

Regular

Name WB Agricultural LLCAddress PO Box 609
Willow AK 99688
dataax@gmail.comChange in PODDate Filed 11/3/2022Initial notice date 11/15/2022

DPD issued date

PD issued date 12/27/2023PD notice date 1/2/2024Date of FO 5/14/2024 Vol 131 Page 58-62

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Birdseye CreekTrib. of Rogue riverUse Irrigation County Jackson

Quantity of water (CFS) No. of Acres

Name of ditch

App# 5410026 Per # 534894 Cert # 51520 PR Date

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>11-3-2022</u>	<u>\$1,360.00</u>	<u>139480</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Dann Carney LLP - Sarah Liljefelt

CWRE

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 14, 2024

WB Agricultural, LLC
PO Box 609
Willow, AK 99688

REFERENCE: Transfer Application T-14116

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, Kim French, by telephone at (503) 979-9607 or by e-mail at Kim.r.french@water.oregon.gov.

Sincerely,

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

cc: Shavon L. Haynes, Watermaster Dist. # 13 (via email)
Sarah Liljefelt, Agent
Jackson County Planning and Development, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-14116, Jackson County)	APPROVING A CHANGE IN 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

WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688

Findings of Fact

1. On November 3, 2022, WB AGRICULTURAL LLC filed an application to change the point of diversion under Certificate 51520. The Department assigned the application number T-14116.
2. Notice of the application for transfer was published on November 15, 2022, pursuant to OAR 690-380-4000. Timely comments were submitted by Carlette Kruse of Brophy Schmor LLP, representative of Sheri Birdseye, in response to the notice. The issues raised by the comments focused primarily on concerns that:
 - a) Water use should not be allowed from Birdseye Ditch.
 - b) A flow meter at the point of diversion should be required.
 - c) The use should not cause injury to any other water rights.

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

3. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #2, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:

- a) The water right proposed for transfer is a water use subject to transfer;
- b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
- c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
- d) The proposed transfer would not result in injury to other water rights.

4. On August 9, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14116. The draft Preliminary Determination cover letter gave the applicant a deadline of September 9, 2023 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. The applicant requested to extend the date to which full beneficial use of the water shall be made to October 1, 2027.

5. On December 27, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-14116 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 January 7, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate:	51520 in the name of GLENN C. BIRDSEYE (perfected under Permit S-34894)
Use:	IRRIGATION of 4.0 ACRES
Priority Date:	DECEMBER 31, 1969
Rate:	0.05 CUBIC FOOT PER SECOND (CFS) BEFORE JULY 1 and 0.03 CFS AFTER JULY 1 OF EACH YEAR
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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source:	BIRDSEYE CREEK, tributary of the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	POD - 80 FEET NORTH AND 1110 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
36 S	4 W	WM	34	SW SE	41	4.0

7. Transfer Application T-14116 proposes to move the authorized point of diversion approximately 450 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	NEW POD - 460 FEET NORTH AND 1300 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

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.
9. The applicant entered into a settlement agreement with Sheri Birdseye, a landowner under Certificate 51520. The settlement agreement stipulates that:
- WB Agricultural will move their point of diversion under Certificate 51520 from Birdseye Ditch to a point directly on Birdseye Creek, which is proposed by Transfer T-14116;
 - Diversion under Transfer T-14116 will not be allowed from Birdseye Ditch;
 - A flow meter will be required on the new point of diversion.

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

10. Water has been used within the five-year period prior to submittal of Transfer Application T-14116, according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14116.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

13. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed change, as conditioned, would not result in enlargement of the right.
15. The proposed change, as conditioned, would not result in injury to other water rights. other application requirements are met.

Conclusions of Law

The change in point of diversion proposed in Transfer Application T-14116 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

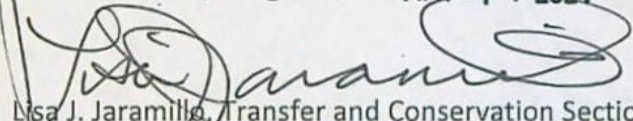
Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-14116 is approved and the diversion and use of water from Birdseye Ditch shall be discontinued.
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 51520 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 51520 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the new point of diversion (New POD) shall not exceed the quantity of water lawfully available at the original point of diversion (POD).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. Water Measurement Condition:
 - 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 meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter 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, 2027**. 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 14 2024


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

Mailing date: **MAY 15 2024**



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

May 16, 2024

Glenn C. Birdseye
3793 Rogue River Hwy
Gold Hill, OR 97525

RE: Water Right Certificate 97080 – Remaining Right

The enclosed water right *may* be appurtenant to land you own. This water right certificate describes the water right that remains UNCHANGED as a result of Transfer Application T-14116.

The enclosed document (Certificate 97080) **does NOT confirm** the validity or status of the water right regarding the provisions of Oregon Revised Statute 540.610 pertaining to forfeiture or abandonment.

Please feel free to call the Department's Customer Service Group at (503) 986-0801, if you have any questions.

Sincerely,

Elyse Richman
Water Right Services Support
Transfers and Conservation Section

STATE OF OREGON

COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLENN C BIRDSEYE
3793 ROGUE RIVER HWY
GOLD HILL, OR 97525

confirms the right to use the waters of BIRDSEYE CREEK, a tributary of ROGUE RIVER for irrigation of 72.4 ACRES.

This right was perfected under Permit S-34894. The date of priority is DECEMBER 31, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 0.91 CUBIC FOOT PER SECOND UNTIL JULY 1 AND 0.54 CUBIC FOOT PER SECOND AFTER JULY 1 OF EACH YEAR, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	80 FEET NORTH AND 1110 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

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 4.5 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 to which this right is appurtenant is as follows:

IRRIGATION UNTIL JULY 1 OF EACH YEAR						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
36 S	4 W	WM	34	NE NE	41	12.5
36 S	4 W	WM	34	NW NE	41	13.1
36 S	4 W	WM	34	SW NE	41	16.8
36 S	4 W	WM	34	SE NE	41	18.8
36 S	4 W	WM	34	NE SE	41	5.2
36 S	4 W	WM	34	NW SE	41	6.0
TOTAL						72.4

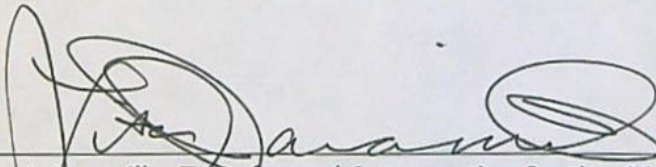
IRRIGATION FROM JULY 1 TO THE END OF SEASON						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
36 S	4 W	WM	34	NE NE	41	10.0
36 S	4 W	WM	34	SW NE	41	1.8
36 S	4 W	WM	34	SE NE	41	18.8
36 S	4 W	WM	34	NE SE	41	5.2
36 S	4 W	WM	34	NW SE	41	6.0
TOTAL						41.8

This certificate describes that portion of water right Certificate 51520, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered **MAY 14 2024**, approving Transfer Application T-14116.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed **MAY 14 2024**.



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

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

This Settlement Agreement and Mutual Release of Claims (hereinafter "Agreement") is executed by **Sheri Birdseye** (hereafter referred to as "**Plaintiff**"); and by **WB Agricultural, LLC, Joseph Arterburn, William Arterburn, and Mary Jo Arterburn** (hereinafter collectively referred to as "**Defendants**"). Plaintiff filed a lawsuit against Defendants as **Jackson County Circuit Court Case No. 20CV27920** (hereinafter the "**Lawsuit**"). This Settlement Agreement is to settle the lawsuit currently pending between the Parties.

In the Lawsuit, Plaintiff alleges claims for Declaratory Judgment, Wrongful Interference with Easement, Injunctive Relief, and Conversion of Water. Defendants deny Plaintiff's claims and allege several affirmative defenses. The Parties desire to settle any and all disputes between them including all claims alleged in the Lawsuit and all other controversies, disputes and claims, whether known or unknown, among and between them arising from the facts alleged in the Lawsuit.

NOW, THEREFORE, in consideration of the mutual benefits received by the parties from this Agreement and other valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, Plaintiff and Defendants enter into this Settlement Agreement and Mutual Release of Claims as follows:

1. Easement.

- a. The Parties agree to execute the Easement Agreement, attached hereto as Exhibit 1, involving Plaintiff's property, located at 1235 Birdseye Creek Road, Gold Hill, Oregon 97525 and Defendants' property, located at 1665 Birdseye Creek Road, Gold Hill, Oregon 97525. Plaintiff will arrange for the Easement Area as described in the Easement Agreement to be surveyed and both Parties must agree to the location of the Easement Area depicted in the survey, which will be located outside Defendants' existing fence. The Parties will equally share the survey's costs.
- b. The form of the Easement Agreement attached as Exhibit 1 contemplates that Defendants will move their point of diversion and no longer use Birdseye Ditch for water conveyance to their property, as provided in Paragraph 3 herein. Should Defendants not be successful in moving their point of diversion, the Parties agree that the form of the Easement Agreement should be amended to reflect that Defendants also use Birdseye Ditch for water conveyance to their property, both Parties

(instead of only Plaintiff) will have maintenance obligations for the Easement Area, and that the Parties must agree to any modifications that Defendants would want to make to any pipeline installed by Plaintiff described in paragraph 4 below. The Easement Agreement will be executed by the Parties following completion of Defendants' transfer application in the form that is appropriate based on this paragraph.

2. Water Use.

a. The Parties agree to limit their water taking from Birdseye Creek and/or Birdseye Ditch to that allowed by Certificate 51520. Defendants shall install a water flow meter(s) that is (are) sufficient to record the amount of water Defendants take from Birdseye Ditch and/or Birdseye Creek. It is anticipated that Defendants will move their point of diversion to Birdseye Creek, and should they be successful, they will no longer use water from Birdseye Ditch, and in such situation, Defendants will no longer have to maintain the water flow meter(s) on Birdseye Ditch only. Defendants shall make the records related to their taking of water available to any and all governmental authorities (including agents acting on their behalf) upon said authorities' or agents' request.

b. The Parties shall not interfere with any and/or all of one another's water rights.

3. Point of Diversion. Defendants will make reasonable efforts to legally move their point of diversion for Certificate 51520 from Birdseye Ditch to a location directly on Birdseye Creek and Defendants' Property downstream from the headgate to Birdseye Ditch. Defendants shall be responsible for all costs associated with applying for and relocating the point of diversion. Plaintiff agrees to limit her objections to Defendants' application for the point of diversion's relocation to those related to any and all factual inaccuracies associated with Defendants' application, as well as the following objections:

a. Defendants' application should not be approved if it allows for continued use of Birdseye Ditch.

b. Defendants' application should not be approved without a requirement that they install a water flow meter at their point of diversion(s) that can record the amount of water that Defendants take; and/or

c. Defendants' application should not be approved if it will cause injury to any other water rights in the area or not otherwise comply with the law.

4. Continued Use of Birdseye Ditch. Plaintiff will continue to use and maintain Birdseye Ditch pursuant to the Easement Agreement and her water rights. If Defendants successfully move their point of diversion, Defendants and their successors relinquish any and all rights to the water in Birdseye Ditch. If Defendants are not successful in moving

their point of diversion, Defendants shall maintain the water flow meter from Birdseye Ditch described in Paragraph 2.a above. Plaintiff may install, at her sole discretion, a water measurement device at the headgate to Birdseye Ditch from Birdseye Creek. The water measurement device(s) shall be sufficient to record the amount of water that Defendants take from Birdseye Ditch or the amount of water diverted into Birdseye Ditch, respectively. Plaintiff shall make the records related to the taking of water into Birdseye Ditch available to any and all governmental authorities (including agents acting on their behalf) upon said authorities' or agents' request. Plaintiff may also install and maintain pipe in Birdseye Ditch for the purpose of transporting water through Birdseye Ditch to Plaintiff's property pursuant to Plaintiff's water right(s), including but not limited to Certificate 51520. If Defendants are not successful in moving their point of diversion, Defendants will be entitled to likewise use water through any such pipeline Plaintiff may install in Birdseye Ditch.

5. Stay of Lawsuit. The Parties agree to stay the Lawsuit until the Parties receive the Water Resource Department's final order to Defendants' application to relocate their point of diversion as described in Section 3 above, the survey described in Section 1 has been completed, and the parties execute the Easement Agreement.

6. Release by Plaintiff. In consideration for provisions above, Plaintiff and her heirs, agents, attorneys, representatives, successors and assigns, and all persons claiming by and through her, hereby release and discharge Defendants and Defendants' members, managers, representatives, agents, employees, affiliates, attorneys, successors and assigns from any and all liability, claims for damages and claims for other relief against Defendants which Plaintiff may now have or anytime in the future may have or claim to have, whether known or unknown, against Defendants arising from the facts described in the Complaint and First Amended Complaint filed in the Lawsuit, and any transactions between said parties, including all claims that could have been asserted by Plaintiff in the Lawsuit by further amended or supplemental pleadings. Plaintiff hereby represents and warrants to Defendants that Plaintiff is the sole holder and owner of any and all claims Plaintiff may have against Defendants relating to the matters alleged in Plaintiff's pleadings filed in the Lawsuit, and that such claims have not been transferred or assigned to any other person or entity.

7. Release by Defendants. As consideration for provisions above, Defendants and Defendants' members, managers, representatives, agents, employees, affiliates, attorneys, successors and assigns, and all persons claiming by and through them, hereby release and discharge Plaintiff and Plaintiff's representatives, heirs, agents, attorneys, successors and assigns, from any and all liability, claims for damages, and other claims for relief against Plaintiff which Defendants may now have or anytime in the future may have or claim to have, whether known or unknown, against Plaintiff and arising from the facts

described in any and all pleadings filed in the Lawsuit, and any transactions between the parties, including all claims that could have been asserted by Defendants in the Lawsuit by amended or supplemental pleadings. Defendants hereby represent and warrant to Plaintiff that they are the only holders and owners of any and all claims that Defendants may have against Plaintiff, and that Defendants have not transferred or assigned such claims to others.

8. Unknown Claims. It is possible that other injuries and damages not known to the parties will develop or be discovered. This Agreement is expressly intended to cover and release all such injuries or damages to date, including rights of action relating thereto.

9. Entry of Dismissal. Upon the completion of all steps described in Paragraph 5, and as long as the Parties have complied with all other terms of this Agreement in the meantime, the Parties agree to execute a Stipulated Judgment of Dismissal, dismissing all claims, with prejudice, and without costs or fees to any Party. Plaintiff shall prepare the Stipulated Judgment of Dismissal for Defendants' approval and shall file the agreed upon form of judgment with the court.

10. No Admissions of Wrongdoing. This Agreement is made to settle and compromise doubtful and disputed claims and is not to be construed or used as an admission of liability or wrongdoing on the part of any Party. All Parties deny any wrongdoing. The Parties agree that they are compromising and settling these matters to avoid further costs and expenses related to litigation of any of the disputed matters. Accordingly, each Party is responsible for their own attorney fees and costs related to these matters.

11. Reliance. In giving this release, the Parties declare and represent that they are relying upon their own judgment and knowledge and declare and represent that they are not relying on any representations or statements made by an opposing party or counsel for an opposing party. The Parties agree that they have entered into this Agreement after having received full advice from counsel of their choice with respect to this Agreement and all other matters related thereto.

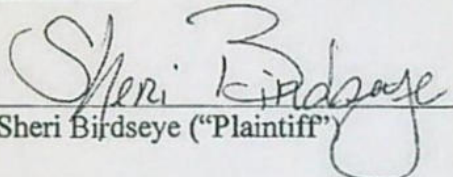
12. Entire Agreement and Severability. The Parties agree that this Agreement may not be modified, altered, amended or changed, except by a written agreement signed by all parties. The Parties acknowledge that this Agreement constitutes the entire fully integrated agreement between them concerning the settlement of the Lawsuit and release of all their respective claims and counterclaims, superseding all prior written and oral agreements, and that no other understandings or agreements, written or oral, exist between or among them on the subject. This Agreement shall be construed as written by the Parties jointly and shall not be construed against any Party on grounds that the Party allegedly drafted this Agreement.

13. Waiver. Any provision or condition of this Agreement may be waived at any time, in writing, by the party entitled to the benefit of such provision or condition. Waiver of any breach of any provision will not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

14. Counterparts. This Agreement may be executed by facsimile, scan, and ".pdf" and in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one instrument dated August 16, 2022.

CAUTION THIS IS A RELEASE. READ IT BEFORE SIGNING.

PARTIES:


Sheri Birdseye ("Plaintiff")

APPROVED AS TO FORM:

Carlette A. Kruse, OSB #083884
Brophy Schmor LLP
Attorneys for Plaintiff Sheri Birdseye
Email: ckruse@brophylegal.com

Signature, on behalf of WB Agricultural,
LLC ("Defendant")

Sarah R. Liljefelt, OSB #104396
Dunn Carney LLP
Attorneys for Defendants
WB Agricultural, LLC, Joseph Arterburn,
William Arterburn, and Mary Jo Arterburn
Email: sliljefelt@dunnearney.com

Printed Name and Title, on behalf of WB
Agricultural, LLC

Joseph Arterburn ("Defendant")

//

13. Waiver. Any provision or condition of this Agreement may be waived at any time, in writing, by the party entitled to the benefit of such provision or condition. Waiver of any breach of any provision will not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

14. Counterparts. This Agreement may be executed by facsimile, scan, and ".pdf" and in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one instrument dated August __, 2022.

CAUTION THIS IS A RELEASE. READ IT BEFORE SIGNING.

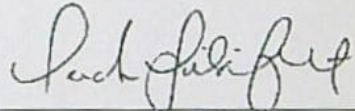
PARTIES:

APPROVED AS TO FORM:

Sheri Birdseye ("Plaintiff")

Carlette A. Kruse, OSB #083884
Brophy Schmor LLP
Attorneys for Plaintiff Sheri Birdseye
Email: ckruse@brophylegal.com

Signature, on behalf of WB Agricultural,
LLC ("Defendant")



Sarah R. Liljefelt, OSB #104396
Dunn Carney LLP
Attorneys for Defendants
WB Agricultural, LLC, Joseph Arterburn,
William Arterburn, and Mary Jo Arterburn
Email: sliljefelt@dunnearney.com

Printed Name and Title, on behalf of WB
Agricultural, LLC

Joseph Arterburn ("Defendant")

//

13. Waiver. Any provision or condition of this Agreement may be waived at any time, in writing, by the party entitled to the benefit of such provision or condition. Waiver of any breach of any provision will not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

14. Counterparts. This Agreement may be executed by facsimile, scan, and ".pdf" and in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one instrument dated August __, 2022.

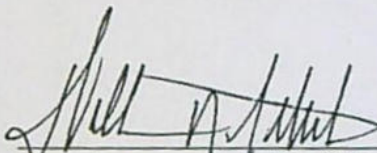
CAUTION THIS IS A RELEASE. READ IT BEFORE SIGNING.

PARTIES:

APPROVED AS TO FORM:

Sheri Birdseye ("Plaintiff")

Carlette A. Kruse, OSB #083884
Brophy Schmor LLP
Attorneys for Plaintiff Sheri Birdseye
Email: ckruse@brophylegal.com



Signature, on behalf of WB Agricultural,
LLC ("Defendant")

Sarah R. Liljefelt, OSB #104396
Dunn Carney LLP
Attorneys for Defendants
WB Agricultural, LLC, Joseph Arterburn,
William Arterburn, and Mary Jo Arterburn
Email: sliljefelt@dunnearney.com

WILLIAM N ARTERBURN, Managing Manager

Printed Name and Title, on behalf of WB
Agricultural, LLC

Joseph Arterburn ("Defendant")

//

13. Waiver. Any provision or condition of this Agreement may be waived at any time, in writing, by the party entitled to the benefit of such provision or condition. Waiver of any breach of any provision will not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

14. Counterparts. This Agreement may be executed by facsimile, scan, and ".pdf" and in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one instrument dated August __, 2022.

CAUTION THIS IS A RELEASE. READ IT BEFORE SIGNING.

PARTIES:

APPROVED AS TO FORM:

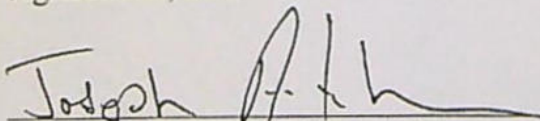
Sheri Birdseye ("Plaintiff")

Carlette A. Kruse, OSB #083884
Brophy Schmor LLP
Attorneys for Plaintiff Sheri Birdseye
Email: ckruse@brophylegal.com

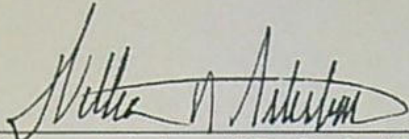
Signature, on behalf of WB Agricultural,
LLC ("Defendant")

Sarah R. Liljefelt, OSB #104396
Dunn Carney LLP
Attorneys for Defendants
WB Agricultural, LLC, Joseph Arterburn,
William Arterburn, and Mary Jo Arterburn
Email: sliljefelt@dunnearney.com

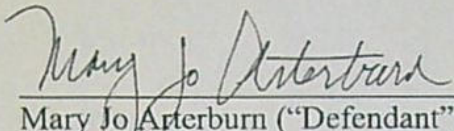
Printed Name and Title, on behalf of WB
Agricultural, LLC


Joseph Arterburn ("Defendant")

//



William Arterburn ("Defendant")



Mary Jo Arterburn ("Defendant")

Recording Requested by And
After Recording Return To:
David B. Paradis
BROPHY SCHMOR LLP
P.O. Box 128
Medford, OR 97501

Send Tax Statements To:
No changes

EASEMENT AGREEMENT

DATE _____, 2022

PARTIES **WB AGRICULTURAL, LLC**
An Alaska Limited Liability Company
PO Box 609
Willow, AK 99688

SHERI BIRDSEYE
1235 Birdseye Creek Road
Gold Hill, Oregon 97525

RECITALS

A. WHEREAS, WB AGRICULTURAL, LLC (hereinafter "GRANTOR") owns the property commonly known as 1665 Birdseye Creek Road, Gold Hill, Oregon, and more specifically described on Exhibit A attached hereto and incorporated by reference herein (hereinafter "GRANTOR's property").

B. WHEREAS, SHERI BIRDSEYE (hereinafter "GRANTEE") owns the property commonly known as 1235 Birdseye Creek Road, Gold Hill, Oregon, and more specifically described in Exhibit B attached hereto and incorporated by reference herein (hereinafter "GRANTEE's property").

C. WHEREAS, an irrigation ditch carries water from Birdseye Creek through GRANTOR'S property to GRANTEE'S property, providing water for irrigation on GRANTEE's property (hereinafter "Birdseye Ditch").

D. WHEREAS, the parties now wish to memorialize their understanding that GRANTEE holds an easement over GRANTOR'S property for the existing ditch on the terms described below.

NOW, therefore, the parties enter this Easement Agreement as follows:

1. **Grant of Easement.** In consideration for the mutual agreements and covenants herein, GRANTOR hereby grants to GRANTEE, her heirs, successors, and assigns, a perpetual, non-exclusive easement for the existing ditch in the location of Birdseye Ditch and with dimensions not to exceed the existing and historic dimensions of Birdseye Ditch, plus, a 15-foot strip as surveyed in Exhibit C

(hereinafter, the "Easement Area"), to allow GRANTEE access to the ditch to inspect, clean out, and maintain Birdseye Ditch for the benefit of GRANTEE's property. The Easement Area shall include Birdseye Ditch plus the 15-foot strip. GRANTOR shall refrain from interfering with the Easement and GRANTEE's access to the Easement Area.

2. Maintenance.

- a. GRANTEE's maintenance may require removing brush and vegetation within the Easement Area for access purposes and to maintain the flow of water in Birdseye Ditch. All removed vegetation and other debris created by GRANTEE's access and maintenance activities, other than de minimis amounts remaining from such access and maintenance activities, must be removed from GRANTOR's property.
- b. GRANTOR will remove any barrier or piping under Birdseye Ditch that will prevent GRANTEE from either maintaining the ditch in accordance with the existing and historic dimensions of Birdseye Ditch or installing and maintaining pipe in Birdseye Ditch as described in paragraph 2.c below. For any utilities that GRANTOR has or will install and/or maintain underneath Birdseye Ditch, GRANTOR will ensure that such utilities are installed and/or maintained at least two (2) feet below the current and historic dimensions of Birdseye Ditch.
- c. GRANTEE will maintain in good repair the portion of the Easement Area that crosses GRANTOR'S property so that Birdseye Ditch functions as it has historically. Notwithstanding that requirement, GRANTEE may install pipe in Birdseye Ditch at her expense to transport water pursuant to GRANTEE's water right(s) through the Easement Area and Birdseye Ditch to GRANTEE's property. Under those circumstances, GRANTEE will maintain in good repair the portion of the Easement Area that crosses GRANTOR's property so that the water pursuant to GRANTEE's water right(s) may be transported to GRANTEE's property via pipe in Birdseye Ditch.
- d. GRANTEE shall not use pesticides or herbicides on GRANTOR's property.
- e. GRANTEE may request additional access outside the Easement Area if needed to perform the maintenance described in this paragraph 2, and GRANTOR will not unreasonably withhold permission for such additional access upon reasonable terms.
- f. Notwithstanding the foregoing, any party responsible for any damage to the Easement Area because of negligence or abnormal use, including any damage resulting from the actions of any agent, employee, invitee, or guest, shall repair the damage at said party's sole expense.

3. Liability. GRANTOR shall not be liable to GRANTEE or GRANTEE's agents, guests, invitees, or licensees for any injury to persons or property on GRANTOR's property, unless said injury to persons or property result from GRANTOR's intentional, reckless, and/or wanton conduct. GRANTEE shall indemnify and hold harmless GRANTOR to ensure GRANTOR is not held liable as consistent with this paragraph.

4. Binding Effect. It is the mutual intention of the parties that this easement is made expressly for the benefit of and shall be binding on the heirs, personal representatives, successors in interest, and assigns of the respective parties. This Easement shall be deemed appurtenant to and run with the land.

5. **Incorporation.** All recitals stated above are expressly incorporated herein.

6. **Entire Agreement.** This Agreement contains the entire agreement between the parties relating to the rights granted and the obligations assumed. Any oral modifications concerning this instrument shall be of no force and effect. Any modification of this Agreement must be in writing and signed by both parties.

7. **Counsel.** The parties acknowledge they have read this Agreement, that they have had an opportunity to discuss it with legal counsel, that they had an opportunity to offer modifications to this Agreement, and that they approve of the form of the Agreement.

8. **Attorney Fees.** If legal action is initiated by any party for the purpose of enforcing or interpreting this Agreement, the prevailing party shall be entitled to recover from the losing party all reasonable expenses, attorney fees, and costs, including expenses, fees and costs incurred in any appeal therefrom.

9. **Counterparts.** This Agreement may be executed by the parties simultaneously or in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement.

WHEREAS, the parties have entered into this Easement Agreement on the date first stated above.

GRANTOR:

WB AGRICULTURAL, LLC
An Alaska Limited Liability Company

By: _____
Its: _____

GRANTEE:

SHERI BIRDSEYE

STATE OF _____)
) ss.
County of _____)

Personally appeared, the above-named WB Agricultural, LLC, by and through its duly authorized representative _____, on _____, 2022 and acknowledged the foregoing instrument to be WB Agricultural, LLC's voluntary act and deed.

Notary Public, State of Oregon
My commission expires:

[Notarization continues on next page]

STATE OF OREGON _____)
) ss.
County of Jackson)

Personally appeared, the above-named Sheri Birdseye, on _____, 2022 and
acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public, State of Oregon

My commission expires: _____

EXHIBIT A – WB AGRICULTURAL, LLC'S PROPERTY

Parcel 1:

The Southwest Quarter of the Southeast Quarter of Section 34, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM that portion lying Westerly of the Easterly line of Birdseye Creek Road, as the same is described in Document No. 68-02820, Official Records, Jackson County, Oregon. ALSO EXCEPTING THEREFROM those portions described in Document No. 2008-043587, Official Records, Jackson County, Oregon.

Parcel 2:

That portion of Government Lot 3 in Section 34, Township 36 South, Range 4 West of Willamette Meridian, Jackson County, Oregon, which lies South of Donation Land Claim No. 42, said Township and Range and North and immediately adjacent to the North line of Parcel 1, described above.

Tax Parcel Number: 1-029089-3 and 1-029087-7

EXHIBIT B – BIRDSEYE PROPERTY

PARCEL 2 PER PARTITION PLAT NO. P-08-2011, ACCORDING TO THE OFFICIAL PLAT THEREOF, NOW OF RECORD, IN VOLUME 22, PAGE 08 OF "RECORD OF PARTITION PLATS OF JACKSON COUNTY, OREGON AND FILED AS SURVEY NO. 20842 IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.

CONTAINING 80.10 ACRES, MORE OR LESS.

TOGETHER WITH ALL THE TENEMENTS, HEREDITAMENTS AND APPURTENANCES THERETO BELONGING OR IN ANYWISE APPERTAINING, TO HAVE AND TO HOLD IN FEE SIMPLE FOREVER.

SUBJECT TO ANY ENCUMBRANCES, EASEMENTS OR AGREEMENTS OF RECORD.



Oregon

Tina Kotek, Governor

December 30, 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688

SUBJECT: Water Right Transfer Application T-14116

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14116. 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 503 979-9607 or Kim.R.French@water.oregon.gov, if I may be of assistance.

Sincerely,

Kim French
Transfer Specialist
Transfer and Conservation Section

Water Resources Department

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

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14116, Jackson County)	PROPOSING APPROVAL OF A CHANGE IN
)	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

WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688

Findings of Fact

1. On November 3, 2022, WB AGRICULTURAL LLC filed an application to change the point of diversion under Certificate 51520. The Department assigned the application number T-14116.
2. Notice of the application for transfer was published on November 15, 2022, pursuant to OAR 690-380-4000. Timely comments were submitted by Carlette Kruse of Brophy Schmor LLP, representative of Sheri Birdseye, in response to the notice. The issues raised by the comments focused primarily on concerns that:
 - a) Water use should not be allowed from Birdseye Ditch.
 - b) A flow meter at the point of diversion should be required.
 - c) The use should not cause injury to any other water rights.
3. Not all the issues raised by the commenters are relevant to the criteria for review of a water right transfer as per OAR 690-380-4010 and approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #2, though important to the residents and water resources of the area, do not directly relate to the transfer review

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.

criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:

- a) The water right proposed for transfer is a water use subject to transfer;
 - b) The portion of the water right proposed for transfer is not cancelled due to forfeiture for non-use pursuant to ORS 540.610;
 - c) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
 - d) The proposed transfer would not result in injury to other water rights.
4. On August 9, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-1411614116. The draft Preliminary Determination cover letter gave the applicant a deadline of September 9, 2023 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. The applicant requested to extend the date to which full beneficial use of the water shall be made to October 1, 2027.
5. The portion of the right to be transferred is as follows:

Certificate: 51520 in the name of GLENN C. BIRDSEYE (perfected under Permit S-34894)

Use: IRRIGATION of 4.0 ACRES

Priority Date: DECEMBER 31, 1969

Rate: 0.05 CUBIC FOOT PER SECOND (CFS) BEFORE JULY 1 and
0.03 CFS AFTER JULY 1 OF EACH YEAR

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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: BIRDSEYE CREEK, tributary of the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	POD - 80 FEET NORTH AND 1110 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
36 S	4 W	WM	34	SW SE	41	4.0

6. Transfer Application T-14116 proposes to move the authorized point of diversion approximately 450 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	4 W	WM	34	SW SE	New POD - 460 FEET NORTH AND 1300 FEET EAST FROM THE S1/4 CORNER OF SECTION 34

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.
8. The applicant entered into a settlement agreement with Sheri Birdseye, a landowner under Certificate 51520. The settlement agreement stipulates that:
- WB Agricultural will move their point of diversion under Certificate 51520 from Birdseye Ditch to a point directly on Birdseye Creek, which is proposed by Transfer T-14116;
 - Diversion under Transfer T-14116 will not be allowed from Birdseye Ditch;
 - A flow meter will be required on the new point of diversion.

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

9. Water has been used within the five-year period prior to submittal of Transfer Application T-14116, 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-14116.
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 water rights.
15. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion proposed in Transfer Application T-14116 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 likely be approved.

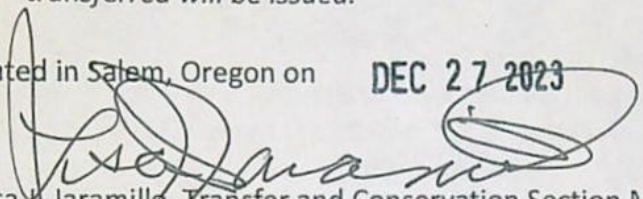
If Transfer Application T-14116 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in Transfer Application T-14116 is approved and the diversion and use of water from Birdseye Ditch shall be discontinued.*
- 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 51520 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 51520 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 5. The quantity of water diverted at the new point of diversion (New POD) shall not exceed the quantity of water lawfully available at the original point of diversion (POD).*
- 6. Water shall be acquired from the same source of surface water as the original point of diversion.*
- 7. Water Measurement Condition:*
 - 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 meter or measuring device in good working order.*
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter 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, 2027**. 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 **DEC 27 2023**


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

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or Kim.R.French@water.oregon.gov.

Protests

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

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

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

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

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

Requests for Standing

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

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

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

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

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to

pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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

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

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 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.

FRENCH Kim R * WRD

From: Sarah R. Liljefelt <SLiljefelt@dunncarney.com>
Sent: Monday, August 21, 2023 10:27 AM
To: FRENCH Kim R * WRD
Subject: RE: T-14116 Water Right Transfer
Attachments: DCAPDX-4823706-v1-Title Company Property Detail Report.PDF; DCAPDX-4823705-v1-Title Company Clarity Report.PDF

Kim,

Attached, please find the ownership reports prepared by American First Title Company. The reports have the title company's information and the date prepared on the first pages. If you need something different or in addition to these reports, please let me know.

Please change the condition completion date to October 1, 2027. This transfer process has taken a lot of time, and we still do not know the date the transfer will be approved. Additionally, time will be needed to develop the new point of diversion, construct the fish screen, and change the water use infrastructure on the property (water tanks, mainlines, and vehicle access to the tanks) to utilize the new point of diversion.

Otherwise, the DPD is acceptable, and we would like OWRD to proceed with the application.

Thank You,
Sarah

Sarah R. Liljefelt
sliljefelt@dunncarney.com
Direct 503.306.5321

From: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Sent: Tuesday, August 15, 2023 9:47 AM
To: HAYNES Shavon L * WRD <Shavon.L.HAYNES@water.oregon.gov>; Sarah R. Liljefelt <SLiljefelt@dunncarney.com>; Carly Kruse <ckruse@brophylegal.com>; aataax@gmail.com
Subject: T-14116 Water Right Transfer

Good Morning,

Attached is the Draft Preliminary Determination for Transfer T-14116. A hard copy is being mailed to the applicant.

Let me know if you have any questions.

Thank you!

Kim French | Water Rights Transfer Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov

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

Life is too short to spend one minute unhappy! Be Happy!

The Salem office re-opened to the public on May 1, 2022. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day.

Property Detail Report

1665 Birdseye Creek Rd, Gold Hill, OR 97525-6787

APN: 10290893

AUG 21 2023

Jackson County Data as of: 08/10/2023

Owner Information

Owner Name:	WB Agricultural LLC	Occupancy:	Unknown
Vesting:	Corporation		
Mailing Address:	Po Box 609, Willow, AK 99688-0609		

Location Information

Legal Description:		County:	Jackson, OR
APN:	10290893	Census Tract / Block:	003002 / 1014
Munic / Twshp:	Jackson County	Legal Lot / Block:	
Subdivision:		Legal Book / Page:	
Neighborhood:		School District:	Rogue River School District 35
Elementary School:	Rogue River Elemen...	Middle School:	Rogue River Junior...
Latitude:	42.3924	High School:	Rogue River Junior...
Longitude:	-123.15626		

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	02/16/2016 / 02/16/2016	Price:		Transfer Doc #:	2016.4194
Buyer Name:	WB Agricultural LLC	Seller Name:	Arterburn William N & Mary J	Deed Type:	Quit Claim Deed

Last Market Sale

Sale / Rec Date:	05/18/2015 / 05/21/2015	Sale Price / Type:	\$120,000 /	Deed Type:	General Warranty Deed
Multi / Split Sale:	Y	Price / Sq. Ft.:	\$100	New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2015.15228
Seller Name:	Birdseye Victor T II & Sheri D			Title Company:	First American Tit...
Lender:					

Prior Sale Information

Sale / Rec Date:		Sale Price / Type:		Prior Deed Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	N/A
Prior Lender:					

Property Characteristics

Gross Living Area:	1,200 Sq. Ft.	Total Rooms:	0	Year Built / Eff:	2016
Living Area:	1,200 Sq. Ft.	Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:	1,200 Sq. Ft.	Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:	Hot Water	Patio Type:	
Quality:		Exterior Wall:	Porcelain/Enamel Panel	Roof Type:	
Condition:		Construction Type:		Roof Material:	Enameled Metal

Site Information

Land Use:	Farms	Lot Area:	419,918 Sq. Ft.	Zoning:	EFU
State Use:	550 - Farm/Efu/...	Lot Width / Depth:		# of Buildings:	1
	551 - Improved H&B Use				
County Use:	Farm, Rcvg Farm Def, Zoned Efu	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	9.64	Water / Sewer Type:	
Flood Zone Code:	A	Flood Map #:	41029C1718F	Flood Map Date:	05/03/2011
Community Name:	Jackson County	Flood Panel #:	1718F	Inside SFHA:	True

Tax Information

Assessed Year:	2023	Assessed Value:	\$158,102	Market Total Value:	\$747,150
Tax Year:	2022	Land Value:	\$36,862	Market Land Value:	\$386,170
Tax Area:	3503	Improvement Value:	\$121,240	Market Imprv Value:	\$360,980
Property Tax:	\$1,783.13	Improved %:	48.31%	Market Imprv %:	48.31%
Exemption:		Delinquent Year:			



First American Title
NATIONAL COMMERCIAL SERVICES

Transaction History Report

1665 Birdseye Creek Rd, Gold Hill, OR 97525-6787

APN: 10290893

AUG 21 2023

Jackson County Data as of: 08/10/2023

Current Owner: WB Agricultural LLC

Vesting: Corporation

2015 - Present

CONVEYANCES

Date	Rec Date	Verified	Price	Type	Title Company	Buyer	Seller	Document #
02/16/2016	02/16/2016					WB Agricultural LLC	Arterburn William N & Mary J	2016.4194
02/16/2016	02/16/2016					WB Agricultural LLC	Arterburn William N & Mary J	2016.4194
05/18/2015	05/21/2015		\$120,000		First American Title	Arterburn William N / Arterburn Mary J	Birdseye Victor T II & Sheri D	2015.15228

Prior Owner: Birdseye Glenn C

1984 - 2015

CONVEYANCES

Date	Rec Date	Verified	Price	Type	Title Company	Buyer	Seller	Document #
06/05/1984	06/06/1984					Birdseye Glenn C	Birdseye, Glenn C	1984.8985



First American Title
NATIONAL COMMERCIAL SERVICES

AUG 21 2023

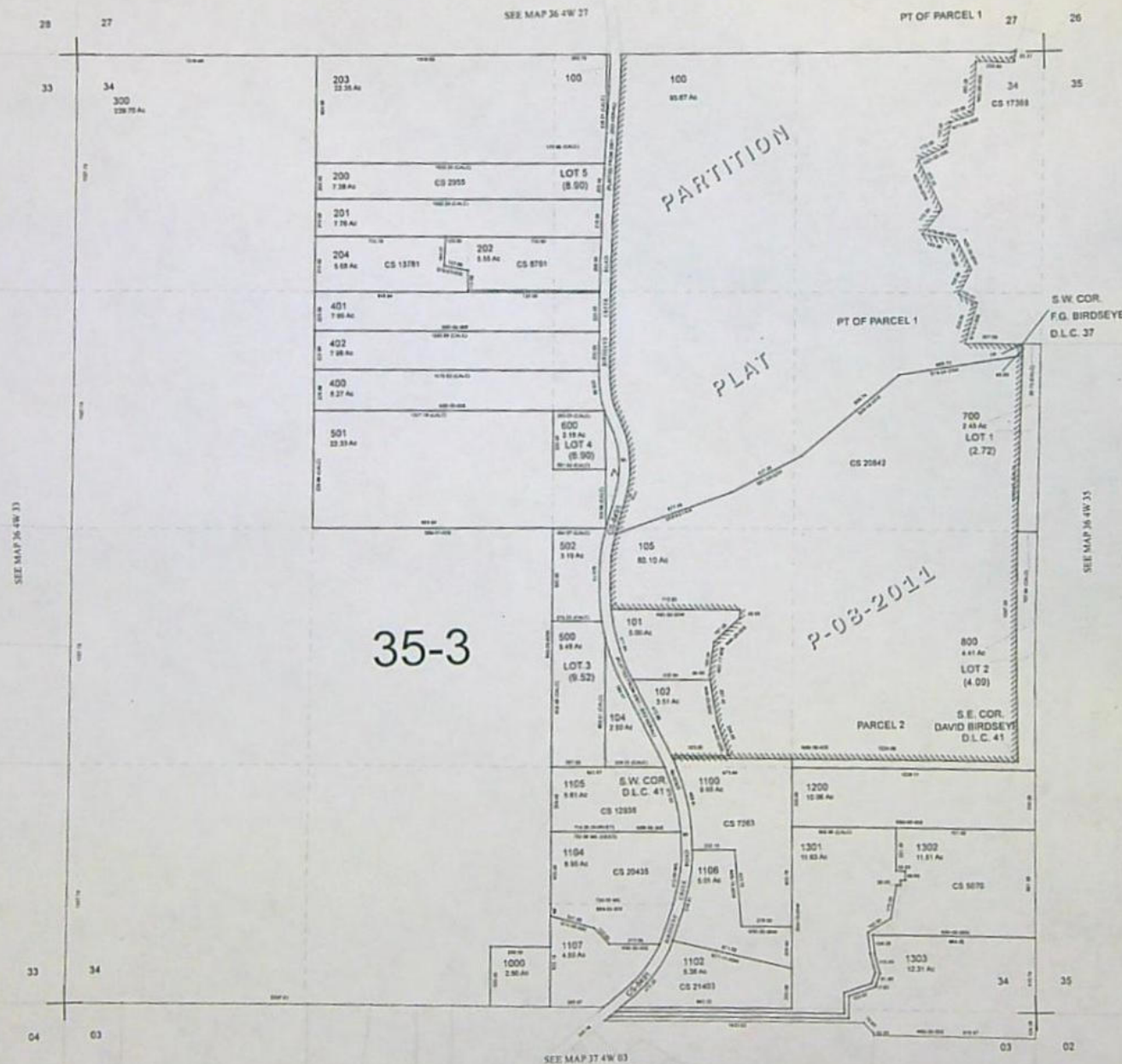
Disclaimer: This report is not an insured product or service or a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance, commitment or preliminary report, or any form of title insurance or guaranty. Estimated property values are: (i) based on available data; (ii) are not guaranteed or warranted; (iii) do not constitute an appraisal; and (iv) should not be relied upon in lieu of an appraisal. This report is issued exclusively for the benefit of the applicant therefor, and may not be used or relied upon by any other person. This report may not be reproduced in any manner without the issuing party's prior written consent. The issuing party does not represent or warrant that the information herein is complete or free from error, and the information herein is provided without any warranties of any kind, as-is, and with all faults. As a material part of the consideration given in exchange for the issuance of this report, recipient agrees that the issuing party's sole liability for any loss or damage caused by an error or omission due to inaccurate information or negligence in preparing this report shall be limited to the fee charged for the report. Recipient accepts this report with this limitation and agrees that the issuing party would not have issued this report but for the limitation of liability described above. The issuing party makes no representation or warranty as to the legality or propriety of recipient's use of the information herein.

School information is copyrighted and provided by GreatSchools.org.

FOR ASSESSMENT AND
TAXATION ONLY

SECTION 34, T.36S., R.4W., W.M.
JACKSON COUNTY
1" = 400'

36 4W 34



CANCELLED TAX
LOT NUMBERS:
101
1101 ADDED TO 1104
1101
205
900 ADDED TO 1100
901

AUG 21 2023

36 4W 34

NEW MAP MAY 31, 2007
REV JUNE 22, 2019

AUG 21 2023

After recording, please return to, and
until a change is requested, send all tax
statements to the following address:

P.O. Box 609
Willow, AK 99688



01703555201600041940020023

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

Tax Parcel Number: 1-029089-3 and 1-029087-7

QUITCLAIM DEED

Under ORS 93.865

The Grantors, **William N. Arterburn and Mary Jo Arterburn**, whose address is 12537 N. Dot Circle, Willow, Alaska 99688-0609, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and quitclaim unto the Grantee, **WB Agricultural, LLC**, an Alaska limited liability company, whose address is P.O. Box 609, Alaska 99688, and to the successors and assigns of the Grantee, all of Grantor's interest in the following described real property:

Real Property in the County of Jackson, State of Oregon, described as follows:

Parcel 1:

The Southwest Quarter of the Southeast Quarter of Section 34, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM that portion lying Westerly of the Easterly line of Birdseye Creek Road, as the same is described in Document No. 68-02820, Official Records, Jackson County, Oregon. ALSO EXCEPTING THEREFROM those portions described in Document No. 2008-043587, Official Records, Jackson County, Oregon.

Parcel 2:

That portion of Government Lot 3 in Section 34, Township 36 South, Range 4 West of Willamette Meridian, Jackson County, Oregon, which lies South of Donation Land Claim No. 42, said Township and Range and North and immediately adjacent to the North line of Parcel 1, described above.

Tax Parcel Number: 1-029089-3 and 1-029087-7

Commonly known as: 1665 Birdseye Creek Road, Gold Hill, Oregon 97525.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 885, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8 COREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 885, OREGON LAWS 2009, AND SECTIONS 2 TO 8, CHAPTER 8, OREGON LAWS 2010.

11 Page

Quit Claim - Tax Parcel Number: 1-029089-3 and 1-029087-7

AUG 21 2023

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises, all and singular, together with the appurtenances and privileges thereto incident unto said Grantee, and to the successors and assigns of Grantee, FOREVER.

DATED this 16th day of February, 2016.

GRANTOR

Signature

Print Name

Capacity

Print Name

Capacity

STATE OF OREGON)

) ss.

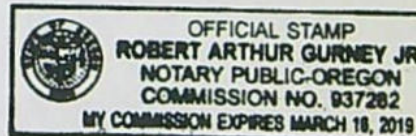
COUNTY OF JACKSON)

On this day, before me the undersigned Notary Public in and for said State, did personally appear William N. Arterburn to me known/proved to be the individual described in and who executed the within and foregoing instrument, and acknowledged ~~they~~ he signed the same as ~~his~~ his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of February, 2016

R. A. Gurney Jr.
Notary Public in and for Oregon

My commission expires: March 16, 2019



STATE OF ALASKA)

) ss.

MATSEBOROUGH)

On this day, before me the undersigned Notary Public in and for said State, did personally appear MARY JO ARTERBURN to me known/proved to be the individuals described in and who executed the within and foregoing instrument, and acknowledged they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of February, 2016

Kelcy Quincey
Notary Public in and for Alaska

My commission expires: 03/11/2019



After recording, please return to
P.O. Box 609
Willow, AK 99688



First American

AUG 21 2023



clarityfirst® Combined Report

1665 BIRDSEYE CREEK RD, GOLD HILL, OR 97525

Property Address:

1665 BIRDSEYE CREEK RD

GOLD HILL, OR 97525



First American

AUG 2 ' 2023

clarityfirst® Property Profile

1665 BIRDSEYE CREEK RD, GOLD HILL, OR 97525

Property Information

Owner(s):	WB AGRICULTURAL LLC	Mailing Address:	PO BOX 609, WILLOW, AK 99688
Owner Phone:	Unknown	Property Address:	1665 BIRDSEYE CREEK RD, GOLD HILL, OR 97525
Vesting Type:		Alt. APN:	364W341100
County:	JACKSON	APN:	10290893
Map Coord:	36S-4W-34	Census Tract:	003002
Lot#:		Block:	
Subdivision:		Tract:	
Legal:			

Property Characteristics

Use:	FARMS	Year Built / Eff. :	2016 /	# of Units:	
Zoning:	EFU	Lot Size Ac / Sq Ft:	9.64 / 419918	Fireplace:	
Bedrooms:	0	Bathrooms:	0.0	Heating:	HOT WATER
# Rooms:	0	Quality:		Style:	
Pool:		Air:		Parking / #:	/
Stories:		Garage Area :		Basement Area:	
Gross Area:	1200	Sq. Ft. :	1200		

Sale and Loan Information

Sale / Rec Date:	05/18/2015 / 05/21/2015	*\$/Sq. Ft.:	\$100.00	2nd Mtg.:	
Sale Price:	\$120,000	1st Loan:		Prior Sale Amt:	
Doc No.:	2015.15228	Loan Type:		Prior Sale Date:	
Doc Type:	GENERAL WARRANTY DEED	Transfer Date:	05/21/2015	Prior Doc No.:	
Seller:	BIRDSEYE VICTOR T II & SHERI D	Lender:		Prior Doc Type:	

*\$/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

Tax Information

Imp Value:	\$360,980	Exemption Type:	
Land Value:	\$386,170	Tax Year / Area:	2022 / 3503
Total Value:	\$747,150	Tax Value:	
Total Tax Amt:	\$1,783.13	Improved:	48.31%



First American

AUG 2 2023



clarityfirst® Property Profile

1665 BIRDSEYE CREEK RD, GOLD HILL, OR 97525


Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



First American

AUG 2 ' 2023

 clarityfirst® Recorded Document

The Recorded Document images are displayed in the subsequent
pages for following request:

State
OR

County
JACKSON

Document Number
2016.4194

Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

AUG 2 ' 2023

Jackson County Official Records 2016-004194
R-QCD 02/16/2016 03:55:47 PM
Cnt=1 FOOTENL
\$10.00 \$10.00 \$8.00 \$11.00 \$20.00 Total:\$59.00



01703555201600041940020023

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

After recording, please return to, and until a change is requested, send all tax statements to the following address:
P.O. Box 609
Willow, AK 99688

Tax Parcel Number: 1-029089-3 and 1-029087-7

QUITCLAIM DEED

Under ORS 93.865

The Grantors, **William N. Arterburn and Mary Jo Arterburn**, whose address is 12537 N. Dot Circle, Willow, Alaska 99688-0609, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and quitclaim unto the Grantee, **WB Agricultural, LLC**, an Alaska limited liability company, whose address is P.O. Box 609, Alaska 99688, and to the successors and assigns of the Grantee, all of Grantor's interest in the following described real property:

Real Property in the County of Jackson, State of Oregon, described as follows:

Parcel 1:

The Southwest Quarter of the Southeast Quarter of Section 34, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM that portion lying Westerly of the Easterly line of Birdseye Creek Road, as the same is described in Document No. 68-02820, Official Records, Jackson County, Oregon. ALSO EXCEPTING THEREFROM those portions described in Document No. 2008-043587, Official Records, Jackson County, Oregon.

Parcel 2:

That portion of Government Lot 3 in Section 34, Township 36 South, Range 4 West of the Willamette Meridian, Jackson County, Oregon, which lies South of Donation Land Claim No. 42, said Township and Range and North and immediately adjacent to the North line of Parcel 1, described above.

Tax Parcel Number: 1-029089-3 and 1-029087-7

Commonly known as: 1665 Birdseye Creek Road, Gold Hill, Oregon 97525.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195-300, 195-301, AND 195-336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 885, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8 COREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195-301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 885, OREGON LAWS 2009, AND SECTIONS 2 TO 8, CHAPTER 8, OREGON LAWS 2010.

11 Page

Quit Claim - Tax Parcel Number: 1-029089-3 and 1-029087-7

AUG 2 ' 2023

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises, all and singular, together with the appurtenances and privileges thereto incident unto said Grantee, and to the successors and assigns of Grantee, FOREVER.

DATED this 16th day of February, 2016.

GRANTOR

Signature

Print Name

Capacity

Print Name

Capacity

STATE OF OREGON)

) ss.

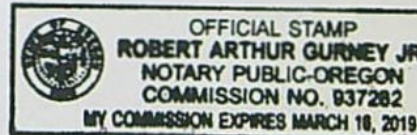
COUNTY OF JACKSON)

On this day, before me the undersigned Notary Public in and for said State, did personally appear William N. Arterburn to me known/proved to be the individual described in and who executed the within and foregoing instrument, and acknowledged ~~they~~ he signed the same as ~~their~~ his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of February, 2016

R. A. Gurney Jr.
Notary Public in and for Oregon

My commission expires: March 16, 2019



STATE OF ALASKA)

) ss.

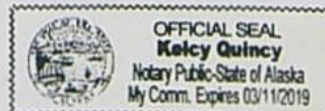
MATSE BOROUGH)

On this day, before me the undersigned Notary Public in and for said State, did personally appear MARY JO ARTERBURN to me known/proved to be the individuals described in and who executed the within and foregoing instrument, and acknowledged they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of February, 2016

Kelcy Quincy
Notary Public in and for Alaska

My commission expires: 03/11/2019



After recording, please return to
P.O. Box 609
Willow, AK 99688



First American

AUG 21 2023



clarityfirst® Transaction History

1665 BIRDSEYE CREEK RD, GOLD HILL, OR
97525

Transaction History

To request additional information, please contact your local Sales Representative, Customer Service Department, or for an additional fee you may click here.

History Record #1	SALE/TRANSFER		
Buyer:	WB AGRICULTURAL LLC	Seller:	Arterburn William N & Mary J
Transaction Date:	02/16/2016	Sales Price:	
Recording Date:	02/16/2016	Sales Price Type:	
Recording Doc #:	2016.4194	Title Company:	
Document Type:	Deed Transfer		

History Record #2	SALE/TRANSFER		
Buyer:	WB AGRICULTURAL LLC	Seller:	Arterburn William N & Mary J
Transaction Date:	02/16/2016	Sales Price:	
Recording Date:	02/16/2016	Sales Price Type:	
Recording Doc #:	2016.4194	Title Company:	
Document Type:	Deed Transfer		

History Record #3	SALE/TRANSFER		
Buyer:	Arterburn William N / Arterburn Mary J	Seller:	Birdseye Victor T II & Sheri D
Transaction Date:	05/18/2015	Sales Price:	\$120,000.00
Recording Date:	05/21/2015	Sales Price Type:	
Recording Doc #:	2015.15228	Title Company:	FIRST AMERICAN TITLE
Document Type:	Deed Transfer		

History Record #4	SALE/TRANSFER		
Buyer:	BIRDSEYE, GLENN C	Seller:	Birdseye, Glenn C
Transaction Date:	06/05/1984	Sales Price:	
Recording Date:	06/06/1984	Sales Price Type:	
Recording Doc #:	1984.8985	Title Company:	
Document Type:	Deed Transfer		



First American

AUG 21 2023



clarityfirst®

Transaction History

1665 BIRDSEYE CREEK RD, GOLD HILL, OR
97525


Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



First American

AUG 21 2023

 clarityfirst® Tax Map

1665 BIRDSEYE CREEK RD, GOLD HILL, OR 97525

Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

August 15, 2023

VIA E-MAIL

Applicant

WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688

Reference: Water Right Transfer Application T-14116

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-14116. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by September 15, 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 September 15, 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**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

Conditions of your water right...

The Watermaster has required a water measurement device at the new diversion point prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2024. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

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

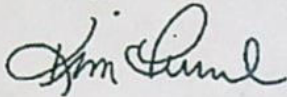
Issuance of the Preliminary Determination will occur shortly after we receive:

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

If we do not receive the items listed above by September 15, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov if I may be of assistance.

Sincerely,



Kim French
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14116
Shavon L. Haynes, District 13 Watermaster (*via e-mail*)
Sarah Liljefelt, Agent for the applicant (*via e-mail*)
Carlette Kruse for Sheri Birdseye, commenter

encs

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14116

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Rich Kilbane

Address: 1495 E Gregory Rd

City/State/Zip: Central Point/OR/97502

Phone: (541) 826-8774

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: 541-315-6222

Phone: (541) 315-6222

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14116

- ☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Shavon Haynes

District: 13

Address: 10 South Oakdale Rm 309

City/State/Zip: Medford Oregon

Phone: 541.218.5125

Email: Shavon.L.Haynes@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature_____
District_____
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14116

Date of review: 12/6/22

A. Please check box if you believe there is a potential for injury to an instream water right.

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on stream, tributary to _____, because _____.

(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

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

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

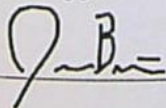
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]

Signature



Jason Brandt

Printed Name

(541-) 315-6222

Phone

SW Hydro Coordinator

Title

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14116

Review Due Date: 12/15/2022

Applicant Name: WB Agriculture

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Shavon Haynes

Date of Review: 12/05/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

Regulation occurs on the stream that serves this water right most years
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☒ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

Reducing the rate at the original point of diversion may result in not enough water in the ditch to satisfy the needs of the existing water right holder

☐ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

The proposed POD is in the vicinity of the authorized POD thus any channel losses would be very minimal

☐ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14116

Transfer Specialist:

Transfer Type: Regular Transfer

Applicant: WB AGRICULTURAL LLC PO BOX 609 WILLOW, AK 99688 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A SARAH LILJEFELT 851 SW SIXTH AVE STE 1500 PORTLAND, OR 97204 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Jackson County Planning & Development county Courthouse Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-46626	S-34894	51520	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: November 3, 2022	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1360.00	WM District: 13	ODFW District:
Initial Public Notice: November 15, 2022	WM Review sent: 12/5/22	ODFW Review sent: 12/6/22
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input checked="" type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input checked="" type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12/1/22 Initials: MF	Date: 8/16/23 Initials: KS	Date: 8/16/23 Initials: MF	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: 8/15/23	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

WB AGRICULTURAL LLC
1665 BIRDSEYE CREEK RD
GOLD HILL, OR 97525

CHANGE IN POINT OF
DIVERSION

CERTIFICATE 51520

SITUATED IN
SECTION 34, TOWNSHIP 36 S
RANGE 4 W, W.M.
JACKSON COUNTY OREGON

LEGEND

● C-51520 ORIGINAL POD
80' NORTH and 1110' EAST
OF SOUTH 1/4 CORNER
SECTION 34, T36S R4W

○ NEW POD
460' NORTH and 1300' EAST
OF SOUTH 1/4 CORNER
SECTION 34, T36S R4W



C-51520 POU (UNCHANGED)



C-51520 TIED TO NEW POD
4 ACS - SW SE SECTION 34

— BIRDSEYE DITCH

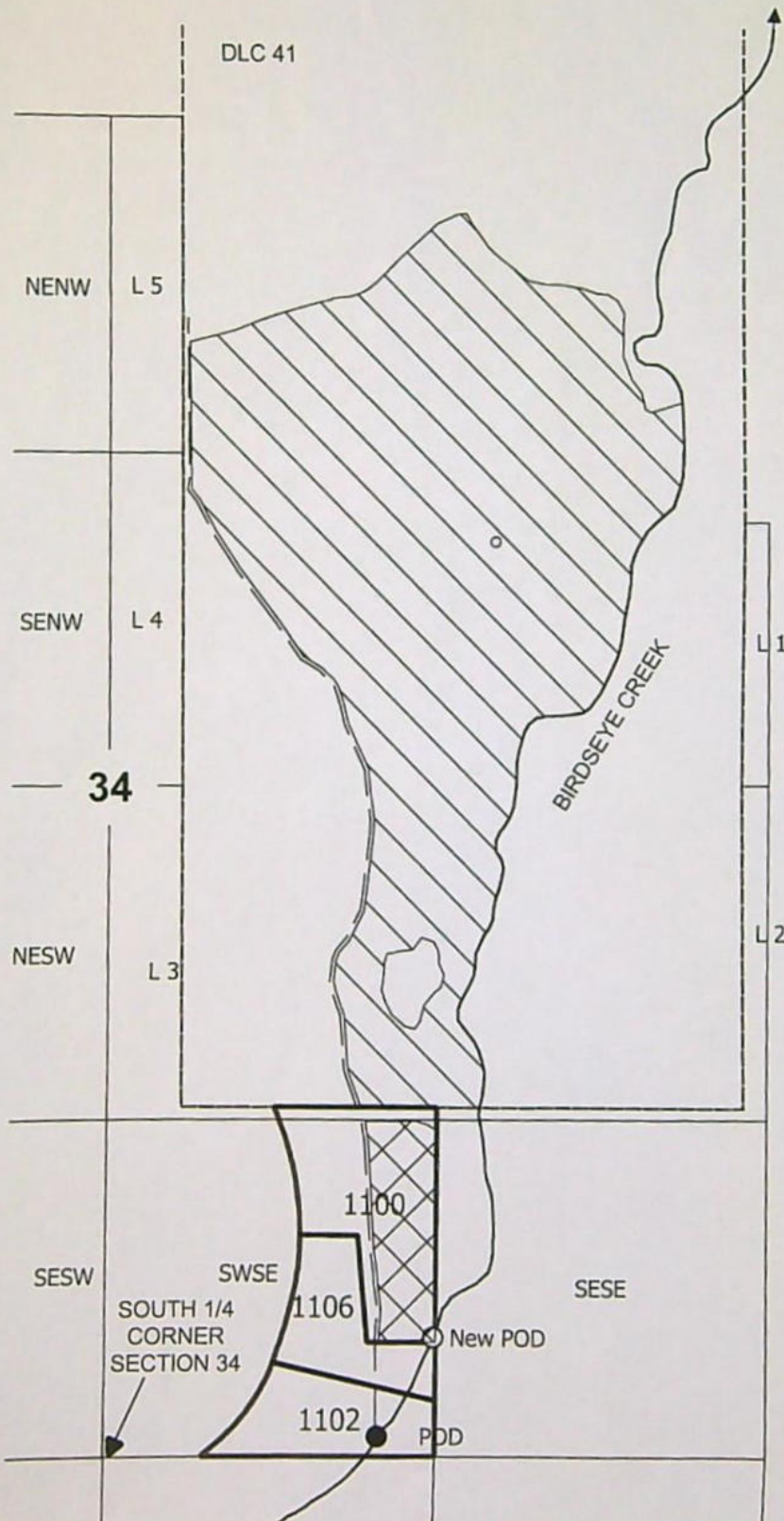
RECEIVED

NOV 03 2022

OWRD



14116



0 700 ft

This map is not intended to provide
legal dimensions or locations of
property ownership lines

ParsonsWater Consulting LLC
rick.parsons@parsonwater.com
541.499.0257 303.667.5067

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **139480**
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: WB Agricultural LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-14116</u>

CASH: ☐ CHECK: # 1210 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ 46110
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ <u>1360.00</u>	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: **139480**

DATED: 11-3-2002 BY: Ministry Carlson

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

RECEIVED

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

NOV 03 2022

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 51520**
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: _____

14116

Part 2 of 5 – Transfer Application Map

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

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

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

14116

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » »	2	REC NOV 0
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

RECEIVED
NOV 03 2022

14116

OWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME WB Agricultural, LLC		PHONE NO. 907-317-9321	ADDITIONAL CONTACT NO.
ADDRESS PO Box 609		FAX NO.	
CITY Willow	STATE AK	ZIP 99688	E-MAIL aataax@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Dunn Carney, LLP attn: Sarah Liljefelt		PHONE NO. 503-306-5321	ADDITIONAL CONTACT NO.
ADDRESS 851 SW Sixth Ave, Suite 1500		FAX NO. 503-224-7324	
CITY Portland	STATE OR	ZIP 97204	E-MAIL SLiljefelt@dunncarney.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
Change the point of diversion for four acres under Certificate 51520 to a location 450 feet downstream.

~~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.

RECEIVED

NOV 03 2022

OWRD

14116

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: Grants Pass Daily Courier.
- 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

William Arterburn, Manager

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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


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

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
Jackson County, Oregon	10 S Oakdale Ave	
CITY	STATE	ZIP
Medford	Oregon	97501

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED
NOV 03 2022
OWRD

14116

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.

RECEIVED

NOV 08 2022

OWRD

CERTIFICATE # 51520**Description of Water Delivery System**

System capacity: .96 cubic feet per second (cfs)

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. A headgate exists on Birdseye Creek to divert water into a gravity fed buried pipeline and ditch to the authorized place of use. Water is used from the ditch on the portion of the place of use included in this application by pumping water into storage tanks used as a bulge in the system and then piping the water through a buried mainline to drip tape used to irrigate plants. A big gun sprinkler is also used to irrigate forage for goats.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		36 S	4 W	34	SW	SE	1102	80 feet N 1110 feet E from S ¼ Corner, Section 34
New POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		36 S	4 W	34	SW	SE	1100	460 feet N 1300 feet E from S ¼ corner, Section 34
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed. **14116**

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

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. 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.

[illegible]

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

RECEIVED

NOV 03 2022

For a change from Supplemental Irrigation Use to Primary Irrigation Use

OWRD

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

14116

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED

NOV 03 2022

1416 WRD

Land Use Information Form



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

Applicant(s): WB Agricultural, LLC c/o Dunn Carney, LLP attn: Sarah Liljefelt

Mailing Address: 851 SW Sixth Ave, Suite 1500

City: Portland

State: Oregon Zip Code: 97204

Daytime Phone: 503-306-5321

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>36 S</u>	<u>4 W</u>	<u>34</u>	<u>SW SE</u>	<u>1100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Jackson County, Oregon

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.05 ☒ 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:

Changing the point of diversion for four acres under existing water right, Certificate 51520.

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

See bottom of Page 3. →

RECEIVED

141 NOV 03 2022

RECEIVED

NOV 03 2022

OWRD

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
439-16-00753-70n-WU1	LSD 3.13	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
439-18-02225-70n-DAR	LSD 3.13	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Francisco M Hernandez Title: Planner III

Signature: [Signature] Phone: 541-774-6907 Date: 08-29-2022

Government Entity: _____

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: _____

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of ~~Jackson~~ ^{Josephine}) ss

I, JOSEPH ARTERBURN, in my capacity as MEMBER-MANAGER FOR WB AGRICULTURAL, LLC,

mailing address 8060 ROGUE RIVER HWY, GRANTS PASS, OREGON 97527

telephone number (541) 517-8043, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for Certificate # ____; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
51520	36	S	4	W	WM	34	SW	SE	TL 1100	4

OR

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

(continues on reverse side)

RECEIVED

NOV 03 2022

OWRD

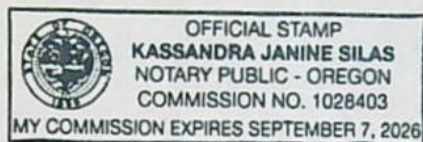
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS & PASTURE

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.

Joseph C. A. H.
Signature of Affiant

11/1/2022
Date

Signed and sworn to (or affirmed) before me this 1 day of November, 2022.



Kassandra Janine Silas
Notary Public for Oregon

My Commission Expires: September 7, 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">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

RECEIVED

NOV 03 2022

OWRD



14116

RECEIVED

NOV 03 2022

OWRD

14116



RECEIVED

NOV 03 2022

STAFF



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

Ownership Update for Certificated Rights Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. To track water right ownership, the Department requests that this form be submitted to the Department. To **update multiple rights, a separate form is required for each right.** If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

Note: Use the assignment form to change ownership on pending applications, permits, transfers, groundwater registrations, or limited licenses.

Current Landowner Information					
Name:	WB Agricultural, LLC				
Mailing Address:	PO Box 609				
City:	Willow	State:	AK	Zip:	99688
Phone:	907-317-9321	Email:	aataax@gmail.com		

Property Information							
County:	Jackson	Township:	36S	Range:	4W	Section:	34
Tax Lot #:	1100						
Street Address of Water Right:	1665 Birdseye Creek Rd., Gold Hill, Oregon, 97525						
Water Right Information							
Application:	S-46626						
Permit:	S-34894						
Certificate:	51520						
Are all the lands associated with this water right owned by the requestor?				<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
(If no, include a map showing the portion of the water right involved)							

RECEIVED

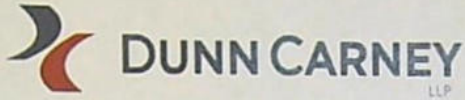
NOV 03 2022

OWRD

Signature and Date			
Name of individual completing form:	Sarah Liljefelt		
Phone or email:	sliljefelt@dunncarney.com	Date:	11/1/22
Signature of requestor:			

The Department does not change names on water right certificates. This form will be placed in the file for future reference only. If mailed, the Department will not provide acknowledgment of receipt.

This form can be mailed to the address above or sent by email to wrd_dl_customerservice@water.oregon.gov



Sarah Liljefelt
Of Counsel
sliljefelt@dunn-carney.com
Direct 503-306-5321

RECEIVED

NOV 03 2022

OWRD

November 1, 2022

Via First-Class Mail

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

Re: WB Agricultural, LLC – Application for Permanent Water Right Transfer
Water Right Certificate 51520

Dear Sir/Ma'am:

We are submitting the following documents on behalf of our client WB Agricultural, LLC:

- Application for Permanent Water Right Transfer;
- Check No. 1210, in the amount of \$1,360.00, representing the Application Fee;
- Transfer Application Map with email from Kelly Starnes related to the map scale;
- Land Use Information Form;
- Evidence of Use Affidavit and supporting documentation; and
- Ownership Update for a portion of Certificate 51520.

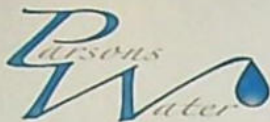
Please let us know if anything further is needed to process this application. Thank you for your assistance.

Sincerely,

Sarah Liljefelt

SRL1:wms
Enclosures
Cc: Client

14116



Rick Parsons <rick.parsons@parsonswater.com>

Transfer map scale

STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Thu, Sep 8, 2022 at 9:35 AM

To: Rick Parsons <rick.parsons@parsonswater.com>

Cc: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>

Hi Rick,

The Department grants a map scale waiver for the attached transfer application map. Please include a copy of this e-mail with the transfer application when you submit it to the Department.

Kelly

.....

Kelly Starnes, Transfer Program Analyst

Oregon Water Resources Department

725 Summer St NE Suite A

Salem OR 97301-1271

Cell phone: 503-979-3511 Fax: 503-986-0903

E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

.....

[Quoted text hidden]

RECEIVED

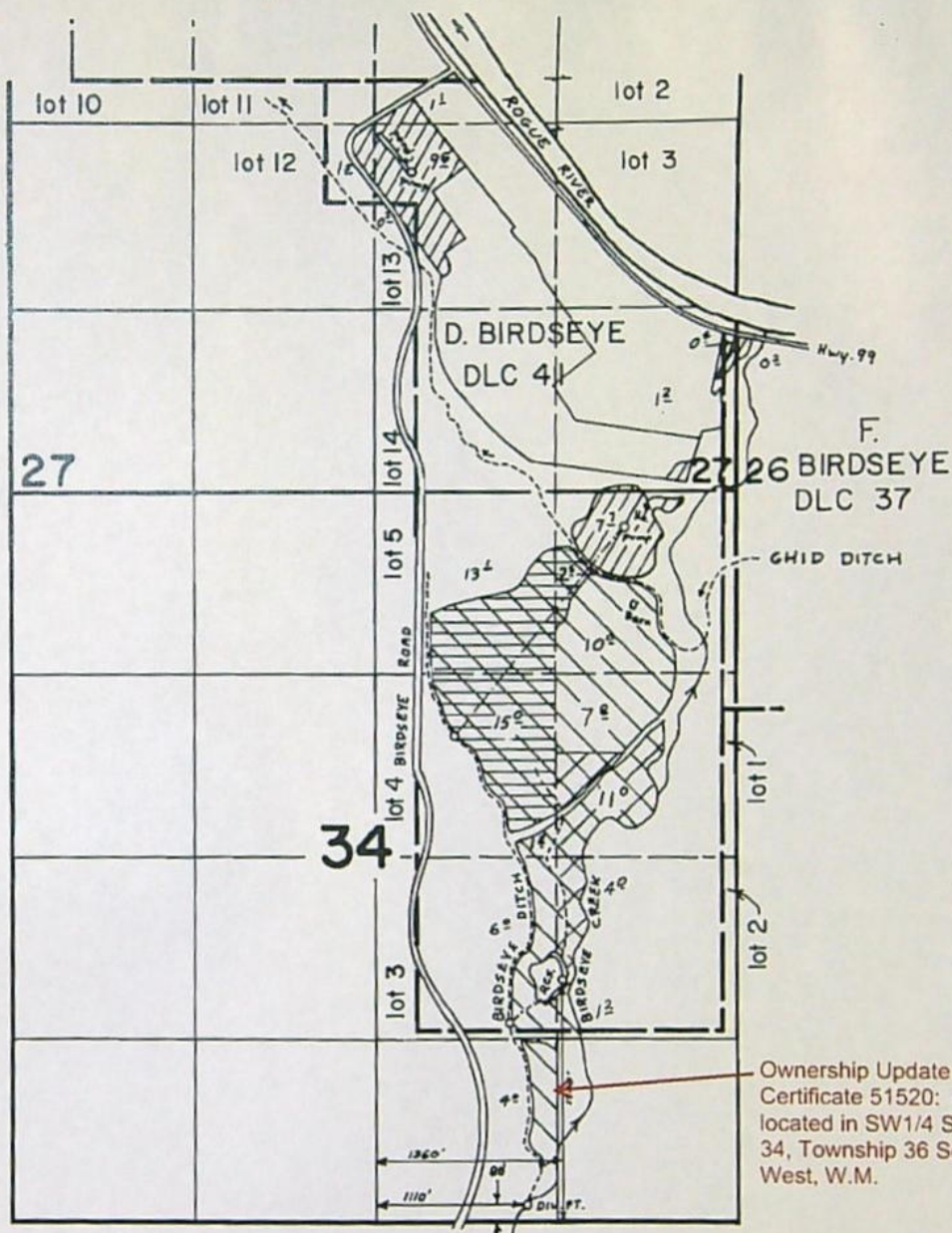
NOV 03 2022

OWRD

14116

T.36S., R.4 W., W.M.

RECEIVED
NOV 9 8 2012
OWRP



Scale 4" = 1 mile

FINAL PROOF SURVEY

UNDER

Transfer no. B-209 A

46626 34894

R-51696 R-6249

Application No. 51697 Permit No. 38833

IN NAME OF

GLENN C. BIRDSEYE

Surveyed July 15, 1980, by B.R. SUND

Tr. no. B-209

46626

46626 - July 1.

51697 supp'l.

14116

B50-10-3

BSJ



Oregon
Kate Brown, Governor

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

November 16, 2022

WB AGRICULTURAL LLC
PO BOX 609
WILLOW, AK 99688

Reference: Application T-14116

On November 3, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 139480 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.

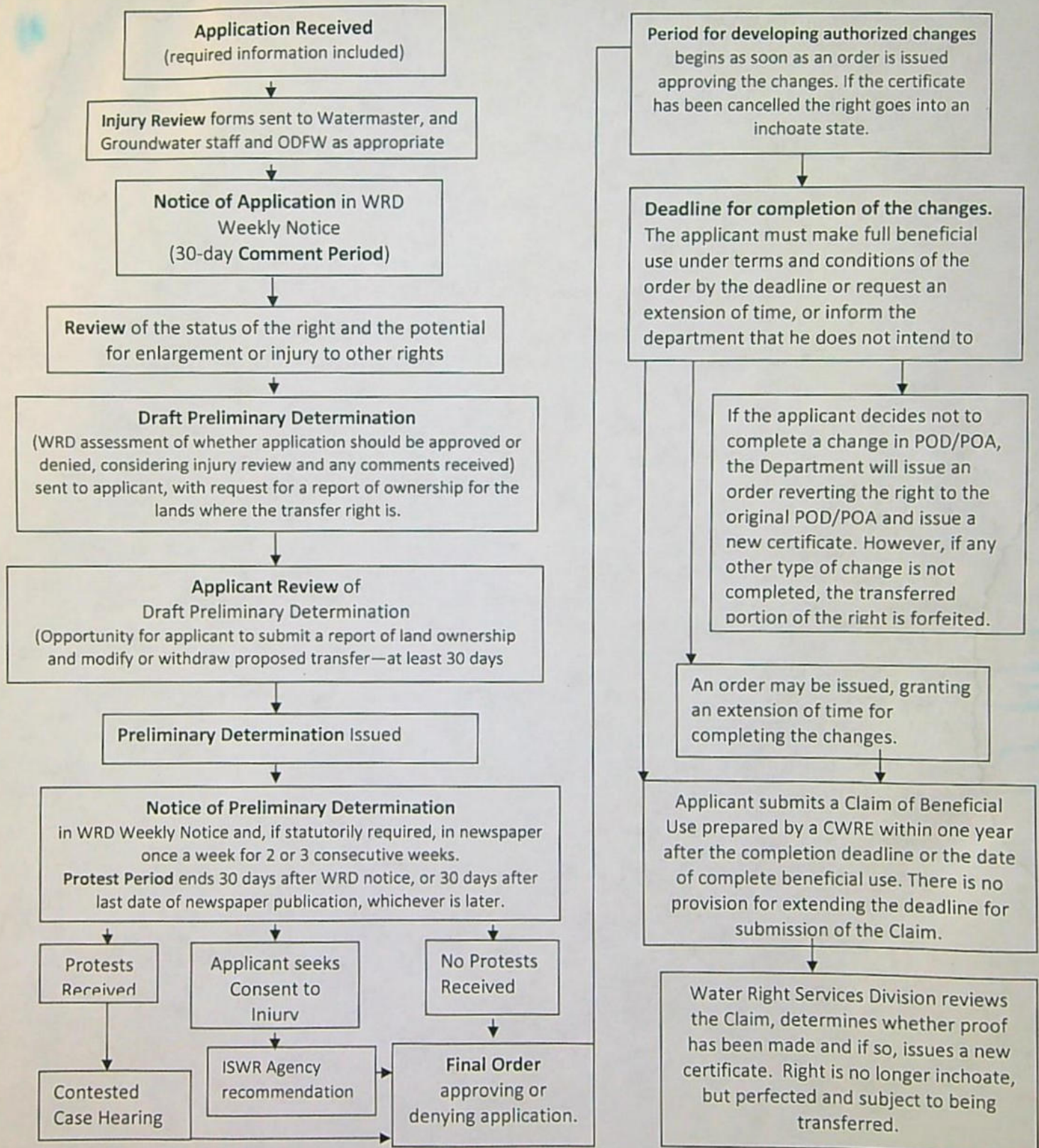
Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

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

Cc: Watermaster Dist. #13, Shavon L. Haynes (*via email*)
Jackson County Planning
Sarah Liljefelt, Agent

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

OAR 690 Division 380



Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14116

Checked by: <u>Scott</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	<input checked="" type="checkbox"/> POD	APOD
Date: _____		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>1360</u>						
Calculated Fee: <u>1360</u>						
		How many rights to be Transferred? <u>1</u>				
		Certificate # <u>51520</u>				
Additional Observations: <u>ownership update for cert 51520 received in dpp</u>						
<u>only 4.0 acres on new PoD</u>						
<u>only 4 acres new PoD</u>						

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

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

Actions taken: _____ Date: _____

14116