

Regular

T-13902

ASSIGNED

Name Stellmacher Family Properties LLCAddress 30576 Stellmacher dr SW
Albany OR 97321
billbarbstellmacher@gmail.com

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Calapooia RiverTrib. of Willamette RiverUse IrrigationCounty Linn

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-15863Per # S-11721Cert # 12352PR Date 6/6/1935

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in APDDate Filed 1/28/2022Initial notice date 2/8/2022

DPD issued date

PD issued date 10/4/2024PD notice date 10/8/2024Date of FO 12/3/2024 Vol 133 Page 431-434

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID

Date	Amount	Receipt #
<u>1-28-2022</u>	<u>\$1360.00</u>	<u>137370</u>
<u>6-20-2023</u>	<u>\$120.00</u>	<u>140944</u>

FEES REFUNDED

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

Assignments: 6-23-2023 US Horticulture Farmland, LLC 5250 N Palm Ave. Ste. 401, Fresno, CA 93704

Irrigation District

Agent Will McGill Surveying - willmcgill.surveying@gmail.com

CWRE

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

December 3, 2024

US Horticulture Farmland, LLC
5250 N Palm Ave., Suite 401
Fresno, CA 93704

REFERENCE: Transfer Application T-13902

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

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

cc: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)
William E. McGill, Agent
Linn County Planning, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13902, Linn County)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

US HORTICULTURE FARMLAND, LLC
5250 N PALM AVE., SUITE 401
FRESNO, CA 93704

Findings of Fact

1. Stellmacher Family Properties LLC filed an application for an additional point of diversion under Certificate 12352. The Department assigned the application number T-13902.
2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 23, 2023, the Department approved an assignment for Transfer Application T-13902 from Stellmacher Family Properties LLC to US Horticulture Farmland, LLC.
4. On March 21, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13902 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 20, 2024, 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 transfer.

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.

5. On October 4, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13902 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 8, 2024, and in the Albany Democrat-Herald newspaper on October 10 and 17, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

6. The portion of the right to be transferred is as follows:

Certificate: 12352 in the name of PAUL OHLING (perfected under Permit S-11721)
Use: IRRIGATION OF 38.3 ACRES
Priority Date: JUNE 6, 1935
Rate: 0.48 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: CALAPOOIA RIVER, tributary of the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	3	NE SE	56	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	3	SW NE	4.2
12 S	4 W	WM	3	SE NE	3.8
12 S	4 W	WM	3	NE SE	5.0
12 S	4 W	WM	3	NW SE	25.3
TOTAL					38.3

7. The applicant has supplied information that better describes the location of the authorized point of diversion as:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	3	NE SE	56	(SOUTH POD) - 15 FEET SOUTH AND 680 FEET WEST FROM THE E1/4 CORNER OF SECTION 3

8. Transfer Application T-13902 proposes an additional point of diversion approximately 1500 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	3	NE NE	67	NORTH POD - 1590 FEET NORTH AND 810 FEET WEST FROM THE E1/4 CORNER OF SECTION 3

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2) and 690-380-2110(2)]

10. Water has been used within the five-year period prior to submittal of Transfer Application T-13902 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13902.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other existing water rights.

Conclusions of Law:

The additional point of diversion proposed in Transfer Application T-13902 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

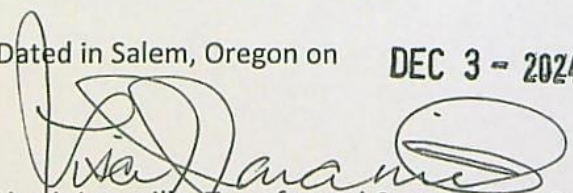
1. The additional point of diversion proposed in Transfer Application T-13902 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12352 and any related decree.
3. Water right Certificate 12352 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new additional point of diversion (North POD), together with that diverted at the original point of diversion (South POD), shall not exceed the quantity of water lawfully available at the original point of diversion (South POD).

5. Water shall be acquired from the same source of surface water as the original point of diversion.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria.

Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **DEC 3 - 2024**


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

Mailing date: **DEC 4 - 2024**

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PAUL OHLING
ROUTE 3
ALBANY, OR 97321

confirms the right to use the waters of CALAPOOYA RIVER, a tributary of WILLAMETTE RIVER for the purpose of IRRIGATION.

This right was perfected under Permit S-11721. The date of priority is JUNE 6, 1935. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.02 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
12 S	4 W	WM	3	NE SE	56

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

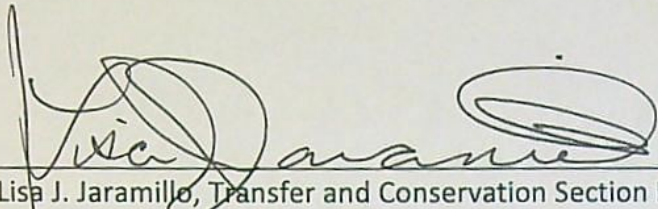
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	4 W	WM	3	NW SE	1.7

This certificate describes that portion of water right Certificate 12352, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 3 - 2024, approving Transfer Application T-13902.

The issuance of this superseding certificate does not confirm the status of the water right regarding the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed DEC 3 - 2024.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13902

Transfer Specialist:

Transfer Type: Regular Transfer

Dante Luongo

Applicant: STELLMACHER FAMILY PROPERTIES LLC 30416 STELLMACHER DR SW ALBANY, OR 97321 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392 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 Linn County 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"/>	S-15863	S-11721	12352	<input type="checkbox"/> Yes <input 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: January 28, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1360.00	WM District: 2	ODFW District:
Initial Public Notice: February 8, 2022	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 checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>3-30-24</u> Initials: <u>AL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>3-24-23</u> Initials: <u>AL PLS</u>	Date: <u>3-30-23</u> Initials: <u>AL</u>	CW Sent: _____	N/A
PD	Date: <u>4-8-24</u> Initials: <u>AL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>7-26-24</u> Initials: <u>CC</u>	Date: <u>7-29-24</u> Initials: <u>AL</u>	Date: _____	Date: <u>10/4/24</u>
FO	Date: <u>10-16-24</u> Initials: <u>AL</u>	Date: <u>10-17-24</u> Initials: <u>SG</u>	Date: _____ Initials: _____	Date: <u>10-17-24</u> Initials: <u>CC</u>	Date: <u>10-18-24</u> Initials: <u>AL</u>	Date: _____	Date: <u>12/3/24</u>

Special Issues: _____

Special Order Volume: Vol. 133 Pages 431-434

**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 # **143875**

INVOICE # _____

RECEIVED FROM: Will McMillan Surveying, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13902</u>

CASH: ☐ CHECK: # 2317 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 483.08

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 483.08

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	\$ _____	0202	\$ _____
0203	GROUND WATER	\$ _____	0204	\$ _____
0205	TRANSFER	\$ _____		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
	LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$ _____	CARD#	_____
0210	MONITORING WELLS	\$ _____	CARD#	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$ _____
0231	HYDRO LICENSE FEE (FW/WRD)	\$ _____
	HYDRO APPLICATION	\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **143875**

DATED: 9-25-24 BY: [Signature]

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Gazette Times - Democrat Herald
600 Lyon St SW
(541) 926-2211

State of New Jersey, County of Burlington, ss:

Emmie Atwood, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Gazette Times - Democrat Herald, a newspaper of general circulation in Counties of Linn and Benton, as defined by section 193.010 O.R.S, published at 600 Lyon St. SW, Albany, OR in the aforesaid county and state; that a copy is hereto Annexed, was published in the entire issue of said newspaper.

PUBLICATION DATES:

Oct. 10, 2024

Oct. 17, 2024

NOTICE ID: FFoumyLGtkO0RifOsJig

PUBLISHER ID: COL-OR-100505

NOTICE NAME: Legal Notice - T-13902

Publication Fee: \$402.57

Emmie Atwood

(Signed) _____

VERIFICATION

State of New Jersey
County of Burlington

LIZA ORTIZ
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires November 27, 2028

Subscribed in my presence and sworn to before me on this: 10/17/2024

Liza Ortiz

Notary Public

Notarized remotely online using communication technology via Proof.

Legal Notice - T-13902
Notice of Preliminary Determination for

Water Right Transfer T- 13902

T- 13902 filed by US Horticulture Farmland, LLC, 5250 N Palm Ave., Suite 401, Fresno, CA 93704, proposes an additional point of diversion under Certificate 12352. The right allows the use of 0.48 cubic foot per second from the Calapoola River in Sec. 3, T 12S, R4W, WM for irrigation in Sec. 3, T12S, R4W, WM. The applicant proposes an additional point of diversion in Sec. 3, T12S, R4W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-390-5000.

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, 10/17/2024. Call (503) 988-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

10/10, 10/17 COL-OR-100505



Oregon

Tina Kotek, Governor

October 4, 2024

VIA CERTIFIED MAIL AND E-MAIL

US HORTICULTURE FARMLAND, LLC
5250 N PALM AVE., SUITE 401
FRESNO, CA 93704

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.

1.

US Horticulture Farmland, LLC
5250 N Palm Ave., Suite 401
Fresno, CA 93704



9590 9402 8804 4005 1338 02

2. Article Number (Transfer from service label)

7022 3330 0000 2912 3063

PS Form 3811, July 2020 PSN 7530-02-000-9053 T-13902 EP/DL TACS Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

OCT 15 2024

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) | |

SUBJECT: Water Right Transfer Application T-13902

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13902. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer 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 Albany Democrat-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.

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.

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13902, Linn County)	PROPOSING APPROVAL OF AN
)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

US HORTICULTURE FARMLAND, LLC
5250 N PALM AVE., SUITE 401
FRESNO, CA 93704

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2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
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4. On March 21, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13902 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 20, 2024, 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 transfer.

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.

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

Certificate: 12352 in the name of PAUL OHLING (perfected under Permit S-11721)
Use: IRRIGATION OF 38.3 ACRES
Priority Date: JUNE 6, 1935
Rate: 0.48 CUBIC FOOT PER SECOND
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Source: CALAPOOIA RIVER, tributary of the WILLAMETTE RIVER

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Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
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Authorized Place of Use:

IRRIGATION					
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12 S	4 W	WM	3	SE NE	3.8
12 S	4 W	WM	3	NE SE	5.0
12 S	4 W	WM	3	NW SE	25.3
TOTAL					38.3

6. The applicant has supplied information that better describes the location of the authorized point of diversion as:

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7. Transfer Application T-13902 proposes an additional point of diversion approximately 1500 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	3	NE NE	67	NORTH POD - 1590 FEET NORTH AND 810 FEET WEST FROM THE E1/4 CORNER OF SECTION 3

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4000(14), 690-380-4010(2) and 690-380-2110(2)]

9. Water has been used within the five-year period prior to submittal of Transfer Application T-13902 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13902.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other existing water rights.

Determination and Proposed Action

The additional point of diversion proposed in Transfer Application T-13902 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13902 is approved, the final order will include the following:

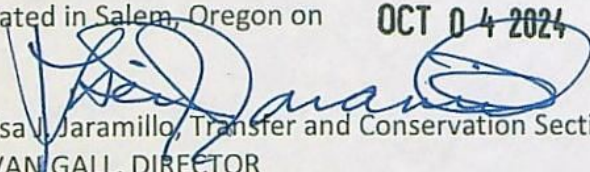
1. *The additional point of diversion proposed in Transfer Application T-13902 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 12352 and any related decree.*
3. *Water right Certificate 12352 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new additional point of diversion (North POD), together with that diverted at the original point of diversion (South POD), shall not exceed the quantity of water lawfully available at the original point of diversion (South POD).*
5. *Water shall be acquired from the same source of surface water as the original point of diversion.*
6. *Water use measurement conditions:*

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria.

Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

OCT 04 2024


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

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, 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, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. 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 690-380-4020, 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 690-380-0100(9)]. The protest must 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 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) 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 690-380-4020, 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 690-380-4030. In accordance with OAR 690-380-4200, 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 after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 971-355-4420, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

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 Patricia McCarty at 503-979-9160.

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.



Received by OWRD

SEP 25 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: US Horticulture Farmland, LLC
5256 N. Palm Ave, STE 401, Fresno CA 93704

Transaction Type: Newspaper notice

Fees Received: \$ 483.05

☐ Cash

☒ Check;

Check No.

2317

Name(s) on Check:

Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by:

Cone Lunnien
(Name of OWRD staff)

Instructions for OWRD staff:

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



Received by OWRD

SEP 25 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: US Horticulture Farmland, LLC
5256 N. Palm Ave, STE 401, Fresno CA 93704

Transaction Type: Newspaper notice

Fees Received: \$ 483.08

☐ Cash

☒ Check;

Check No.

2317

Name(s) on Check:

Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by:

Corie Linnien
(Name of OWRD staff)

Instructions for OWRD staff:

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



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

Received by OWRD

SEP 25 2024

Salem, OR

September 20, 2024

Applicant

~~STELLMACHER FAMILY PROPERTIES, LLC
30416 STELLMACHER DR SW
ALBANY, OR 97321~~

U.S. Horticulture Farmland, LLC
5250 N Palm Ave., Suite 401
Fresno, CA 93704

SUBJECT: Water Right Transfer Application T-13902 Your water right transfer will be 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 in the amount of \$483.08 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-13902 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 **October 20, 2024.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Albany Democrat 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 October 20, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov if I may be of assistance.

Sincerely,

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

X-----
Attached is a check in the amount of \$483.08 (PCA #46118) for Newspaper Notice for Transfer T-13902 made out to Oregon Water Resources Department (or WRD)

- "for T- 13902 NOTICE" written on front of check

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

Caseworker: Dante Luongo



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

June 23, 2023

Fidelity National Title Company of Oregon
Oregon Fidelity Salem Trust Account FSAI-1004
500 Liberty St. SE, Ste. 200
Salem, OR 97301

Reference: Transfer T-13902

The assignment from Stellmacher Family Properties LLC to US Horticulture Farmland, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show US Horticulture Farmland, LLC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 140944 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the transfer.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 140944

cc: Stellmacher Family Properties, LLC – 30416 Stellmacher Dr. SW, Albany, OR 97321
US Horticulture Farmland, LLC – 5250 N Palm Ave. Ste. 401, Fresno, CA 93704
Data Center, OWRD (cover letter & request)
File



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

140944

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

INVOICE # _____

RECEIVED FROM: Fidelity National Title Company
BY: OF Oregon, Oregon Fidelity Solutions

APPLICATION	
PERMIT	
TRANSFER	<u>T-13902</u>

CASH: ☐ CHECK: # 50401 OTHER: (IDENTIFY) Account - FSA-1004
9406

TOTAL REC'D \$120.00

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:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

0250 OTHER (IDENTIFY) Assignment \$ 120.00

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:

140944

DATE: 6/20/2023 BY: Leslie D. Murre

Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Stellmacher Family Properties LLC

(Name of Current Holder of Record)

30416 Stellmacher Dr. SW

(Mailing Address)

Albany

(City)

OR

(State)

97321

(Zip)

(541) 979-7102

(Phone #)

☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

☐ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; *(You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)*

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # _____; Permit # _____; Transfer Order # T-13902;

Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

US Horticulture Farmland, LLC

(Name of New Owner)

5250 N Palm Ave., Suite 401

(Mailing Address)

Fresno

(City)

CA

(State)

93704

(Zip)

(559) 369-6708

(Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

☒ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this _____ day of _____, 20____.

(Day)

(Month)

(Year)

Signature of Current Holder of Record

William Stellmacher / Barbara Stellmacher

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 140944

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. *MFB*

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

RECEIVED

JUN 20 2023

OWRD

Assign - Approve
JTB 6-26-2023

**** REAL ESTATE CLOSING ****

504019406

Buyer/Borrower: US Horticulture Farmland, LLC, a Delaware limited liability company

Seller: Stellmacher Family Properties, LLC, an Oregon limited liability company

Lender:

Property: 33767 Oakville Road SW/Albany

Settlement Date: June 14, 2023

Disbursement Date: June 14, 2023

Check Amount: \$120.00

Pay To: Oregon Water Resources Department

For: Water Rights Assignment - T-13902

Water Rights Assignment - T-13902 (H.05) \$120.00

Closer/Responsible Party: Tara Riesterer

Printed By: Tara Riesterer

Order Number: 60222301206

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JUN 20 2023

OWRD
SALEM, OREGON

Business Registry Business Name Search

[New Search](#)

Business Entity Data

06-12-2023

12:02

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
734938-85	DLLC	ACT	OREGON	02-08-2000	02-08-2024	
Entity Name	STELLMACHER FAMILY PROPERTIES LLC					
Foreign Name						

RECEIVED

JUN 20 2023

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[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	30576 STELLMACHER DR SW				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT	Start Date	07-24-2015	Resign Date	
Of Record	200067-14	EVASHEVSKI ELLIOTT PC				
Addr 1	100 CALAPOOLA ST SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 983				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	WILLIAM	STELLMACHER				
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MGR	MANAGER			Resign Date	
Name	BARBARA	STELLMACHER				
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Exhibit "A" - LEGAL DESCRIPTION

PARCEL I:

Beginning at a point which is West 1182 feet distant from the Northeast corner of the Donation Land Claim of William D. Rexford, known on the Plats and Surveys of the United States as Notification No. 1998 and Claim No. 56 in Township 12 South, Range 4 West of the Willamette Meridian; thence West on and along the North boundary line of said claim a distance of 554 feet; thence South 70° East a distance of 242 feet; thence East 137 feet; thence North 65° 42' East a distance of 207 feet to the Place of Beginning.

ALSO:

That part of the following described real property lying West of the center line of the Calapooia River:

Beginning in the center of a County Road on the South boundary line of and East 45.09 chains distant from the Southwest corner of the Donation Land Claim of Thomas I. Anderson, Notification No. 1923, Claim No. 67 in Township 12 South, Range 4 West of the Willamette Meridian; thence North 39° 23' East along the center of said County Road 13.65 chains; thence North 28° 45' East along the center of said County Road 13.65 chains; thence North 28° 45' East along the center of said County Road 10.15 chains to a point which South 11° West 17.36 chains distant from the North boundary line of said Donation Land Claim; thence East 30.74 chains to the Eastern boundary line of said Donation Land Claim; thence South 11° West 19.49 chains along the Eastern boundary line of said Donation Land Claim to the Southeast corner thereof; thence West along the Southern boundary line of said Donation Land Claim 40.16 chains to the Place of Beginning.

EXCEPTING THEREFROM that portion thereof conveyed by Hiram H. Eastman and Henrietta Eastman to Heike Ohling by deed recorded at Page 634, Volume 132, Deed Records, as follows:

Beginning in the center of the County Road on the South boundary line of, and East 45.09 chains distant from the Southwest corner of the Donation Land Claim of Thomas I. Anderson, Notification No. 1923, Claim No. 67, in Township 12 South, Range 4 West of the Willamette Meridian, Linn County Oregon; thence North 39° 23' East along the center of the County Road, a distance of 167 feet; thence South 67° 46' East a distance of 346 feet to the South Boundary line of said Claim No. 67; thence West on and along the South boundary line of said Claim No. 67 a distance of 428 feet to the Place of Beginning.

PARCEL II:

Beginning North 89° 42' East 34.915 chains from the Northwest corner of the William D. Rexford Donation Land Claim No. 56 in Township 12 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, said beginning point being the intersection of the Westerly line of the Oregon Electric Railway Co. right of way and the North line of said Claim No. 56; thence North 89° 42' East to the Easterly line of said right of way and the True Point of Beginning of the herein described tract of land; thence South 01° 25' West along the Easterly line of said right of way 11.31 chains; thence South 88° 35' East 50 feet; thence South 01° 25' West along said East line of said right of way 22.62 chains; thence North 88° 35' West 50 feet; thence South 01° 25' West along the said East line of right of way a distance of 192.5 feet to the point which is East 35.15 chains distant and North 01° 25' East 2,947.78 feet distant from the Southwest corner of said Claim No. 56; thence South 80° 18' East a distance of 661.0 feet; thence North 11° 26' East a distance of 376.0 feet; thence South 80° East a distance of 814.60 feet; thence South 15° 15' East 21.00 chains to the right bank of the Calapooia River; thence down the right bank of said river to the East boundary line of said Claim No. 56 thence North along the East line of said Claim 20.17 chains to a point on the right bank of said River, thence down the right bank of said river to the North line of said Claim No. 56; thence West along the North line of said Claim 4.32 chains to a point which is West 1182.1 feet from the Northeast corner of said Claim No. 56; thence South 65° 42' West 207 feet; thence West 137 feet; thence North 70° West 242 feet to the North line of said Claim No. 56; thence West 67 links; thence North 67° 46' West 346 feet to the center of a County Road; thence South 39° 23' West along the center of said road 167 feet to a point on the North line of and East 45.79 chains distant from the Northwest corner of said Claim No. 56; thence West to the True Point of Beginning.

ALSO EXCEPTING THEREFROM THE FOLLOWING PARCELS:

Beginning on the East line of the Oregon Electric Railroad right of way 2319.9 feet East and 2947.78 feet North

01° 25' East of the Southwest corner of the William D. Rexford Donation Land Claim No. 56; thence North 01° 25' East 192.5 feet; thence South 88° 35' East 50 feet; thence North 01° 25' East 183.59 feet, thence South 80° 00' East 677.0 feet; thence South 11° 26' West 376 feet; thence North 80° 18' West 681.0 feet to the Point of Beginning.

ALSO EXCEPTING:

Beginning at a point 4166.86 feet East and 2161.38 feet North of the Southwest corner of said William D. Rexford Claim No. 56 in Township 12 South, Range 4 West of the Willamette Meridian; thence South 85° 38' East 108.1 feet thence South 16° 19' East 270 feet to the right bank of the Calapooia River; thence South 21° 04' West along said Bank 180.4 feet; thence North 15° 15' West 451.6 feet to the Point of Beginning.

ALSO EXCEPTING all that portion in the Northwest corner of the foregoing described property which lies North and West of the County Road.

ALSO EXCEPTING THEREFROM:

Beginning at a point in the center of the County Road which point is on the North line of the William D. Rexford Donation Land Claim No. 56, Township 12 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon, and 45.79 chains East of the Northwest corner of said claim; thence North 39° 03' East along the center of said road, 80.60 feet; thence South 50° 57' East, perpendicular to the center of said road, 30 feet to a 5/8 inch iron rod; thence South 01° 55' 20" West, 37.02 feet to a 5/8 inch iron rod; thence South 55° 07' 02" East, 91.07 feet to a 5/8 inch iron rod; thence South 30° 42' 20" West, 191.85 feet to a 5/8 inch iron rod; thence South 60° 53' 30" West, 383.22 feet to a 5/8 inch iron rod on the Southeasterly right of way line of said road; thence North 50° 46' West, 30 feet to the center of said road; thence North 39° 14' East, 487.73 feet to the Point of Beginning.

Tax Account No.: 226478

RECEIVED

JUN 20 2023

OWRD



RECEIVED

JUN 20 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Stellmacher Family Properties LLC

30416 Stellmacher Dr SW Albany OR 97321

Transaction Type: Assignment

Fees Received: \$ 120

☐ Cash

☒ Check;

Check No. 504019406

Name(s) on Check: Fidelity National Title Company of Oregon

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Nease

(Name of OWRD staff)

Instructions for OWRD staff:

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



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OWRD Customer Service Staff

Submission received by: Nick Neel

(Name of OWRD staff)

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Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 7, 2022

STELLMACHER FAMILY PROPERTIES LLC
30416 STELLMACHER DR SW
ALBANY, OR 97321

Reference: Application T-13902

On January 28, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 137370 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

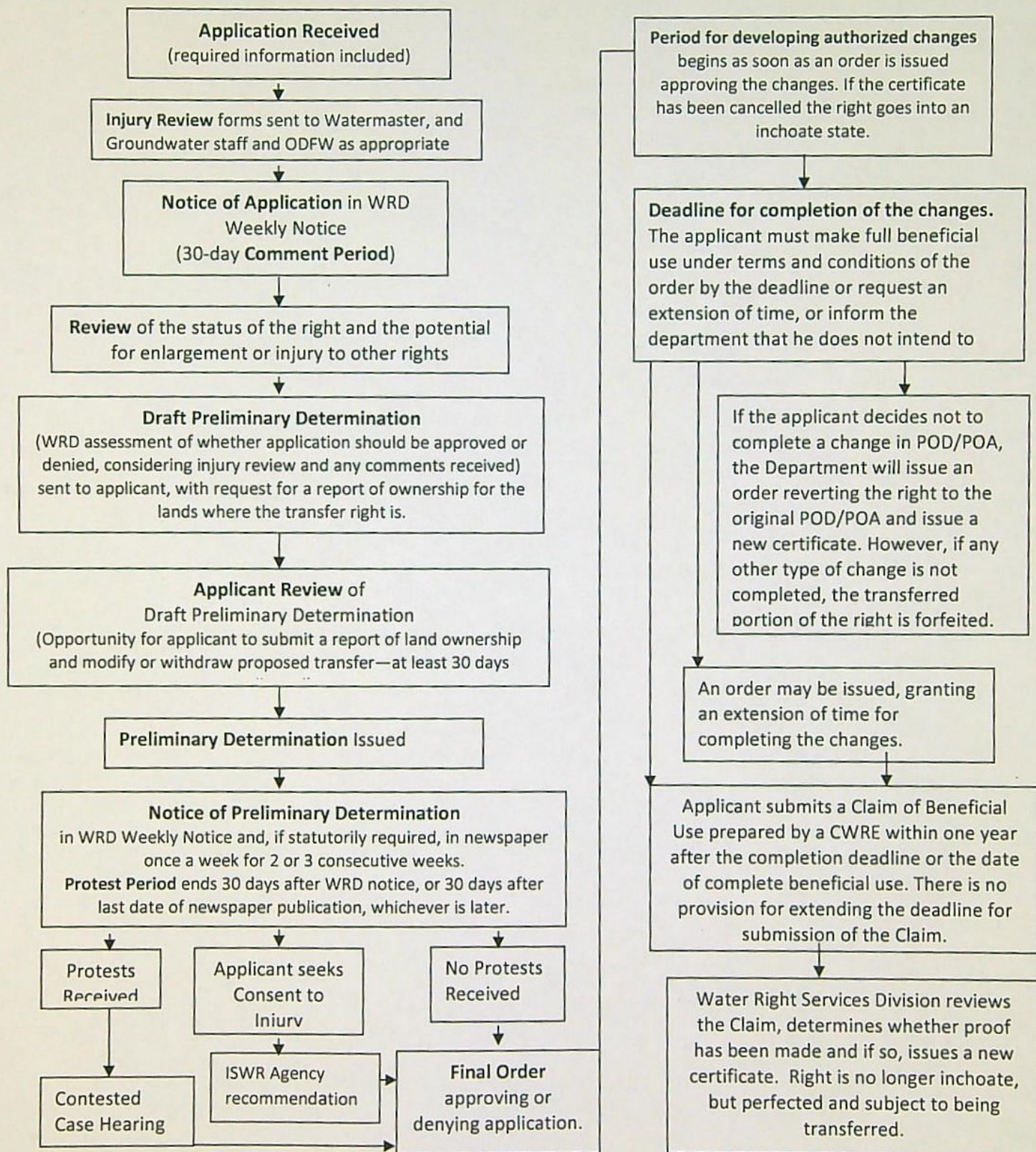
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #2, Lanaya F. Blakely (*via email*)
William E. McGill, Agent
Linn County

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137370**

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

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13902

CASH: ☐ CHECK: # 1937 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1360.00

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 \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 1360.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **137370**

DATED: 1-28-2022 BY: Mindy Cuel

Application for Permanent Water Right Transfer



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

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

RECEIVED

JAN 28 2022

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Cert. 12352**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

OWRD

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (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.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

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

JAN 28 2022

Part 2 of 5 – Transfer Application Map

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either 0.025 ($1/40$) or 0.0125 ($1/80$). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Stellmacher Family Properties LLC			PHONE NO. (541) 979-7102	ADDITIONAL CONTACT NO.
ADDRESS 30576 Stellmacher Dr. SW				FAX NO.
CITY Albany	STATE OR	ZIP 97321	E-MAIL billbarbstellmacher@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:
It is proposed to authorize the North POD as an additional point of diversion for Cert. 12352.

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

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

 William J. Stellmacher William J. Stellmacher 1/25/22
Applicant signature Print Name (and Title if applicable) Date

RECEIVED

Applicant signature

Print Name (and Title if applicable)

Date

JAN 28 2022

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

OWRD

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

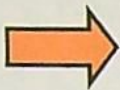
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Linn County	ADDRESS 300 SW 4th Ave.	
CITY Albany	STATE OR	ZIP 97321

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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JAN 28 2022

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 12352

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JAN 2 2022

Description of Water Delivery System

System capacity: 1.09 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 20 HP centrifugal pump delivers water through buried PVC mainline to fields and is applied by drip or wheel lines.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
North POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		12	S	4	W	3	NE	NE	67	1590' N and 810' W from the E ¼ corner of sec. 3
South POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		12	S	4	W	3	NE	SE	56	15' S and 680' W from the E ¼ corner of sec. 3
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 12352

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
12	S	4	W	3	NE	SE	1000	56	5.0	Irrigation	South POD	1935	APOD	12	S	4	W	3	NE	SE	1000	56	5.0	Irrigation	North POD/ South POD	1935		
12	S	4	W	3	NW	SE	1000	56	25.3	Irrigation	South POD	1935	APOD	12	S	4	W	3	NW	SE	1000	56	25.3	Irrigation	North POD/ South POD	1935		
12	S	4	W	3	SW	NE	1000	56	4.2	Irrigation	South POD	1935	APOD	12	S	4	W	3	SW	NE	1000	56	4.2	Irrigation	North POD/ South POD	1935		
12	S	4	W	3	SE	NE	1000	56	3.8	Irrigation	South POD	1935	APOD	12	S	4	W	3	SE	NE	1000	56	3.8	Irrigation	North POD/ South POD	1935		
TOTAL ACRES:									38.3						TOTAL ACRES:									38.3				

Additional remarks: _____.

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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JAN 28 2022

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

OWRD

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

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of LINN) ss

I, WILLIAM STELLMACHER, in my capacity as OWNER,
mailing address 30576 STELLMACHER DR. SW, ALBANY, OR 97321
telephone number (541)979-7102, being first duly sworn depose and say:

RECEIVED
JAN 28 2022
OWRD

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 12352; OR

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

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

OR

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

(continues on reverse side)

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

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

William J. Stellmacher
Signature of Affiant

1/25/22 **RECEIVED**
Date JAN 28 2022

OWRD

Signed and sworn to (or affirmed) before me this 25 day of Jan., 2022.



Grant McGill
Notary Public for Oregon

My Commission Expires: 11-13-2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Land Use Information Form



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

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NOTE TO APPLICANTS

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

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Applicant(s): Stellmacher Family Properties LLC

DEC 16 2021

Mailing Address: 30576 Stellmacher Dr. SW

OWRD

City: Albany

State: OR

Zip Code: 97321

Daytime Phone: (541) 979-7102

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>12S</u>	<u>4W</u>	<u>3</u>	<u>NENE</u>	<u>1000</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>farming</u>
<u>12S</u>	<u>4W</u>	<u>3</u>	<u>SENE</u> <u>SWNE</u> <u>NWSE</u> <u>NESE</u>	<u>1000</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Linn County

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JAN 28 2022

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) Calapooia River

Estimated quantity of water needed: 95.75 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

It is proposed to do a historic change in POD to make the used North POD an APOD to the authorized South POD under Certificate 12352.

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. →

DEC 16 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): LCC 928.310(B)(1)
- ☐ 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: Alyssa Boles Title: Planning Manager

Signature: Alyssa Boles Phone: 541-967-3816 Date: 12/1/21

Government Entity: Linn 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.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Business Registry Business Name Search

[New Search](#)

Business Entity Data

12-01-2021
13:35

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
734938-85	DLLC	ACT	OREGON	02-08-2000	02-08-2022	
Entity Name	STELLMACHER FAMILY PROPERTIES LLC					
Foreign Name						

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RECEIVED

JAN 28 2022

DEC 16 2021

[New Search](#)

Associated Names

OWRD

OWRD

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	30416 STELLMACHER DR SW				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT	Start Date	07-24-2015	Resign Date	
Of Record	200067-14	EVASHEVSKI ELLIOTT PC				
Addr 1	100 CALAPOOIA ST SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 983				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	WILLIAM	STELLMACHER				
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MGR	MANAGER			Resign Date	
Name	BARBARA	STELLMACHER				
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
STELLMACHER FAMILY PROPERTIES LLC	EN	CUR	02-08-2000	

13902

RECEIVED

JAN 28 2022

OWRD



RECEIVED

DEC 16 2021

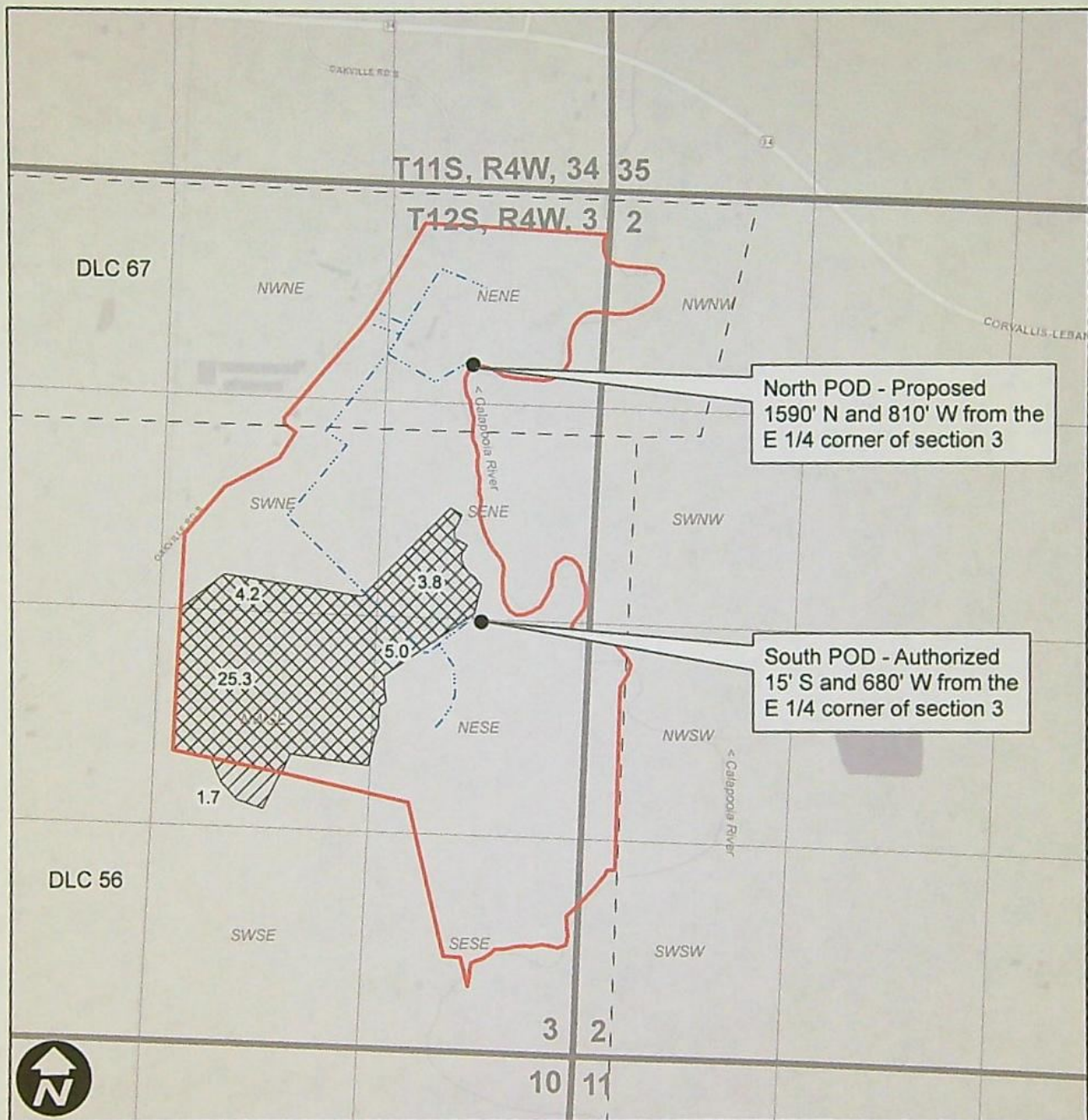
OWRD

13902

JAN 28 2022

Transfer Application Certificate 12352 - Stellmacher

OWRD



Legend

- Cert. 12352 Transfer
- Cert. 12352 No Change
- Tax Lot 1000
- Mainline
- DLC



Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13902

Checked by: <u>Jow</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	<u>APOD</u>
Date: <u>2/2/22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>1360.00</u>		How many rights to be Transferred?				
Calculated Fee: <u>1360.00</u>		Certificate #				
Additional Observations:						

If OK and complete, check box to the left; if NOT, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
- ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
- ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
- ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.

OR: ☐ If all boxes to the left are NOT checked, then this application is deficient and **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.

Actions taken: Now Date: _____

Permanent Transfer Application Intake Completion Checklist

[illegible]

Business Registry Business Name Search

[New Search](#)

Business Entity Data

12-01-2021
13:35

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
734938-85	LLC	ACT	OREGON	02-08-2000	02-08-2022	
Entity Name STELLMACHER FAMILY PROPERTIES LLC						
Foreign Name						

RECEIVED

RECEIVED

JAN 28 2022

DEC 16 2021

[New Search](#)

Associated Names

QWRD

QWRD

Type	PPB	PRINCIPAL PLACE OF BUSINESS																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											</
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Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	07-24-2015	Resign Date	
Of Record	200067-14 EVASHEVSKI ELLIOTT PC					
Addr 1	100 CALAPOOIA ST SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MAL		MAILING ADDRESS				
Addr 1	PO BOX 983						
Addr 2							
CSZ	ALBANY	OR	97321		Country	UNITED STATES OF AMERICA	

Type	MGRMANAGER				Resign Date	
Name	WILLIAM		STELLMACHER			
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321		Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	BARBARA		STELLMACHER			
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321		Country	UNITED STATES OF AMERICA

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
STELLMACHER FAMILY PROPERTIES LLC	EN	CUR	02-08-2000	

13902