

Regular

Name Hubbard Family LLC  
Attn: Meredith Morgan  
 Address 1145 Raleigh Rd.  
Glenview, IL 60025  
meredith@chicagomorgans.com

Change in APOD  
 Date Filed 9-19-2022  
 Initial notice date 9-27-2022  
 DPD issued date \_\_\_\_\_  
 PD issued date 3/4/2024  
 PD notice date 3/5/2024  
 Date of FO 5/16/2024 Vol 131 Page 67-70

C-Date \_\_\_\_\_  
 COBU due date \_\_\_\_\_  
 COBU Received date \_\_\_\_\_  
 Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Summit Water Resources, LLC - tressler@summitwr.com

CWRE \_\_\_\_\_

CC's list Benton County ; Lane County

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Willamette River

Trib. of Columbia River

Use Irrigation

County Benton ; Lane ; Linn

Quantity of water (CFS) \_\_\_\_\_

No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# S-17007

Per # S-12753

Cert # 14153

PR Date 7/30/1937

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

App# \_\_\_\_\_

Per # \_\_\_\_\_

Cert # \_\_\_\_\_

PR Date \_\_\_\_\_

## FEES PAID

| Date             | Amount            | Receipt #     |
|------------------|-------------------|---------------|
| <u>9-19-2022</u> | <u>\$1,360.00</u> | <u>139160</u> |

## FEES REFUNDED

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





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 16, 2024

Hubbard Family, LLC  
Attn: Meredith Morgan  
1145 Raleigh Rd.  
Glenview, IL 60025

REFERENCE: Transfer Application T-14090

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at [Joan.m.smith@water.oregon.gov](mailto:Joan.m.smith@water.oregon.gov).

Sincerely,

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

cc: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)  
Ted Ressler, Agent



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

|  |   |                               |
|--|---|-------------------------------|
| In the Matter of Transfer Application    | ) | FINAL ORDER APPROVING AN      |
| T-14090, Benton, Lane, and Linn Counties | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

HUBBARD FAMILY LLC  
ATTN: MEREDITH MORGAN  
1145 RALEIGH RD  
GLENVIEW, IL 60025

**Findings of Fact**

1. On September 19, 2022, HUBBARD FAMILY LLC; ATTN: MEREDITH MORGAN filed an application for an additional point of diversion under Certificate 14153. The Department assigned the application number T-14090.
2. Notice of the application for transfer was published on September 27, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 11, 2023, the Department mailed a copy of the draft preliminary Determination proposing to approve Transfer Application T-14090 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 11, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the 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 March 4, 2024, the Department issued a Preliminary Determination proposing to approve Transfer T-14090 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 March 5, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

**Certificate:** 14153 in the name of RICHARD C KUEHNER (perfected under Permit S-12753)

**Use:** IRRIGATION OF 46.0 ACRES

**Priority Date:** JULY 30, 1937

**Rate:** 0.58 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 15 S | 4 W | WM  | 8   | NE NW |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 15 S       | 4 W | WM  | 8   | NE NW | 7    | 4.0   |
| 15 S       | 4 W | WM  | 8   | NW NW | 7    | 13.5  |
| 15 S       | 4 W | WM  | 8   | SE NW | 6    | 20.8  |
| 15 S       | 4 W | WM  | 8   | NE SW |      | 7.7   |
| Total      |     |     |     |       |      | 46.0  |

6. Certificate 14153 does not describe the original point of diversion (POD), the applicant has provided a name for this original POD describing it as South River POD.

7. Transfer Application T-14090 proposes an additional point of diversion approximately 890 feet upstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Measured Distances  |
|------|-----|-----|-----|-------|------|---|
| 15 S | 4 W | WM  | 8   | NW NW | 7    | NORTH RIVER POD - 510 FEET SOUTH AND 1135 FEET EAST FROM THE NW CORNER OF SECTION 8 |

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate



fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]***

9. Water has been used within the five-year period prior to submittal of Transfer Application T-14090 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14090.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
13. The proposed change, as conditioned, would not result in enlargement of the right.
14. The proposed change, as conditioned, would not result in injury to other existing water rights.
15. All other application requirements are met.

**Conclusions of Law**

The additional point of diversion proposed in Transfer Application T-14090 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore it is ORDERED:**

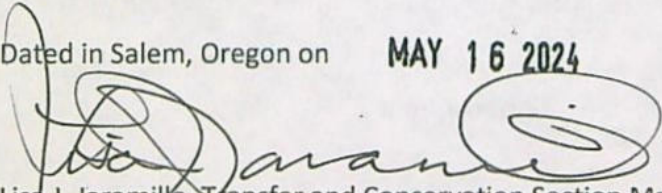
1. The additional point of diversion proposed in Transfer Application T-14090 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 14153 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.
4. Water right Certificate 14153 is cancelled.
5. The quantity of water diverted at the new additional point of diversion (North River POD), together with that diverted at the original point of diversion (South River POD), shall not exceed the quantity of water lawfully available at the original point of diversion (South River POD).



6. Water shall be acquired from the same source of surface water as the original point of diversion (South River POD).
7. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**MAY 16 2024**

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

Mailing date: **MAY 17 2024**



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14090

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

*APOD*

|   |  |   |  |
|---|--|---|--|
| <b>Applicant:</b><br>HUBBARD FAMILY LLC<br>ATTN MEREDITH MORGAN<br>1145 RALEIGH RD<br>GLENVIEW, IL 60025<br>Email: _____ Phone: _____ |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>TED RESSLER<br>PO BOX 11268<br>PORTLAND, OR 97211<br>Email: _____ Phone: _____                            |  |
| <b>Irrigation District:</b> <input checked="" type="checkbox"/> N/A<br>Email: _____   |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br><i>Theodore Ressler # 76185</i><br>Email: <i>tressler@summitwr.com</i>                                     |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Benton County Community Development<br>Email: _____                     |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>HUBBARD FAMILY LLC ATTN DOUG MORGAN 1145<br>RALEIGH RD GLENVIEW, IL 60025<br>Email: _____ |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email: _____  |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email: _____  |  |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed  | RR/CR Nos. |
|--------------------------|----------------------------|---------|-------------|---|------------|
| <input type="checkbox"/> | S-17007                    | S-12753 | 14153       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | _____      |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

## Key Dates & Initial Actions:

|   |   |  |
|---|---|--|
| Rec'd: September 19, 2022                                       | Proposed Action(s): ADDITIONAL POINT OF DIVERSION |  |
| Fees Pd: 1360.00  | WM District: 2                                    | ODFW District:                               |
| Initial Public Notice: September 27, 2022                       | WM Review sent: <i>received</i>                   | ODFW Review sent: <i>Received</i>            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |   | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/>          | BOR notified (date): <input type="checkbox"/> N/A | <i>no news needed less than 1/4 mi</i>       |
| Newspaper quote requested:                                      | Request for news \$ sent:                         | News \$ received:                            |
| Request to publish sent:  | Affidavit of publication received:                | Last day of publication:                     |

| Document | Drafted                                       | Peer Review                                     | Changes Made                            | Coordinator                                    | Changes Made                                  | Signature Bin                             | Signature Date       |
|----------|---|---|---|--|---|---|----------------------|
| DPD      | Date: <i>7/19/23</i><br>Initials: <i>Joan</i> | Date: <i>7/25/23</i><br>Initials: <i>AD</i>     | Date: _____<br>Initials: _____          | Date: <i>8/28/23</i><br>Initials: <i>PKS</i>   | Date: <i>9/11/23</i><br>Initials: <i>Joan</i> | CW Sent: <i>9/11/23</i>                   | N/A                  |
| PD       | Date: <i>10/3/23</i><br>Initials: <i>Joan</i> | Date: <i>11/27/23</i><br>Initials: <i>Scott</i> | Date: _____<br>Initials: _____          | Date: <i>2/26/24</i><br>Initials: <i>Coney</i> | Date: _____<br>Initials: _____                | Date: <i>2/28/24</i>                      | Date: <i>3/4/24</i>  |
| FO       | Date: <i>5/12/24</i><br>Initials: <i>Joan</i> | Date: <i>5/14/24</i><br>Initials: <i>Scott</i>  | Date: _____<br>Initials: <i>no news</i> | Date: _____<br>Initials: <i>Coney</i>          | Date: _____<br>Initials: _____                | Date: <i>5/15/24</i><br><i>electronic</i> | Date: <i>5/16/24</i> |

Special Issues: *ownership - in electronic file folder - emailed ✓*

Special Order Volume: Vol. *131* Pages *67-70*





# Oregon

Tina Kotek, Governor

February 27, 2024

VIA CERTIFIED MAIL AND E-MAIL

HUBBARD FAMILY LLC  
ATTN MEREDITH MORGAN  
1145 RALEIGH RD  
GLENVIEW, IL 60025

SUBJECT: Water Right Transfer Application T-14090

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14090. 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 don't hesitate to contact me at [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) or 503-986-0892, if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

U.S. Postal Service™  
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☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

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City, State, ZIP+4®

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

See Reverse for Instructions

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

|  |   |                               |
|--|---|-------------------------------|
| In the Matter of Transfer Application    | ) | PRELIMINARY DETERMINATION     |
| T-14090, Benton, Lane, and Linn Counties | ) | PROPOSING APPROVAL OF AN      |
|  | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

HUBBARD FAMILY LLC  
ATTN: MEREDITH MORGAN  
1145 RALEIGH RD  
GLENVIEW, IL 60025

**Findings of Fact**

1. On September 19, 2022, HUBBARD FAMILY LLC; ATTN: MEREDITH MORGAN filed an application for an additional point of diversion under Certificate 14153. The Department assigned the application number T-14090.
2. Notice of the application for transfer was published on September 27, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 11, 2023, the Department mailed a copy of the draft preliminary Determination proposing to approve Transfer Application T-14090 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 11, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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



4. The right to be transferred is as follows:

**Certificate:** 14153 in the name of RICHARD C KUEHNER (perfected under Permit S-12753)

**Use:** IRRIGATION OF 46.0 ACRES

**Priority Date:** JULY 30, 1937

**Rate:** 0.58 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 15 S | 4 W | WM  | 8   | NE NW |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 15 S       | 4 W | WM  | 8   | NE NW | 7    | 4.0   |
| 15 S       | 4 W | WM  | 8   | NW NW | 7    | 13.5  |
| 15 S       | 4 W | WM  | 8   | SE NW | 6    | 20.8  |
| 15 S       | 4 W | WM  | 8   | NE SW |      | 7.7   |
| Total      |     |     |     |       |      | 46.0  |

5. Certificate 14153 does not describe the original point of diversion (POD), the applicant has provided a name for this original POD describing it as South River POD.
6. Transfer Application T-14090 proposes an additional point of diversion approximately 890 feet upstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Measured Distances  |
|------|-----|-----|-----|-------|------|---|
| 15 S | 4 W | WM  | 8   | NW NW | 7    | NORTH RIVER POD - 510 FEET SOUTH AND 1135 FEET EAST FROM THE NW CORNER OF SECTION 8 |

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



***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]***

8. Water has been used within the five-year period prior to submittal of Transfer Application T-14090 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 water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14090.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
12. The proposed change, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-14090 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.

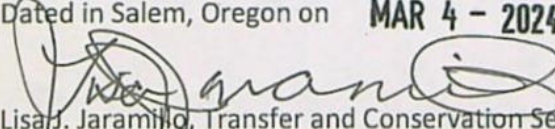
*Transfer Application T-14090 is approved, the final order will include the following:*

1. *The additional point of diversion proposed in Transfer Application T-14090 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 14153 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.*
4. *Water right Certificate 14153 is cancelled.*
5. *The quantity of water diverted at the new additional point of diversion (North River POD), together with that diverted at the original point of diversion (South River POD), shall not exceed the quantity of water lawfully available at the original point of diversion (South River POD).*



6. Water shall be acquired from the same source of surface water as the original point of diversion (South River POD).
7. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAR 4 - 2024**

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

This Preliminary Determination was prepared by Joan Smith, if you have any questions regarding the information in this document you may reach me at [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) or at 503-986-0892.



## **Protests**

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

## **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:



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

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance



of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

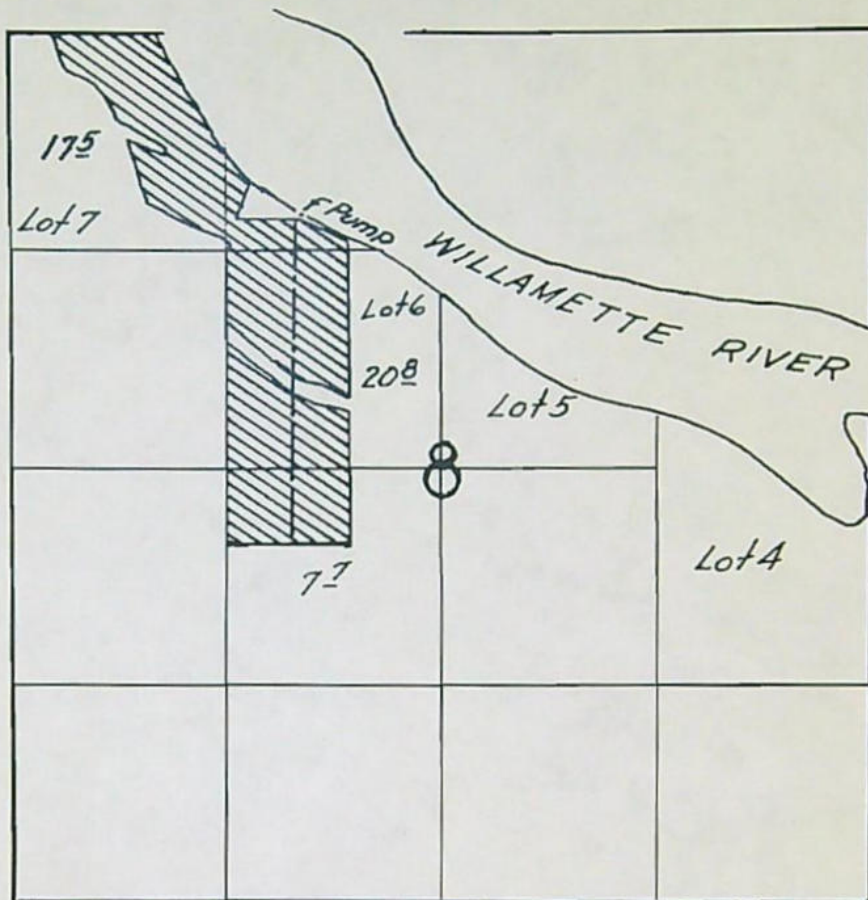
If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

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

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



TOWNSHIP 15 S., RANGE 4 W.



**FINAL PROOF SURVEY**  
**UNDER**

Application No. 17007 Permit No. 12753

IN NAME OF

Richard C. Kuehner

Surveyed May 29 1941 by E. H. Hanning



STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD C. KUEHNER

of 880 Madison Street, Eugene, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamette River a tributary of Columbia River for the purpose of Irrigation under Permit No. 12753 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 30, 1937

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.58 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 15 South, Range 4 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent, for each acre irrigated, and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre-feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

17.5 acres in Lot 7 (NW $\frac{1}{4}$  NW $\frac{1}{4}$  & NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
20.8 acres in Lot 6 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
7.7 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Section 8,  
T. 15 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 22nd day of June, 1942

CHAS. E. STRICKLIN

State Engineer



## SMITH Joan M \* WRD

---

**From:** Ressler, Ted <tressler@summitwr.com>  
**Sent:** Thursday, September 28, 2023 10:08 AM  
**To:** SMITH Joan M \* WRD; doug@chicagomorgans.com  
**Cc:** BLAKELY Lanaya F \* WRD; mike@gelardilaw.com  
**Subject:** RE: T-14090 Draft Preliminary Determination  
**Attachments:** T-14090-dpd\_comments.pdf; T14090\_POU.pdf; Title reports for WRD (Benton and Lane counties).PDF

Hi Joan

We have reviewed the Draft Preliminary Determination for T-14090. Overall, the DPD reflects the changes requested; however, we noted the following error listed below.

- Findings of Fact 3 – scrivener's error in the place of use listing. See redline correction in the attached. (*T-14090-dpd\_comments.pdf*). Certificate 14153 lists 17.5 acres of POU in Government Lot 7, which is located in both NWNW and NENW of Section 8. Based on mapping of the authorized POU according to the final proof survey map, there is 13.5 acres of POU in Lot 7 within NWNW and 4.0 acres of POU in Lot 7 within NENW. I have attached the maps and water right information that I reviewed when developing the transfer application map (*T14090\_POU.pdf*).

Please also find attached to this email a report of land ownership for the FROM lands associated with the transfer (*11S02W2500100.pdf* and *11S02W2500300.pdf*)

Please let us know if there are questions or if additional information is needed.

Thank you  
Ted

**Theodore R. Ressler, RG, CWRE, PG**  
Hydrogeologist and Water Resources Consultant

**Summit Water Resources, LLC**  
a Geo-Logic Company  
4784 SE 17th Avenue, Suite 111, Portland, OR 97202  
Office: 503-967-7050 | Mobile: 503.701.4535  
[tressler@summitwr.com](mailto:tressler@summitwr.com)

[www.summitwr.com](http://www.summitwr.com) | [www.geo-logic.com](http://www.geo-logic.com)

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From: SMITH Joan M \* WRD <Joan.M.SMITH@water.oregon.gov>  
Sent: Monday, September 11, 2023 1:33 PM  
To: doug@chicagomorgans.com  
Cc: Ressler, Ted <tressler@summitwr.com>; BLAKELY Lanaya F \* WRD <Lanaya.F.BLAKEY@water.oregon.gov>  
Subject: RE: T-14090 Draft Preliminary Determination

Joan Smith

My in office hours are Monday through Thursday from 6:00 a.m. to 4:30 p.m.

My direct line is 503-986-0892



From: SMITH Joan M \* WRD  
Sent: Monday, September 11, 2023 1:24 PM  
To: [doug@chicagomorgans.com](mailto:doug@chicagomorgans.com)  
Cc: [tressler@summitwr.com](mailto:tressler@summitwr.com); BLAKELY Lanaya F \* WRD <[Lanaya.F.BLAKEY@water.oregon.gov](mailto:Lanaya.F.BLAKEY@water.oregon.gov)>  
Subject: T-14090 Draft Preliminary Determination

Reference: Water Right Transfer Application T-14090

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-14090. 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 October 11, 2023.

***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 October 11, 2023, 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:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application )  
T-14090, Benton, Lane, and Linn Counties )

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF AN  
ADDITIONAL POINT OF DIVERSION

**Authority**

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

**Applicant**

HUBBARD FAMILY LLC  
ATTN: MEREDITH MORGAN  
1145 RALEIGH RD  
GLENVIEW, IL 60025

**Findings of Fact**

1. On September 19, 2022, HUBBARD FAMILY LLC filed an application for an additional point of diversion under Certificate 14153. The Department assigned the application number T-14090.
2. Notice of the application for transfer was published on September 27, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:  
**Certificate:** 14153 in the name of RICHARD C. KUEHNER (perfected under Permit S-12753)  
**Use:** IRRIGATION OF 46.0 ACRES  
**Priority Date:** JULY 30, 1937  
**Rate:** 0.58 CUBIC FOOT PER SECOND



**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** WILLAMETTE RIVER, tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 15 S | 4 W | WM  | 8   | NE NW |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |                      |
|------------|-----|-----|-----|-------|------|----------------------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres                |
| 15 S       | 4 W | WM  | 8   | NE NW | 7    | <del>8.75</del> 4.0  |
| 15 S       | 4 W | WM  | 8   | NW NW | 7    | <del>8.75</del> 13.5 |
| 15 S       | 4 W | WM  | 8   | SE NW | 6    | 20.80                |
| 15 S       | 4 W | WM  | 8   | NE SW |      | 7.70                 |
| Total      |     |     |     |       |      | 46.0                 |

- Certificate 14153 does not describe the original point of diversion (POD), the applicant has provided a name for this original POD describing it as South River POD.
- Transfer Application T-14090 proposes an additional point of diversion approximately 890 feet upstream to:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Measured Distances  |
|------|-----|-----|-----|-------|------|---|
| 15 S | 4 W | WM  | 8   | NW NW | 7    | NORTH RIVER POD - 510 FEET SOUTH AND 1135 FEET EAST FROM THE NW CORNER OF SECTION 8 |

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

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]**

- Water has been used within the five-year period prior to submittal of Transfer Application T-14090 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.
- A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14090.



9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

#### **Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-14090 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.

*Transfer Application T-14090 is approved, the final order will include the following:*

1. *The additional point of diversion proposed in Transfer Application T-14090 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 14153 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.*
4. *Water right Certificate 14153 is cancelled.*
5. *The quantity of water diverted at the new additional point of diversion (North River POD), together with that diverted at the original point of diversion (South River POD), shall not exceed the quantity of water lawfully available at the original point of diversion (South River POD).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion (South River POD).*



7. *Water use measurement conditions:*

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. The water user shall maintain the meters or measuring devices in good working order.*
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
8. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Joan Smith, if you have any questions regarding the information in this document you may reach me at [Joan.M.Smith@water.oregon.gov](mailto:Joan.M.Smith@water.oregon.gov) or at 503-986-0892.



STATE OF OREGON  
COUNTY OF BENTON

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD C. KUEHNER

of 880 Madison Street, Eugene, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamette River a tributary of Columbia River for the purpose of Irrigation under Permit No. 12753 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 30, 1937

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.58 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 15 South, Range 4 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent, for each acre irrigated, and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

17.5 acres in Lot 7 (NW $\frac{1}{4}$  NW $\frac{1}{4}$  & NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
20.8 acres in Lot 6 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
7.7 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Section 8,  
T. 15 S., R. 4 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 22nd day of June, 1942

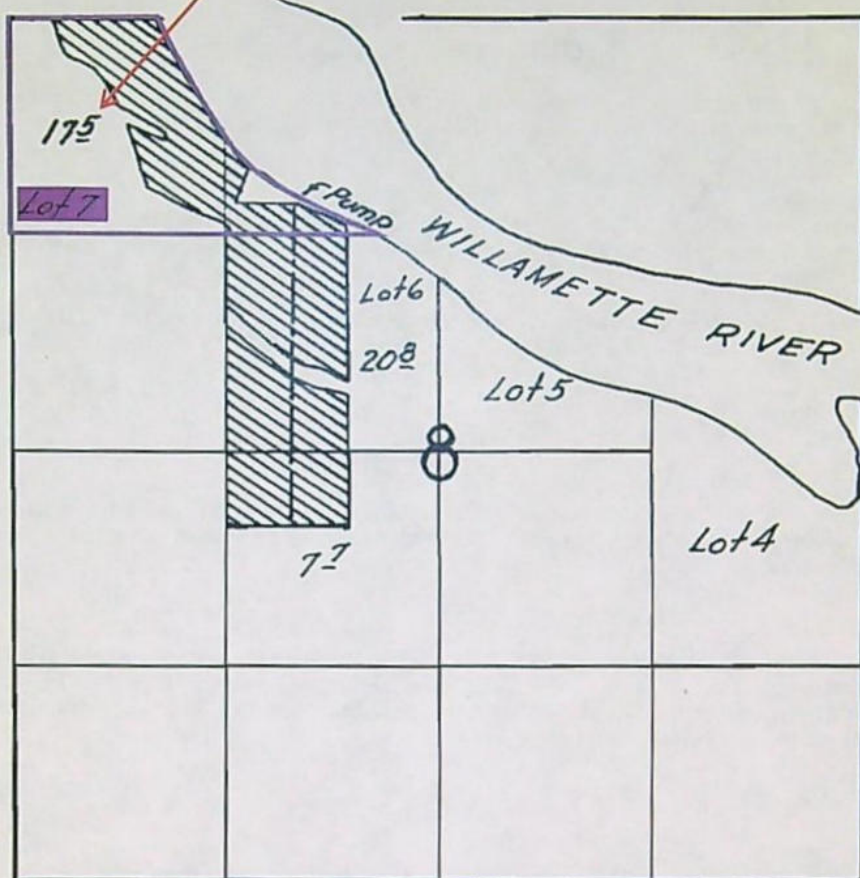
CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14153.



Per certificate, there are 17.5 acres in Lot 7, which includes NWNW and NENW of Section 8. Mapping of 17.5 acres of POU as shown yields 13.5 acres in NWNW and 4.0 acres in NENW.



Surveyed May 29 1941 by C. Cummings



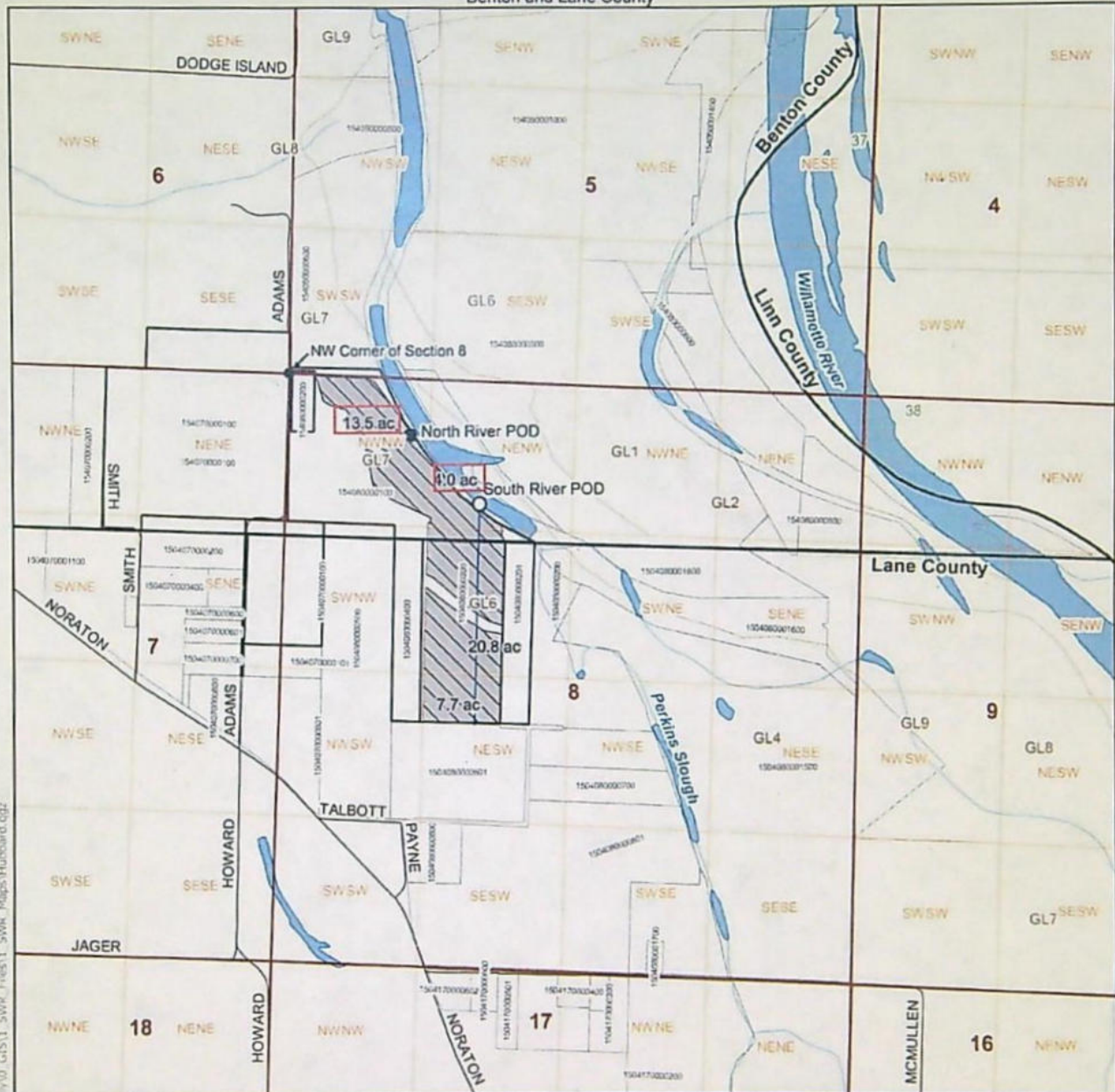
RECEIVED

SEP 19 2022

# Application for a Permanent Water Right Transfer Certificate 14153

A Water Right held by Hubbard Family LLC  
Township 15 South, Range 4 West, Section 8 (W.M.)  
Benton and Lane County

OWRD



## LEGEND

- Authorized Point of Diversion (POD)
- Proposed POD
- ▨ Authorized Place of Use (POU)
- Sections
- Donation Land Claims (DLCs)
- Government Lots (GLs)
- Hubbard Family LLC Owned Property
- Property Lines
- ~ Waterbodies
- ~ Conveyance Mains

## POD Location Description

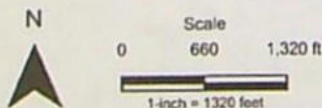
**South River POD:**  
Located in the NENW of Section 8, Township 15 South, Range 4 West (W.M.)

**North River POD:**  
1,135 feet east and 510 feet south of the NW corner of Section 8, Township 15 South, Range 4 West (W.M.)



RENEWS: 12-31-2022

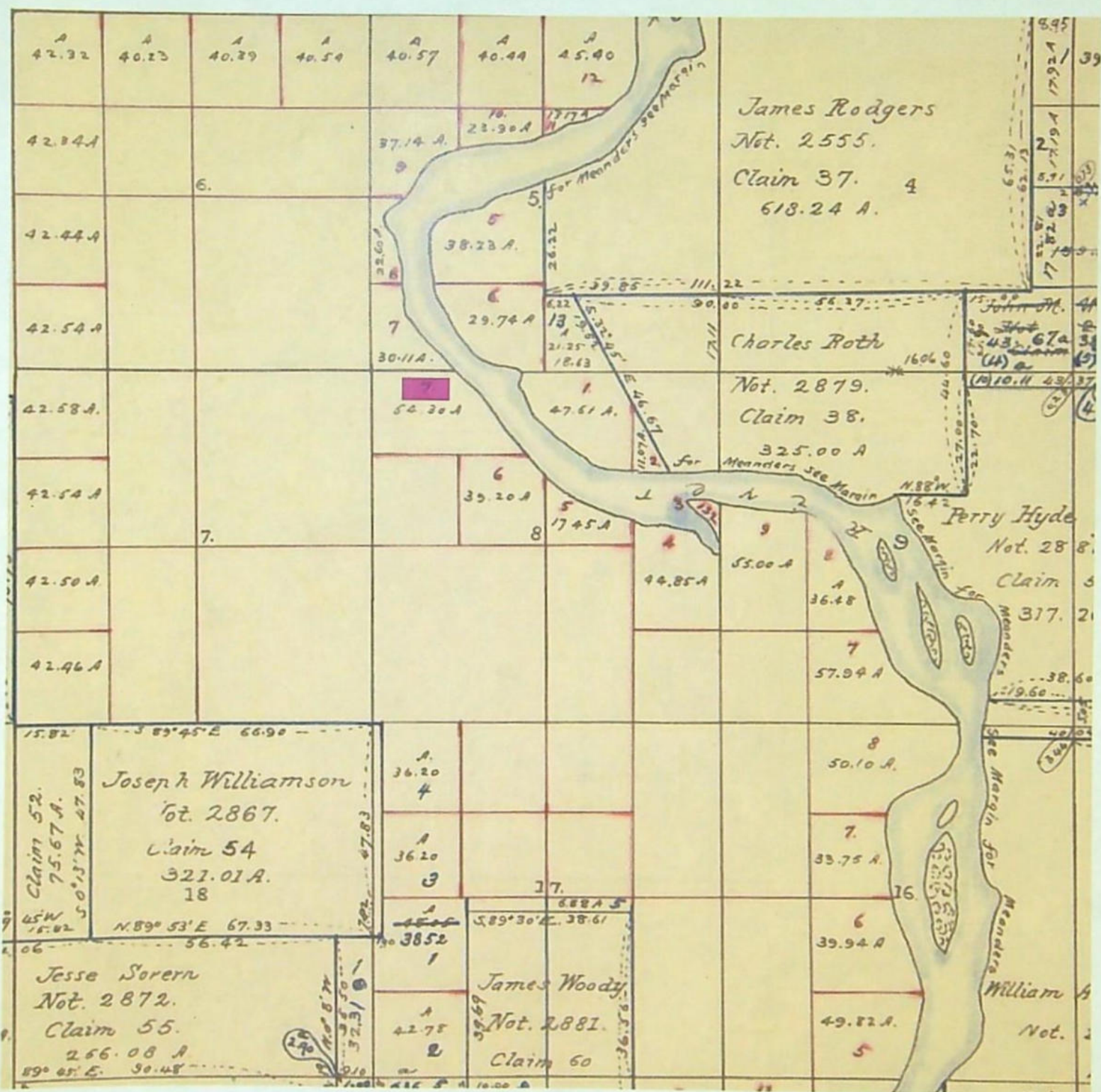
CWRE Seal and Signature



Date: 8/2/2022  
Data Sources: BLM, OWRD, Benton Co., Lane Co.  
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.











320 Church St. NE, Salem, OR 97301  
PHONE (503)581-1431 FAX (503)364-8716

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## STATUS OF RECORD TITLE

Gelardi Law

September 20, 2023  
Title Number: 608260AM  
Title Officer: Carlee Novak  
Fee: \$200.00

Your Reference No. Hubbard

**We have searched the status of record title as to the following described property:**

See attached Exhibit 'A'

### Vestee:

**Hubbard Family LLC, an Oregon limited liability company**

and dated as of **September 18, 2023** at 7:30 a.m.

**Said property is subject to the following on record matters:**

### Tax Information:

Taxes assessed under Code No. 2901 Account No. 207435 Map No. 154080000100

NOTE: The 2022-2023 Taxes: \$2,799.01, are Paid

1. Taxes assessed under Code No. 2901 Account No. 207435 Map No. 154080000100  
The 2023-2024 Taxes: A lien not yet due or payable.
2. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
3. The property lies within and is subject to the levies and assessments of the Benton Soil and Water Conservation District.
4. Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high water line of Perkins Slough, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high water line.

Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Perkins Slough.

All matters arising from any shifting in the course of Perkins Slough including but not limited to accretion, reliction and avulsion.



5. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:  
Granted To: Mountain States Power Company  
Recorded: April 1, 1939  
Instrument No.: Book: 94 Page: 403
6. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:  
Granted To: United States of America  
Recorded: August 5, 1947  
Instrument No.: Book: 118 Page: 540
7. Terms, provisions and conditions, including but not limited to maintenance provisions, contained in appurtenant easement,  
Recorded: April 25, 2002  
Instrument No.: M317207-02
8. Rights of tenants under existing leases or tenancies.
9. Personal property taxes, if any.
10. NOTE: The Manufactured Structure located on the subject property has been detitled as evidenced by Application to Exempt a Manufactured Structure from Registration and Titling, including the terms and provisions thereof,  
Recorded: June 29, 2005  
Instrument No.: 2005-387960

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

*"Superior Service with Commitment and Respect for Customers and Employees"*



**EXHIBIT 'A'**

File No. 608260AM

Lot 7 in Section 8, Township 15 South, Range 4 West of the Willamette Meridian.

EXCEPTING 2 acres conveyed to Roy B. Dailey et ux, by deed recorded May 18, 1938, Book 93, page 366(a) Deed Records, Benton County, Oregon.

ALSO EXCEPTING therefrom that portion conveyed in deed to Garold L. Bliss and Leota R. Bliss, in instrument recorded March 21, 1995, Microfilm No. M-196758-95, Deed Records, Benton County, Oregon.

And that portion of the below described property lying within Benton County:

Beginning at the Northwest corner of Lot No. 19 of the Plat of Noraton, as platted and recorded on Page 79 of Book 4, Lane County Oregon Plat Records, and being in Section 8, Township 15 South, Range 4 West of the Willamette Meridian and running thence East 15.53 chains to the Northeast corner of said Lot; thence North 1.59 chains to the South line of C.S. 52; thence West along the South line of said survey, 15.53 chains; thence South 1.82 chains to the place of beginning, in Benton County, Oregon.

AND an easement for ingress and egress recorded April 25, 2002 as Instrument No.: M317207-02, Deed Records, Benton County, Oregon.





## STATUS OF RECORD TITLE REPORT

GELARDI LAW  
ATTN: MICHAEL GELARDI  
4710 VILLAGE PLAZA LOOP, SUITE 165  
EUGENE, OR 97401

Date: SEPTEMBER 22, 2023  
Our No: CT-0341107  
Charge: \$300.00

As requested, Cascade Title Co. has searched our tract indices as to the following described real property:

( A T T A C H E D )

and as of: SEPTEMBER 15, 2023 at 8:00 A.M., we find the following:

Vestee:

HUBBARD FAMILY LLC,  
AN OREGON LIMITED LIABILITY COMPANY

Said property is subject to the following on record matters:

1. 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 2023-2024.
2. As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. Rights of the public and governmental bodies in and to any portion of the premises herein described now or at any time lying below high water mark of the Willamette River and/or its meander channels, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the high water mark.
4. The rights of fishing, navigation and commerce in the State of Oregon and the Federal Government and the rights of the public in and to that portion thereof lying now or at any time below the ordinary high water mark of the Willamette River and/or its meander channels.
5. Any adverse claim based upon the assertion that some portion of said land has been removed or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

### MAIN OFFICE

811 WILLAMETTE ST.  
EUGENE, OREGON 97401  
PH: (541) 687-2233 \* FAX: (541) 485-0307

### FLORENCE OFFICE

715 HWY 101 \* FLORENCE, OREGON 97439  
MAILING: PO BOX 508 \* FLORENCE, OREGON 97439  
PH: (541) 997-8417 \* FAX: (541) 997-8246

### VILLAGE PLAZA OFFICE

4750 VILLAGE PLAZA LOOP SUITE 100  
EUGENE, OREGON 97401  
PH: (541) 653-8622 \* FAX: (541) 844-1626



6. The property is within the Willamette River Greenway and is subject to all laws and regulations pertaining thereto, including, but not limited to ORS 390.310 through 390.368, inclusive.
7. Easement for power line anchor with the necessary wires and fixtures thereon, including the terms and provisions thereof, granted Mountain States Power Company, a Delaware corporation, by instrument recorded July 29, 1942, Reception No. B234 P262, Lane County Oregon Deed Records.
8. The public record does not disclose if the premises herein described have a means of ingress and egress to and from a legally dedicated road or highway. Notwithstanding Paragraph 4 of the insuring clauses of any policy or policies that may be issued, any policy or policies will not insure against loss arising by reason of any lack of a right of access to and from the land.
9. Subject to the terms and provisions of the Articles of Organization and Operating Agreement of the Hubbard Family LLC.

NOTE: Taxes, Account No. 0002319, Assessor's Map No. 15 04 08 0 0, #300, Code 155-00, 2022-2023, in the amount of \$442.63, PAID IN FULL.

This report is to be utilized for information only. This report is not to be used as a basis for transferring, encumbering or foreclosing the real property described.

The liability of Cascade Title Co. is limited to the addressee and shall not exceed the premium paid hereunder.

CASCADE TITLE CO., by:

ec/rh: Title Officer: DEBBIE FORSTROM



PROPERTY DESCRIPTION

Beginning at a point on the North boundary of Lot No. 19 of the PLAT OF NORATON, as platted and recorded in Book 4, Page 79, Lane County Oregon Plat Records, 4.00 chains East of the Northwest corner of said Lot 19; and running thence East along the North boundary of said Lot, 11.53 chains to the Northeast corner of said Lot 19; thence South  $0^{\circ} 22'$  West along the East boundary of said Lot 19 a distance of 24.87 chains to a point 20 feet North  $0^{\circ} 22'$  East of the Southeast corner of said Lot 19; thence North  $89^{\circ} 04'$  West 11.19 chains; thence North  $0^{\circ} 25'$  West parallel to the West line of said Lot 19, a distance of 24.74 chains to the place of beginning, in the PLAT OF NORATON, Lane County, Oregon.





Oregon  
Kate Brown, Governor

**Water Resources Department**

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

September 27, 2022

HUBBARD FAMILY LLC  
ATTN MEREDITH MORGAN  
1145 RALEIGH RD  
GLENVIEW, IL 60025

Reference: Application T-14090

On September 19, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 139160 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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

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

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

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

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

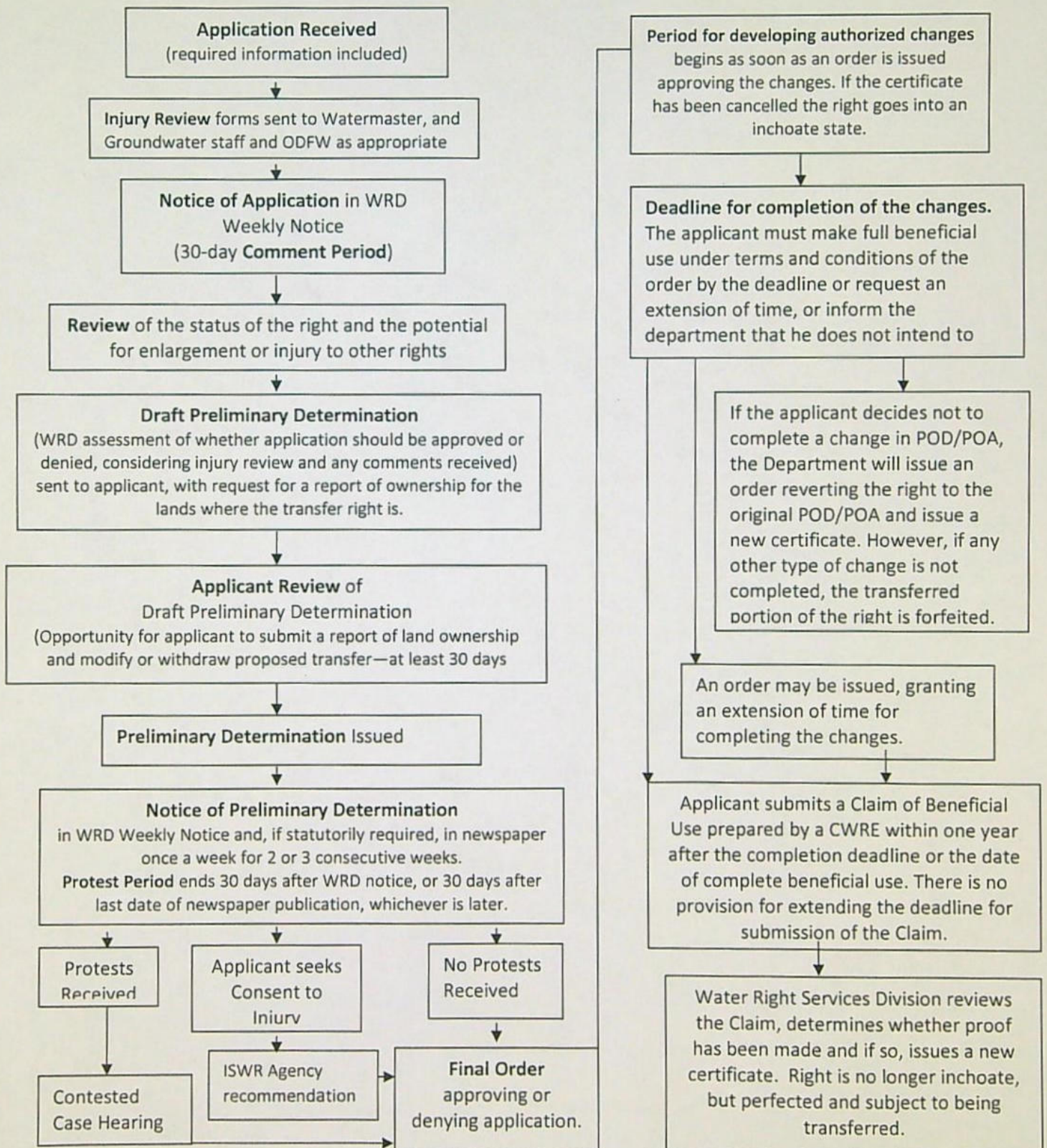
Cc: Watermaster Dist. #2, Lanaya F. Blakely (*via email*)  
Benton County  
Lane County  
Ted Ressler, Agent

Enclosure



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

OAR 690 Division 380





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **139160**  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

|  |                         |
|--|-------------------------|
| RECEIVED FROM: <u>Hubbard Family LLC</u> | APPLICATION             |
| BY: _____                                | PERMIT                  |
|  | TRANSFER <u>7-14090</u> |

|                                |  |  |                               |
|--------------------------------|--|--|-------------------------------|
| CASH: <input type="checkbox"/> | CHECK: # <u>1475</u> <input checked="" type="checkbox"/> | OTHER: (IDENTIFY) <input type="checkbox"/> | TOTAL REC'D <u>\$1,360.00</u> |
|--------------------------------|--|--|-------------------------------|

**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**

|                                      |    |  |
|--------------------------------------|----|--|
| <b>MISCELLANEOUS</b>                 |    |  |
| 0407 COPY & TAPE FEES                | \$ |  |
| 0410 RESEARCH FEES                   | \$ |  |
| 0408 MISC REVENUE: (IDENTIFY) _____  | \$ |  |
| TC162 DEPOSIT LIAB. (IDENTIFY) _____ | \$ |  |
| 0240 EXTENSION OF TIME               | \$ |  |

|                             |                    |                 |                    |
|-----------------------------|--------------------|-----------------|--------------------|
| <b>WATER RIGHTS:</b>        |                    | <b>EXAM FEE</b> | <b>RECORD FEE</b>  |
| 0201 SURFACE WATER          | \$                 | 0202            | \$                 |
| 0203 GROUND WATER           | \$                 | 0204            | \$                 |
| 0205 TRANSFER               | \$ <u>1,360.00</u> |                 |                    |
| <b>WELL CONSTRUCTION</b>    |                    | <b>EXAM FEE</b> | <b>LICENSE FEE</b> |
| 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: **139160** DATE: 9-19-2022 BY: [Signature]



# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

**RECEIVED**

**SEP 19 2022**

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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: 14153**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

### (For Staff Use Only)

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

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

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

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



## Part 2 of 5 – Transfer Application Map

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

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

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



## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

TACS



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|   |                    |                     |   |                        |
|---|--------------------|---------------------|---|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Hubbard Family LLC; Attn: Meredith Morgan</b><br>(Please copy Doug Morgan on correspondence pertaining to this transfer application)          |                    |                     | PHONE NO.<br><b>847-436-7099</b><br>(847-436-7098)                        | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>1145 Raleigh Road</b>   |                    |                     |   | FAX NO.                |
| CITY<br><b>Glenview</b>   | STATE<br><b>IL</b> | ZIP<br><b>60025</b> | E-MAIL<br><b>meredith@chicagomorgans.com</b><br>(doug@chicagomorgans.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<br><b>Summit Water Resources, LLC; Attn: Ted Ressler</b>  |                    |                     | PHONE NO.<br><b>503-701-4535</b>       | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>PO Box 11268</b>  |                    |                     |  | FAX NO.                |
| CITY<br><b>Portland</b>   | STATE<br><b>OR</b> | ZIP<br><b>97211</b> | E-MAIL<br><b>tressler@summitwr.com</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |  |                        |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**Add an additional point of diversion to Certificate 14153.**

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

### Check One Box

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

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**SEP 19 2022**

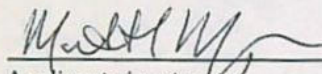
**OWRD**



By my signature below, I confirm that I understand:

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

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

  
Applicant signature

Meredith Morgan, Manager  
Hubbard Family LLC

Print Name (and Title if applicable)

8/29/22

Date

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

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

Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

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☐ 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   | ADDRESS             |       |
| Benton County Community Development Department, Planning Division | 360 SW Avery Avenue |       |
| CITY  | STATE               | ZIP   |
| Corvallis   | OR                  | 97333 |
| ENTITY NAME   | ADDRESS             |       |
| Lane County Land Management Division                              | 3050 N. Delta Hwy   |       |
| CITY  | STATE               | ZIP   |
| Eugene  | OR                  | 97408 |

NOTE: the change requested by this transfer application is associated with land located only in Benton County.

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SEP 19 2022

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## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

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SEP 19 2022

OWRD

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.



## 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 # 14153

**RECEIVED**

### Description of Water Delivery System

**SEP 19 2022**

System capacity: 0.58 cubic feet per second (cfs) OR

       gallons per minute (gpm)

**OWRD**

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 diverted using a bankside 75 Hp centrifugal pump, conveyed by a closed pipe system to the place of use, and applied for irrigation using wheel lines.

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp  | Rng | Sec | ¼  | ¼  | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner)            |
|------------------------|---|--|------|-----|-----|----|----|---------------------------|---|
| South River POD        | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |  | 15 S | 4 W | 8   | NE | NW | 7                         |   |
| North River POD        | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed |  | 15 S | 4 W | 8   | NW | NW | 7                         | 1135 feet east and 510 feet south of the NW corner of Section 8 |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |  |      |     |     |    |    |                           |   |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |  |      |     |     |    |    |                           |   |

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

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

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

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



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

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

**Table 2. Description of Changes to Water Right Certificate # 14153**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |   |   |         |                      |            |   |   |               | Proposed<br>Changes (see<br>"CODES"<br>from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |      |     |   |   |         |                      |       |                    |   |                  |      |                     |  |           |
|--|-----|-----|---|---|---------|----------------------|------------|---|---|---------------|--|---|------|-----|---|---|---------|----------------------|-------|--------------------|---|------------------|------|---------------------|--|-----------|
| Twp  | Rng | Sec | ¼ | ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres      | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority Date |  | Twp   | Rng  | Sec | ¼ | ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to be<br>used (from<br>Table 1) | Priority<br>Date |      |                     |  |           |
| 15   | S   | 4   | W | 8 | NW      | NW                   | 100        | 7                                       | 13.5  | IR            | South River<br>POD   | 7/30/1937   | APOD | 15  | S | 4 | W       | 8                    | NW    | NW                 | 100   | 7                | 13.5 | No change<br>in USE | South River<br>POD<br>North River<br>POD | 7/30/1937 |
| 15   | S   | 4   | W | 8 | NE      | NW                   | 100        | 7                                       | 4.0   | IR            | "  | "   | APOD | 15  | S | 4 | W       | 8                    | NE    | NW                 | 100   | 7                | 4.0  | "                   | "  | "         |
| 15   | S   | 4   | W | 8 | SE      | NW                   | 100<br>300 | 6                                       | 20.8  | IR            | "  | "   | APOD | 15  | S | 4 | W       | 8                    | SE    | NW                 | 100<br>300  | 6                | 20.8 | "                   | "  | "         |
| 15   | S   | 4   | W | 8 | NE      | SW                   | 300        |   | 7.7   | IR            | '  | '   | APOD | 15  | S | 4 | W       | 8                    | NE    | SW                 | 300   |                  | 7.7  | "                   | "  | "         |
|  |     |     |   |   |         |                      |            |   |   |               |  |   |      |     |   |   |         |                      |       |                    |   |                  |      |                     |  |           |
|  |     |     |   |   |         |                      |            |   |   |               |  |   |      |     |   |   |         |                      |       |                    |   |                  |      |                     |  |           |
|  |     |     |   |   |         |                      |            |   |   |               |  |   |      |     |   |   |         |                      |       |                    |   |                  |      |                     |  |           |
|  |     |     |   |   |         |                      |            |   |   |               |  |   |      |     |   |   |         |                      |       |                    |   |                  |      |                     |  |           |
| TOTAL ACRES:   |     |     |   |   |         |                      | 46.0       |   |   |               |  | TOTAL ACRES:  |      |     |   |   |         |                      | 46.0  |                    |   |                  |      |                     |  |           |

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: 38019 (Note: this transfer does not involve a change in place of use, so the layering of 14153 with 38019 is unaffected by the transfer).

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

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

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

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

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

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

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

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

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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



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**Attachment 2**  
**Water Right Information**

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STATE OF OREGON  
COUNTY OF BENTON

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That RICHARD C. KUEHNER

of 880 Madison Street, Eugene, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamette River a tributary of Columbia River for the purpose of Irrigation under Permit No. 12753 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 30, 1937

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.58 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, Township 15 South, Range 4 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent, for each acre irrigated, and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

17.5 acres in Lot 7 (NW $\frac{1}{4}$  NW $\frac{1}{4}$  & NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
20.8 acres in Lot 6 (SE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
7.7 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Section 8,  
T. 15 S., R. 4 W., W. M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 22nd day of June, 1942

CHAR. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14153.



**Attachment 3**  
**Evidence of Use Affidavit**

---



# 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 LANE

I, RUSS CROWSON, in my capacity as GENERAL MANAGER OF CROWSON FARMS (OPERATOR OF THE FARMING OPERATION ON THE LAND ASSOCIATED WITH CERTIFICATE 14153),

mailing address 96505 NORATON ROAD, JUNCTION CITY, OR 9744

telephone number (541)844-4131, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional experti

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for Certificate # 14153; 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)



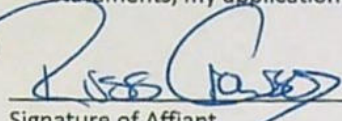
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(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF ROW CROPS AND PASTURE.

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

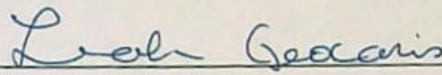
  
 Signature of Affiant

9-2-2022

Date

 State of OR  
 County of Lane

 Signed and sworn to (or affirmed) before me this 2nd day of September 20 22.  
 by Russell John Crowson.

  
 Notary Public for Oregon
My Commission Expires: 1-20-2026

| 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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>  |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>   |
| <input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph                            | <p>Multiple photos can be submitted to resolve different areas of a water right.</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:<br/>           OSU - <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br/>           OWRD - <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br/>           Google Earth - <a href="http://earth.google.com">earth.google.com</a><br/>           TerraServer - <a href="http://www.terra-server.com">www.terra-server.com</a></p> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years  | Copy of instream lease or lease number  |



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Place of Use, Google Earth 7/22/2021





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**Attachment 4**  
**Land Use Information Form**

---



# Land Use Information Form



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

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## NOTE TO APPLICANTS

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

### This form is NOT required if:

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

## NOTE TO LOCAL GOVERNMENTS

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



# Land Use Information Form



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

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Applicant

|   |  |                 |
|---|--|-----------------|
| NAME<br>Hubbard Family, LLC; Attn: Meredith Morgan<br>Please copy Doug Morgan on correspondence pertaining to this application) |  | PHONE (HM)<br>- |
| PHONE (WK)  | CELL<br>847-436-7099<br>(847-436-7098) | FAX<br>-        |
| ADDRESS<br>1145 Raleigh Road  |  |                 |
| CITY<br>Glenview  | STATE<br>IL                            | ZIP<br>60025    |
| E-MAIL*<br>meredith@chicagomorgans.com<br>(doug@chicagomorgans.com)   |  |                 |

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## 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: |
|----------|-------|---------|-------|-----------|---|--|--|--|--------------------|
| 15 S     | 4 W   | 8       | NW NW | 100       | EFU   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Irrigation         |

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:  
Benton 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 Groundwater Registration Modification  
☐ Limited Water Use License    ☐ Allocation of Conserved Water    ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☐ Groundwater    ☒ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0 ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

The Applicant is requesting to add a point of diversion (surface water intake) to an existing water right, Certificate 14153. The additional point of diversion will be located on the tax lot listed above. Water diverted from this additional point of diversion will be used for irrigation of the existing farm land in the amount authorized by the water right (0.58 cfs for 46 acres of land).

**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.



## For Local Government Use Only

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

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

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCC Chapter 55 - Exclusive Farm Use
- ☐ 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land Use Approval:   |  |
|--|---|--|--|
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  | <b>RECEIVED</b>   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  | <b>SEP 19 2022</b>  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  | <b>OWRD</b>   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

|  |                               |                                    |  |
|--|-------------------------------|------------------------------------|--|
| NAME <b>Inga Williams</b>  |                               | TITLE:<br><b>Associate Planner</b> |  |
| SIGNATURE<br><div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>APPROVED</b><br/><small>By Inga Williams at 9:56 am, Aug 26, 2022</small></div> | PHONE:<br><b>541-766-6027</b> | DATE:<br><b>8/26/22</b>            |  |
| GOVERNMENT ENTITY<br><b>Benton County Community Development Department</b>   |                               |                                    |  |

**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: \_\_\_\_\_



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Attachment 1  
Map

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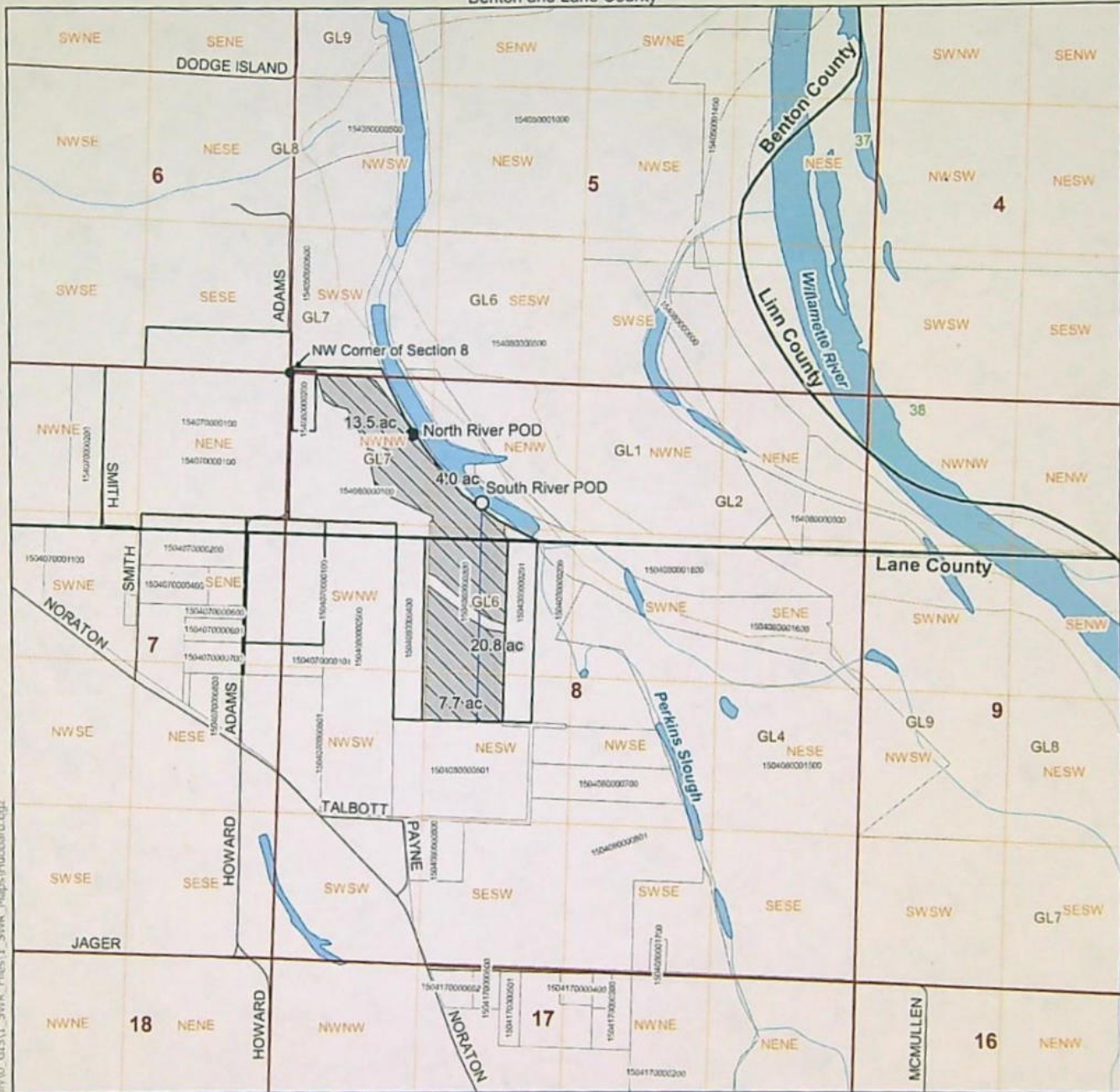


SEP 19 2022

# Application for a Permanent Water Right Transfer Certificate 14153

A Water Right held by Hubbard Family LLC  
Township 15 South, Range 4 West, Section 8 (W.M.)  
Benton and Lane County

OWRD



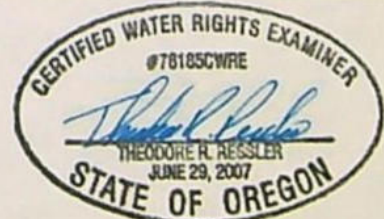
## LEGEND

- Authorized Point of Diversion (POD)
- Proposed POD
- ▨ Authorized Place of Use (POU)
- ▭ Sections
- ▭ Donation Land Claims (DLCs)
- ▭ Government Lots (GLs)
- ▭ Hubbard Family LLC Owned Property
- ▭ Property Lines
- ▭ Waterbodies
- ▭ Conveyance Mains

## POD Location Description

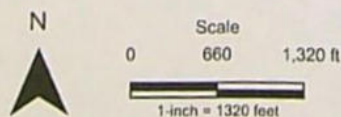
South River POD:  
Located in the NENW of Section 8, Township 15 South, Range 4 West (W.M.)

North River POD:  
1,135 feet east and 510 feet south of the NW corner of Section 8, Township 15 South, Range 4 West (W.M.)



RENEWES: 12-31-2022

CWRE Seal and Signature



Date: 8/2/2022  
Data Sources: BLM, OWRD, Benton Co., Lane Co.  
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.







September 13, 2022

Mr. P. Kelly Starnes  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

RECEIVED

SEP 19 2022

OWRD

**Subject:** Application for a Permanent Water Right Transfer  
Certificate 14153, Hubbard Family LLC

Mr. Starnes:

On behalf of the applicant, Hubbard Family LLC, please find enclosed an Application for a Permanent Water Right Transfer involving Certificate 14153 accompanied by a check in the amount of \$1,360 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Respectfully submitted,

Theodore Ressler, RG, CWRE  
Summit Water Resources LLC.

Cc: Meredith Morgan – Hubbard Family LLC  
Doug Morgan

Enclosures:

Application for a Permanent Water Right Transfer involving Certificate 14153  
Check # 1475 in the amount of \$1,360



# Permanent Transfer Application Checklist

## Check the Certificates in WRIS

Transfer # T- 14090

|                              |  |                                    |                         |     |      |             |
|------------------------------|--|------------------------------------|-------------------------|-----|------|-------------|
| Checked by: <u>JRM</u>       | Type of Change(s)<br>mark the proposed Changes | Substitution                       | Supplemental to Primary | POU | POD  | <u>APOD</u> |
| Date: <u>9/20/22</u>         |  | Gov Action                         | Surface to Ground       | POA | APOA | USE         |
| Fee Received: <u>1360.00</u> |  | How many rights to be Transferred? |                         |     |      |             |
| Calculated Fee:              |  | Certificate# <u>14153</u>          |                         |     |      |             |
| Additional Observations:     |  |                                    |                         |     |      |             |
|                              |  |                                    |                         |     |      |             |
|                              |  |                                    |                         |     |      |             |
|                              |  |                                    |                         |     |      |             |

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

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, have the applicants completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?  
If no, which certificates are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☒ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

☐ 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:

\_\_\_\_\_ date \_\_\_\_\_



## Permanent Transfer Application 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 | \$1,160 |
|  | Types of change proposed:<br><input type="checkbox"/> Place of Use<br><input type="checkbox"/> Character of Use<br><input type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = _____ (2a)<br>Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>   |   |         |
| 2  | Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »  | 2 | 0       |
|  | Number of water rights included in transfer _____ (3a)<br>Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>   |   |         |
| 3  | Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »  | 3 | 0       |
|  | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input type="checkbox"/> No: enter 0 »<br><input type="checkbox"/> Yes: enter \$410 »   |   |         |
| 4  |  | 4 | 0       |
|  | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5 »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a)<br>Subtract 1.0 from the number in 5a above: _____ (5b)<br>If 5b is 0 or less, enter 0 on line 5 »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » |   |         |
| 5  |  | 5 | 0       |
| 6  | Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal:   | 6 | 0       |
|  | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »  |   |         |
| 7  | If no box is applicable, enter 0 on line 7 »   | 7 | 0       |
| 8  | Subtract line 7 from line 6 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>   | 8 |         |