

T-14015

Regular

T-14015

RA

Name Fiona Enterprises LLCAddress 11501 NW McBride Cemetery Rd.
Carlton, OR 97111
simonburr.mtvs@gmail.comChange in POUDate Filed 5-19-2022Initial notice date 6-7-2022

DPD issued date

PD issued date 8/31/2022PD notice date 9/14/2022Date of FO 9/28/2022 Vol 125 Page 815-18

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Unnamed Stream ; A ReservoirTrib. of North Yamhill RiverUse Nursery UsesCounty Yamhill

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-47128 Per # S-34938 Cert # 88973 PR Date 6/25/1970

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
5-19-2022	\$1,360.00	138178
5-19-2022	\$125.00	138179
6-8-2022	\$1,101.21	138352

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

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

CWRE

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



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

September 28, 2022

FIONA ENTERPRISES LLC
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

REFERENCE: Transfer Application T-14015

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 temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@oregon.gov.

Sincerely,

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

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-14015, Yamhill County)	A CHANGE IN PLACE OF USE

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

FIONA ENTERPRISES LLC
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

Findings of Fact

1. On May 19, 2022, FIONA ENTERPRISES LLC filed an application to change the place of use under Certificate 88973. The Department assigned the application number T-14015.
2. Notice of the application for transfer was published on June 7, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 10, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14015 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 12, 2022, 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.

4. On August 31, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-14015 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 6, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The Applicant requested a completion date of October 1, 2029, to allow for time to install an irrigation system and plant permanent crops.
6. The portion of the right to be transferred is as follows:

Certificate: 88973 in the name of PEKKOLA FARMS INC. (perfected under Permit S-34938)

Use: NURSERY OPERATIONS on 105.0 ACRES

Priority Date: JUNE 25, 1970

Rate: 0.13 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for NURSERY OPERATIONS, together with the amount secured under any other right existing for the same lands, is limited to 0.13 CUBIC FOOT PER SECOND and 5.0 ACRE FEET PER ACRE per year. The use of the water for NURSERY OPERATIONS may be made at any time, during the period of allowed use specified above, that the use is beneficial.

For irrigation of CONTAINERIZED NURSERY PLANTS, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second and 5.0 ACRE FEET PER ACRE per year.

For irrigation of IN-GROUND NURSERY PLANTS, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 ACRE FEET PER ACRE per year.

For IRRIGATION OF ANY OTHER CROP, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre and 2.5 ACRE FEET PER ACRE during the irrigation season of each year.

Source: UNNAMED STREAM AND OBERG RESERVOIR (CONSTRUCTED UNDER PERMIT R-5592), tributary to YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	19	NE NE	57	1600 FEET NORTH AND 940 FEET WEST FROM THE E1/4 CORNER OF SECTION 19

Authorized Place of Use:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	17	SW SW	57	5.6
3 S	4 W	WM	18	SW SE	57	13.1
3 S	4 W	WM	18	SE SE	57	23.0
3 S	4 W	WM	19	NE NE	57	22.1
3 S	4 W	WM	19	NW NE	57	19.0
3 S	4 W	WM	19	SE NE	57	5.7
3 S	4 W	WM	20	NW NW	57	10.3
3 S	4 W	WM	20	SW NW	57	6.2
Total						105.0

7. Transfer Application T-14015 also proposes to change the place of use of the right to:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	18	SE SW	57	14.4
3 S	4 W	WM	18	SW SE	57	6.0
3 S	4 W	WM	19	NW NE	57	3.4
3 S	4 W	WM	19	SW NE	57	17.0
3 S	4 W	WM	19	SE NE	57	17.0
3 S	4 W	WM	19	NE NW	57	17.8
3 S	4 W	WM	19	SE NW	57	26.1
3 S	4 W	WM	20	SW NW	57	3.3
Total						105.0

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water has been used within the last five years 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14015.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

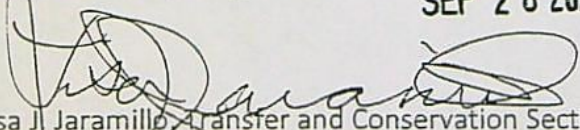
The change in place of use proposed in Transfer Application T-14015 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-14015 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 88973 and any related decree.
3. Water right Certificate 88973 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. 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.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

SEP 28 2022


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

Mailing date: **SEP 29 2022**

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PEKKOLA FARMS INC.
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

confirms the right to use the waters of UNNAMED STREAM AND OBERG RESERVOIR CONSTRUCTED UNDER PERMIT R-5592, tributary to YAMHILL RIVER for NURSERY OPERATIONS ON 15.7 ACRES.

This right was perfected under Permit S-34938. The date of priority is JUNE 25, 1970.

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.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	19	NE NE	57	1600 FEET NORTH AND 940 FEET WEST FROM THE E1/4 CORNER OF SECTION 19

The amount of water used for NURSERY OPERATIONS under this right, together with the amount secured under any other right existing for the same lands, is limited to 0.02 CUBIC FOOT PER SECOND and 5.0 ACRE FEET PER ACRE per year. The use for NURSERY OPERATIONS may be made at any time, during the period of allowed use specified above, that the use is beneficial.

For irrigation of CONTAINERIZED NURSERY PLANTS, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second and 5.0 ACRE FEET PER ACRE per year.

For irrigation of IN-GROUND NURSERY PLANTS, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 ACRE FEET PER ACRE during the irrigation season of each year.

For IRRIGATION OF ANY OTHER CROP, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE -EIGHTIETH of one cubic foot per second and 2.5 ACRE FEET PER ACRE during the irrigation season of each year.

The use 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:

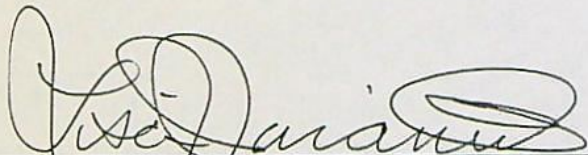
NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	19	NE NE	57	6.8
3 S	4 W	WM	19	NW NE	57	5.1
3 S	4 W	WM	19	NE NW	57	3.8
Total						15.7

This certificate describes that portion of water right Certificate 88973, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 28 2022 approving Transfer Application T-14015.

The issuance of this superseding certificate does not confirm the status of the water right in regard to 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 SEP 28 2022.



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



Oregon

Kate Brown, Governor

August 31, 2022

VIA CERTIFIED MAIL AND E-MAIL

FIONA ENTERPRISES LLC
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

SUBJECT: Water Right Transfer Application T-14015

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14015. 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, 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 Department's notice.

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

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

Please do not hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: T-14015

Joel M. Plahn, District 22 Watermaster (via e-mail)

William E. McGill, Agent for the applicant (via e-mail)

encs

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	

Postmark
Here

FIONA ENTERPRISES LLC
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14015, Yamhill County)	PROPOSING APPROVAL OF A CHANGE IN
)	PLACE OF USE

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

FIONA ENTERPRISES LLC
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

Findings of Fact

1. On May 19, 2022, FIONA ENTERPRISES LLC filed an application to change the place of use under Certificate 88973. The Department assigned the application number T-14015.
2. Notice of the application for transfer was published on June 7, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 10, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14015 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 12, 2022, 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.
4. The Applicant requested a completion date of October 1, 2029, to allow for time to install an irrigation system and plant permanent crops.

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 notice of this preliminary determination.
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Authorized Place of Use:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	17	SW SW	57	5.6
3 S	4 W	WM	18	SW SE	57	13.1
3 S	4 W	WM	18	SE SE	57	23.0
3 S	4 W	WM	19	NE NE	57	22.1
3 S	4 W	WM	19	NW NE	57	19.0
3 S	4 W	WM	19	SE NE	57	5.7
3 S	4 W	WM	20	NW NW	57	10.3
3 S	4 W	WM	20	SW NW	57	6.2
Total						105.0

6. Transfer Application T-14015 also proposes to change the place of use of the right to:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	18	SE SW	57	14.4
3 S	4 W	WM	18	SW SE	57	6.0
3 S	4 W	WM	19	NW NE	57	3.4
3 S	4 W	WM	19	SW NE	57	17.0
3 S	4 W	WM	19	SE NE	57	17.0
3 S	4 W	WM	19	NE NW	57	17.8
3 S	4 W	WM	19	SE NW	57	26.1
3 S	4 W	WM	20	SW NW	57	3.3
Total						105.0

Transfer Review Criteria [OAR 690-380-4010(2)]

7. Water has been used within the last five years 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14015.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

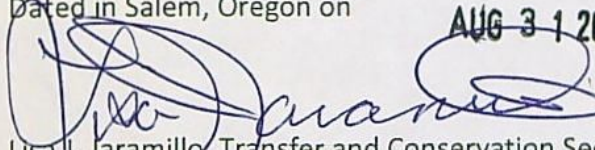
The change in place of use proposed in Transfer Application T-14015 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14015 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-14015 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 88973 and any related decree.*
- 3. Water right Certificate 88973 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. 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.*
- 6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

AUG 31 2022


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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, 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.

SMITH Joan M * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Tuesday, August 16, 2022 1:12 PM
To: SMITH Joan M * WRD
Subject: Re: Draft Preliminary Determination T-14015

Hi Joan,

I have reviewed the DPD and all looks good.

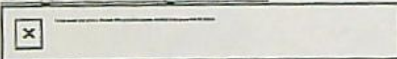
We do request an October 1, 2029 completion date if possible. This time is needed to install irrigation equipment and plant permanent crops on the "to" lands. This will be done in phases.

If this change is acceptable, I am requesting that you proceed with this transfer. We ordered the ownership report from the title company and should have it for you soon.

Thanks so much.

--

Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



On Wed, Aug 10, 2022 at 11:10 AM SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov> wrote:

Reference: Water Right Transfer Application T-14015

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14015. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by September 12, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by September 12, 2022, with acknowledgement that you agree to the proposed action and conditions.

3. If you find any errors, please let me know.

4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:

a) Must be prepared by a title company;

b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;

c) Must be:

i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**

ii. Prepared within 3 months of recording of a water right conveyance agreement;
OR

iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

d) Must include a list of owners at the time the report was generated; **AND**

e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:

[https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

Conditions to your water right...

Full beneficial use of the water shall be made, consistent with the terms of this dpd, on or before **October 1, 2023**. 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.

If the required completion date is insufficient, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by September 12, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

cc: Transfer Application file T-14015

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

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



TICOR TITLE™

Property Profile Report

Client Name:

Today's Date:

08/16/2022

Owner Name:

Fiona Enterprises LLC

Property Address:

**11501 NW McBride Cemetery Rd
OR 97111 9415**

Reference Number:

R341900100

Account Number:

640909

Seven Ticor Mid-Valley locations to serve you:

220 SW 6th Ave Albany, OR 97321 541.926.2111	400 SW 4th St Ste 100 Corvallis, OR 97330 541.757.1466	52 E Airport Rd Lebanon, OR 97355 541.258.2813	1215 NE Baker St McMinnville, OR 97128 503.472.6101	315 Commercial St SE, Ste 150 Salem, OR 97301 503.585.1881	115 N College St STE 200 Newberg, OR 97132 503.542.1400	206 N 1st St Silverton, OR 97381 503.873.5305
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This title information has been furnished, without charge, in conformance with guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions that indiscriminate use only benefiting intermediaries will not be permitted. No liability is assumed for any errors in this record.

The information compiled in this report(s) was imported from a vendor-provided database source. Although the information is deemed reliable and every effort has been taken to correct data imperfections, Ticor Title cannot be held responsible for any inaccuracies.

TITLE AND ESCROW SERVICES

www.TicorMidValley.com

For all your customer service needs: MVCS@TicorTitle.com

Parcel Information

Parcel #: 640909
 Account: **2021-000-00**
 Related:
 Site Address: 11501 NW McBride Cemetery Rd
 OR 97111 - 9415
 Owner: Fiona Enterprises LLC
 Owner2:
 Owner Address: C/O Arc Management Attn: Tate
 Henshaw 1
 Atlanta GA 30309
 Twn/Range/Section: 03S / 04W / 19
 Parcel Size: 46.09 Acres (2,007,680 SqFt)
 Plat/Subdivision:
 Lot:
 Block:
 Map Page/Grid:
 Census Tract/Block: 030400 / 4131
 Waterfront: Oberg Reservoir

Assessment Information

Market Value Land: \$176,921.00
 Market Value Impr: \$0.00
 Market Value Total: \$176,921.00
 Assessed Value: \$3,457.00

Tax Information

Levy Code Area: 11.4
 Levy Rate: 9.8782
 Tax Year: 2021
 Annual Tax: \$34.15
 Exemption Description:

Legal

See Metes & Bounds

Land

Cnty Land Use: 551 - Farm - Exclusive Farm Use (EFU) -
 Improved (typical of class)

Land Use Std: AFAR - Farms And Crops

Neighborhood: Rural Yamhill Carlton

Watershed: North Yamhill River

Primary School: YAMHILL CARLTON ELEMENTARY SCHOOL

High School: YAMHILL CARLTON HIGH SCHOOL

Cnty Bldg Use: 0

Zoning: EF-80 - Exclusive Farm Use

Recreation:

School District: 1 Yamhill-Carlton School District

Middle School: YAMHILL CARLTON INTERMEDIATE
 SCHOOL

Improvement

Year Built:	Attic Fin/Unfin:	Fireplace:
Bedrooms:	Total Baths:	Full/Half Baths:
Total Area:	Bsmt Fin/Unfin:	Garage:
Bldg Fin:	1st Floor:	2nd Floor:

Transfer Information

Rec. Date: 09/27/2021	Sale Price: \$5,250,000.00	Doc Num: 2021-19432	Doc Type: Deed
Owner: Fiona Ents LLC		Grantor: PEKKOLA FARMS INC	
Orig. Loan		Title Co: TICOR TITLE	
Amt:			
Finance Type:	Loan Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Transfer Record(s) Found For: 640909
11501 NW McBride Cemetery Rd, null OR 97111

Recording Date	09/27/2021	Sale Amount	\$5,250,000.00	Mtg 1 Amount	\$0.00
Grantee Name	FIONA ENTS LLC	Title Co	TICOR TITLE	Mtg 1 Loan Type	
Grantor Name	PEKKOLA FARMS INC	Doc #	19432	Doc Type	G

Lender

Recording Date	07/30/2010	Sale Amount	\$0.00	Mtg 1 Amount	\$178,000.00
Grantee Name	PEKKOLA FARMS INC	Title Co	FIRST AMERICAN TITLE	Mtg 1 Loan Type	CNV
Grantor Name		Doc #	10342	Doc Type	T

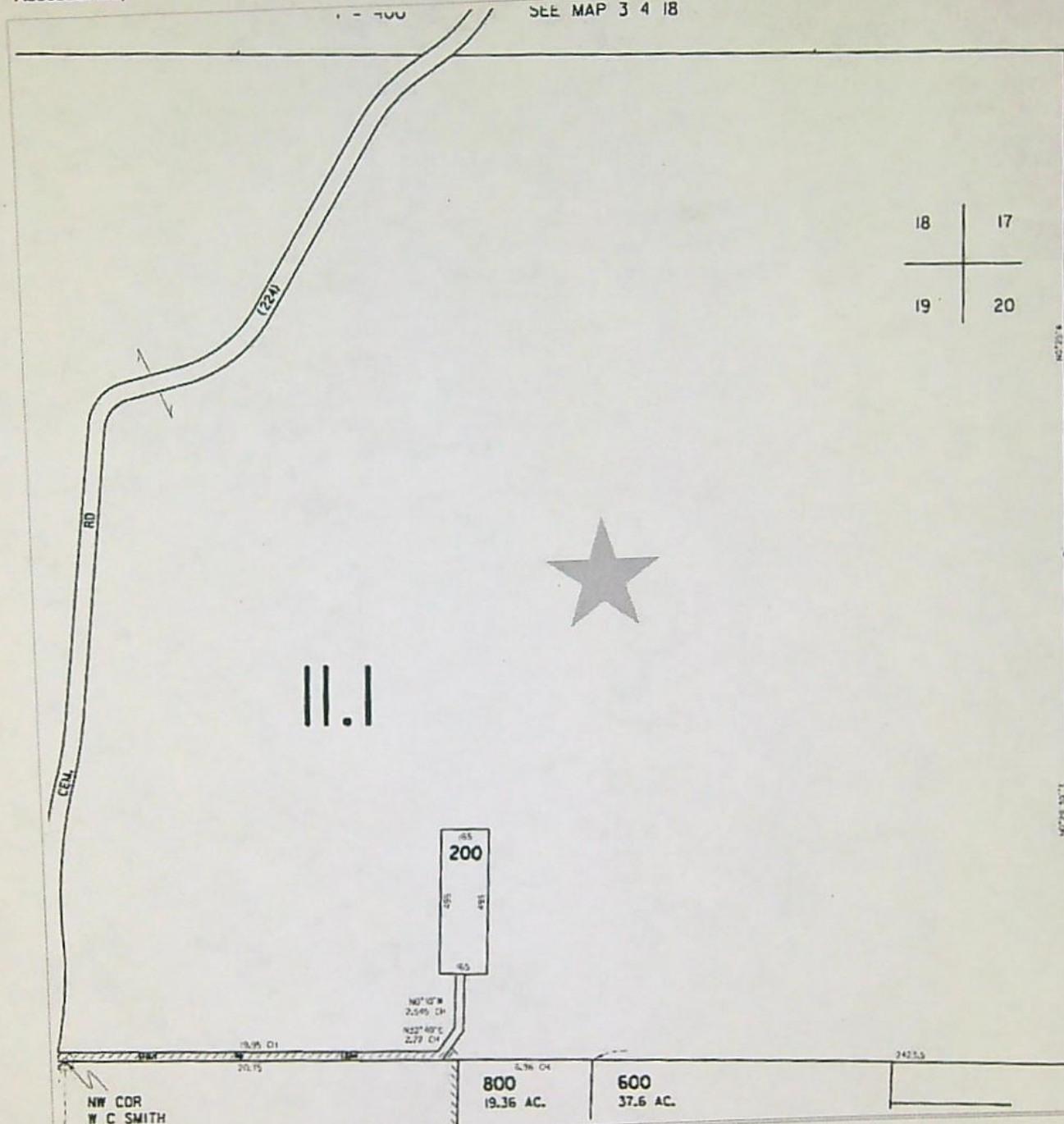
Lender CITIZENS BK

Recording Date	12/08/2008	Sale Amount	\$0.00	Mtg 1 Amount	\$150,000.00
Grantee Name	PEKKOLA FARMS INC	Title Co	FIRST AMERICAN TITLE	Mtg 1 Loan Type	CNV
Grantor Name		Doc #	19608	Doc Type	T

Lender CITIZENS BK

Assessor Map

SEE MAP 3 4 18



TICOR TITLE COMPANY

Parcel ID: 640909

Site Address: 11501 NW McBride Cemetery Rd

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11.1

16.2

P1991-78

YAMHILL COUNTY

ASSESSMENT & TAX
CARTOGRAPHY

SECTION 19 T.3S. R.4W. V.
YAMHILL COUNTY OREGON
1" = 400'

CANCELLED TAILOTS
S80 U1
S80 U1
S80 U1
S80 U1
S80 U1

DATE PRINTED: 5/30/00

This plat was prepared in the Assessment and Taxation (A&T) program and may not have been prepared or is otherwise not legal, and is not to be used for any purpose other than the Assessment and Taxation program.

SECTION 10 T.3S. R.4W. W.M.
YAMHILL COUNTY OREGON
1" = 400'

CANCELLED TAX LOTS
 100 L/1
 1002
 1001
 1000
 1000

DATE PRINTED: 5/30/2019

34 19

**TICOR TITLE COMPANY**

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Aerial Map



TICOR TITLE COMPANY

Parcel ID: 640909

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Flood Map



TICOR TITLE COMPANY

Parcel ID: 640909

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7/1/2021 to 6/30/2022 REAL PROPERTY TAX STATEMENT

YAMHILL COUNTY, OREGON 535 NE 5TH ST., ROOM 42, MC MINNVILLE, OR 97128 (503) 434-7521

PROPERTY LOCATION

11501 NW MCBRIDE CEMETERY RD

ALT NO: R3419 00100

Account Acres: 46.0900

ACCOUNT NO: [REDACTED]

Tax Code Area: 11.4

Potential Additional Tax Liability
For Special Assessment

2021 - CURRENT TAX BY DISTRICT:

CHEMEKETA COMM COLLEGE 2.16
WILLAMETTE REG ESD 1.03
YC SD 1 16.53

EDUCATION TOTAL: 19.72

CHEMEKETA LIBRARY 0.28
YAMHILL CO EXT SERVICE 0.16
YAMHILL CO SOIL & WATER 0.12
YAMHILL COUNTY 8.91

GENERAL GOVERNMENT TOTAL: 9.47

CHEMEKETA COLLEGE BOND 0.93
FIRE PATROL PRINCIPAL-NW 380.94
YC SD 1 BOND 4.03

BONDS AND OTHER TOTAL: 385.90

2021 - 2022 TAX BEFORE DISCOUNT 415.09

VALUES:

LAST YEAR THIS YEAR

REAL MARKET VALUES (RMV):

LAND 167,544 176,921
RMV TOTAL 167,544 176,921

M5 REAL MARKET TOTAL: 11,246 11,430
ASSESSED VALUE: 3,365 3,457
TOTAL TAXABLE 3,365 3,457

PROPERTY TAXES: 368.89 415.09

When a mortgage company requests your tax information this statement is yellow and for your records only.

Online or Telephone payment options available - for instructions and conditions go to: www.co.yamhill.or.us/assessor

TOTAL (after discount): 402.64

Delinquent tax amount is included in payment options listed below.

See back of statement for instructions)

TAX PAYMENT OPTIONS

Payment Options	Date Due	Discount Allowed	Net Amount Due
FULL PAYMENT	Nov 15, 2021	12.45 3% Discount.....	\$402.64
2/3 PAYMENT	Nov 15, 2021	5.54 2% Discount.....	\$271.19
1/3 PAYMENT	Nov 15, 2021	No Discount.....	\$138.37

NO STATEMENTS ARE SENT FOR THE FEBRUARY 15 OR MAY 15 INSTALLMENT DATES IF PAYING THE 2/3 OR 1/3 OPTION.

TEAR HERE PLEASE RETURN THIS PORTION WITH YOUR PAYMENT See back of statement for instructions

TEAR HERE

2021 - 2022 Property Tax Payment Yamhill County, Oregon
PROPERTY LOCATION: 11501 NW MCBRIDE CEMETERY RD

ACCOUNT NO: [REDACTED]

Delinquent tax amount is included in payment options listed below

FULL PAYMENT	(Includes 3% Discount)	DUE Nov 15, 2021	\$402.64
2/3 PAYMENT	(Includes 2% Discount)	DUE Nov 15, 2021	\$271.19
1/3 PAYMENT	(No Discount offered)	DUE Nov 15, 2021	\$138.37

DISCOUNT IS LOST AND INTEREST APPLIES AFTER DUE DATE

☐ Mailing address change on back

Enter Amount Paid

Please make payment to:
YAMHILL COUNTY TAX COLLECTOR
PO BOX 6369
PORTLAND, OR 97228-6369

1/2 3719

36 00640909 0000040264 0000027119 0000013837 3

RECORDING COVER SHEET (Please print or type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

AFTER RECORDING RETURN TO: ORS 205.234(1)(c)

Bryant, Lovlien & Jarvis, P.C.

Attn: Heather J. Hansen

591 SW Mill View Way

Bend, OR 97702

This space reserved for use by

Yamhill County Official Records

202119432

DMR-DDMR

09/27/2021 02:51:00 PM

Stn=1030 WANNERK

6Pgs \$30.00 \$11.00 \$5.00 \$60.00

\$106.00

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

Brian Van Bergen - County Clerk

1. TITLE(S) OF THE TRANSACTION(S)

ORS 205.234(1)(a)

Statutory Warranty Deed

2. DIRECT PARTY(IES) / GRANTOR(S)

ORS 205.234(1)(b)

Pekkola Farms, Inc.

3. INDIRECT PARTY(IES) / GRANTEE(S)

ORS 205.234(1)(b)

Fiona Enterprises, LLC

4. TRUE and ACTUAL CONSIDERATION

Amount in dollars or other value/property ORS 205.234(1)(d)

\$ 211,000.00 ☐ Other Value ☐ Other PropertyOther value/property is Whole ☐ or Part ☐ of the consideration**5. SEND TAX STATEMENTS TO:** ORS 205.234(1)(e)

As shown on Statutory Warranty

Deed

6. SATISFACTION of ORDER or WARRANT

Check one if applicable: ORS 205.234(1)(f)

☐

FULL

☐

PARTIAL

7. The amount of the monetary obligation

imposed by the order or warrant: ORS 205.234(1)(f)

\$

8. If this instrument is being Re-Recorded, complete the following statement:

ORS 205.244(2)

Re-recorded at the request of Western Title & Escrow Companyto correct Legal Description

_____, previously recorded in
Book/Volume _____ and Page _____, or as Fee Number 202118481 pm 9/13/2021.

TICOR 47/82/1109124

After recording return to:
Bryant, Lovlien & Jarvis, P.C.
Attn: Heather J. Hansen
591 SW Mill View Way
Bend, OR 97702

Until a change is requested
send all tax statements to:
Fiona Enterprises, LLC
C/o ARC Management
1450 W. Peachtree St., N.W. #200
Atlanta, GA 30309
Attn: Tate Henshaw

Yamhill County Official Records **202118481**
DMR-DDMR
Stn=6 MILLSA 09/13/2021 02:14:00 PM
4Pgs \$20.00 \$11.00 \$5.00 \$60.00 **\$96.00**

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

Brian Van Bergen - County Clerk

STATUTORY WARRANTY DEED

PEKKOLA FARMS, INC., an Oregon corporation, Grantor, conveys and warrants to FIONA ENTERPRISES, LLC, a Delaware limited liability company, Grantee, the real property, and all water rights appurtenant thereto, located in Yamhill County, Oregon described on Exhibit A attached hereto and incorporated herein.

The property is free of encumbrances except as reflected on the attached Exhibit B.

The true and actual consideration for this conveyance is \$5,250,000.00.

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

[Signature page follows]

Return to Western Title & Escrow

WTB 770690

471821109124
TTCOR Title Company of Oregon

After recording return to:
Bryant, Lovlien & Jarvis, P.C.
Attn: Heather J. Hansen
591 SW Mill View Way
Bend, OR 97702

Until a change is requested
send all tax statements to:
Fiona Enterprises, LLC
C/o ARC Management
1450 W. Peachtree St., N.W. #200
Atlanta, GA 30309
Attn: Tate Henshaw

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[Signature page follows]

Return to Western Title & Escrow

WTB 270690

Dated September 02 2021

GRANTOR:

PEKKOLA FARMS, INC.,
an Oregon corporation

Steven Pekkola, President

By: Steven Pekkola

Its: President

STATE OF OREGON)

COUNTY OF Yamhill) ss.

On this 02nd day of September, 2021, before me, the undersigned Notary Public, personally appeared STEVEN PEKKOLA, President of Pekkola Farms, Inc., an Oregon corporation, Grantor, and known to me to be an officer of the corporation that executed the Statutory Warranty Deed and acknowledged the Statutory Warranty Deed to be the free and voluntary act and deed of the corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute this Statutory Warranty Deed and in fact executed the Statutory Warranty Deed on behalf of the corporation.

By: A. Troutman

Notary Public in and for the State of Oregon

My commission expires: 05/26/2024

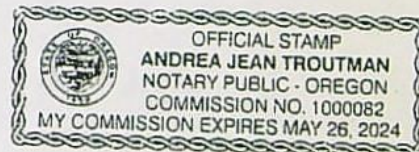


EXHIBIT "A"
Legal Description

ALL of the Thomas McBride Donation Land Claim No. 57 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon.

SAVE AND EXCEPTING THEREFROM the following described tracts:

(a) That portion conveyed to the North Fork Cemetery Association by Deed recorded May 8, 1863 in Book "G", Page 191, Deed Records of Yamhill County, Oregon, more particularly described as follows:

Being in Section 19, Township 3 South, Range 4 West of the Willamette Meridian and being a portion of the Elder Thomas McBride Donation Land Claim; beginning at the Northeast corner of the said cemetery as now fenced in on said land claim; running thence Southerly 30 Rods to the Southeast corner of said fence; thence West 12 rods to the Southwest corner of said fence; thence North 30 Rods to the Northeast corner of said fence; thence East 12 Rods to the place of beginning.

(b) That portion conveyed to Yamhill County, Oregon, for roadway purposes by Deed recorded April 9, 1915 in Book 68, Page 615, Deed Records of Yamhill County, Oregon, more particularly described as follows:

Beginning at a point 15 feet North and 40 links West of the Northwest corner of the William C. Smith Donation Land Claim, Notification No. 1544, Claim No. 59, in Township 3 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon; thence East 19.90 chains to a stake; thence North 32°40' East 2.22 chains to a stake; thence North 00°10' West 2.545 chains, said roadway to be 30 feet wide, 15 feet on either side of the above described center line.

(c) Being a part of the Donation Land Claim of Thomas McBride, Notification No. 577, Claim No. 57, in Township 3 South, Range 4 West of the Willamette Meridian and more particularly described as beginning at an iron pipe set in the ground at the Southeast corner of the Thomas McBride Donation Land Claim; and running thence South 89°36' West along the South line of said McBride Donation Land Claim, 11.777 chains to a stake at intersection of old fence, from which stake an oak 15 inches in diameter bears North 15° West one link; thence North 00°25' West along the old established line between the lands of the Frederick Bunn estate and Frank Stout as marked by fence line there, 26.484 chains; thence East 12.003 chains to the East line of said Thomas McBride Donation Land Claim; thence South 00°04'20" West along the East line of said McBride Donation Land Claim, 26.402 chains to the place of beginning.

(d) That portion conveyed to the United States National Bank of Portland, Oregon, by Deed recorded January 11, 1956 in Book 179, Page 409, Deed Records of Yamhill County, Oregon, more particularly described as follows:

Being a part of the Donation Land Claim of Thomas McBride, Notification No. 1577, Claim No. 57 and part of Lot 3 of Section 17, all in Township 3 South of Range 4 West of the Willamette Meridian and more particularly described as beginning at an iron pipe set in at the Northeast corner of said Thomas McBride Donation Land Claim and running thence South 00°04'20" West along the East line of said McBride Donation Land Claim 25.704 chains; thence West 12.003 chains; thence North 00°25' West along the fence marking the line between the lands of the Frederick Bunn estate and Frank Stout 25.704 chains to iron pipe set on the North line of said Thomas McBride Donation Land Claim; thence East along the line between the Donation Land Claim of Frederick Bunn and Thomas McBride 10.638 chains to a pipe set at South East corner of said Frederick Bunn Donation Land Claim; thence continuing East 1.595 chains to the place of beginning.

EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021-2022.
6. The Land has been classified as Farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
7. Rights of the public to any portion of the Land lying within the area commonly known as McBride Cemetery Road.
8. Matters contained in that certain document

Entitled: Order Yamhill County Forestland Classification Committee

Recording Date: February 5, 2018

Recording No: 201801831

Reference is hereby made to said document for full particulars.

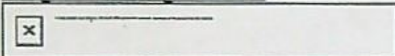
SMITH Joan M * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Tuesday, August 16, 2022 1:21 PM
To: SMITH Joan M * WRD
Subject: Re: Draft Preliminary Determination T-14015
Attachments: 640909 R3419 00100 Grant McGill.pdf

Hi Joan,

Just received and I am forwarding the ownership report for T-14015. Thanks! Let us know if you need anything else to proceed.

--
Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



On Tue, Aug 16, 2022 at 1:12 PM Will McGill <willmcgill.surveying@gmail.com> wrote:

Hi Joan,

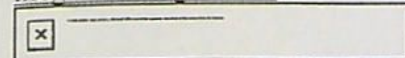
I have reviewed the DPD and all looks good.

We do request an October 1, 2029 completion date if possible. This time is needed to install irrigation equipment and plant permanent crops on the "to" lands. This will be done in phases.

If this change is acceptable, I am requesting that you proceed with this transfer. We ordered the ownership report from the title company and should have it for you soon.

Thanks so much.

--
Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



On Wed, Aug 10, 2022 at 11:10 AM SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov> wrote:

Reference: Water Right Transfer Application T-14015

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14015. The document reflects the

Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by September 12, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by September 12, 2022, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**

e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:

[https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

Conditions to your water right...

Full beneficial use of the water shall be made, consistent with the terms of this dpd, on or before **October 1, 2023**. 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.

If the required completion date is insufficient, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by September 12, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

cc: Transfer Application file T-14015

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0892

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 3, 2022

FIONA ENTERPRISES LLC
11501 NW MCBRIDE CEMETERY RD
CARLTON, OR 97111

Reference: Application T-14015

On May 19, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 138178 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.

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 in the new place of use 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.

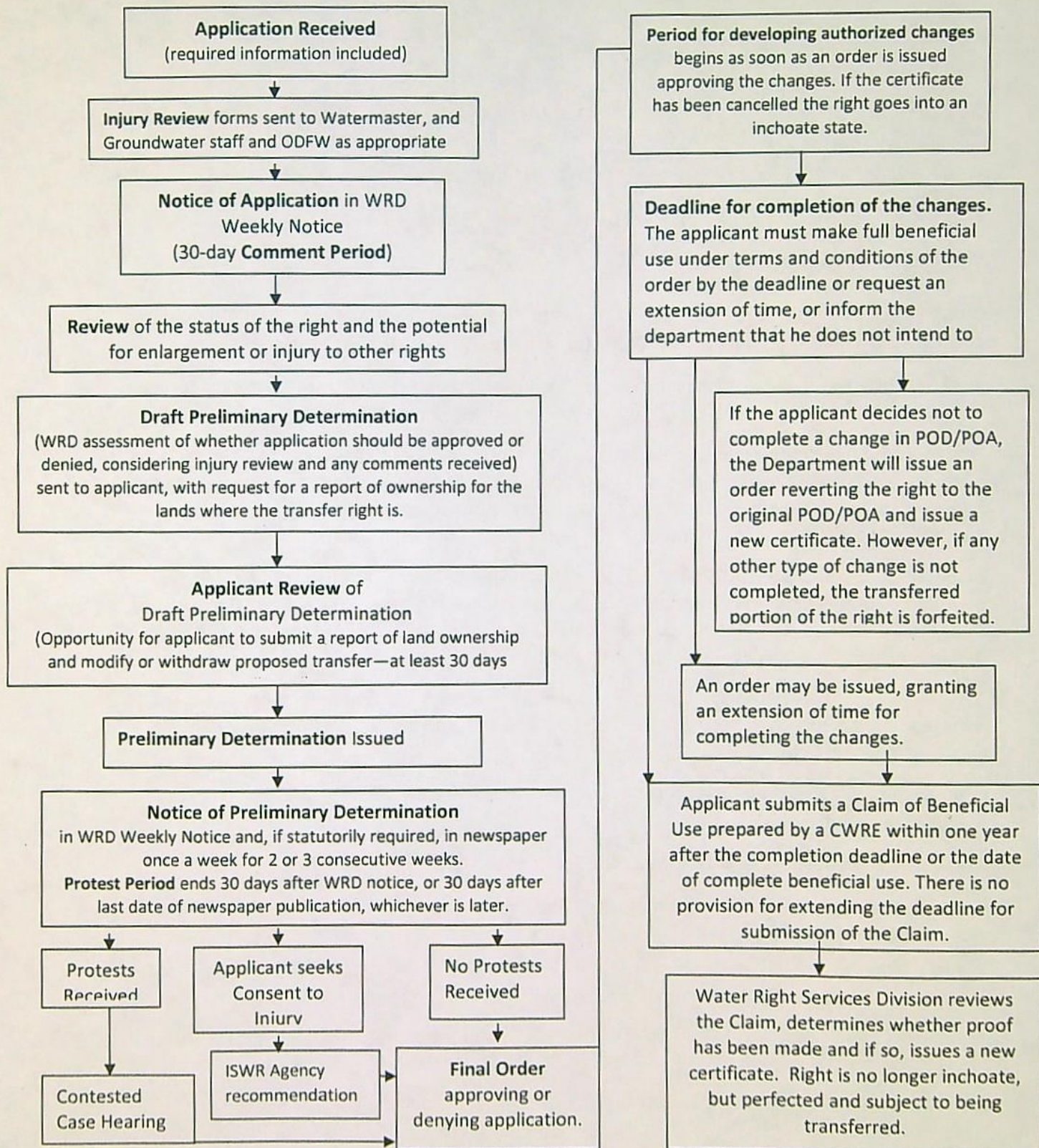
If you have any questions, please contact the Transfer Section at (503) 979-9931.

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

Enclosure

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

OAR 690 Division 380



**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 # **138179**

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

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

☐

☒ 2003

☐

APPLICATION	
PERMIT	
TRANSFER	<u>1-14015</u>

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11372-23 \$ _____

0412 OTHER: (IDENTIFY) Transfer Reimbursement \$ 125.00

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

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: **138179**

DATED: 05/19/22 BY: Mindy Carlson



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.
Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14015</u>

	Applicant Information	Applicant's Representative/Contact
Name:	Fiona Enterprises LLC	Will McGill Surveying LLC
Address:	11501 NW McBride Cemetery Rd. Carlton, OR 97111	15333 Pletzer Rd. SE Turner, OR 97392
Phone:	(503) 475-9144	(503) 931-0210
Fax:		
E-Mail Address:	simonburr.mtvs@gmail.com	willmcgill.surveying@gmail.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

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

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I certify that I am the (check one):

☒ Applicant's Representative ☐ Applicant ☐ Other (Please specify) _____

Name: Grant McGill (for Will McGill Surveying LLC)

Signature: Grant McGill

OWRD USE ONLY: Reimbursement Authority Number: R11- 372 -23

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **138178**

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	1-14015

CASH: ☐ CHECK: # 2002 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

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 \$ 1,360.00

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: **138178**

DATED: 05/19/22 BY: Mindy Carlson

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.

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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. 88973**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (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: ____/____/____

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)

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 Fiona Enterprises LLC		PHONE NO. (503) 475-9144	ADDITIONAL CONTACT NO.
ADDRESS 11501 NW McBride Cemetery Rd.		FAX NO.	
CITY Carlton	STATE OR	ZIP 97111	E-MAIL simonburr.mtvs@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 move a portion of Certificate 88973 to cover future vineyard plantings.

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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 Yamhill County	ADDRESS 525 NE 4th St.	
CITY McMinnville	STATE OR	ZIP 97128

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # **88973**

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Description of Water Delivery System

System capacity: 2.77 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

MAY 19 2022

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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. Water is stored in Oberg Reservoir as allowed and rediverted by either a 40 HP or 3 HP turbine pump. It is delivered by mainline to nursery and crops and applied by overhead high-pressure sprinklers.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3	S	4	W	19	NE	NE	57	1600' N and 940' W from E ¼ corner, section 19
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<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 checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input 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 # 88973

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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
3	S	4	W	17	SW	SW	100	57	5.6	Nursery	POD 1	1970	POU	3	S	4	W	18	SE	SW	100	57	14.4	Nursery	POD 1	1970		
3	S	4	W	18	SW	SE	100	57	13.1	Nursery	POD 1	1970	POU	3	S	4	W	18	SW	SE	100	57	6.0	Nursery	POD 1	1970		
3	S	4	W	18	SE	SE	100	57	23.0	Nursery	POD 1	1970	POU	3	S	4	W	19	NW	NE	100	57	3.4	Nursery	POD 1	1970		
3	S	4	W	19	NE	NE	100	57	22.1	Nursery	POD 1	1970	POU	3	S	4	W	19	SW	NE	100	57	17.0	Nursery	POD 1	1970		
3	S	4	W	19	NW	NE	100	57	19.0	Nursery	POD 1	1970	POU	3	S	4	W	19	SE	NE	100	57	17.0	Nursery	POD 1	1970		
3	S	4	W	19	SE	NE	100	57	5.7	Nursery	POD 1	1970	POU	3	S	4	W	19	NE	NW	100	57	17.8	Nursery	POD 1	1970		
3	S	4	W	20	NW	NW	100	57	10.3	Nursery	POD 1	1970	POU	3	S	4	W	19	SE	NW	100	57	26.1	Nursery	POD 1	1970		
3	S	4	W	20	SW	NW	100	57	6.2	Nursery	POD 1	1970	POU	3	S	4	W	20	SW	NW	100	57	3.3	Nursery	POD 1	1970		
TOTAL ACRES:									105.0						TOTAL ACRES:									105.0				

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 # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of YAMHILL

I, SIMON BURR, in my capacity as MANAGER,

mailing address 11501 NW McBRIDE CEMETERY RD., CARLTON, OR 97111

telephone number (503)475-9144, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 88973; 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.): NURSERY, 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.

Simon Burr
Signature of Affiant

5/11/22
Date

Signed and sworn to (or affirmed) before me this 11 day of May, 2022.



Kristen Griffiths
Notary Public for Oregon
My Commission Expires: 03/29/2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of 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	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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TACS

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

NOTE TO APPLICANTS

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

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or 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.

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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

Applicant(s): Fiona Enterprises LLC

Mailing Address: 11501 NW McBride Cemetery Rd.

City: Carlton

State: OR

Zip Code: 97111

Daytime Phone: (503) 475-9144

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>3S</u>	<u>4W</u>	<u>18</u>	<u>SESW</u> <u>SWSE</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>
<u>3S</u>	<u>4W</u>	<u>19</u>	<u>NENE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>
<u>3S</u>	<u>4W</u>	<u>19</u>	<u>SWNE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>
<u>3S</u>	<u>4W</u>	<u>19</u>	<u>NWNE</u> <u>SENE</u> <u>NENW</u> <u>SENW</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>
<u>3S</u>	<u>4W</u>	<u>20</u>	<u>SWNW</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>

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

Yamhill County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 262.5 ☐ 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 Nursery Use

Briefly describe:

It is proposed to transfer a portion of Certificate 88973 to cover future vineyard plantings for nursery use (irrigation).

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. →

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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): 402.02(A) of the Yamhill Co. Zoning Ordinance
- ☐ 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.

For ag. uses only

Name: LANCE WOODS Title: ASSOCIATE PLANNER
 Signature: [Signature] Phone: (503) 434-7516 Date: 5/19/2022
 Government Entity: YAMHILL COUNTY PLANNING DEPARTMENT

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: _____

Land Use Information Form

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OREGON



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

Applicant(s): Fiona Enterprises LLC

Mailing Address: 11501 NW McBride Cemetery Rd.

City: Carlton

State: OR

Zip Code: 97111

Daytime Phone: (503) 475-9144

A. Land and Location

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<u>3S</u>	<u>4W</u>	<u>19</u>	<u>NENE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>
<u>3S</u>	<u>4W</u>	<u>19</u>	<u>SWNE</u>	<u>100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>
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<u>3S</u>	<u>4W</u>	<u>20</u>	<u>SWNW</u>	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Vineyard</u>

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

Yamhill County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 262.5 ☐ 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 Nursery Use

Briefly describe:

It is proposed to transfer a portion of Certificate 88973 to cover future vineyard plantings for nursery use (irrigation).

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See bottom of Page 3. →

Certificate 88973 - Transfer Application
 Fiona Enterprises LLC - Pekkola Vineyard

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



Legend

- | | | | |
|--|-----------------------|--|------------|
| | Transfer From | | Mainline |
| | Cert. 88973 No Change | | Taxlot 100 |
| | Transfer To | | DLC |

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Google Earth

Imagery Date: 4/15/2021 lat 45.299818° lon -123.224904° elev 297 ft eye alt 6123 ft

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MAY 19 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Fiona Enterprises LLC

115.01 NW McBride Cemetery RD Carlton, OR 97111

Transaction Type: Transfer

Fees Received: \$ 1360.00

☐ Cash

☒ Check:

Check No. 2002

Name(s) on Check: Will McGill Surveying LLC

Address on Check: 5333 Pletzer Rd SE
Turner OR 97392

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 Lavnien
(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.
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- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



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MAY 19 2022

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11501 NW McBride Cemetery RD Carlton, OR 97111

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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 Lannien
(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).
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Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T-

Checked by: <u>B</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>5-21-2022</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>131.00</u>		How many rights to be Transferred?				
Calculated Fee:		Certificate # <u>88473</u>				
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: Approved T-# Date: 5-26-22

Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0.</i> Multiply line 2b by \$1,090 and enter »	2	0
3	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter »	3	0
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input checked="" type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: <u>0</u> (4b) Subtract 1 from the number in line 4b = <u>0</u> (4c) <i>If only one well this will be 0.</i> Multiply line 4c by \$410 = <u>0</u> (4d) Add lines 4a and 4d and enter »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0</u> (5a) Subtract 1.0 from the number in 5a above: <u>0</u> (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0</u> (5c) and multiply 5c by \$350, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	



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MAY 19 2022

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Fiona Enterprises LLC

11501 NW McBride Cemetery RD. Carlton OR 97111

Transaction Type: RA

Fees Received: \$ 125.00

☐ Cash

☒ Check:

Check No. 2003

Name(s) on Check: Will McGill Surveying LLC

Address on Check: 15333 Pletzer RD SE
Turner OR 97392

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 Lovern

(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).
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**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **138352**

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

INVOICE # _____

RECEIVED FROM: Will McMill Surveying, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14015

CASH: ☐ CHECK: # 2007 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,101.21

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>47124</u>	\$
0412 OTHER: (IDENTIFY)	<u>Transfer Reimbursement Authority</u>	\$ <u>1,101.21</u>
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **138352**

DATE: 6-8-2022 BY: [Signature]

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-372-23**

Received by OWRD

JUN 08 2022

Salem, OR

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Fiona Enterprises, LLC**, hereafter Applicant, hereafter known together as the parties.

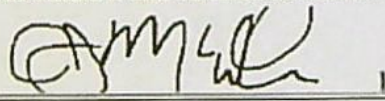
OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Fiona Enterprises, LLC	Name: Will McGill Surveying, LLC
Title: Transfer Advisor	Contact:	Contact:
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 11501 NW McBride Cemetery Rd. Carlton, OR 97111	Address: 15333 Pletzer Rd. SE Turner, OR 97392
Phone: 503 979-3511	Phone: (503) 475-9144	Phone: (503) 931-0210
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email: simonburr.mtvs@gmail.com	Email: willmcgill.surveying@gmail.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-14015**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,101.21. Applicant agrees to pay the full amount of \$1,101.21 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

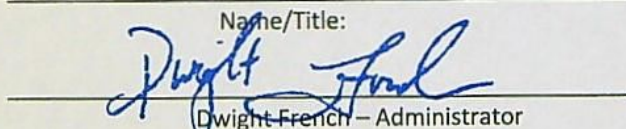


Name/Title:

6/7/22

Date

For OWRD:


Dwight French – Administrator

6-23-2022

Date

Mail signed Agreement to:

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



RECEIVED

JUN 08 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Fiona Enterprise, LLC

11501 NW McBride Cemetery RD. Carlton, OR 97111

Transaction Type: RA

Fees Received: \$ 1101.21

☐ Cash

☒ Check:

Check No. 2007

Name(s) on Check: Will McGill Surveying LLC

Address on Check: 15333 Pletzer RD SE
Turner OR 97392

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

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

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

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

Sincerely,

OWRD Customer Service Staff

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

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.