proposed Well 2 | 5/31/19 51 |
| 1 | S | 10 | W | 23 | SE | SE | 3200 | Lot 8 | 4.8 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 26 | NE | SE | 2600 | Lot 12 | 9.3 | Irrigation | Proposed Well 2 | 5/31/19 51 |
| 1 | S | 10 | W | 24 | SW | NW | 3200 | Lot 1 | 11.6 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 25 | SW | SW | 800 | Lot 9 | 16.3 | Irrigation | Proposed Well 2 | 5/31/19 51 |
| 1 | S | 10 | W | 24 | NW | SW | 3200 | | 31.1 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 26 | SE | SE | 2700 | Lot 13 | 15.4 | Irrigation | Proposed Well 2 | 5/31/19 51 |
| 1 | S | 10 | W | 24 | SW | SW | 3200 | Lot 3 | 3.4 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | | 60.8 | TOTAL ACRES | | | | | | | | | | | | | | | 60.8 | | | |

Additional remarks: This application moves 60.8 acres under GR 2952 to a new place of use and proposes to use Well 2 to irrigate those acres.

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GR2952 Modification
Tillamook County, Oregon

OWRD



N

T1S, R10W, SEC 23

T1S, R10W, SEC 24

GOVT LOT 7
(SE-NE)

[TL 1S10W230500]

GOVT LOT 1
(SW-NW)

11.6

GOVT LOT 8
(NE-SE)

(NW-SW)

WELL 1
(TILL 627)

[TL 1S10W003200]

31.1

9.9

4.8

3.4

GOVT LOT 3
(SW-SW)

GOVT LOT 8
(SE-SE)

Note: This map is not based on a survey or intended to be a surveyor's map. All depictions of the water rights are approximate and have been compiled based on a review of the related certificates as well as elements of various maps of the subject area. To determine precise locations, additional survey work and deed research will need to be completed.



WELL 1 (TILL 627) - 650' South and 310' East of NW Corner of SW 1/4, Sec. 24

--- Q-Q/GL Line

--- Section Boundary

--- Parcel Boundary

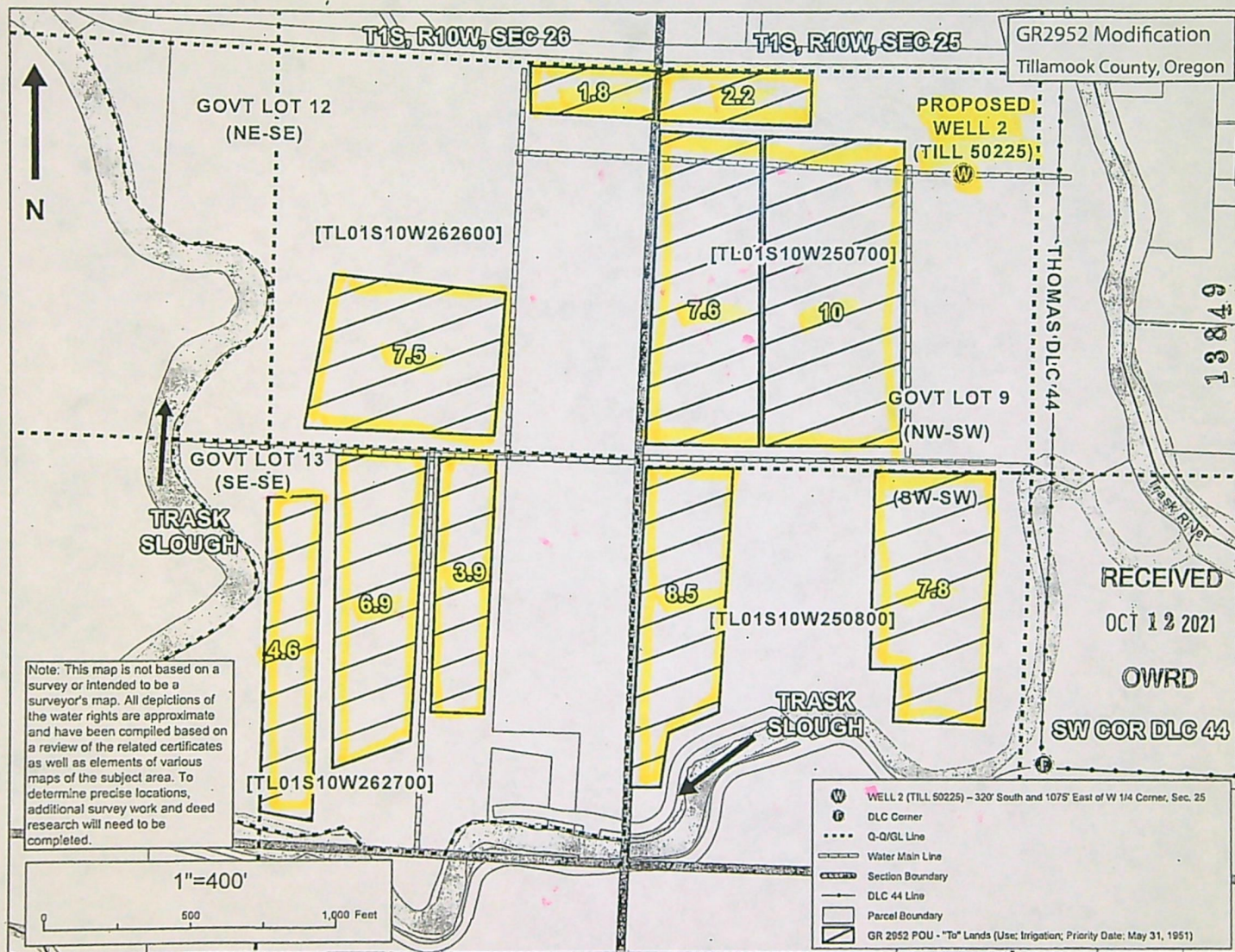
[Hatched Box] GR 2952 - 10.8 acres remaining; priority date May, 31 1951

[Diagonal Lines Box] GR 2952 POU - "From" Lands (Use: Irrigation; Priority Date: May 31, 1951)

13849

1"=400'

0 500 1,000 Feet



Affidavit of Publication

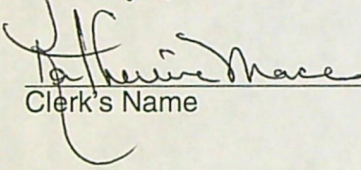
State of Oregon, County of Tillamook, -ss.

I, Katherine Mace, being first duly sworn, depose and say that I am a Clerk of the Headlight Herald, 1906 Second St., Tillamook, OR 97141 a Newspaper of general circulation as defined by ORS 193.010 and 193.020 state; that

HH24-012 Notice of Preliminary Determination for Groundwater Registration Modification T-13849 T-13849 filed by Jenck Farms LLC, c/o Donnie Jenck, 745 Third Street, Tillamook, OR

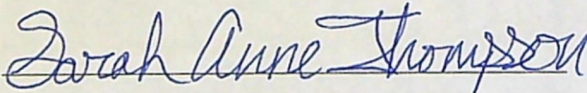
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 consecutive and successive week(s) in the following issue:

January 30, 2024
February 6, 2024

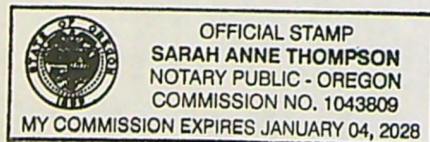

Clerk's Name

Subscribed and sworn to before me
this 5 day of February, 2024.

Tillamook
County



Notary Public for the state of Oregon
My commission expires 1-4-28



The price for this notice was \$167.40

999 Public Notices

HH24-012
Notice of Preliminary Determination for Groundwater Registration Modification T-13849
T-13849 filed by Jenck Farms LLC, c/o Donnie Jenck, 745 Third Street, Tillamook, OR 97141, proposes a modification in the point of appropriation and place of use under Registration Application GR-2952 (Certificate of Registration GR-2771). The registration allows the use of 156.3 gallons per minute from a well in Sec. 24, T1S, R10W, WM for irrigation in Sects. 23 and 24, T1S, R10W, WM. The applicant proposes to move the point of appropriation to Sec. 25, T1S, R10W, WM, and to change the place of use to Sects. 25 and 26, T1S, R10W, WM. The Water Resources Department proposes to approve the modification, based on the requirements of ORS Chapter 540 and OAR 690-382-1000.
Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 02/06/2024. Call (503)-986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Country Media, Inc.

Cannon Beach Gazette / Coffee Break / The Columbia County Chronicle & Chief
Cottage Grove Sentinel / Curry Coastal Pilot / Del Norte Triplicate
Lincoln County Leader / North Coast Citizen / Polk County Itemizer-Observer
Siuslaw News / The Coos Bay World / Tillamook Headlight Herald

Country Media Inc.
PO Box 670
Salem OR 97308
Tel : (503) 444-7924

Received

FEB 05 2024

Advertising Statement

OWRD

Cust # : 46321
Tel # : (503) 986-0898

Statement Date: 01/31/24
Salesperson: House

OREGON WATER RESOURCES DEPT.

725 Summer St. NE, Suite A
Salem, OR
97301

Detailed Statement of transactions between 01/01/24 to 01/31/24

| Date | Description | Charge | Amount |
|----------|---|--------|-------------|
| | Balance forward as of 12/31/23 | | 0.00 |
| 01/30/24 | Invoice #: 679944 Advertising | | |
| | HH24-012 Notice of Preliminary Determination for Groundwater R... | | |
| | Headlight Herald Tues, 1 ins., 01/30/24 - 01/30/24 | 83.70 | |
| | Total for invoice | 83.70 | 83.70 |

Balance Due 83.70

T-13849
TA-13849

Summary

PLEASE RETURN BOTTOM PORTION WITH REMITTANCE TO:
Country Media Inc. PO Box 670 Salem OR 97308

Balance forward 0.00
Total Charges 83.70
Total Credits 0.00

Customer # : 46321

OREGON WATER RESOURCES DEPT.

| Current | 30+ days | 60+ days | 90+ days | 120+ days | Balance Due |
|---------|----------|----------|----------|-----------|--------------|
| 83.70 | 0.00 | 0.00 | 0.00 | 0.00 | 83.70 |

Notice

PLEASE REMIT UPON RECEIPT

P: (503)444-7924

F: (503)444-7926

E: manifests@countrymedia.net

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____

Postmark
Here

Jenck Farms, LLC
C/O Donnie Jenck
745 Third St
Tillamook, OR 97141

City, State, ZIP+4®

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Jenck Farms, LLC
C/O Donnie Jenck
745 Third St
Tillamook, OR 97141



9590 9402 6878 1104 8764 40

2. Article Number (Transfer from service label)

7020 3160 0000 6754 0261

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Kayla Jenck ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Kayla Jenck

C. Date of Delivery

12/23/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED

DEC 26 2023

OWRD

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

December 15, 2023

VIA CERTIFIED MAIL AND E-MAIL

JENCK FARMS LLC
C/O DONNIE JENCK
745 THIRD STREET
TILLAMOOK, OR 97141

SUBJECT: Groundwater Registration Modification T-13849

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13849. This document is an intermediate step in the approval process; water may not be used legally as proposed in the groundwater registration modification application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

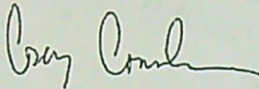
A public notice is being published in the Department's weekly publication and in the Tillamook Headlight Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication, whichever is later.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: GR Modification application file T-13849
Nikki M. Hendricks, District 1 Watermaster *(via e-mail)*
Elizabeth Howard, Agent for the applicant *(via e-mail)*

enc

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

| | | |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Groundwater |) | PRELIMINARY DETERMINATION |
| Registration Modification Application |) | PROPOSING APPROVAL OF RECOGNITION |
| T-13849, Tillamook County |) | OF MODIFICATIONS IN POINT OF |
| |) | APPROPRIATION AND PLACE OF USE |

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

JENCK FARMS LLC
C/O DONNIE JENCK
745 THIRD STREET
TILLAMOOK, OR 97141

Findings of Fact

1. On October 12, 2021, JENCK FARMS LLC, C/O DONNIE JENCK filed a groundwater registration modification application for an additional point of appropriation and to modify the place of use under Registration Application GR-2952 (Certificate of Registration GR-2771). The Department assigned the application number T-13849.
2. On September 26, 1972, Registration Application GR-2952 (Certificate of Registration GR-2771) was assigned from HAROLD BEELER to HAROLD AND OR DEANNA BEELER.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

3. On October 24, 1972, Registration Application GR-2952 (Certificate of Registration GR-2771) was assigned from ANTONE AND JOHANNA BEELER to HAROLD AND DEANNA BEELER.
4. On October 26, 2021, Registration Application GR-2952 (Certificate of Registration GR-2771) was partially assigned from HAROLD AND OR DEANNA BEELER to MARY FAITH BELL, CHAIR, TILLAMOOK COUNTY BOARD OF COMMISSIONERS. Registration Application GR-2952 (Certificate of Registration GR-2771) was subsequently partially assigned from MARY FAITH BELL, CHAIR, TILLAMOOK COUNTY BOARD OF COMMISSIONERS to JENCK FARMS, LLC.
5. Notice of the application for groundwater registration modification was published on October 26, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On April 27, 2023, the Department contacted the applicant's agent to verify whether one of the changes requested, was a change in point of appropriation or an additional point of appropriation. The application indicates an additional point of appropriation under Table 1 and within Table 2. However, the Table 2 column labeled, "POA(s) to be (from Table 1)" identified only Proposed Well 2, which indicates a change in point of appropriation. The Department requested revisions to be submitted.
7. On April 28, 2023, the Department received revisions to the application, resolving the deficiency.
8. On October 2, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13839 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 1, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the modification.

9. The portion of the groundwater registration to be modified is as follows:

Registration: Application GR-2952 (Certificate of Registration GR-2771), in the name of ANTONE AND JOHANNA BEELER (*partially assigned to JENCK FARMS, LLC*)

Use: IRRIGATION of 60.8 ACRES

Tentative

Priority Date: MAY 1951

Quantity: 156.3 GALLONS PER MINUTE

Duty: 2-3 ACRE-FEET PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 1 S | 10 W | WM | 24 | NW SW | WELL 1 - 650 FEET SOUTH AND 310 FEET EAST FROM THE NW CORNER OF THE SW1/4 OF SECTION 24 |

Original Place of Use:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 1 S | 10 W | WM | 23 | NE SE | 8 | 9.9 |
| 1 S | 10 W | WM | 23 | SE SE | 8 | 4.8 |
| 1 S | 10 W | WM | 24 | SW NW | 1 | 11.6 |
| 1 S | 10 W | WM | 24 | NW SW | | 31.1 |
| 1 S | 10 W | WM | 24 | SW SW | 3 | 3.4 |
| Total | | | | | | 60.8 |

10. Groundwater Registration Modification Application T-13849 proposes to modify the point of appropriation approximately 0.9 mile from the original well to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 1 S | 10 W | WM | 25 | NW SW | PROPOSED WELL 2 - 320 FEET SOUTH AND 1075 FEET EAST FROM THE W/14 CORNER OF SECTION 25 |

11. Groundwater Registration Modification Application T-13849 also proposes to modify the place of use under the groundwater registration to:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 1 S | 10 W | WM | 25 | NW SW | 9 | 19.8 |
| 1 S | 10 W | WM | 25 | SW SW | 9 | 16.3 |
| 1 S | 10 W | WM | 26 | NE SE | 12 | 9.3 |
| 1 S | 10 W | WM | 26 | SE SE | 13 | 15.4 |
| Total | | | | | | 60.8 |

Review Criteria for Groundwater Registration Modification Applications

[OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2110(2)]

12. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
13. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. The proposed modifications would not result in enlargement of the registration.
15. The proposed modifications would not result in injury to other water rights.
16. All other application requirements are met.

Determination and Proposed Action

The modification in point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13849 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

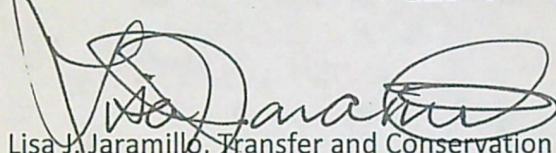
If Groundwater Registration Modification T-13849 is approved, the final order will include the following:

- 1. The modifications to Registration Application GR-2952 (Certificate of Registration GR-2771) proposed in Groundwater Registration Modification Application T-13849 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 2. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-2952 (Certificate of Registration GR-2771) and any related decree.*
- 3. Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation and the new place of use.*
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 5. Water shall no longer be appropriated from the original point of appropriation as part of this groundwater certificate of registration.*
- 6. The quantity of water diverted at the proposed point of appropriation (Proposed Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
- 7. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.*

8. *Water use measurement conditions:*

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
- b. The water user shall maintain the meters or measuring devices in good working order.*
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

Dated in Salem, Oregon on **DEC 15 2023**



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-382-0900, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0800, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the groundwater registration application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0900, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-382-0900]. and include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably

ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-382-0900(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-382-0100(8) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0900, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-382-0900. In accordance with OAR 690-382-1100, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: Schwabe,Williamson,Wyatt

Activity Date: December 6, 2023

Please complete and leave at the WRIG counter.

| Transaction Description | Number of items or hours | Project Name | Customer contact name | Department personnel providing service | Amount of Activity |
|-----------------------------------|--------------------------|---|--|--|--------------------|
| Deposit to account | | | | | |
| Copying | | | | | |
| Faxing | | | | | |
| Research | | | | | |
| Other: Newspaper Notice Fee | 1 | T-13849-Newspaper Notice Fee: 1 @\$200.88 | Shonee Langford Schwabe, Williamson, Wyatt | Stacy Phillips for Corey Courchane | \$200.88 |

Your account may be required to provide an account project number per your accounting department. If required, please have your project number ready upon any service request.

COURCHANE Corey A * WRD

From: HUNGATE Abby J * WRD
Sent: Wednesday, December 6, 2023 9:31 AM
To: PHILLIPS Stacy H * WRD
Cc: COURCHANE Corey A * WRD; BAUSTIAN Julie C * WRD; RICHMAN Elyse D * WRD
Subject: RE: T-13849 quote

Done.

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Wednesday, December 6, 2023 9:20 AM
To: HUNGATE Abby J * WRD <Abby.J.HUNGATE@water.oregon.gov>
Cc: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>; BAUSTIAN Julie C * WRD <Julie.C.BAUSTIAN@water.oregon.gov>; RICHMAN Elyse D * WRD <Elyse.D.RICHMAN@water.oregon.gov>
Subject: FW: T-13849 quote

Hey Abby,

Attached is a customer account withdrawal form for a newspaper notice for T-13849 for \$200.88. Below is the request for the fees to be deducted from Schwabe's customer account. Please let me know once the fees have been deducted from the account.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



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

From: BAUSTIAN Julie C * WRD <Julie.C.BAUSTIAN@water.oregon.gov>
Sent: Wednesday, December 6, 2023 8:28 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Subject: FW: T-13849 quote

My last day with Water Resources Division will be December 6th. If you have any questions, please contact Kelly Starnes at (503)979-3511 or Patrick.K.Starnes@water.oregon.gov Have an amazing day!

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Monday, December 04, 2023 7:36 AM
To: BAUSTIAN Julie C * WRD <Julie.C.BAUSTIAN@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Cc: RICHMAN Elyse D * WRD <Elyse.D.RICHMAN@water.oregon.gov>

Subject: RE: T-13849 quote

Julie,

Attached is the response from the applicant's agent. Please deduct the amount from Schwabe's account for the publication. I will be in Thursday to put the PD in for signature.

Thank you,

Corey

From: BAUSTIAN Julie C * WRD <Julie.C.BAUSTIAN@water.oregon.gov>

Sent: Tuesday, November 28, 2023 4:19 PM

To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Cc: RICHMAN Elyse D * WRD <Elyse.D.RICHMAN@water.oregon.gov>

Subject: T-13849 quote

Good afternoon!

I received a quote back for newspaper notice. Total will be \$200.88

My last day with Water Resources Division will be December 6th. If you have any questions, please contact Kelly Starnes at (503)979-3511 or Patrick.K.Starnes@water.oregon.gov Have an amazing day!



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

December 4, 2023

Applicant

JENCK FARMS LLC
C/O DONNIE JENCK
745 THIRD STREET
TILLAMOOK, OR 97141

SUBJECT: Groundwater Registration Modification Application T-13849

Your water right Groundwater Registration Modification is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$200.88 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13849 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than January 5, 2024.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Tillamook Headlight Herald newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by January 5, 2024, a Preliminary Determination may be issued denying the application as incomplete.

✂-----

Attached is a check for \$200.88 (PCA #46118) for Newspaper Notice for GR MOD T-13849 made out to Oregon Water Resources Department (or WRD)

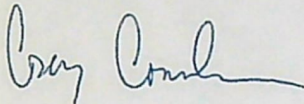
- "for T-13849 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: cc

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: GR Modification application file T-13849
13849 Nikki M. Hendricks, District 1 Watermaster (*via e-mail*)
Elizabeth Howard, Agent for the applicant (*via e-mail*)

Application for Water Right
Modification of
Groundwater Registration
Consent by Deeded Landowner



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

State of Oregon)
)ss
County of Tillamook)

I George Victor Allen and Ruth Marie Allen in our capacity as individuals,

mailing address 2805 Old Latimer, Tillamook, Oregon 97141,

telephone number _____, duly sworn depose and say that we

consent to the proposed change(s) to Groundwater Registration Number GR-2952 (Certificate GR-2771) described in a Groundwater Modification (T-13849) submitted by Jenck Farms LLC,
(transfer number, if known)

on the property in tax lot number(s) 1S10W230500, Section 23, Township 1 South, Range 10

West, W.M., located at 2805 Old Latimer, Tillamook, Oregon 97141.
(site address)

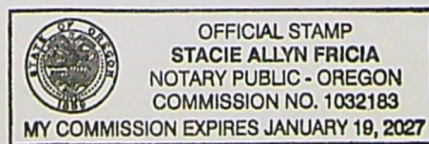
George Allen
Signature of Affiant

10-6-2023
Date

Ruth Marie Allen
Signature of Affiant

10-6-2023
Date

Subscribed and Sworn to before me this 6 day of October, 2023.



Stacie Allyn Fricia
Notary Public for Oregon

My commission expires 01/19/27.



October 11, 2023

Lindsay Thane

Admitted in Oregon,
Washington and Montana
D: 503-796-2059
C: 406-214-1918
lthane@schwabe.com

VIA EMAIL (COREY.A.COURCHANE@WATER.OREGON.GOV)
AND FIRST CLASS MAIL

Oregon Water Resources Department
Attn: Corey Courchane
725 Summer St. NE, Ste. A
Salem, OR 97301

RE: Response to Draft Preliminary Determination for Groundwater Modification
Application T-13849
Our File No.: 134277-246278

Dear Corey:

This letter is sent on behalf of Jenck Farms LLC ("Jenck Farms"), the applicant under Groundwater Modification Application T-13849. This letter is being sent to confirm that Jenck Farms agrees to the proposed action and conditions set forth in the Draft Preliminary Determination for Groundwater Modification Application T-13849.

Enclosed with this letter please find a report of ownership for the "FROM" lands under T-13849. Pursuant to the report, the FROM lands are owned by the following:

- Tax lot 500: George Victor and Ruth Marie Allen
- Tax lot 700: Victor Dairy, LLC
- Tax lot 3200: Tillamook County

As evidenced by the attached landowner consent forms from each of the above listed property owners, Mr. and Mrs. Allen, Victor Dairy, LLC, and Tillamook County¹ consent to the transfer proposed by application T-13849.

Please utilize Schwabe's account with the Oregon Water Resources Department to pay the fees associated with the newspaper publication for T-13849. For our records, please note on Schwabe's account and invoice that such payment is made for the newspaper publication associated with T-13849 (Jenck Farms).

¹ Tillamook County's original landowner consent form was submitted to OWRD at the time of submission of Groundwater Modification Application T-13849. Therefore, the original landowner consent should be in OWRD's file for T-13849 and a copy is enclosed herewith.

RECEIVED

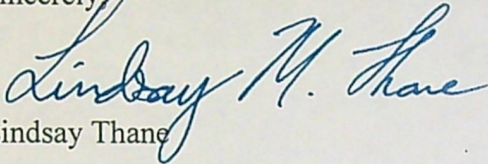
OCT 16 2023

OWRD

Oregon Water Resources Department
October 11, 2023
Page 2

Please do not hesitate to contact me if you have any questions.

Sincerely


Lindsay Thane

LTH:lm
Enclosures

cc: Joe Jenck (*via email only*)
Elizabeth Howard (*via email only*)
Donnie Jenck (*via email only*)

PDX\134277\246278\LTH\37557140.1

RECEIVED
OCT 16 2023
OWRD



Ticor Title Company of Oregon
802 Main Avenue
(503)842-5533

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Schwabe Williamson & Wyatt
1211 SW Fifth Avenue, Suite 1800
Portland, OR 97204

Customer Ref.: _____
Order No.: 360423003567
Effective Date: September 28, 2023 at 08:00 AM
Charge: \$100.00
\$350.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

George Victor Allen and Ruth Marie Allen, as tenants by the entirety, as to Allen Property; Victor Dairy, LLC, an Oregon limited liability company, as to Victor Dairy Property; and Tillamook County, a political subdivision of the State of Oregon, as to Tillamook Co. Property

Premises. The Property is:

(a) Street Address:

Vacant Land (Allen Property, Tax Acct 148593), Tillamook, OR 97141
955 and 590 Goodspeed Road N (Victor Dairy Property, Tax Acct 149707), Tillamook, OR 97141
Vacant Land (Tillamook Co. Property, Tax Acct 149592), Tillamook, OR 97141

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RECEIVED

OCT 16 2023

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Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Allen Property (Tax Acct 148593) - Exceptions:

1. Unpaid Property Taxes are as follows:

Fiscal Year: 2023-2024
Amount: \$350.81, plus interest, if any
Levy Code: 0912
Account No.: 148593
Map No.: 1S10230000500

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 148593R

3. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement and Agreement

Recording Date: November 5, 2021
Recording No.: 2021-009295

4. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

Victor Dairy Property (Tax Acct 149707) - Exceptions:

5. Unpaid Property Taxes are as follows:

Fiscal Year: 2023-2024
Amount: \$2,189.33, plus interest, if any
Levy Code: 0908
Account No.: 149707
Map No.: 1S10240000700

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

6. The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 149707R

RECEIVED

OCT 16 2023

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7. Regulations, levies, liens, assessments, rights of way and easements of Fairview Water District.
8. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement and Agreement

Recording Date: November 5, 2021
Recording No.: 2021-009295

9. A mortgage to secure an indebtedness as shown below

Amount: \$1,714,302.00
Dated: March 3, 2021
Mortgagor: Victor Dairy, LLC, an Oregon limited liability company
Mortgagee: KeyBank National Association
Recording Date: March 5, 2021
Recording No: 2021-001939

** Includes additional property **

10. A mortgage to secure an indebtedness as shown below

Amount: \$725,000.00
Dated: March 29, 2023
Mortgagor: Victor Dairy, LLC, an Oregon limited liability company
Mortgagee: KeyBank National Association
Recording Date: April 11, 2023
Recording No: 2023-001486

** Includes additional property **

The Mortgage set forth above is purported to be a "Credit Line" Deed of Trust. It is a requirement that the Mortgagor of said Mortgage provide written authorization to close said credit line account to the Lender when the Mortgage is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Mortgage to the proposed Mortgage to be recorded at closing.

Tillamook County Property (Tax Account 149592) - Exceptions:

11. The subject property is under public, charitable, fraternal, or religious organization ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: 149592
Map No.: 1S10000003200

12. Regulations, levies, liens, assessments, rights of way and easements of Fairview Water District.
13. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Grant Deed of Conservation Easement,

Recording Date: December 27, 1982
Recording No.: Book 284, page 976

And Assignment of said Conservation Easement,

Recording Date: October 3, 2003
Recording No.: 2003-426207

Ticor Title Company of Oregon
Order No. 360423003567

14. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement and Agreement

Recording Date: November 5, 2021
Recording No.: 2021-009295

15. Please be advised that our search did not disclose any open Deeds of Trust of record.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Nathan Hobbs
503-646-4444
nathan.hobbs@titlegroup.fntg.com

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OCT 16 2023
OWRD

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 148593R, 149707R and 149592R
For Tax Map ID(s): 1S10230000500, 1S10240000700 and 1S10000003200

Allen Property -

Beginning at a 2" iron pipe which is 30 feet West and 36.4 feet North of the quarter corner between Sections 23 and 24, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North following the West boundary line of Goodspeed County Road 724.8 feet; thence North 76°35' West 97.5 feet; thence South 82°54' West 119.4 feet; thence North 86°34' West 148.1 feet; thence North 78°20' West 122.5 feet; thence North 67°58' West 98.9 feet; thence South 810.63 feet, more or less, to the North boundary of the Goodspeed private road; thence North 87°48' East 575 feet to the point of beginning.

Victor Dairy Property -

TRACT A:

A strip of land 30 feet wide across the East end of that part of the Northeast quarter of the Southwest quarter of Section 24, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon which lies North of the center of Hall's Slough.

TRACT B:

Beginning at a point 30 feet West of the center of Section 24, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence South 02°16' West parallel to the quarter Section line 8.68 chains to the center of the tide slough; thence in a Westerly direction down the center of said tide slough to a point on the quarter Section line running East and West through said Section 28.95 chains West of the place of beginning; thence East along said quarter Section line 28.95 chains to the place of beginning.

TRACT C:

Beginning at the center of Section 24, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; running thence East 13.75 chains to a tract of land formerly belonging to Mary I. Day; thence South along said tract, to the center of a slough which is the South boundary of the Day tract known by the name of Stillwell's Slough; thence along the center of said slough to where it intersects the quarter Section line between the Southeast quarter and Southwest quarter of said Section 24; thence North to the place of beginning.

TRACT D:

Beginning at the center of Section 24, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North 21.25 chains; thence West 11.40 chains; thence South 11 ° West 2.58 chains; thence South 73 ° West 1.50 chains; thence North 67 ° West 2.71 chains; thence North 36 ° West 4.30 chains; thence South 82 ° 30' West 2.41 chains; thence South 45 ° West 4.00 chains; thence South 44 ° West 2.18 chains; thence South 30 ° West 3.48 chains; thence South 43 ° 30' West 1.73 chains; thence South 79 ° West 3.32 chains; thence North 45 ° West 5.07 chains; thence South 87 ° West 1.50 chains; thence South 11 ° West 4.32 chains; thence North 81 ° West 4.00 chains to the United States meander post on the North bank of a slough on the Section line between Section 23 and 24 in Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence South 1.50 chains to the South bank of slough; thence North 75 ° East 2.68 chains; thence South 62 ° East 2.64 chains; thence South 44 ° East 4.50 chains; thence East 50/100 chains; thence South 19 ° East 3.79 chains; thence South 50 ° East 4.31 chains; thence South 17 ° East 3.00 chains; thence South 25 ° 30' East 25/100 chains to the quarter Section line; thence East 26.67 chains to the place of beginning.

TRACT E:

EXHIBIT "A"
Legal Description

Beginning at the quarter Section post on the line between Sections 23 and 24, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North 13.22 chains to the South bank of a slough; thence North 75° East 2.68 chains; thence South 62° East 2.64 chains; thence South 44° East 4.50 chains; thence East 50 links; thence South 19° East 3.79 chains; thence South 50° East 4.31 chains; thence South 17° East 3.00 chains; thence South 25°30' West 25 links to the quarter Section line; thence West 13.75 chains to the Point of Beginning.

EXCEPTING THEREFROM that portion, if any, lying within the limits of Goodspeed Road.

Tillamook County Property -

PARCEL I:

All of the Northwest quarter of the Southwest quarter of Section 24, Township 1 South, Range 10 West of the Willamette Meridian, in the County of Tillamook, State of Oregon, lying South and West of Hall Slough.

EXCEPTING THEREFROM that property conveyed by Quitclaim Deed to Traskview Farm, Inc., recorded November 30, 2016, as Recording No. 2016-006806, Tillamook County Records.

ALSO: All of Lot 3 in Section 24, Township 1 South, Range 10 West of the Willamette Meridian, in the County of Tillamook, State of Oregon.

EXCEPTING THEREFROM five acres off from the South end of said Lot 3 heretofore sold to Alfred Larsen, et al, by Deed recorded April 10, 1902 in Book X, page 204, Tillamook County Records.

PARCEL II:

Beginning at a point South 00° 47' West 684.6 feet from the quarter Section corner between Sections 23 and 24, Township 1 South, Range 10 West of the Willamette Meridian, in the County of Tillamook, State of Oregon; thence South 00° 47' West 955.4 feet to the North bank of Hoquarton Slough; thence following down said North bank of slough South 63° 40' West 150.0 feet; thence South 46° 02' West 179.7 feet; thence leaving slough South 89° 25' West 61.0 feet; thence North 21° 22' West 1130.3 feet to a point on South bank of a slough; thence across slough North 08° 58' West 260.3 feet to Southwest corner of Gust Wicklund tract on North bank of slough; thence along North bank of slough South 86° 07' East 217.7 feet; thence South 49° 02' East 283.8 feet; thence South 26° 18' East 139.6 feet; thence South 48° 11' East 69.9 feet; thence North 71° 11' East 136.7 feet; thence North 34° 36' East 202.0 feet to the point of beginning.

PARCEL III:

Beginning at an iron pipe which is 9 feet South of the quarter section corner between Sections 23 and 24, Township 1 South, Range 10 West of the Willamette Meridian in Tillamook County, Oregon; thence South 87°47' West along the South boundary of a road 800 feet to an iron pipe; thence South 482.0 feet to an iron pipe and on the North bank of a slough; thence South 86°7' East 217.7 feet; thence South 49°2' East 283.8 feet; thence South 26°18' East 139.6 feet; thence South 48°11' East 69.9 feet; thence North 71°11' East 136.7 feet; thence North 34°36' East 202.0 feet to an iron pipe in the slough and on the East line of the Goodspeed Estate land; thence North 0°47' East 675.6 feet to the point of beginning.

EXCEPTING THEREFROM that strip of land conveyed to Tillamook County for road purposes by deed recorded July 5, 1949 in Book 118, page 557, Deed Records.

PARCEL IV:

Government Lots 8 and 9, Section 14, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

EXHIBIT "A"
Legal Description

EXCEPTING THEREFROM the following:

Beginning at a 5/8" iron rod with red plastic cap inscribed "Tillamook Co. Survey", North 3,033.29 feet and West 2,554.53 feet of the 1/4 corner on the East line of Section 23, Township 1 South, Range 10 West, Willamette Meridian; thence North 65°23'29" East 202.92 feet to a 5/8" iron rod with plastic cap inscribed "Tillamook Co. Survey"; thence North 23°33'14" West 167.48 feet to a 5/8" iron rod with plastic cap inscribed "Tillamook Co. Survey"; thence North 23°33'14" West 25 feet, more or less, to the North line of Government Lot 8; thence North 88°15'08" west along the North line of Government Lots 8 and 9, 339.21 feet, more or less, to a point which bears North 40°28'19" West of the point of beginning; thence South 40°28'19" East 30.52 feet, more or less, to a 5/8" iron rod with plastic cap inscribed "Tillamook Co. Survey"; thence South 40°28'19" East 326.10 feet to the point of beginning.

PARCEL V:

A parcel of land in Sections 23, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, as more particularly described as follows:

Government Lots 4 and 5 and that portion of Government Lot 7 lying North of a line extending due East from the Southeast corner of Government Lot 5 to the East line of Government Lot 7.

TOGETHER WITH those portions of vacated H. F. Goodspeed County Road inuring thereto by operation of law.

EXCEPTING THEREFROM any portion of Government Lot 5 lying South of Slough, as conveyed by Walter Naegeli and wife, to A. G. Beals and wife, by deed recorded August 14, 1946, in Book 98, page 579, Tillamook County Records.

ALSO EXCEPTING THEREFROM those tracts conveyed to Tillamook County by deed recorded February 7, 1958, in Book 160, page 521, Tillamook County Records.

PARCEL VI:

Beginning at a point which is 11.8 feet North and 334.00 feet West of the Southeast corner of Government Lot 5, Section 23, Township 1 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon; thence North 88°50' West along the North line of the County Road 253.57 feet; thence North 38°25' East 132.59 feet; thence North 9°44' West 73.54 feet; thence North 21°29' West 111.20 feet; thence South 69°54' East 178.17 feet; thence South 12°00' East 84 feet; thence South 49°15' East 81.68 feet; thence South 10°47' West 89.55 feet to the place of beginning, being situated in Government Lot 5, Section 23, Township 1 South, Range 10 West, Willamette Meridian, Tillamook County, Oregon.

PARCEL VII:

Beginning at a 5/8" iron rod with red plastic cap inscribed "Tillamook Co. Survey", North 3,033.29 feet and West 2,554.53 feet of the 1/4 corner on the East line of Section 23, Township 1 South, Range 10 West, Willamette Meridian; thence North 65°23'29" East 202.92 feet to a 5/8" iron rod with plastic cap inscribed "Tillamook Co. Survey"; thence North 23°33'14" West 167.48 feet to a 5/8" iron rod with plastic cap inscribed "Tillamook Co. Survey"; thence North 23°33'14" West 25 feet, more or less, to the North line of Government Lot 8; thence North 88°15'08" west along the North line of Government Lots 8 and 9, 339.21 feet, more or less, to a point which bears North 40°28'19" West of the point of beginning; thence South 40°28'19" East 30.52 feet, more or less, to a 5/8" iron rod with plastic cap inscribed "Tillamook Co. Survey"; thence South 40°28'19" East 326.10 feet to the point of beginning, being a portion of Government Lots 8 and 9, Section 14, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

PARCEL VIII:

EXHIBIT "A"

Legal Description

Beginning at a point which is a corner on the South boundary of that tract of land conveyed to Freddie Jerome Johnson, et ux, by deed recorded July 11, 1936, in Book 72, page 232, Deed Records, said point being North 89°01' West 1183.9 feet from the quarter section corner between Section 23 and 24, Township 1 South, Range 10 West of the Willamette Meridian; thence along center line of a drainage water course and ditch; North 79°02' West 473.61 feet; thence North 70°49' West 272.67 feet; thence North 73°31' West 406.81 feet; thence North 3°39' West 39.62 feet; thence North 65°19' West, 1067.4 feet; thence North 72°57' West 3330.4 feet along the centerline of said ditch and the extension thereof beyond dike, along the meander of said ditch, the average course of which is North 57° West 530 feet, more or less, to the shore of Tillamook Bay; thence Southward and Eastward along the shore of said Tillamook Bay and of Hoquarton Slough a distance of 8400 feet, more or less, to the South boundary of that tract of land conveyed to Antone Beeler, et ux, by deed recorded April 26, 1944 in Book 87, at page 377, Deed Records; thence South 89°25' West 61.00 feet; thence North 21°22' West 1130.3 feet; thence North 08°58' West 260.3 feet; thence North along the West boundary line of that tract of land conveyed to Gust Wicklund, et al., by deed recorded April 26, 1935 in Book 70, page 215, Deed Records, 525 feet to the South line of the said Johnson property; thence North 89°26' West 383.7 feet along the South boundary of said Johnson property to the point of beginning, and being all in Sections 22 and 23, Township 1 South, Range 10 West of the Willamette Meridian.

EXCEPTING THEREFROM portions in the County Road.

PARCEL IX:

All those portions of Lot 6, in Section 22, and Lots 1, 2, 3, and 5, and the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter in Section 23, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, **lying North** of drainage ditch running through the property, said ditch being described as follows: Beginning at a point which is a corner on the South boundary of the Freddie Jerome Johnson property, and which is North 89°01' West 1183.9 feet from the quarter section corner between Sections 23 and 24, Township 1 South, Range 10 West of the Willamette Meridian, and running thence along the centerline of a drainage water course and ditch; thence North 79°02' West 473.61 feet; thence North 70°49' West 272.67 feet; thence North 73°31' West 406.81 feet; thence North 3°39' West 39.62 feet; thence North 65°19' West 1067.4 feet; thence North 72°57' West 3330.4 feet along the centerline of ditch and extension thereof beyond dike, along the meanders of said ditch, the average course of which is North 57° West 530 feet, more or less, to the shore of Tillamook Bay; and **lying West** of a slough running Northerly and Southerly through the Easterly part of the Southwest quarter of the Northeast quarter and the Southerly portion of Lot 5, and extension of said slough South, the centerline of said slough being described as follows: Beginning at a point that is South 40 feet and North 88°50' West 400 feet of the Southwest corner of the Northeast quarter of the Northeast quarter of Section 23, Township 1 South, Range 10 West of the Willamette Meridian, and running thence North 88°50' West 283.6 feet to a point in the center of a slough there located; thence Southerly along the center of said slough South 48°22' East 280.86 feet; thence South 19° 40' East 74.36 feet; thence South 131.26 feet; thence South 58°55' West 150.67 feet; thence South 17°10' West 189.54 feet; thence South 39°53' West 138.43 feet; thence North 75°48' West 191.6 feet; thence South 21°42' West 119.93 feet; thence South 51°49' West 64.27 feet; thence South 81°58' West 58.42 feet; thence South 40°31' West 82.12 feet to an existing drainage ditch.

EXCEPTING THEREFROM that 50 foot roadway conveyed to Tillamook County, a political subdivision of the State of Oregon, by instrument recorded July 5, 1949, in Book 118, page 560, Tillamook County Records.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon
Order No. 360423003567

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

RECEIVED

OCT 16 2023

OWRD

Application for Water Right
Modification of
Groundwater Registration
Consent by Deeded Landowner



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

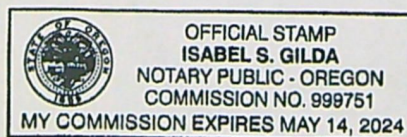
State of Oregon)
)ss
County of Tillamook)

I Mary Faith Bell in my capacity as Chair of the Tillamook County Board of Commissioners,
mailing address 201 Laurel Ave, Tillamook, Oregon 97141,
telephone number (503) 842-3403, duly sworn depose and say that I
consent to the proposed change(s) to Groundwater Registration Number GR-2952 (Certificate
GR-2771) described in a Groundwater Modification (T-) submitted by Jenck Farms LLC,
(transfer number, if known)
on the property in tax lot number(s) 1S10W003200, Sections 23 and 24, Township 1
South, Range 10 West, W.M., located at 590 Goodspeed Road N, Tillamook, Oregon 97141.
(site address)

MF Bell
Signature of Affiant

9/8/2021
Date

Subscribed and Sworn to before me this 8th day of September, 2021.



Isabel S. Gilda
Notary Public for Oregon

My commission expires 5/14/2024

Application for Water Right
Modification of
Groundwater Registration
Consent by Deeded Landowner



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

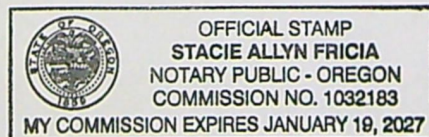
State of Oregon)
County of Tillamook)ss
)

I George Allen in my capacity as Member of Victor Dairy, LLC,
mailing address 2805 Old Latimer, Tillamook, Oregon 97141,
telephone number _____, duly sworn depose and say that I
consent to the proposed change(s) to Groundwater Registration Number GR-2952 (Certificate
GR-2771) described in a Groundwater Modification (T-13849) submitted by Jenck Farms LLC,
(transfer number, if known)
on the property in tax lot number(s) 1S10W240700, Section 24, Township 1 South, Range 10
West, W.M., located at 590 Goodspeed Road, Tillamook, Oregon 97141.
(site address)

George Allen
Signature of Affiant

10-6-2023
Date

Subscribed and Sworn to before me this 10 day of October, 2023.



Stacie Allyn Fricia
Notary Public for Oregon

My commission expires 01/19/27.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13849

GW Reviewer Dennis Orłowski Date Review Completed: 5/04/2023

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☐ Permit Amendment
☒ GR Modification
☐ Other

Application: T-13849

Applicant Name: Jenck Farms LLC c/o Donnie Jenck

Proposed Changes: ☒ POA ☐ APOA ☐ SW→GW ☐ RA
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Dennis Orłowski

Date of Review: 05/04/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 9/28/24

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: This proposed GR modification relates to GR-2952, which is for primary irrigation of 71.6 acres in Tillamook County, using a single POA (TILL 627) pumping at a maximum instantaneous rate of 0.41 cfs between 3/1 and 10/31.

The authorized POA, TILL 627, was abandoned in 2017 (see TILL 52659 abandonment log)
Note: revised application Tables 1 and 2 were submitted to OWRD on 4/28/2023, which changed from "APOA" to "POA", reflecting the abandonment of TILL 627.

This application proposes to: (1) change the POA to TILL 50225/50400 and (2) revise the POU.

TILL 50225 was deepened from 110 feet to 135 feet (see TILL 50400 deepening log).

Also, TILL 50225 is the proposed POA for application G-18823, which was placed on administrative hold on 3/15/2022.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Authorized From-POA TILL 627 obtained groundwater from recent alluvial deposits (Schlicker and others, 1972). Proposed To-POA TILL 50225/50400 is slightly deeper (135 ft vs 115 ft), and obtains groundwater from the same alluvial aquifer source.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: Proposed To-POA (TILL 50225/50400) is about one mile south of authorized From-POA (TILL 627/52659), and consequently is relatively nearer to other wells that will likely be affected by the proposed use.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Relative to the From-POA (TILL 627/52659) location, proposed To-POA (TILL 50225/50400) is about 2100 feet near to TILL 630, which is the nearest well most likely to be affected by the proposed change. TILL 630 is the authorized POA for GR-3593, and is completed to 75 feet deep in the same alluvial aquifer system. However, the proposed use is unlikely to prevent TILL 630 from receiving legally-entitled water primarily because both TILL 630 and TILL 50225/50400 are nearly the same distance from the Trask River (~365 ft and 320 ft, respectively); therefore, much/most water pumped by these wells is provided by this and other nearby surface water sources, thus mitigating potential impacts to nearby wells.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: From-POA (TILL 627/52569) is about 850 ft from Dougherty Slough, a major tributary to the Trask River. To-POA (TILL 50225/50400) is about 400 feet from the Trask River. Despite the relative nearness of the To-POA to the river, it is unlikely that the proposed use will result in an appreciable increase in interference with the Trask, given that flow from other nearby surface water bodies (e.g., levee to the south connected to the Tillamook River, unnamed tributary to the Tillamook River to the west-southwest) also contribute flow, thus mitigating impacts to the mainstem Trask River.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ ☐ Minimal ☐ Significant
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: Not applicable.
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☒ No Comments: Not applicable.
7. What conditions or other changes in the application are necessary to address any potential issues identified above: None
8. Any additional comments: None

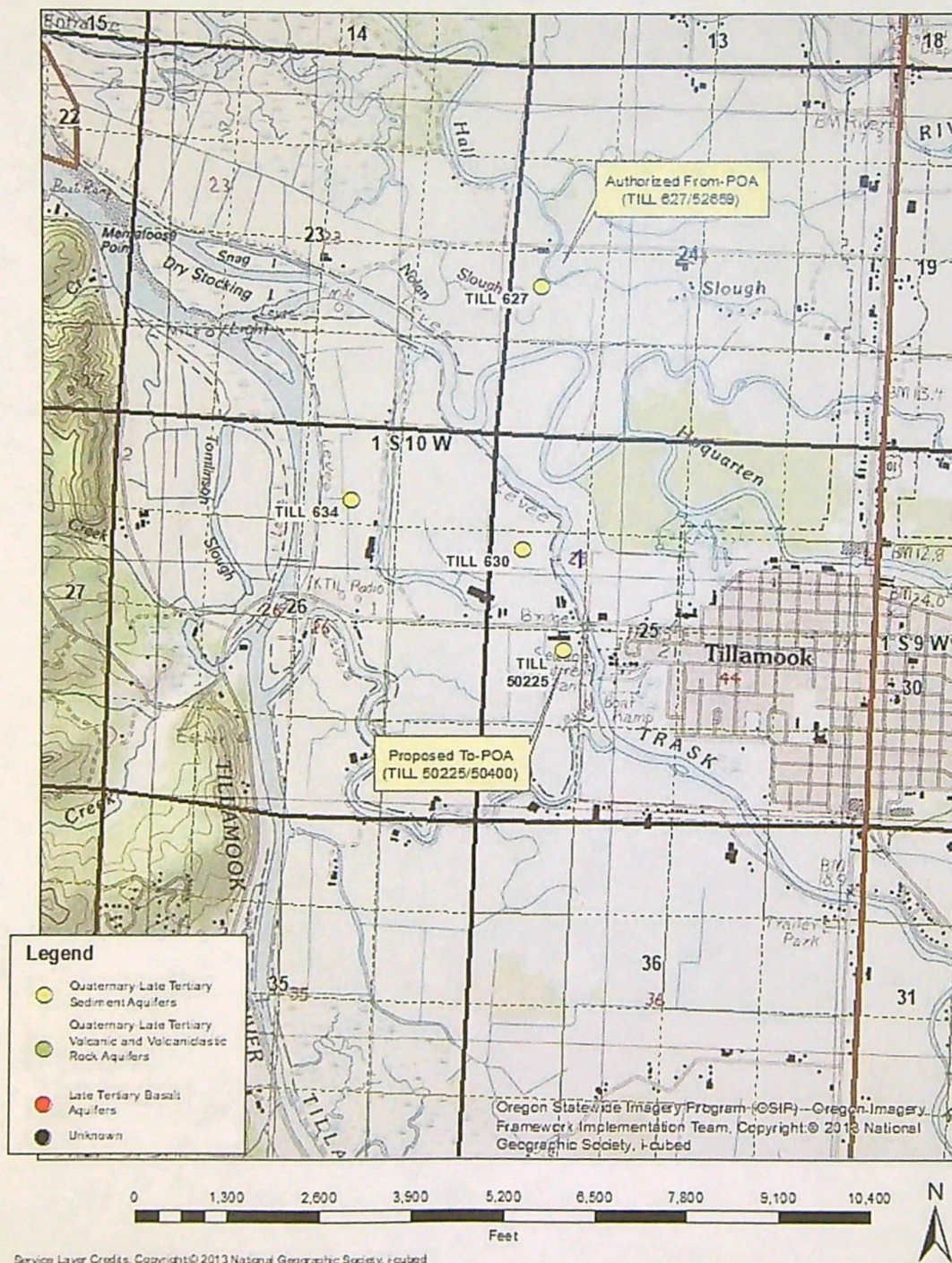
References

Application T-13849

Groundwater reviews: application G-18823, G-16687

Schlicker, H.G., R.J. Deacon, J.D. Beaulieu, and G.W. Olcott, 1972. Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon. Oregon Department of Geology and Mineral Industries.

Application T-13849, Jenck Farms
T1S, R10W, Sections 24,25



COURCHANE Corey A * WRD

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Thursday, December 02, 2021 5:02 PM
To: JARAMILLO Lisa J * WRD; FRENCH Dwight W * WRD
Cc: WILLIAMS Eric * OWEB; CHARPILLOZ-HANSON Lisa * OWEB; Thane, Lindsay M.; SMITH Joan M * WRD; STARNES Patrick K * WRD; DAVIS Arla L * WRD; COURCHANE Corey A * WRD
Subject: T-13849 - groundwater modification, Jenck Farms

Hi Lisa and Dwight,

According to WRIS, this transfer (groundwater modification) has not been assigned to a staff person to process. Would you kindly let us know who might be handling it?

My office also reached out to OWRD for public comments (if any) submitted on this modification and have not received a response as of yet. Perhaps one of you would know if any were submitted at all?

As an update, we've been in contact with OWEB and they've contacted USFWS about this transfer. Our correspondence on this topic is pasted below. I've also copied Eric and Lisa here so they know we're keeping you updated on this topic. As you are already aware, Tillamook County has already signed off on this transfer.

In the meantime, we do want to make sure this is moving forward to completion so that it can be ready for issuance prior to the 2022 irrigation season so look forward to hearing from you soon.

Thanks much, Elizabeth

Elizabeth E. Howard

Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt



From: WILLIAMS Eric * OWEB <Eric.WILLIAMS@oweb.oregon.gov>
Sent: Wednesday, December 1, 2021 5:03 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>; CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>
Cc: FORNEY Miriam * OWEB <Miriam.FORNEY@oweb.oregon.gov>
Subject: RE: Jenck Farm

Hi Elizabeth,

We contacted the firm that did the initial appraisal, and the appraiser has since retired; however, he referred me to his colleague, Marlo Dill, who has agreed to look at requests to update or supplement his work, although she is under no obligation to do so. Her contact information is:

marlo@agco-appraisal.com 541-447-6641

AGCO-Dill & Associates

1894 NE McKay Creek Road

Prineville, OR 97754

When you engage the appraiser, it would be helpful for her to contact our review appraiser, Dean Potter. This will insure that proper appraisal instructions are provided prior to her commencing work so that the product has the best chance of successful review by OWEB and the USFWS. I have copied Miriam Forney on this message, who can provide you with Dean Potter's contact information and any further guidance on appraisals.

Thank you,

Eric

ERIC WILLIAMS, GRANT PROGRAM MANAGER
OREGON WATERSHED ENHANCEMENT BOARD
775 SUMMER ST NE STE 360
SALEM, OR 97301
CELL # (971) 345-7014
eric.williams@oweb.oregon.gov



From: Howard, Elizabeth E. <EHoward@SCHWABE.com>

Sent: Tuesday, November 30, 2021 8:06 PM

To: WILLIAMS Eric * OWEB <Eric.WILLIAMS@oweb.oregon.gov>; CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>

Subject: RE: Jenck Farm

Thanks Eric. Much appreciated, and this is good news. Meta had indicated (see below) that OWEB would engage the appraiser and then connect them with us, then the Jencks would pay for the appraisal. Are you and Lisa wanting us to take a different course now? Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt



From: WILLIAMS Eric * OWEB <Eric.WILLIAMS@oweb.oregon.gov>
Sent: Tuesday, November 30, 2021 5:59 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>; CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>
Subject: RE: Jenck Farm

Hello again,

USFWS responded and they have agreed to the proposed repayment based on a value determined by yellow book appraisal and subject to review and approval of the values by OWEB and USFWS. OWEB retains a review appraiser to review all appraisals, and the USFWS has a similar approach. For more information on appraisals, you can consult our [web site](#). Please let me know if you have any further questions. Thanks,
Eric

ERIC WILLIAMS, GRANT PROGRAM MANAGER
OREGON WATERSHED ENHANCEMENT BOARD
775 SUMMER ST NE STE 360
SALEM, OR 97301
CELL # (971) 345-7014
eric.williams@oweb.oregon.gov



From: WILLIAMS Eric * OWEB
Sent: Tuesday, November 30, 2021 5:04 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>; CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>
Subject: RE: Jenck Farm

Hi Elizabeth,

Thanks for the prompt. I had contacted the USFWS right after our meeting, and have not yet heard back from them. After receiving your note this afternoon, I sent a reminder and received an auto reply that the program manager is on vacation until 12/13. I will attempt to reach other staff there and let you know what I hear. Thank you,
Eric

ERIC WILLIAMS, GRANT PROGRAM MANAGER
OREGON WATERSHED ENHANCEMENT BOARD
775 SUMMER ST NE STE 360
SALEM, OR 97301
CELL # (971) 345-7014
eric.williams@oweb.oregon.gov



From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Tuesday, November 30, 2021 2:24 PM
To: CHARPILLOZ-HANSON Lisa * OWEB <Lisa.CHARPILLOZ-HANSON@oweb.oregon.gov>; WILLIAMS Eric * OWEB <Eric.WILLIAMS@oweb.oregon.gov>
Cc: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Subject: RE: Jenck Farm

Hi Lisa and Eric,

The public comment period on the Jenck Farm's groundwater modification application is now closed (as of 11/25), so I thought to check back with you to see if you've made a preliminary approval request to USFWS and whether they have expressed any comments or concerns? Here again is the link to the OWRD site with the formal application and progress on it to date:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_centric.aspx?transfer_nbr=13849&transfer_char=T

I look forward to your update.

Best, Elizabeth

Elizabeth E. Howard

Shareholder

Direct: 503-796-2093

Mobile: 503-312-8765

ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: LOFTSGAARDEN Meta * OWEB <Meta.Loftsgaarden@oregon.gov>
Sent: Friday, July 16, 2021 1:58 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: WILLIAMS Eric * OWEB <Eric.Williams@oregon.gov>
Subject: RE: Jenck Farm

Yes. We are supportive pending successful completion of the steps outlined below.

PLEASE UPDATE MY PHONE IN YOUR CONTACTS:

Meta Loftsgaarden, Executive Director
Oregon Watershed Enhancement Board

PHONE: 971-345-7022

Meta.Loftsgaarden@oregon.gov

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Friday, July 16, 2021 1:55 PM
To: LOFTSGAARDEN Meta * OWEB <Meta.Loftsgaarden@oregon.gov>

Cc: WILLIAMS Eric * OWEB <Eric.Williams@oregon.gov>
Subject: RE: Jenck Farm

Thanks Meta – Is it okay for me to let the County know that OWEB is supportive of this effort so that they can move forward with their internal processes, as well?

Elizabeth E. Howard

Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt



From: LOFTSGAARDEN Meta * OWEB <Meta.Loftsgaarden@oregon.gov>
Sent: Friday, July 16, 2021 1:51 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: WILLIAMS Eric * OWEB <Eric.Williams@oregon.gov>
Subject: Jenck Farm

Elizabeth – per our earlier conversation, below are next steps. I’ve checked in with both WRD and Eric and they know that you’ll be proceeding with a formal application. As we discussed, because of the board approval date, we won’t be able to get this done in time for this season, and appreciate your understanding. I’ll be gone next week, but we can touch bases if needed after that. We will keep in touch as the next steps move forward if any red flags or concerns arise.

Eric – please make any corrections if I didn’t characterize the steps below correctly.

Meta

- 1) Submit formal request/application to WRD, copy OWEB
- 2) OWEB will request preliminary approval from US Fish and Wildlife Service and relay any feedback/concerns
- 3) OWEB will engage the appraiser and connect them with Elizabeth to complete evaluation of cost. Cost for appraisal and subsequent water value will be paid by Jenck directly.
- 4) OWEB will submit to USFWS for final approval once dollar amount is determined.
- 5) OWEB staff will submit request to OWEB board for approval at October board meeting
- 6) OWEB-Jenck Farm will complete final payment process.

PLEASE UPDATE MY PHONE IN YOUR CONTACTS:

Meta Loftsgaarden, Executive Director
Oregon Watershed Enhancement Board

PHONE: 971-345-7022

Meta.Loftsgaarden@oregon.gov



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 25, 2021

JENCK FARMS
DONNIE JENCK
745 THIRD ST
TILLAMOOK, OR 97141

Reference: Application T- 13849

On October 12, 2021, OWRD received your water Groundwater Registration Modification application. The application was accompanied by \$1250.00. Our receipt number 136592 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

You may not use water in the new place of use or from the new point of appropriation until a final order approving recognition of the groundwater registration modification application has been issued by the Department. If the land is sold before the modification is approved, the buyer's consent to the modification will be required unless a recorded deed or other legal document clearly established that the groundwater registration was not conveyed in the sale.

Please refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

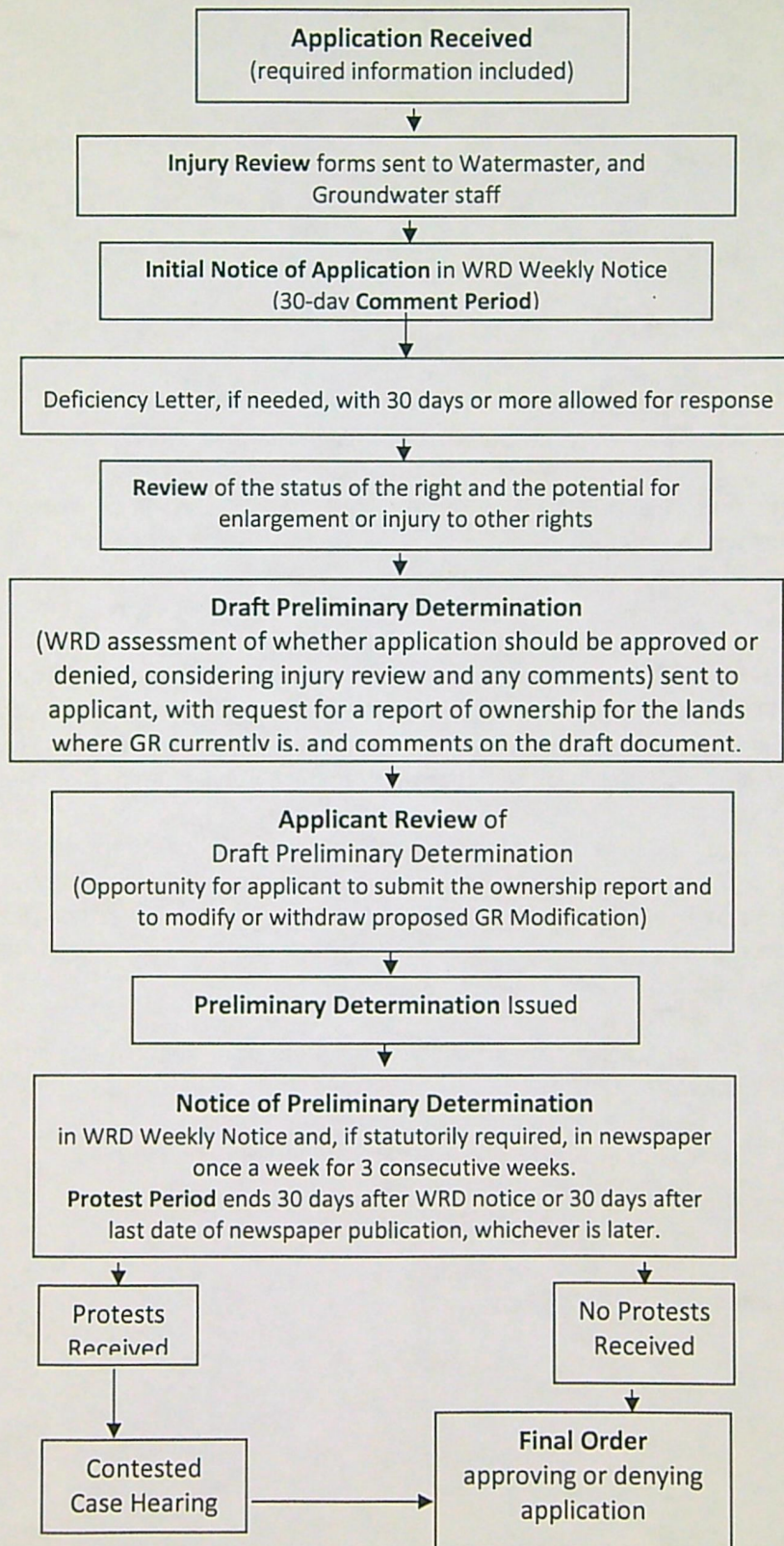
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #1, Nikki M. Hendricks (via email)
Elizabeth Howard, Agent
Tillamook County Planning Division

Enclosure

Groundwater Registration Modification Process

OAR 690 Division 382



STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # **136592**

INVOICE # _____

RECEIVED FROM: Jenck Farms, LLC
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER 1-13849

CASH: ☐ CHECK: # 16768 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$ _____

0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$ _____

0205 TRANSFER EXAM FEE \$ 1250.00 LICENSE FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) 0220 LICENSE FEE \$ _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **136592**

DATED: 10-12-2021 BY: Mindy Carlson

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

TLC CHECKING

GR MODIFICATION

OWRD

OCT 12 2021

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GR MODIFICATION

9/23/2021

1,250.00

16768

JENCK FARMS, LLC

Oregon Water Resources Department

Application for Groundwater Registration Modification



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

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

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

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

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OCT 12 2021

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Applicant Information and Signature.
- ☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- ☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Groundwater registration modification fees – Amount enclosed: \$ 1,250.00. (\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

Attachments:

- ☒ ☐ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) or the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(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"/> Assignment Form and fee not enclosed/insufficient |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

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Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☒ 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 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 appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes hachuring, 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 registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- ☒ ☐ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including 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 appropriation with distance and bearing or coordinates from a recognized survey corner.
- ☒ ☐ N/A If you are proposing a modification in point(s) of appropriation, 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°).

13849

Part 3 of 4 – Applicant Information and Signature

Applicant Information

| | | | |
|---|-------------|-----------------------------|------------------------|
| APPLICANT/BUSINESS NAME Jenck Farms LLC c/o Donnie Jenck | | PHONE NO. (503) 812-8348 | ADDITIONAL CONTACT NO. |
| ADDRESS 745 Third Street | | FAX NO. | |
| CITY Tillamook | STATE OR | CITY Tillamook | ZIP 97141 |
| 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. | | | |

RECEIVED

OCT 12 2021

OWRD

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

| | | | |
|---|-------------|-----------------------------|------------------------|
| APPLICANT/BUSINESS NAME Schwabe, Williamson & Wyatt c/o Elizabeth Howard | | PHONE NO. (503) 796-2093 | ADDITIONAL CONTACT NO. |
| ADDRESS 1211 SW Fifth Ave., Suite 1900 | | FAX NO. | |
| CITY Portland | STATE OR | CITY Portland | ZIP 97204 |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | |

Explain in your own words what you propose to accomplish with this modification; and why:
The applicant intends to move a portion of the place of use and to add a point of appropriation to irrigate the applicant's crops and to do so in conjunction with the applicant's confined animal feeding operation permit.

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

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

(Check one box)

- ☒ By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); OR
- ☐ I (we) 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 (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

I understand that prior to Department approval of the groundwater registration modification, 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 groundwater registration 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 paper: Tillamook Headlight Herald.

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



Applicant Signature

Donnie Jenck
Applicant Signature

Donnie Jenck - Owner
Print Name (and Title if applicable)

Joe Jenck
Print Name (and Title if applicable)

Date

9/23/21
Date

Date

9/23/21
Date

Andrew Je
Andrew Je
9/6

Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located? ☐ Yes ☒ No If NO, include signatures of all deeded landowners (and

13849

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 Groundwater registration has been conveyed.

See attached Affidavits of Consent from Tillamook County, as deeded landowner of the portion of GR-2952 requested to be moved pursuant to this application, consenting to the changes submitted by Jenck Farms LLC.

RECEIVED

OCT 12 2021

OWRD

13849

RECEIVED

OCT 12 2021

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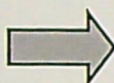
Check the appropriate box, if applicable:

- ☐ Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

| | | |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

- ☐ Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity.

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



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

| | | |
|--|-----------------------------------|---------------------|
| ENTITY NAME Tillamook County | ADDRESS 201 Laurel Ave. | |
| CITY Tillamook | STATE OR | ZIP 97141 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

Groundwater Registration # GR-2952 (Certificate # GR-2771)

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

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

| POA Name or Number | Is this POA Authorized by the registration or is it Proposed? | 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) |
|--------------------|---|--|-----|---|-----|---|-----|-----|----|---------------------------|--|
| Well 1 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | TILL 627 | 1 | S | 10 | W | 24 | NW | SW | | 650 feet south and 310 feet east from NW Corner, SW1/4, Section 24. |
| Proposed Well 2 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | TILL 50225 | 1 | S | 10 | W | 25 | NW | SW | 700 | 320 feet south and 1,075 feet east from the W1/4 corner, Section 25. |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | | | | |

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation (well) (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |

Will all of the proposed changes affect the entire Groundwater registration?

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

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Please use and attach additional pages of Table 2 as needed.
See page 5 for instructions.

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

Table 2. Description of Modifications to Registration GR-29952 (Certificate # GR-2771)

List only the part of the registration that will be modified. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

| AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration 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 | 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 | POA(s) to be used (from Table 1) | Priority Date | | | | | | |
| EXAMPLE | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | S | 9 | E | 15 | NE | NW | 100 | | 15.0 | Irrigation | POD #1 POD #2 | 1901 | POU/POD | 2 | S | 9 | E | 1 | NW | NW | 500 | 1 | 10.0 | | POD #5 | 1901 |
| " | " | " | " | " | " | " | " | " | " | EXAMPLE | " | " | " | 2 | S | 9 | E | 2 | SW | NW | 500 | | 5.0 | | POD #6 | 1901 |
| 1 | S | 10 | W | 23 | NE | SE | 3200 | Lot 8 | 9.9 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 25 | NW | SW | 700 | Lot 9 | 19.8 | Irrigation | Proposed Well 2 | 5/31/1951 |
| 1 | S | 10 | W | 23 | SE | SE | 3200 | Lot 8 | 4.8 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 26 | NE | SE | 2600 | Lot 12 | 9.3 | Irrigation | Proposed Well 2 | 5/31/1951 |
| 1 | S | 10 | W | 24 | SW | NW | 3200 | Lot 1 | 11.6 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 25 | SW | SW | 800 | Lot 9 | 16.3 | Irrigation | Proposed Well 2 | 5/31/1951 |
| 1 | S | 10 | W | 24 | NW | SW | 3200 | | 31.1 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | 1 | S | 10 | W | 26 | SE | SE | 2700 | Lot 13 | 15.4 | Irrigation | Proposed Well 2 | 5/31/1951 |
| 1 | S | 10 | W | 24 | SW | SW | 3200 | Lot 3 | 3.4 | Irrigation | Well 1 | 5/31/1951 | POU/APOA | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | | | | 60.8 | TOTAL ACRES | | | | | | | | | | | | | | 60.8 | | |

Additional remarks: This application moves 60.8 acres under GR 2952 to a new place of use and proposes to use Well 2 to irrigate those acres.

Groundwater Registration # GR-2952 (Certificate # GR-2771)

For a modification in place of use or character of use:

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

If YES, list the other certificate, water use permit, or other Groundwater registration numbers:



Pursuant to OAR 690-382-0200, any "layered" water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the "to" lands must be filed separately with a Groundwater registration modification.

For modifications in point(s) of appropriation (well(s) or additional point(s) of appropriation:

- ☒ Well log(s) are attached for each well 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/)

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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.

OWRD

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 adequate information is likely to delay the processing of your modification 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 complete d well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|---|------------------------------------|---|------------------|-----------------|-------------------------|---------------------------|--|---|---|--|
| See Well Logs | | | | | | | | | | |
| | | | | | | | | | | |

STATE ENGINEER
Salem, Oregon

TILL
627

Well Record

STATE WELL NO. 1/10W-24M(1)
COUNTY TILLAMOOK
~~APPLICATION NO.~~ GR-2952
Certificate No. 7

OWNER: Antone & Johanna Beeler

MAILING
ADDRESS: Rt. 1

LOCATION OF WELL: Owner's No.

CITY AND
STATE: Bay City, Oregon

NW 1/4 SW 1/4 Sec. 24 T. 1 N. 10 E. W.M.

Bearing and distance from section or subdivision
corner 650' S. and 310' E. from the NW corner
of the SW 1/4 of section 24

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |

Section 24

Altitude at well

TYPE OF WELL: drilled Date Constructed 1951

Depth drilled 115 Depth cased 115

CASING RECORD:

9-inch

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FINISH:

OWRD

About 1/4" perforations from 0 to 38

AQUIFERS:

Clay

WATER LEVEL:

8-feet

PUMPING EQUIPMENT: Type Electric H.P. 5
Capacity 200 G.P.M.

WELL TESTS:

Drawdown 9 ft. after hours Pumping 184 G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation GR-2771 Temp. °F. 19

SOURCE OF INFORMATION

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

Blue clay

115

JUN 20 1997

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WATER RESOURCES DEPT.
SALEM, OREGON

Well ID# L09274

(START CARD) # 88575

Instructions for completing this report are on the last page of this form.

(1) OWNER: _____ Well Number 2
Name Jenck Farms
Address 745 Third St.
City Tillamook State Oregon Zip 97141

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 110 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

| HOLE | | | SEAL | | | |
|----------|------|-----|----------|------|----|-----------------|
| Diameter | From | To | Material | From | To | Sacks or pounds |
| 12 | 0 | 61 | Cement | 0 | 61 | 45 |
| 8 | 61 | 110 | — | — | — | — |

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

| | Diameter | From | To | Gauge | Steel | Plastic | Welded | Threaded |
|---------|----------|--------|----|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Casing: | 8 | 12 1/2 | 92 | .250 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Liner: | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Final location of shoe(s) 92

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Type _____ Material _____

| From | To | Slot size | Number | Diameter | Tele/pipe size | Casing | Liner |
|------|----|-----------|--------|----------|----------------|--------------------------|--------------------------|
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |

(8) **WELL TESTS:** Minimum testing time is 1 hour

| | | | |
|-------------------------------|---------------------------------|---|---|
| <input type="checkbox"/> Pump | <input type="checkbox"/> Bailer | <input checked="" type="checkbox"/> Air | <input type="checkbox"/> Flowing <input type="checkbox"/> Artesian |
| Yield gal/min | Drawdown | Drill stem at | Time |
| 250 | 89 | 90 | 1 hr. |
| | | | |

Temperature of water 54 Depth Artesian Flow Found

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Tillamook Latitude _____ Longitude _____
Township 15 N or S Range 10W E or W. WM.
Section 25 NW 1/4 SW 1/4
Tax Lot 700 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) JAME

(10) STATIC WATER LEVEL:

1 ft. below land surface. Date 6-6-97
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 5

| From | To | Estimated Flow Rate | SWL |
|------|-----|---------------------|-----|
| 5 | 10 | 1 | |
| 92 | 110 | 250 | 1 |
| | | | |
| | | | |
| | | | |

(12) WELL LOG:

Ground Elevation _____

[illegible]

Date started 6-4-97 Completed 6-6-97

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed L. M. C. Jones WWC Number 1221
Date 6-6-97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER

(13849)

Application for Water Right
Modification of
Groundwater Registration
Consent by Deeded Landowner



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

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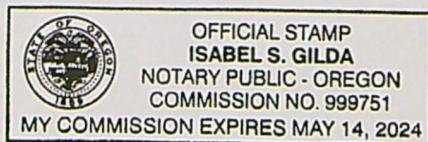
State of Oregon)
)ss
County of Tillamook)

I Mary Faith Bell in my capacity as Chair of the Tillamook County Board of Commissioners,
mailing address 201 Laurel Ave, Tillamook, Oregon 97141,
telephone number (503) 842-3403, duly sworn depose and say that I
consent to the proposed change(s) to Groundwater Registration Number GR-2952 (Certificate
GR-2771) described in a Groundwater Modification (T-) submitted by Jenck Farms LLC,
(transfer number, if known)
on the property in tax lot number(s) 1S10W003200, Sections 23 and 24, Township 1
South, Range 10 West, W.M., located at 590 Goodspeed Road N, Tillamook, Oregon 97141.
(site address)

MF Bell
Signature of Affiant

9/8/2021
Date

Subscribed and Sworn to before me this 8th day of September, 2021.



Isabel S. Gilda
Notary Public for Oregon

My commission expires 5/14/2024

October 7, 2021

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

VIA FIRST CLASS MAIL

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

RE: Groundwater Modification Application for GR-2952 (Certificate No. 2771)
Our File No.: 134277-246278

To Whom it May Concern:

Please find enclosed with this letter an application for a groundwater modification for groundwater registration GR-2952 (Certificate No. 2771). The following documents are enclosed with the application:

- Application map
- Affidavit of consent from deeded landowner (Tillamook County)
- Land Use Information Form completed by Tillamook County
- Check for the application fee of \$1,250.00

Please also note that two Requests for Assignment have been submitted to the Water Resources Department at the same time as this groundwater modification application. The first request for assignment assigns the portion of GR-2952 involved in this groundwater modification application from Antone and Johanna Beeler to Tillamook County. The second request for assignment assigns that same portion of GR-2952 in the first assignment from Tillamook County to Jenck Farms LLC.

13849

Oregon Water Resources Department
October 7, 2021
Page 2

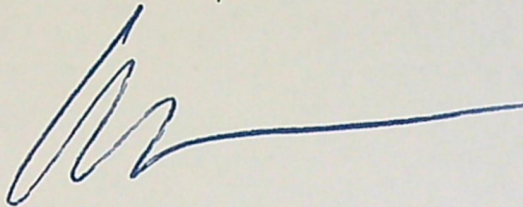
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Please let me know if you have any questions

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal line.

Elizabeth E. Howard

EEH:lmt
Enclosures

cc: Joe Jenck (*via email*)
Donnie Jenck (*via email*)

13849



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 20, 2021

TILLAMOOK COUNTY BOARD OF COMMISSIONER
ATTN: MARY FAITH BELL, CHAIR
201 LAUREL AVE
TILLAMOOK, OR 97141

Re: Letter received by Oregon Water Resources Department (OWRD) on October 12, 2021

Dear Ms. Bell,

OWRD is in receipt of your letter dated September 15, 2021, "RE: Groundwater Certificate of Registration GR 2711 in the name of Antone & Johanna Beeler" and attachments requesting that OWRD withdraw and give no effect to Tillamook County's Affidavit for the Partial Abandonment of a Ground Water Certificate of Registration, dated March 28, 2018.

A copy of the letter and attachments will be filed with the original request for Ground Water Certificate of Registration GR-2771 and made available at the time of adjudication under ORS 537.670 to 537.695.

Please note that a certificate of groundwater registration may not be construed as a final determination of any matter stated in the certificate of registration. Such a determination will occur in adjudication proceeding, and is not final or conclusive until so determined and a ground water right certificate issued. See ORS 537.610

Please do not hesitate to contact us if we may be of any further assistance.

Sincerely,

Ann Reece
Water Right and Services Division
Ann.L.Reece@wrd.state.or.us
503-979-3214

Cc: Nikki Hendricks, District 1 Watermaster
Data Center
File

13849



Tillamook County Board of Commissioners

201 Laurel Avenue, Tillamook, OR 97141

Phone: 503-842-3403

TTY Oregon Relay Service

Mary Faith Bell, Chair
David Yamamoto, Vice-Chair
Erin D. Skaar, Commissioner

September 15, 2021

Via Email & Regular Mail

dwight.w.french@oregon.gov

Oregon Water Resources Department

Attn: Dwight French, Water Rights Service Division Administrator

725 Summer St NE, Ste A

Salem, OR 97301

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OCT 12 2021

OWRD

RE: Groundwater Certificate of Registration GR-2711 in the name of Antone & Johanna Beeler

Dear Mr. French:

On behalf of Tillamook County, the Tillamook County Board of Commissioners requests that the Oregon Water Resources Department withdraw and give no effect to Tillamook County's Affidavit for the Partial Abandonment of a Ground Water Certificate of Registration, dated March 28, 2018 (the "Affidavit"), which is attached hereto for your reference.

The groundwater use at issue in the Affidavit and this letter was documented by Antone and Johanna Beeler in Registration No. G-2952 and Certificate No. GR-2771.

Tillamook County is the legal and deeded owner of the property described as tax lot number 600 within the NW ¼ SW ¼ Section 24, Township 1 S, Range 10 W, of the Willamette Meridian in Tillamook County, Oregon as shown on the map attached to the Affidavit. It was also the deeded property owner on March 28, 2018.

Tillamook County is withdrawing the Affidavit because it does not intend to abandon the use of 156.2 gallons per minute of groundwater to irrigate 60.8 acres. The County intends for this water to be used to irrigate 60.8 acres in Tillamook County. The Affidavit (and the one it replaced, dated March 14, 2018) should not be used to create a presumption of abandonment of any portion of G-2952, and if so used, this letter is intended to rebut any such presumption.

Sincerely,

Mary Faith Bell, Chair, Board of Commissioners

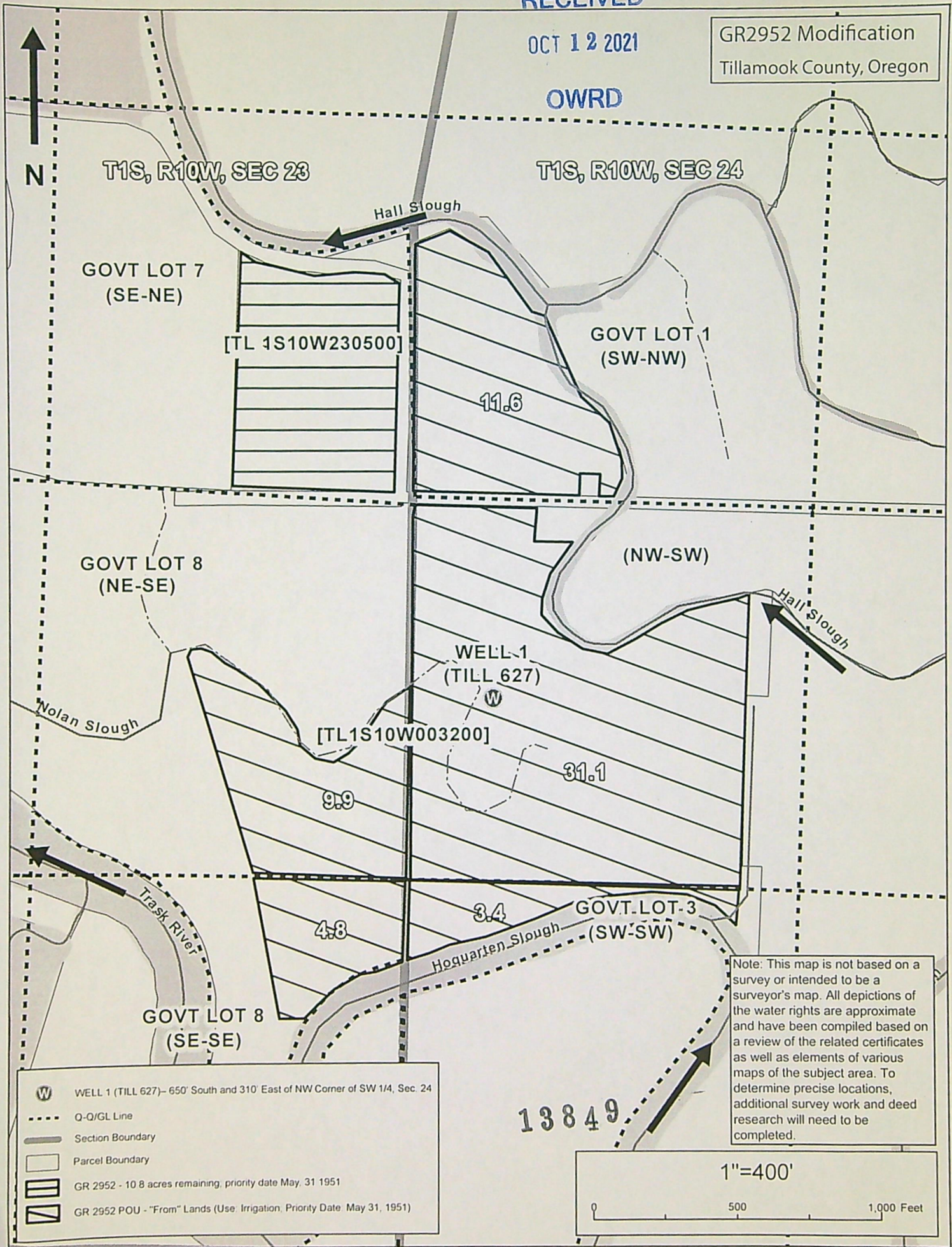
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GR2952 Modification
Tillamook County, Oregon



T1S, R10W, SEC 26

T1S, R10W, SEC 25

GR2952 Modification
Tillamook County, Oregon

GOVT LOT 12
(NE-SE)

[TL01S10W262600]

1.8

2.2

PROPOSED
WELL 2
(TILL 50225)

[TL01S10W250700]

7.6

10

GOVT LOT 9
(NW-SW)

GOVT LOT 13
(SE-SE)

TRASK
SLOUGH

4.6

6.9

3.9

8.5

[TL01S10W250800]

(8W-SW)

7.8

[TL01S10W262700]

TRASK
SLOUGH

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OWRD

SW COR DLC 44

Note: This map is not based on a survey or intended to be a surveyor's map. All depictions of the water rights are approximate and have been compiled based on a review of the related certificates as well as elements of various maps of the subject area. To determine precise locations, additional survey work and deed research will need to be completed.

1"=400'

500

1,000 Feet

- W WELL 2 (TILL 50225) - 320' South and 1075' East of W 1/4 Corner, Sec. 25
- I DLC Corner
- Q-Q/GL Line
- Water Main Line
- Section Boundary
- DLC 44 Line
- Parcel Boundary
- GR 2952 POU - "To" Lands (Use: Irrigation, Priority Date: May 31, 1951)

13849

Trask River

Land Use Information Form



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

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NOTE TO APPLICANTS

OWRD

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 ground water 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.

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 503-986-0801.

Land Use Information Form



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

Applicant(s): Jenck Farms LLC

Mailing Address: 745 Third Street

City: Tillamook

State: OR

Zip Code: 97141

Daytime Phone: (503) 812-8348

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: |
|-----------|------------|-----------|--------------|-------------|---|--|--|--|--------------------|
| <u>1S</u> | <u>10W</u> | <u>25</u> | <u>NW SW</u> | <u>700</u> | <u>EFU</u> | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>No change</u> |
| <u>1S</u> | <u>10W</u> | <u>25</u> | <u>SW SW</u> | <u>800</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>No change</u> |
| <u>1S</u> | <u>10W</u> | <u>25</u> | <u>NE SE</u> | <u>2600</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>No change</u> |
| <u>1S</u> | <u>10W</u> | <u>26</u> | <u>SE SE</u> | <u>2700</u> | <u>EFU</u> | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <u>No change</u> |

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

Tillamook County

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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 Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 156.2 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

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

Briefly describe:

The groundwater modification application proposes to allow water to be used for irrigation on a new place of use and from a different well.

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.

See bottom of Page 3. →

RECEIVED

OCT 12 2021

For Local Government Use Only

OWRD

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): TCLUD Section 3.002 (Farm Zone) + GOAL 3, TILLAMOOK COUNTY COMPREHENSIVE PLAN GOAL ELEMENT
- ☐ 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: SARAH ABSHER, CFM Title: DIRECTOR

Signature: Sarah Absher Phone: 503-842-3408 Date: October 1, 2021

Government Entity: TILLAMOOK COUNTY

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.

13849

Groundwater Registration Modification (GR Mod) Application Checklist

Checked by Scott

Date 10/13/21

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

- ☒ 1. Is the name of the GR Mod applicant(s) the same as the GR claim holder(s) of record?

Assignment
Rec'd 10/22/21

If not, one of the following must be included with the application:

- ☐ a) A written statement from the GR claim holder, consenting to the proposed GR Mod Application (if the GR claim holder(s) of record is the current property owner), **OR**.
- ☐ b) A concurrent "Request for Assignment" to move the GR claim into the GR Mod applicant's name must be submitted (if the GR Mod applicant(s) is the current property owner), **OR**
- ☐ c) A concurrent "Request for Assignment" to move the GR claim into the name of a third party (who now owns the property) must be submitted, and the third party will need to provide a written statement consenting to the proposed GR Mod Application.

If not, what is missing? _____

- ☐ 2. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? page 2 of LU missing Rec'd 10/22/21

- ☒ 3. Are fees included and correct? yes

If not, the correct fee would be: _____, so the amount missing is: _____

- If application proposes ONLY a change in place of use = \$875.00
- If application proposes any other change or combination of changes = \$1,250.00

- ☒ 4. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom? yes

If not, whose signature is missing? _____

- ☐ 5. If all #1-#4 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, or #4 on this checklist is deficient, the application CANNOT be accepted.

It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

page 2 of land use form missing Rec'd 10/22/21