

T-13781

regular

T-13781

## ASSIGNED

Name Firestone living trust  
Attn Eric Firestone - trustee  
 Address 910 Spring Knoll  
San Antonio TX 78258

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Yamhill riverTrib. of Willamette riverUse Impoundment Supplemental Irr County Marion, Yamhill

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

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

App# 553310 Per # 539730 Cert # 65269 PR Date 1/25/75App# 558637 Per # 544208 Cert # 65203 PR Date 9/1/79

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt #
7-26-2021	\$2,610.00	135965
9-18-2023	\$120.00	141645
1-15-2025	\$465.89	144551

## FEES REFUNDED

Date	Amount	Receipt #

Change in USE APPD  
 Date Filed 7/26/2021  
 Initial notice date 8/17/2021  
 DPD issued date \_\_\_\_\_  
 PD issued date 11/22/2024  
 PD notice date 11/26/2024  
 Date of FO 4/3/2025 Vol 134 Page 253-258

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

Assignments: 9-26-2023 C & M Legacy Land LLC 21105 SE Neck Rd., Dayton, OR 97114

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

Agent Bill Ferber BK water right PACIFIC HYDRO-GEOLOGY INC. DOANN HAMILTON

CWRE \_\_\_\_\_

CC's list Yamhill 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

April 3, 2025

C And M Legacy Land LLC  
21105 SE Neck Rd  
Dayton, OR 97114

REFERENCE: Transfer Application T-13781

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, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [Scott.a.grew@water.oregon.gov](mailto:Scott.a.grew@water.oregon.gov).

Sincerely,

David V. Jones Jr  
Water Rights Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
Doann Hamilton, Agent  
Yamhill County Planning Department, Local Government

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13781, Yamhill County	)	ADDITIONAL POINT OF DIVERSION AND
	)	TO CHANGE THE CHARACTER OF USE

**Authority**

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

**Applicant**

C AND M LEGACY LAND LLC  
21105 SE NECK RD  
DAYTON, OR 97114

**Findings of Fact**

1. On July 23, 2021, FIRESTONE LIVING TRUST, ATTN: ERIC FIRESTONE, TRUSTEE filed an application for an additional point of diversion and to change the character of use under Certificate 65269 and for an additional point of diversion under Certificate 65303. The Department assigned the application number T-13781.
2. Notice of the application for transfer was published on August 17, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 22, 2023, the Department received amended tables for both Certificates 65269 and 65303 clarifying the place of use and point of diversions.
4. On September 26, 2023, Transfer Application T-13781 was assigned from FIRESTONE LIVING TRUST, ATTN: ERIC FIRESTONE, TRUSTEE to C AND M LEGACY LAND LLC.

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



5. On August 1, 2024, the applicant's agent submitted additional information to justify the request for the completion date of October 1, 2028, to complete the changes under T-13781, pursuant to OAR 690-380-5140(3).
6. On August 6, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13781 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 9, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On November 22, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13781 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on November 26, 2024, and in the News-Register of McMinnville newspaper on January 24 and 31, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
8. The portion of the right to be transferred is as follows:

**Certificate:** 65269 in the name of GARY L. OWENS (perfected under Permit S-39730)  
**Use:** PRIMARY IRRIGATION OF 16.15 ACRES  
**Priority Date:** JUNE 25, 1975  
**Rate:** 0.19 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

**Source:** YAMHILL RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	NE SW	76	DIV. PT. - 1400 FEET NORTH AND 2250 FEET EAST FROM THE SW CORNER OF SECTION 11



**Authorized Place of Use:**

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot	Acres
4 S	3 W	WM	11	SW SE	76	100	3.40
4 S	3 W	WM	11	SE SE	76	100	7.48
4 S	3 W	WM	11	SE SE	76	1601	1.12
4 S	3 W	WM	14	NE NE	76	100	2.90
4 S	3 W	WM	14	NE NE	76	200	0.10
4 S	3 W	WM	14	NW NE	76	100	1.10
4 S	3 W	WM	14	NW NE	76	200	0.05
Total							16.15

9. Transfer Application T-13781 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	SE SE	76	FIRESTONE POD – 1160 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 11

10. Transfer Application T-13781 proposes the additional point of diversion to serve the lands as described below:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot	Acres
4 S	3 W	WM	11	SW SE	76	100	2.61
4 S	3 W	WM	11	SE SE	76	100	4.61
4 S	3 W	WM	11	SE SE	76	1601	1.11
4 S	3 W	WM	14	NE NE	76	100	1.22
4 S	3 W	WM	14	NE NE	76	200	0.10
4 S	3 W	WM	14	NW NE	76	100	1.10
4 S	3 W	WM	14	NW NE	76	200	0.05
Total							10.80

11. Transfer Application T-13781 also proposes to change the character of use to livestock watering and cooling, in addition to the additional point of diversion described in Finding of Fact #9, for the acres described below:

LIVESTOCK WATERING AND COOLING							
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot	Acres
4 S	3 W	WM	11	SW SE	76	100	0.79
4 S	3 W	WM	11	SE SE	76	100	2.87
4 S	3 W	WM	11	SE SE	76	1601	0.01
4 S	3 W	WM	14	NE NE	76	100	1.68
Total							5.35

12. Certificate 65269 does not specify the irrigation season. However, pursuant to the Yamhill River (F) decree, the irrigation season is April 1 through September 30 of each year.



13. The second right to be transferred is as follows:

**Certificate:** 65303 in the name of GARY L. OWENS (perfected under Permit S-44208)  
**Use:** IRRIGATING 23.1 ACRES  
**Priority Date:** MAY 10, 1979  
**Rate:** 0.29 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** YAMHILL RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	NE SW	76	DIV. PT. - 1400 FEET NORTH AND 2250 FEET EAST FROM THE SW CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	14	NE NE	76	5.6
4 S	3 W	WM	14	NW NE	76	13.4
4 S	3 W	WM	14	SW NE	76	3.9
4 S	3 W	WM	14	SE NE	76	0.2
					Total	23.1

14. Transfer Application T-13781 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	SE SE	76	FIRESTONE POD - 1160 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 11

15. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening 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.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2300]**

16. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.



17. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13781.
18. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. 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).
20. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed livestock watering and cooling shall be limited to 0.06 cubic foot per second and shall be further limited to a total annual volume diverted of 13.38 acre feet (5.35 acres x 2.5 acre feet per acre) during the time period April 1 through September 30 of each year.
21. The proposed changes, as conditioned, would not result in injury to other existing water rights.
22. All other application requirements are met.

#### **Conclusions of Law**

The additional point of diversion and change in character of use proposed in Transfer Application T-13781 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

#### **Now, therefore, it is ORDERED:**

1. The additional point of diversion and change in character of use proposed in Transfer Application T-13781 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 65269, 65303 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 Certificates 65269 and 65303 are cancelled. A new certificate will be issued describing that portion of Certificate 65269 not affected by this transfer.
5. The quantity of water diverted at the new additional point of diversion (Firestone POD), together with that diverted at the original point of diversion (Div. Pt.), shall not exceed the quantity of water lawfully available at the original point of diversion (Div. Pt.).

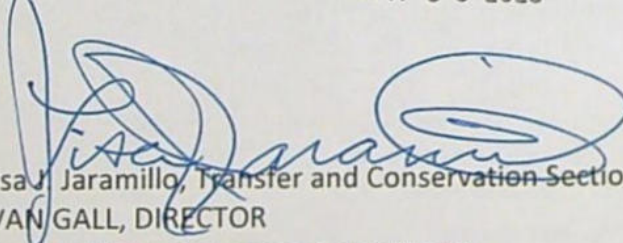


6. The diversion of water under the proposed livestock watering and cooling shall be limited to 0.06 cubic foot per second and shall be further limited to a total annual volume diverted of 13.38 acre feet (5.35 acres x 2.5 acre feet per acre) during the time period April 1 through September 30 of each year.
7. Water shall be acquired from the same source of surface water as the original point of diversion.
8. Water shall no longer be appropriated for the former character of use as part of this transfer.
9. Prior to diverting water, the water user shall install an approved fish screening 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.

10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. 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 changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **APR 03 2025**

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

Mailing date: APR 04 2025



## STATE OF OREGON

## COUNTY OF YAMHILL

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

GARY L. OWENS  
 ROUTE 1, BOX 285  
 DAYTON, OR 97114

confirms the right to use the waters of the YAMHILL RIVER, a tributary of the WILLAMETTE RIVER, for the purpose of the PRIMARY IRRIGATION OF 58.3 ACRES AND THE SUPPLEMENTAL IRRIGATION of 27.0 ACRES .

This right was perfected under Permit S-39730. The date of priority is JUNE 25, 1975. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.01 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	NE SW	76	1400 FEET NORTH AND 2250 FEET EAST FROM THE SW CORNER OF SECTION 11

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	11	SW SW	76	2.5
4 S	3 W	WM	11	SE SW	76	18.4
4 S	3 W	WM	11	SW SE	76	16.0
4 S	3 W	WM	14	NW NE	76	8.2
4 S	3 W	WM	14	NE NW	76	4.6
4 S	3 W	WM	14	NW NW	76	8.6
Total						58.3



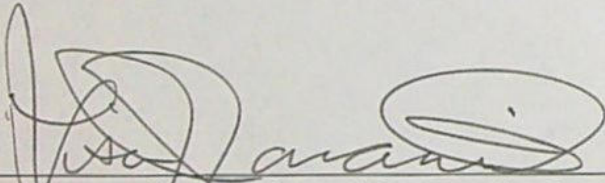
SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	14	NW NE	76	13.8
4 S	3 W	WM	14	SW NE	76	6.4
4 S	3 W	WM	14	NE NW	76	2.8
4 S	3 W	WM	14	SE NW	76	4.0
					Total	27.0

This certificate describes that portion of water right Certificate 65269, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 03 2025, approving Transfer Application T-13781.

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. This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed APR 03 2025.



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



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13781

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

<b>Applicant:</b> ERIC FIRESTONE 910 SPRING KNOLL SAN ANTONIO, TX 78211 Email: _____ Phone: _____		<b>C AND M LEGACY LAND LLC</b> 21105 SE NECK RD DAYTON, OR 97114		<b>Agent:</b> <input type="checkbox"/> N/A WILLIAM EARL FERBER PO BOX 13434 SALEM, OR 97309 Email: _____		<b>PACIFIC HYDRO-GEOLOGY INC.</b> DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____				<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____			
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Yamhill County Planning Department Email: _____				<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____			
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____				<b>Receiving Landowner:</b> <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-53310	S-39730	65269	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	S-58637	S-44208	65303	<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: July 23, 2021	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; USE	
Fees Pd: 2610.00	WM District: 22	ODFW District:
Initial Public Notice: August 17, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested: 12/20/24	Request for news \$ sent:	News \$ received: 1/15/25
Request to publish sent:	Affidavit of publication received: 2-5-25	Last day of publication: 1/31/25

~~NEED~~ NEED NEWSPAPER NAME NEWS - REGISTER of McMinn

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 10/20/23 Initials: Scott	Date: 10/24/23 Initials: Jon	Date: _____ Initials: _____	Date: 10-14-24 Initials: Corey	Date: 7-10/24 Initials: Scott	CW Sent: 7/10/24	N/A
PD	Date: 8/16/24 Initials: Scott	Date: 8/19/24 Initials: Jon	Date: _____ Initials: _____	Date: 8/21/24 Initials: Corey	Date: 10/21/24 Initials: Scott	Date: 11/19/24	Date: 11/22/24
FO	Date: 1/21/25 Initials: Scott	Date: 1/23/25 Initials: Jon	Date: _____ Initials: _____	Date: 1/30/25 Initials: Corey	Date: 2/26/25 Initials: Scott	Date: 3/3/25	Date: 4/3/2025

Special Issues: SENT TO DATA 10/21/24 11/2/24 rec'd

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_

NEWSPAPER AFFIDAVIT NEEDED (Rec'd 2-5-25)

Ready to Publish after March 2nd



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **144551**

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

RECEIVED FROM: Maroon Farms, LLC  
BY: Chris & Megan Cozart

APPLICATION

PERMIT

TRANSFER T-13781

CASH: ☐ CHECK: # 3899 OTHER: (IDENTIFY) ☐

TOTAL REC'D

\$465.89

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46118

\$

0207 OTHER: (IDENTIFY) Newspaper Notice

\$465.89

0243 I/S Lease \_\_\_\_\_

0244 Muni Water Mgmt. Plan \_\_\_\_\_

0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

0240 EXTENSION OF TIME

\$

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$

0202

0203 GROUND WATER

\$

0204

0205 TRANSFER

\$

**WELL CONSTRUCTION**

**EXAM FEE**

0218 WELL DRILL CONSTRUCTOR

\$

0219

LANDOWNER'S PERMIT

0220

OTHER (IDENTIFY) \_\_\_\_\_

**RECORD FEE**

\$

\$

**LICENSE FEE**

\$

\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT:

**144551**

DATED

1-15-25

BY:

Chris D. Moore

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

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

Caseworker: **SCOTT**

**JAN 15 2025**

Attached is a check in the amount of \$ 465.89 (PCA #46118) for Newspaper Notice for Transfer T-13781 made out to Oregon Water Resources Department (or WRD)  
• "for T-13781 NOTICE" written on front of check

**Received**



# Yamhill County's News-Register.com

0.

KEEPING YOU CONNECTED

PO BOX 727 503-472-5114 www.newsregister.com

## 00 "EXHIBIT A"

### PUBLIC NOTICE

#### Notice of Preliminary Determination for Water Right Transfer T-13781

T-13781 filed by C and M Legacy Land LLC, 21105 SE Neck Rd, Dayton, OR 97114, proposes an additional point of diversion and a change in character of use under Certificate 65269 and an additional point of diversion under Certificate 65303. Certificate 65269 allows the use of 0.19 cubic foot per second (cfs) from the Yamhill River in Sec. 11, T4S, R3W, WM for primary irrigation in Sects. 11 and 14, T4S, R3W, WM. The applicant proposes an additional point of diversion in Sec. 11, T4S, R3W, WM and to change the character of use of a portion to livestock watering and cooling. Certificate 65303 allows the use of 0.29 cfs from the Yamhill River in Sec. 11, T4S, R3W, WM for irrigation in Sec. 14, T4S, R3W, WM. The applicant proposes an additional point of diversion in Sec. 11, T4S, R3W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 01/31/2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

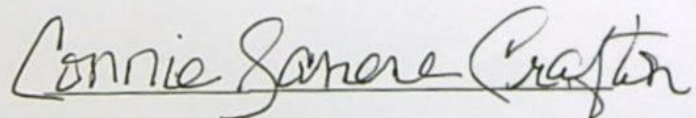
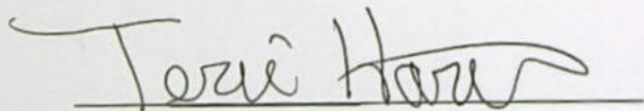
NR Published January 24, 31, 2025

### AFFIDAVIT OF PUBLICATION

STATE OF OREGON } ss.  
County of Yamhill

I, Terri Hartt

being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **Water Right Service Support - Public Notice T-13781 21105 SE Neck Rd - January 24, 31, 2025**  
Subscribed and sworn before me this 2/4/2025.



Notary Public for Oregon  
My Commission Expires 08/06/2027

Received

FEB 05 2025

OWRD



## GREW Scott A \* WRD

---

**From:** RICHMAN Elyse D \* WRD  
**Sent:** Tuesday, January 21, 2025 11:40 AM  
**To:** GREW Scott A \* WRD  
**Cc:** JONES JR David \* WRD  
**Subject:** T-13781 publication dates

Hi Scott,

The publication dates for this notice are 1/24 and 1/31.

Cheers,

*Elyse D. Richman*

she/her/hers

Transfer Specialist

725 Summer Street NE, Suite A, Salem, OR 97301

Phone: 971-701-5485



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





# 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](http://www.oregon.gov/owrd)

December 27, 2024

C AND M LEGACY LAND LLC  
21105 SE NECK RD  
DAYTON, OR 97114

SUBJECT: Water Right Transfer Application T-13781

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$ 465.89 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-13781 NOTICE"** on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than January 26, 2025.**

### What happens next...

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

**If we do not receive payment for newspaper notice by January 26, 2025, a Revised Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

Transfer and Conservation Section

X-----  
**Attached** is a check in the amount of \$ 465.89 (PCA #46118) for Newspaper Notice for Transfer T-13781 made out to Oregon Water Resources Department (or WRD)

- **"for T-13781 NOTICE" written on front of check**

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

Caseworker: Scott Grew



## GREW Scott A \* WRD

---

**From:** RICHMAN Elyse D \* WRD  
**Sent:** Thursday, December 26, 2024 9:40 AM  
**To:** GREW Scott A \* WRD  
**Subject:** T-13781 Newspaper notice quote

Hi Scott,

The total amount needed from the applicant to publish this notice is \$465.89.

Thanks,

*Elyse D. Richman*

she/her/hers

Transfer and Conservation Section Support

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0935 | Work Cell: 971-701-5485



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



**GREW Scott A \* WRD**

---

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Saturday, November 23, 2024 6:39 AM  
**To:** GREW Scott A \* WRD; chris cozart; Megan Cozart; Greg Kupillas  
**Subject:** PD issued Cozart T-13781 error

Hi Scott

I see the PD for our client  
C and M Legacy Land LLC  
T-13781 PD was issued November 22, 2024

I see one technical error still on the PD

Item #10 should reverence item #8 not 6

Thank you  
Doann

--

Pacific Hydro-Geology, Inc.  
18487 S. Valley Vista Rd.  
Mulino, OR 97042  
(503) 349-6946  
Fax: (503) 632-5983  
email: [phgdmh@gmail.com](mailto:phgdmh@gmail.com)





# 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](http://www.oregon.gov/owrd)

November 22, 2024

VIA CERTIFIED MAIL AND E-MAIL

C AND M LEGACY LAND LLC

21105 SE NECK RD

DAYTON, OR 97114

SUBJECT: Water Right Transfer Application T-13781

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13781. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13781  
Joel M. Plahn, District 22 Watermaster (via e-mail)  
Doann Hamilton, Pacific Hydro-Geology, Inc, Agent for the applicant (via e-mail)

encs



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13781, Yamhill County	)	PROPOSING APPROVAL FOR AN
	)	ADDITIONAL POINT OF DIVERSION AND
	)	TO CHANGE THE CHARACTER OF USE

**Authority**

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

**Applicant**

C AND M LEGACY LAND LLC  
21105 SE NECK RD  
DAYTON, OR 97114

**Findings of Fact**

1. On July 23, 2021, FIRESTONE LIVING TRUST, ATTN: ERIC FIRESTONE, TRUSTEE filed an application for an additional point of diversion and to change the character of use under Certificate 65269 and for an additional point of diversion under Certificate 65303. The Department assigned the application number T-13781.
2. Notice of the application for transfer was published on August 17, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 22, 2023, the Department received amended tables for both Certificates 65269 and 65303 clarifying the place of use and point of diversions.
4. On September 26, 2023, Transfer Application T-13781 was assigned from FIRESTONE LIVING TRUST, ATTN: ERIC FIRESTONE, TRUSTEE to C AND M LEGACY LAND LLC.
5. On August 1, 2024, the applicant's agent submitted additional information to justify the request for the completion date of October 1, 2028, to complete the changes under T-13781, pursuant to OAR 690-380-5140(3).

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.
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6. On August 6, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13781 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 9, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. The portion of the right to be transferred is as follows:

**Certificate:** 65269 in the name of GARY L. OWENS (perfected under Permit S-39730)  
**Use:** PRIMARY IRRIGATION OF 16.15 ACRES  
**Priority Date:** JUNE 25, 1975  
**Rate:** 0.19 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

**Source:** YAMHILL RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	NE SW	76	DIV. PT. - 1400 FEET NORTH AND 2250 FEET EAST FROM THE SW CORNER OF SECTION 11

**Authorized Place of Use:**

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot	Acres
4 S	3 W	WM	11	SW SE	76	100	3.40
4 S	3 W	WM	11	SE SE	76	100	7.48
4 S	3 W	WM	11	SE SE	76	1601	1.12
4 S	3 W	WM	14	NE NE	76	100	2.90
4 S	3 W	WM	14	NE NE	76	200	0.10
4 S	3 W	WM	14	NW NE	76	100	1.10
4 S	3 W	WM	14	NW NE	76	200	0.05
						Total	16.15

8. Transfer Application T-13781 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	SE SE	76	FIRESTONE POD – 1160 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 11



9. Transfer Application T-13781 proposes the additional point of diversion to serve the lands as described below:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot	Acres
4 S	3 W	WM	11	SW SE	76	100	2.61
4 S	3 W	WM	11	SE SE	76	100	4.61
4 S	3 W	WM	11	SE SE	76	1601	1.11
4 S	3 W	WM	14	NE NE	76	100	1.22
4 S	3 W	WM	14	NE NE	76	200	0.10
4 S	3 W	WM	14	NW NE	76	100	1.10
4 S	3 W	WM	14	NW NE	76	200	0.05
Total							10.80

10. Transfer Application T-13781 also proposes to change the character of use to livestock watering and cooling, in addition to the additional point of diversion described in Finding of Fact #6, for the acres described below:

LIVESTOCK WATERING AND COOLING							
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot	Acres
4 S	3 W	WM	11	SW SE	76	100	0.79
4 S	3 W	WM	11	SE SE	76	100	2.87
4 S	3 W	WM	11	SE SE	76	1601	0.01
4 S	3 W	WM	14	NE NE	76	100	1.68
Total							5.35

11. Certificate 65269 does not specify the irrigation season. However, pursuant to the Yamhill River (F) decree, the irrigation season is April 1 through September 30 of each year.
12. The second right to be transferred is as follows:

**Certificate:** 65303 in the name of GARY L. OWENS (perfected under Permit S-44208)  
**Use:** IRRIGATING 23.1 ACRES  
**Priority Date:** MAY 10, 1979  
**Rate:** 0.29 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** YAMHILL RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	NE SW	76	DIV. PT. - 1400 FEET NORTH AND 2250 FEET EAST FROM THE SW CORNER OF SECTION 11



**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	14	NE NE	76	5.6
4 S	3 W	WM	14	NW NE	76	13.4
4 S	3 W	WM	14	SW NE	76	3.9
4 S	3 W	WM	14	SE NE	76	0.2
Total						23.1

13. Transfer Application T-13781 proposes an additional point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	11	SE SE	76	FIRESTONE POD – 1160 FEET NORTH AND 960 FEET WEST FROM THE SE CORNER OF SECTION 11

14. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening 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.

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2110(2), and 690-380-2300]**

15. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13781.
17. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
18. 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).
19. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed livestock watering and cooling shall be limited to 0.06 cubic foot per second and shall be further limited to a total annual volume diverted of 13.38 acre feet (5.35 acres x 2.5 acre feet per acre) during the time period April 1 through September 30 of each year.
20. The proposed changes, as conditioned, would not result in injury to other existing water rights.



21. All other application requirements are met.

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

The additional point of diversion and change in character of use proposed in Transfer Application T-13781 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13781 is approved, the final order will include the following:*

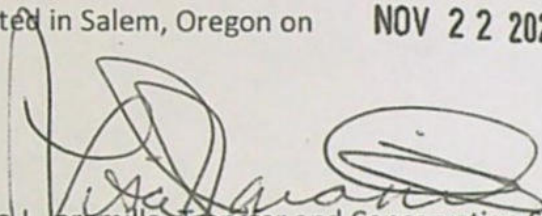
- 1. The additional point of diversion and change in character of use proposed in Transfer Application T-13781 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 65269, 65303 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 Certificates 65269 and 65303 are cancelled. A new certificate will be issued describing that portion of Certificate 65269 not affected by this transfer.*
- 5. The quantity of water diverted at the new additional point of diversion (Firestone POD), together with that diverted at the original point of diversion (Div. Pt.), shall not exceed the quantity of water lawfully available at the original point of diversion (Div. Pt.).*
- 6. The diversion of water under the proposed livestock watering and cooling shall be limited to 0.06 cubic foot per second and shall be further limited to a total annual volume diverted of 13.38 acre feet (5.35 acres x 2.5 acre feet per acre) during the time period April 1 through September 30 of each year.*
- 7. Water shall be acquired from the same source of surface water as the original point of diversion.*
- 8. Prior to diverting water, the water user shall install an approved fish screening 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.*



9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. 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 changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **NOV 22 2024**

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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890

### 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.

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.



## GREW Scott A \* WRD

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**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Tuesday, August 6, 2024 5:43 AM  
**To:** GREW Scott A \* WRD; chris cozart; Megan Cozart  
**Subject:** Fwd: Document Delivery Notice - Order #WAPR2401550LER Ref 1: R431400100/ 21105 SE Neck Rd, R431400200 21075 SE Neck Rd & R431401601, Dayton OR 97114 Ref 2: Chris Cozart , Megan Cozart  
**Attachments:** Deed Only Report 2401550LER.pdf; Corporate Invoice.pdf; 21075 SE Neck Rd.pdf; 21105 SE Neck Rd.pdf; R4314 1601 422670.pdf

Hi Scott

I am forwarding the list pack for our client C and M Legacy Land LLC c/o Chris and Megan Cozart, T-13781, from the title company.

We trust this full-fills the requirement of land ownership as required in the Draft Preliminary Determination dated July 10, 2024

In addition to the report of ownership, we would like to respond on behalf of the applicant, C and M Legacy Land LLC c/o Chris and Megan Cozart that we agree to the proposed action and conditions set out in this Draft Preliminary Determination –

Except for the error:

- On Page 2 stating the POD is located 960 feet east from the SE corner. This should be 960 feet west of the SE corner.
- Also we want to make sure it is clear in item 8 on page 3 the new POD is approved for use for livestock as it is listed in Item 7 on page 2 and not just note a change in character of use.
- And our client request the completion date be extended to October 1, 2028

Also as requested

- They wish to have this posted in the News-Register publication of McMinnville

Thank you

Doann Hamilton

Pacific Hydro-Geology, Inc.





# Fidelity National Title<sup>®</sup>

Company of Oregon

900 SW Fifth Avenue, Portland, OR 97204

Phone: (503)796-6616 / Fax: (503)229-0615

## DEED ONLY REPORT

Prepared For:	Pacific Hydro-Geology Inc.	Date: August 5, 2024
Attn:	Greg Kupillas	Order: WAPR2401550LER
	18487 S. Valley Vista Rd	Ref. No: R4314 100,200 & 1601
	Mulino, OR 97214	Charge: \$25.00

Effective Date: July 31, 2024  
Title Officer: Amy Alexander

A search of the public records of Yamhill County as of the effective date shown above, shows the last deed of record runs to:

C & M Legacy Land, LLC., an Oregon limited liability company

(A) Legal Description:

SEE EXHIBIT A

The Property described in Exhibit 'A' attached hereto and made a part hereof.

Tax Account No: 112354, 112372 & 422670  
Map Identification No: R4314 00100, 00200 & 01601

THIS INFORMATION IS A PLANT SERVICE OF FIDELITY NATIONAL TITLE. IT IS NOT TITLE INSURANCE OR A GURANTEE. THIS SERVICE DOES NOT INCLUDE ANY SUPPLEMENTAL REPORTS OR ANY OTHER INFORMATION. LIABILITY FOR ERRORS IS LIMITED TO THE AMOUNT CHARGED.

Thank you very much for doing business with Fidelity National Title Company/Western American Property Research. If you have any questions, please contact Amy Alexander, Title Examiner or May Patel, Unit Supervisor at 796-6616 Fidelity National Title Company of Oregon.

Received by OWRD

AUG 06 2024

Salem, OR



EXHIBIT A

PARCEL 1:

Lot "A" of Lot No. 1 of County Survey No. 2947, described as being a part of the Louis LaBonte Donation Land Claim, Notification No. 796, Claim No. 76 in Section 14, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set on the South line of and North 73°30' West, 12.98 chains from the Southeast corner of said Claim; thence North 73°30' West along South line of Claim, 3.08 chains to an iron pipe; thence North 24°12' East, 6.08 chains to angle; thence North 42°49' East, .70 chain to an angle; thence North 16°30' East, 12.673 chains to stake for Northwest corner; thence South 73°30' East, parallel with the South line of Claim, 14.936 chains to stake on East line of Claim; thence South 16°04' West along East line of Claim, 1.037 chains; thence South 35°45' West, 9.73 chains to a stake; thence North 67°55' West, 6.02 chains to stake; thence South 37°52' West, 10.40 chains to beginning.

SAVING AND EXCEPTING a strip of land 20 feet in width along the entire West side of above, reserved as roadway.

FURTHER SAVING AND EXCEPTING THEREFROM that portion conveyed to Johannes Goddik and Roulie Goddik by Warranty Deed recorded September 7, 1995, in Instrument No. 199511876, Deed and Mortgage Records, more particularly described as follows:

A tract of land in Section 14, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being part of that tract of land described in a deed from Owens to J. A. Owens and Ida May Owens and recorded in Film Volume 137, Page 589, Deed and Mortgage Records and being more particularly described as follows:

Beginning at an iron pipe set in CS-2947-A which is on record as being on the South line of the Louis LaBonte Donation Land Claim No. 76, at a point that is North 73°30' West 12.98 chains from the Southeast corner of said Donation Land Claim; thence North 73°30'00" West 79.00 feet along said South line; thence leaving said line North 40°44'31" East 705.27 feet; thence South 67°55'00" East 39.68 feet to an angle corner in the Easterly line of said Owens tract; thence South 37°52'00" West 686.40 feet along said line to the point of beginning..

PARCEL 2:

Lot "B" of lot No. 1 of County Survey No. 2947 and being described as a part of the Louis LaBonte Donation Land Claim, Notification No. 796, claim No. 76 in Section 14, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at stake set on the East line of and North 16°32' East, 19.322 chains from the Southeast corner of said Claim; thence North 73°30' West, parallel with South line of said Claim, 14.936 chains to stake set on the West line of said Lot No. 1; thence North 16°30' East with West line of Lot No. 1, 11.712 chains; thence South 73°30' East, parallel with South line of Claim, 14.847 chains to stake set on East line of said Claim; thence South 16°04' West along Claimline, 11.712 chains to beginning.

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Salem, OR



SAVING AND EXCEPTING a strip of land 20 feet in width along the West side thereof reserved for roadway.

PARCEL 3:

Lot "C" of Lot No. 1 of County Survey No. 2947, being a part of the Louis LaBonte Donation Land Claim, Notification No. 796, Claim No. 76 in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon being described as follows:

Beginning at a stake set on the East line of and North 16°04' East 31.034 chains from the Southeast corner of said Claim; and running thence North 73°30' West parallel with the South line of said Claim 14.847 chains to a stake on the West line of said Lot No. 1; thence North 16°30' East 11.782 chains; thence South 73°30' East parallel with the South line of said Claim 14.758 chains to the East line of said Claim; thence South 16°04' West along said Claimline 11.782 chains to the place of beginning.

ALSO: an easement for road purposes over and across the following described premises, to-Wit:

BEGINNING at the Southwesterly corner of the tract of land hereinabove first described; and running thence South 16°30' West 24.385 chains to a point; thence South 42°49' West .70 chains; thence South 24°12' West 6.08 chains to the South line of said Louis LaBonte Donation Land Claim; thence South 73°30' East along said South line 20 feet; thence Northerly parallel with and 20 feet distant from the Westerly boundary of said roadway as hereinbefore described to the South line of said Lot "C"; thence North 73°30' West 20 feet to the place of beginning.

PARCEL 4:

Lot "D" of Lot No. 1 of County Survey No. 2947, described as being a part of the Louis LaBonte Donation Land Claim, Notification No. 796 Claim No. 76 in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a stake on the East line of and North 16°04' East 42.816 chains from the Southeast corner of said Claim; thence North 73°30' West parallel with the South line of said Claim 14.758 chains to stake on the West line of said Lot No. 1; thence North 16°30' East 10.623 chains to stake on the South bank of the Yamhill River; thence North 83°25' East along South bank of said river 4.716 chains; thence South 68°04' East 10.38 chains to the Northeast corner of said Claim extended; thence South 16°04' West along East line of said Claim 11.489 chains to beginning.

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# Yamhill, OR County Property Profile

21075 SE Neck Rd  
Dayton OR 97114-7818



## Fidelity National Title

RESIDENTIAL & COMMERCIAL SERVICES | PORTLAND

### Parcel Information

Parcel Id (APN)	112372
Tax/Account #	R431400200
Address	21075 SE Neck Rd Dayton, OR 97114-7818
Acres	34
Lot Sq Feet	1,481,040

### Owner Information

Owner	C & M Legacy Land LLC
Owner Address	21105 SE Neck Rd Dayton, OR 97114-7838

### Tax Information (2023)

Levy Code	08.3
Levy Rate	12.59
Total Tax	\$7,746.52

### Assessment Information (2023)

Total Value	\$625,456.00
-------------	--------------

### Market Information (2023)

Market Land Value	\$386,919.00
Market Improved Value	\$1,576,651.00
Market Total Value	\$1,963,570.00

### Land Information

Land Use	Farm - Exclusive Farm Use (EFU) - Improved (typical of class)
Building Use	1 Story
Parcel Type	Residential
Watershed	1709000807 Yamhill River
School District	8 Dayton
Zoning	EF-80 Exclusive Farm Use
Neighborhood	000045_DERIVED Rural South

### School Attendance

Primary School	Dayton Grade School
Middle School	Dayton Jr High School
High School	Dayton High School

### Improvements

Year Built	1999
Stories	1.00
Total Square Feet	2,526
Finished Square Feet	2,526
First Floor Square Feet	2,526
Bedrooms	3
Bathrooms	1
Garage Square Feet	1,080
Exterior Wall Type	PLY Plywood
Roof Type	Gable
Roof Cover	Composition Shingle
Fireplaces	1

### Map Information

Map Grid	772-G3
Page	
Row	
Column	

### Survey Information

T R S	04S 03W 14
-------	------------

### Census Information

Census Tract	030900
Census Block	2002

### Legal

See Metes & Bounds

### Transfer Information

Document Recording Date	9/6/2023
Sale Amount	\$1,720,000.00
Document Number	2023-08272

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Yamhill, OR County Property Profile  
21075 SE Neck Rd  
Dayton OR 97114-7818



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Yamhill, OR County Property Profile

21075 SE Neck Rd  
Dayton OR 97114-7818

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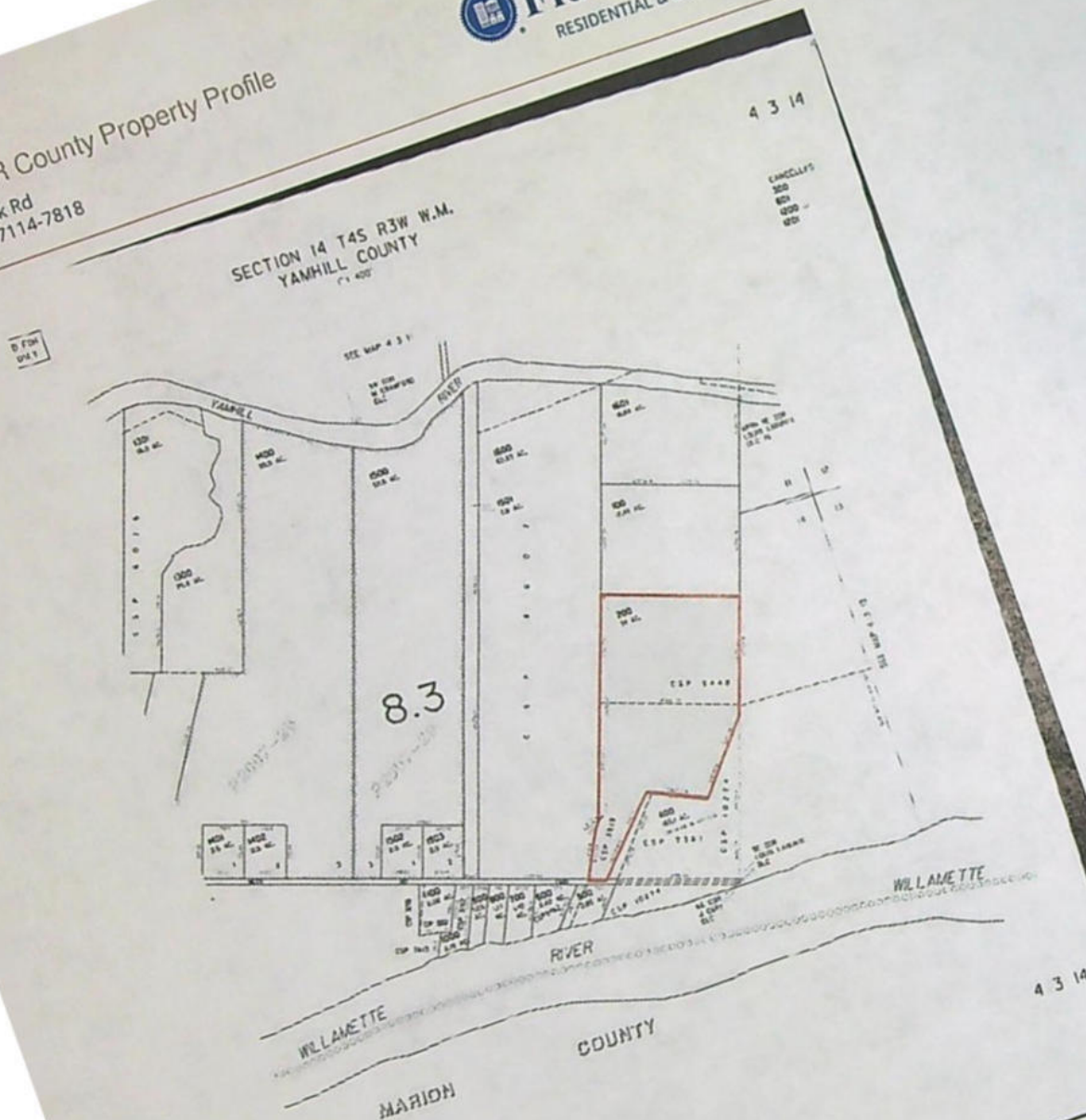
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Yamhill, OR County Property Profile  
21075 SE Neck Rd  
Dayton OR 97114-7818



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# Property Account Summary

8/2/2024



Click image above for more information

Account Number	112372	Property Address	21075 SE NECK RD , DAYTON, OR 97114
----------------	--------	------------------	-------------------------------------

## General Information

Alternate Property #	R4314 00200
Property Description	See Metes & Bounds
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	8.3
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY

## Tax Rate

Description	Rate
Total Rate	12.3854

## Property Characteristics

Neighborhood	Rural South
Land Class Category	551 Farm EFU Receiving FUV/imp
Account Acres	34.0000
Change Property Ratio	Farm

## Parties

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Role	Name
Owner	C & M LEGACY LAND LLC

AUG 06 2024

## Related Properties

Salem, OR

No Related Properties Found
-----------------------------

## Property Values

Value Type	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019
Assessed Value AVR	\$625,456	\$607,366	\$589,801	\$572,749	\$556,189
Exempt Value EAR					
Taxable Value TVR	\$625,456	\$607,366	\$589,801	\$572,749	\$556,189
Real Market Land MKLTL	\$386,919	\$244,297	\$192,608	\$205,525	\$212,382
Real Market Buildings MKITL	\$1,576,651	\$1,388,341	\$1,108,881	\$894,912	\$896,289
Real Market Total MKTTL	\$1,963,570	\$1,632,638	\$1,301,489	\$1,100,437	\$1,108,671
M5 Market Land MKLND	\$19,350	\$15,198	\$13,648	\$14,038	\$14,235
M5 Limit SAV M5SAV	\$28,216	\$27,227	\$26,568	\$26,225	\$25,630



M5 Market Buildings MKIMP	\$1,576,651	\$1,388,341	\$1,108,881	\$894,912	\$896,289
M50 MAV MAVMK	\$614,404	\$596,509	\$579,135	\$562,267	\$545,890
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUSe Portion) SAVL	\$11,052	\$10,857	\$10,666	\$10,482	\$10,299

#### Active Exemptions

No Exemptions Found

#### Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

Installments Payable/Paid for Tax Year(Enter 4-digit Year, then Click-Here): 2023

#### Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/16/2023 00:00:00	<a href="#">1279032</a>	\$7,746.52	\$7,746.52	\$7,514.12	\$0.00
11/10/2022 00:00:00	<a href="#">1205298</a>	\$7,646.74	\$7,646.74	\$7,417.34	\$0.00
11/19/2021 00:00:00	<a href="#">1181908</a>	\$7,519.49	\$7,519.49	\$7,293.91	\$0.00
11/23/2020 00:00:00	<a href="#">1137526</a>	\$7,361.31	\$7,361.31	\$7,140.47	\$0.00
11/21/2019 00:00:00	<a href="#">1086560</a>	\$7,222.06	\$7,222.06	\$7,005.40	\$0.00

#### Sales History

Sale Date	Entry Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Other Parcels
09/06/2023	09/14/2023	2023-08272	\$1,720,000.00	276909		X	No
10/10/2012	10/10/2012	2012-14606	\$0.00	156423		S	No
02/08/1999	02/08/1999	1999-02603	\$0.00	95616		S	No
02/08/1999	02/08/1999	1999-02602	\$0.00	95613		S	No
11/09/1998	11/09/1998	1998-22066	\$632,500.00	94430		S	No

#### Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
1120	0 X 0	1972	4-	1	3	1	0

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Mark E. Firestone, Trustee of the Firestone  
Living Trust dtd 01/11/99, as amended, Grantor  
21076 SE Neck  
Dayton, OR 97114

Mark E. Firestone, Trustee of the Constance L.  
Firestone Family Trust dtd 01/06/09, Trustee Grantee  
21076 SE Neck  
Dayton, OR 97114

After recording return to:  
BROWN, TARLOW, BRIDGES & PALMER, P.C.  
Attorneys at Law  
515 East First Street  
Newberg, Oregon 97132

Until a change is requested, all  
tax statements shall be sent to:  
NO CHANGE

OFFICIAL YAMHILL COUNTY RECORDS  
REBEKAH STERN DOLL, COUNTY CLERK

2012-14606



\$41.00

00401550201200146060020025

10/10/2012 04:07:23 PM

DMR-DDMR Cnt=1 Stn=3 SUSIE  
\$10.00 \$5.00 \$11.00 \$15.00

### WARRANTY DEED - STATUTORY FORM

Mark E. Firestone, Trustee of the Firestone Living Trust dated January 11, 1999, Grantor, conveys and warrants to Mark E. Firestone, Trustee of the Constance L. Firestone Family Trust dated January 6, 2009, Grantee, an undivided one-half interest the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to-wit:

See Attached Exhibit A

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to Grantor at the time Grantor acquired the property. The limitations herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature and amount of such liability or obligations.

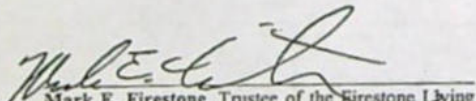
The property is free from encumbrances except of record and Grantee assumes all of Grantor's secured indebtedness on the property, if any.

The true consideration, stated in terms of dollars, is none, however, the actual consideration consists of other value given.

This conveyance is made for estate planning purposes only and does not represent a sale of the above described real property.

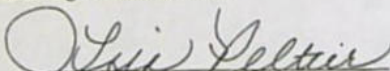
Dated September 27, 2012.

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

  
Mark E. Firestone, Trustee of the Firestone Living  
Trust dtd 01/11/99, Grantor

STATE OF OREGON, County of Yamhill) ss.

This instrument was acknowledged before me on  
September 27, 2012 by Mark E. Firestone, Trustee of the  
Firestone Living Trust dtd 01/11/99.

  
Notary Public for Oregon



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Salem, OR



## LEGAL DESCRIPTION

-----PARCEL 1: Lot "A" of Lot No. 1 of County Survey No. 2947, described as being a part of the Louis LaBonte Donation Land Claim, Notification No. 796, Claim No. 76 in Section 14, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set on the South line of and North 73°30' West, 12.98 chains from the Southeast corner of said Claim; thence North 73°30' West along South line of Claim, 3.08 chains to an iron pipe; thence North 24°12' East, 6.08 chains to angle; thence North 42°49' East, .70 chain to an angle; thence North 16°30' East, 12.673 chains to stake for Northwest corner; thence South 73°30' East, parallel with the South line of Claim, 14.936 chains to stake on East line of Claim; thence South 16°04' West along East line of Claim, 1.037 chains; thence South 35°45' West, 9.73 chains to a stake; thence North 67°55' West, 6.02 chains to stake; thence South 37°52' West, 10.40 chains to beginning.

SAVING AND EXCEPTING a strip of land 20 feet in width along the entire West side of above, reserved as roadway.

FURTHER SAVING AND EXCEPTING THEREFROM that portion conveyed to Johannes Goddik and Roulie Goddik by Warranty Deed recorded September 7, 1995 in Instrument No. 199511876, Deed and Mortgage Records.

PARCEL 2: Lot "B" of Lot No. 1 of County Survey No. 2947 and being described as a part of the Louis LaBonte Donation Land Claim, Notification No. 796, Claim No. 76 in Section 14, Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at stake set on the East line of and North 16°32' East, 19.322 chains from the Southeast corner of said Claim; thence North 73°30' West, parallel with South line of said Claim, 14.936 chains to stake set on the West line of said Lot No. 1; thence North 16°30' East with West line of Lot No. 1, 11.712 chains; thence South 73°30' East, parallel with South line of Claim, 14.847 chains to stake set on East line of said Claim; thence South 16°04' West along Claim line, 11.712 chains to beginning.

SAVING AND EXCEPTING a strip of land 20 feet in width along the West side thereof reserved for roadway.

PARCEL 3: Lot "C" of Lot No. 1 of County Survey No. 2947, being a part of the Louis LaBonte Donation Land Claim, Notification No. 796, Claim No. 76 in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon being described as follows: Beginning at a stake set on the East line of and North 16°04' East 31.034 chains from the Southeast corner of said Claim, and running thence North 73°30' West parallel with the South line of said Claim 14.847 chains to a stake on the West line of said Lot No. 1; thence North 16°30' East 11.782 chains; thence South 73°30' East parallel with the South line of said Claim 14.758 chains to the East line of said Claim; thence South 16°04' West along said Claim line 11.782 chains to the place of beginning. ALSO: an easement for road purposes over and across the following described premises, to-wit:

BEGINNING at the Southwesterly corner of the tract of land hereinabove first described and running thence South 16°30' West 24.385 chains to a point; thence South 42°49' West .70 chains; thence South 24°12' West 6.08 chains to the South line of said Louis LaBonte Donation Land Claim; thence South 73°30' East along said South line 20 feet; thence Northerly parallel with and 20 feet distant from the Westerly boundary of said roadway as hereinbefore described to the South line of said Lot "C"; thence North 73°30' West 20 feet to the place of beginning.

PARCEL 4: Lot "D" of Lot No. 1 of County Survey No. 2947, described as being a part of the Louis LaBonte Donation Land Claim, Notification No. 796 Claim No. 76 in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a stake on the East line of and North 16°04' East 42.816 chains from the Southeast corner of said Claim; thence North 73°30' West parallel with the South line of said Claim 14.758 chains to stake on the West line of said Lot No. 1; thence North 16°30' East 10.623 chains to stake on the South bank of the Yamhill River; thence North 83°25' East along South bank of said river 4.716 chains; thence South 68°04' East 10.38 chains to the Northeast corner of said Claim extended; thence South 16°04' West along East line of said Claim 11.489 chains to beginning.

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Salem, OR

2/2



# Yamhill, OR County Property Profile

21105 SE Neck Rd  
Dayton OR 97114-7838



**Fidelity National Title**

RESIDENTIAL & COMMERCIAL SERVICES | PORTLAND

## Parcel Information

Parcel Id (APN)	112354
Tax/Account #	R431400100
Address	21105 SE Neck Rd Dayton, OR 97114-7838
Acres	17.44
Lot Sq Feet	759,686

## Owner Information

Owner	C & M Legacy Land LLC
Owner Address	21105 SE Neck Rd Dayton, OR 97114-7838

## Tax Information (2023)

Levy Code	08.3
Levy Rate	12.59
Total Tax	\$7,419.40

## Assessment Information (2023)

Total Value	\$599,044.00
-------------	--------------

## Market Information (2023)

Market Land Value	\$102,212.00
Market Improved Value	\$1,742,460.00
Market Total Value	\$1,844,672.00

## Land Information

Land Use	Farm - Exclusive Farm Use (EFU) - Improved (typical of class)
Watershed	1709000807 Yamhill River
School District	8 Dayton
Zoning	EF-80 Exclusive Farm Use
Neighborhood	000045_DERIVED Rural South

## School Attendance

Primary School	Dayton Grade School
Middle School	Dayton Jr High School
High School	Dayton High School

## Improvements

## Map Information

Map Grid	772-G3
Page	
Row	
Column	

## Survey Information

T R S	04S 03W 14
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## Census Information

Census Tract	030900
Census Block	2002

## Legal

See Metes & Bounds

## Transfer Information

Document Recording Date	9/6/2023
Sale Amount	\$1,720,000.00
Document Number	2023-08272

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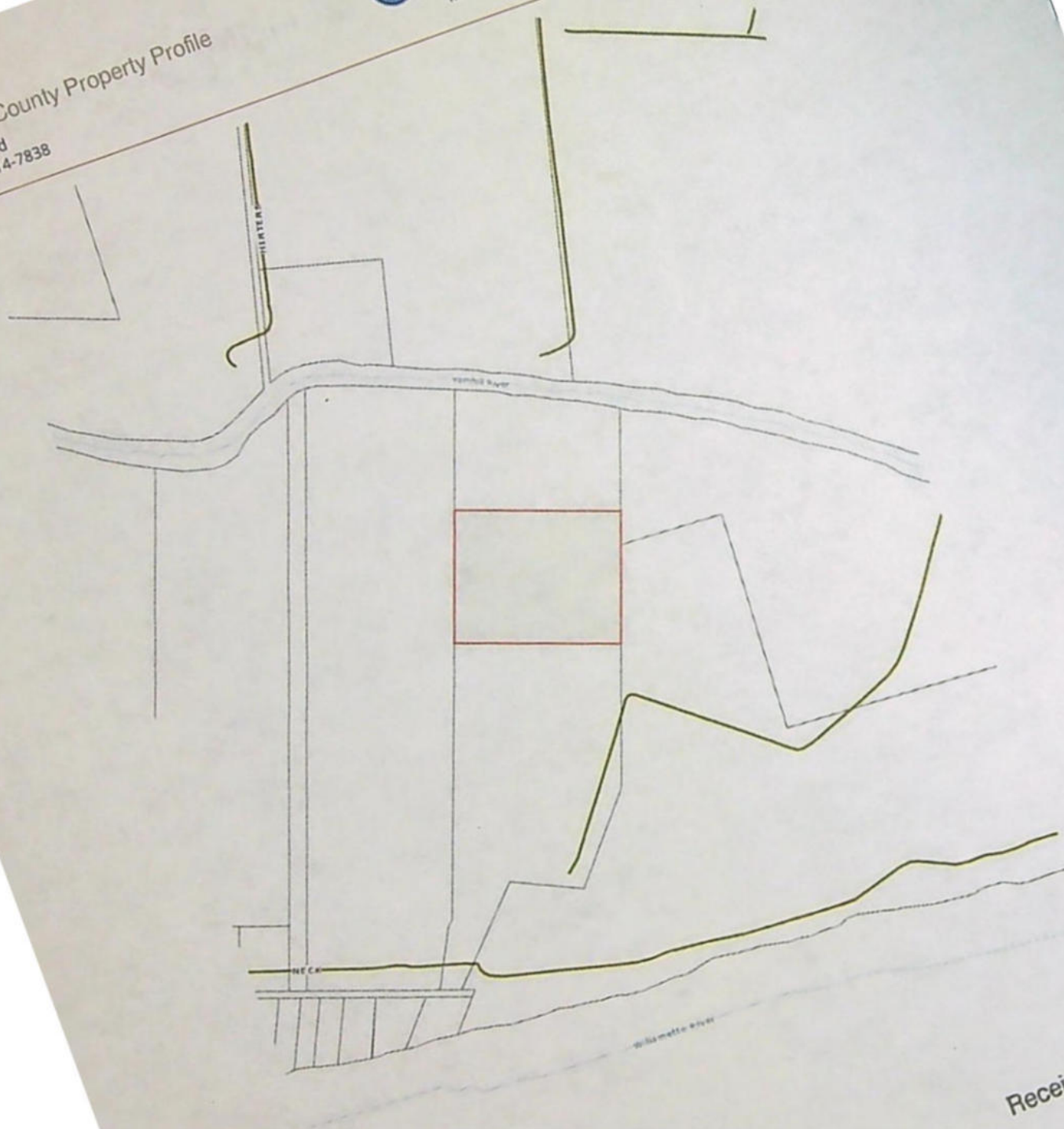
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Salem, OR



Yamhill, OR County Property Profile  
21105 SE Neck Rd  
Dayton OR 97114-7838



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Salem, OR



Yamhill, OR County Property Profile

21105 SE Neck Rd  
Dayton OR 97114-7838



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AUG 06 2024

Salem, OR

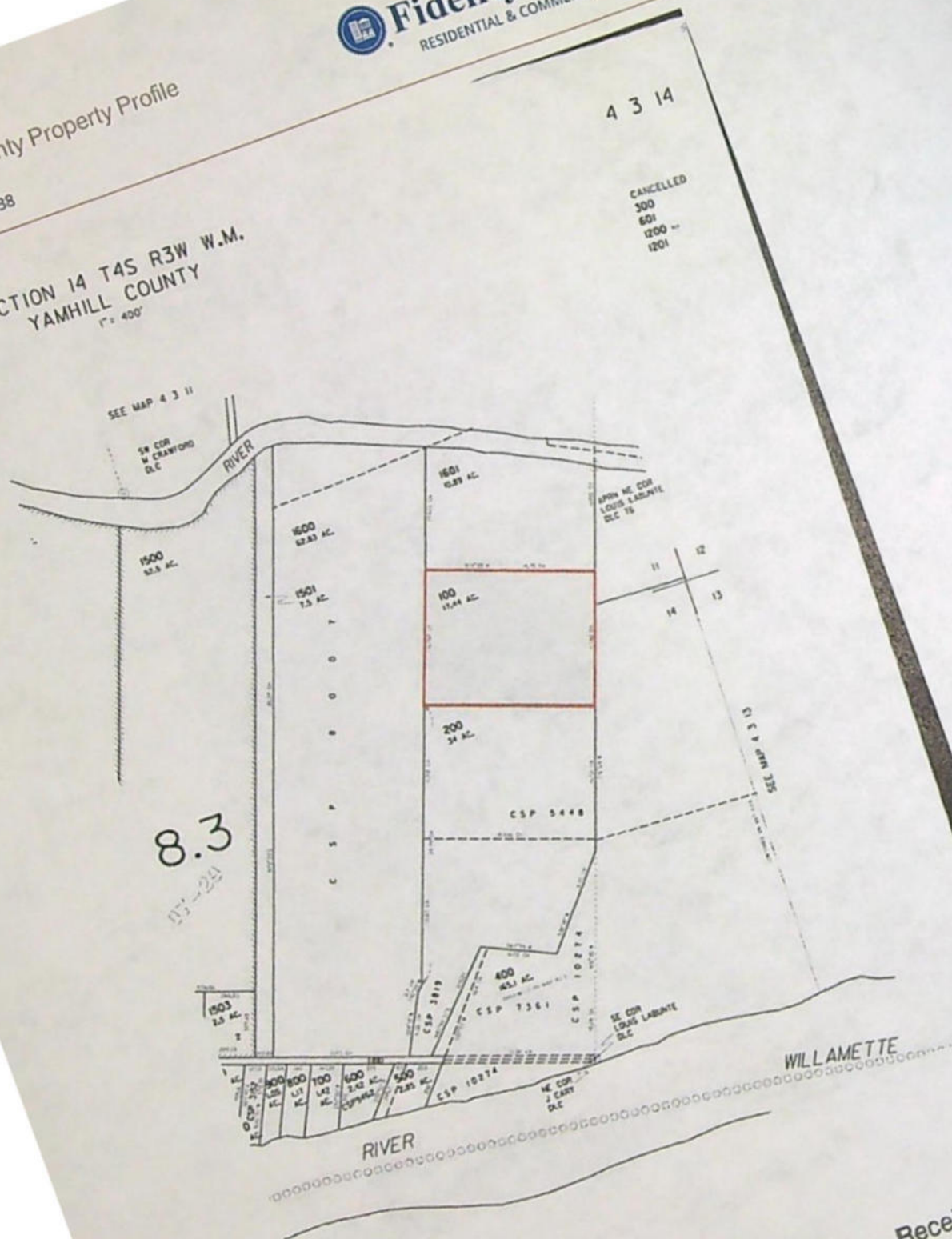


Yamhill, OR  
21105 SE Neck Rd  
Dayton OR 97114-7838



**Fidelity National Title**  
RESIDENTIAL & COMMERCIAL SERVICES | PORTLAND

SECTION 14 T4S R3W W.M.  
YAMHILL COUNTY  
1" = 400'



Received by QWERT  
AUG 06 2024  
Salem, OR



# Property Account Summary

8/2/2024



Click image above for more information

Account Number	112354	Property Address	21105 SE NECK RD , DAYTON, OR 97114
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## General Information

Alternate Property #	R4314 00100
Property Description	See Metes & Bounds
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	8.3
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY

## Tax Rate

Description	Rate
Total Rate	12.3854

## Property Characteristics

Neighborhood	Rural South
Land Class Category	551 Farm EFU Receiving FUV/imp
Account Acres	17.4400
Change Property Ratio	Farm

## Parties

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Role	Name	AUG 06 2024
Owner	C & M LEGACY LAND LLC	Salem, OR

## Related Properties

No Related Properties Found
-----------------------------

## Property Values

Value Type	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019
Assessed Value AVR	\$599,044	\$581,601	\$564,665	\$548,222	\$532,256
Exempt Value EAR					
Taxable Value TVR	\$599,044	\$581,601	\$564,665	\$548,222	\$532,256
Real Market Land MKLTL	\$102,212	\$66,678	\$54,487	\$57,454	\$59,297
Real Market Buildings MKITL	\$1,742,460	\$1,376,947	\$1,146,184	\$962,284	\$970,792
Real Market Total MKTTL	\$1,844,672	\$1,443,625	\$1,200,671	\$1,019,738	\$1,030,089
M5 Market Land MKLND	\$12,938	\$12,945	\$12,805	\$12,854	\$12,833
M5 Limit SAV M5SAV	\$4,639	\$4,447	\$4,325	\$4,255	\$4,151



M5 Market Buildings MKIMP	\$1,742,460	\$1,376,947	\$1,146,184	\$962,284	\$970,792
M50 MAV MAVMK	\$597,666	\$580,258	\$563,357	\$546,949	\$531,018
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUSe Portion) SAVL	\$1,378	\$1,343	\$1,308	\$1,273	\$1,238

#### Active Exemptions

No Exemptions Found

#### Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

[Installments Payable/Paid for Tax Year\(Enter 4-digit Year, then Click-Here\):](#) 2023

#### Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/16/2023 00:00:00	<a href="#">1279031</a>	\$7,419.40	\$7,419.40	\$7,196.82	\$0.00
11/10/2022 00:00:00	<a href="#">1205297</a>	\$7,322.36	\$7,322.36	\$7,102.69	\$0.00
11/19/2021 00:00:00	<a href="#">1181909</a>	\$7,199.03	\$7,199.03	\$6,983.06	\$0.00
11/23/2020 00:00:00	<a href="#">1137524</a>	\$7,046.08	\$7,046.08	\$6,834.70	\$0.00
11/21/2019 00:00:00	<a href="#">1086559</a>	\$6,911.29	\$6,911.29	\$6,703.95	\$0.00

#### Sales History

Sale Date	Entry Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Other Parcels
09/06/2023	09/14/2023	2023-08272	\$1,720,000.00	276909		M	No
10/10/2012	10/10/2012	2012-14606	\$0.00	156422		S	No
02/08/1999	02/08/1999	1999-02603	\$0.00	95615		S	No
02/08/1999	02/08/1999	1999-02602	\$0.00	95612		S	No
11/09/1998	11/09/1998	1998-22066	\$632,500.00	94429		S	No

#### Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

Received by OWRD

AUG 06 2024

Salem, OR



Mark E. Firestone, Trustee of the Firestone  
Living Trust dtd 01/11/99, as amended, Grantor  
21076 SE Neck  
Dayton, OR 97114

Mark E. Firestone, Trustee of the Constance L.  
Firestone Family Trust dtd 01/06/09, Trustee Grantee  
21076 SE Neck  
Dayton, OR 97114

After recording return to:  
BROWN, TARLOW, BRIDGES & PALMER, P.C.  
Attorneys at Law  
515 East First Street  
Newberg, Oregon 97132

Until a change is requested, all  
tax statements shall be sent to:  
NO CHANGE

OFFICIAL YAMHILL COUNTY RECORDS  
REBEKAH STERN DOLL, COUNTY CLERK

2012-14606



\$41.00

00401550201200146060020025

10/10/2012 04:07:23 PM

DMR-DDMR Cnt=1 Stn=3 SUSIE  
\$10.00 \$5.00 \$11.00 \$15.00

### WARRANTY DEED - STATUTORY FORM

Mark E. Firestone, Trustee of the Firestone Living Trust dated January 11, 1999, Grantor, conveys and warrants to Mark E. Firestone, Trustee of the Constance L. Firestone Family Trust dated January 6, 2009, Grantee, an undivided one-half interest the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to-wit:

See Attached Exhibit A

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to Grantor at the time Grantor acquired the property. The limitations herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature and amount of such liability or obligations.

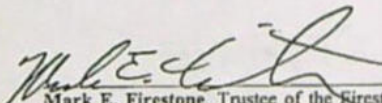
The property is free from encumbrances except of record and Grantee assumes all of Grantor's secured indebtedness on the property, if any.

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This conveyance is made for estate planning purposes only and does not represent a sale of the above described real property.

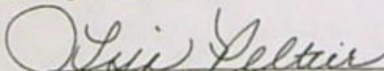
Dated September 27, 2012.

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Mark E. Firestone, Trustee of the Firestone Living  
Trust dtd 01/11/99, Grantor

STATE OF OREGON, County of Yamhill) ss.

This instrument was acknowledged before me on  
September 27, 2012 by Mark E. Firestone, Trustee of the  
Firestone Living Trust dtd 01/11/99.

  
Notary Public for Oregon



Received by OWRD

AUG 06 2024

Salem, OR



## LEGAL DESCRIPTION

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AUG 06 2024

Salem, OR

2/2



# Yamhill, OR County Property Profile

Dayton OR 97114



## Fidelity National Title

RESIDENTIAL & COMMERCIAL SERVICES | PORTLAND

### Parcel Information

Parcel Id (APN)	422670
Tax/Account #	R431401601
Address	Dayton, OR 97114
Acres	10.89
Lot Sq Feet	474,368

### Owner Information

Owner	C & M Legacy Land LLC
Owner Address	21105 SE Neck Rd Dayton, OR 97114-7838

### Tax Information (2023)

Levy Code	08.3
Levy Rate	12.59
Total Tax	\$10.65

### Assessment Information (2023)

Total Value	\$860.00
-------------	----------

### Market Information (2023)

Market Land Value	\$113,765.00
Market Total Value	\$113,765.00

### Land Information

Land Use	Farm - Exclusive Farm Use (EFU) - Vacant
Watershed	1709000807 Yamhill River
School District	8 Dayton
Zoning	EF-80 Exclusive Farm Use
Neighborhood	000045_DERIVED Rural South

### School Attendance

Primary School	Dayton Grade School
Middle School	Dayton Jr High School
High School	Dayton High School

### Improvements

### Map Information

Map Grid	772-H2
Page	
Row	
Column	

### Survey Information

T R S	04S 03W 14
-------	------------

### Census Information

Census Tract	030900
Census Block	2002

### Legal

See Metes & Bounds

### Transfer Information

Document Recording Date	9/6/2023
Sale Amount	\$1,720,000.00
Document Number	2023-08272

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

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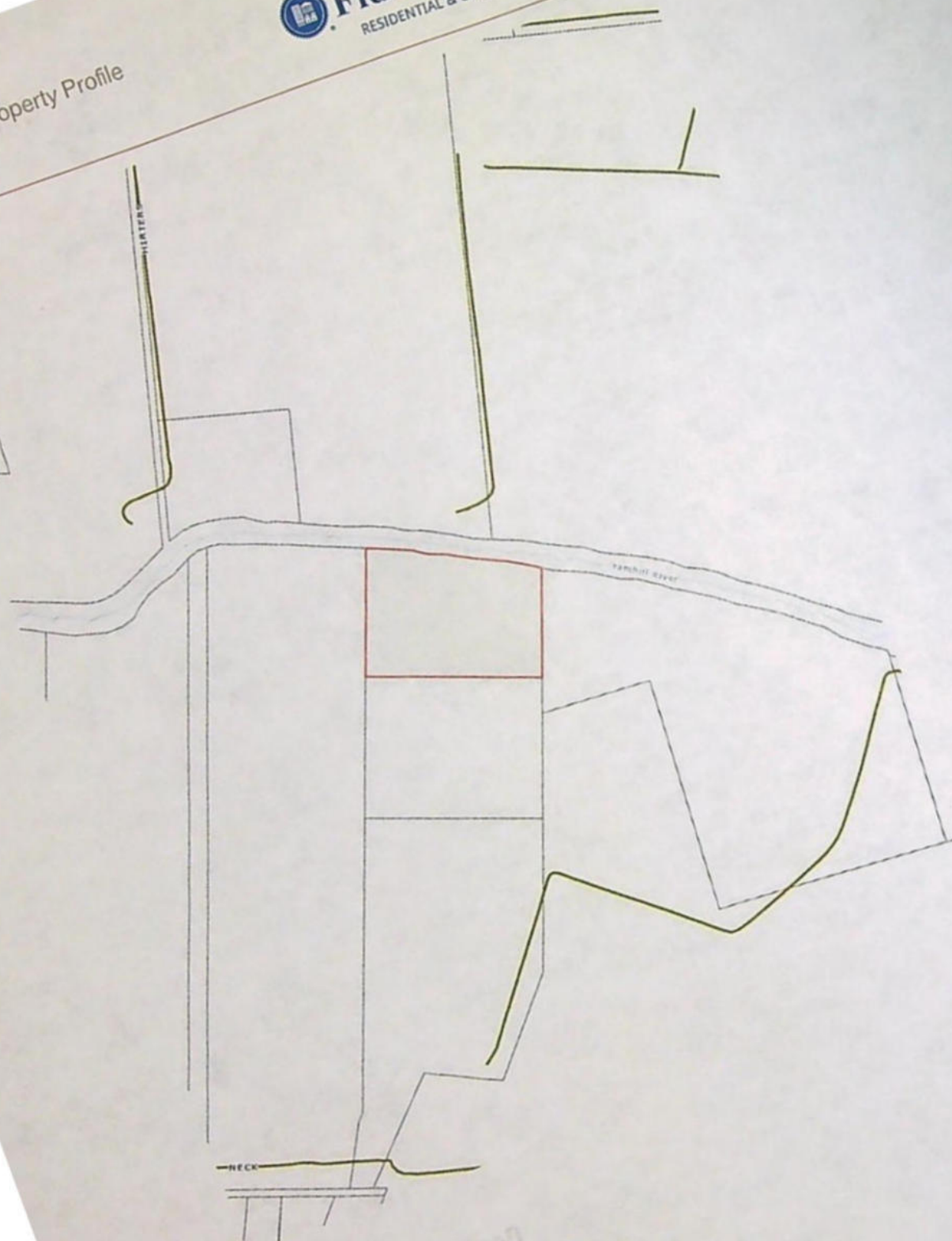
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Salem, OR



Yamhill, OR County Property Profile

Dayton OR 97114



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Salem, OR





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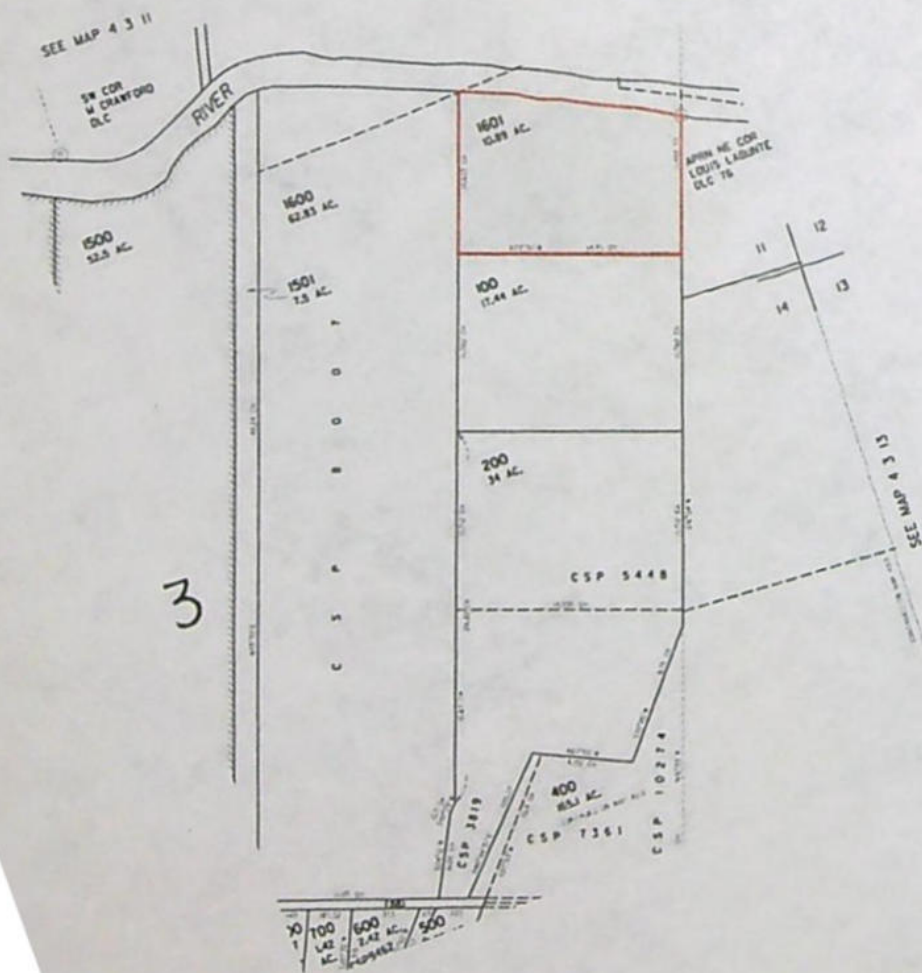


Yamhill, OR County Property Profile  
Dayton OR 97114

SECTION 14 T4S R3W W.M.  
YAMHILL COUNTY  
1" = 400'

4 3 14

CANCELLED  
300  
601  
1200  
1201



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AUG 06 2024  
Salem, OR



# Property Account Summary

8/2/2024



Click image above for more information

Account Number	422670	Property Address	
----------------	--------	------------------	--

## General Information

Alternate Property #	R4314 01601
Property Description	See Metes & Bounds
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	8.3
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY

## Tax Rate

Description	Rate
Total Rate	12.3854

## Property Characteristics

Neighborhood	Rural South
Land Class Category	550 Farm EFU Receiving FUV/vac
Account Acres	10.8900
Change Property Ratio	Farm

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## Parties

AUG 06 2024

Role	Name
Owner	C & M LEGACY LAND LLC

Salem, OR

## Related Properties

No Related Properties Found
-----------------------------

## Property Values

Value Type	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019
Assessed Value AVR	\$860	\$839	\$817	\$795	\$773
Exempt Value EAR					
Taxable Value TVR	\$860	\$839	\$817	\$795	\$773
Real Market Land MKLTL	\$113,765	\$68,474	\$53,117	\$56,835	\$59,210
Real Market Buildings MKITL					
Real Market Total MKTTL	\$113,765	\$68,474	\$53,117	\$56,835	\$59,210
M5 Market Land MKLND					
M5 Limit SAV M5SAV	\$2,897	\$2,777	\$2,701	\$2,657	\$2,592



M5 Market Buildings MKIMP					
M50 MAV MAVMK					
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUSe Portion) SAVL	\$860	\$839	\$817	\$795	\$773

#### Active Exemptions

No Exemptions Found

#### Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

[Installments Payable/Paid for Tax Year\(Enter 4-digit Year, then Click-Here\):](#) 2023

#### Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/16/2023 00:00:00	<a href="#">1279033</a>	\$10.65	\$10.65	\$10.33	\$0.00
11/10/2022 00:00:00	<a href="#">1205299</a>	\$10.56	\$10.56	\$10.24	\$0.00
11/19/2021 00:00:00	<a href="#">1181907</a>	\$10.42	\$10.42	\$10.11	\$0.00
11/23/2020 00:00:00	<a href="#">1137525</a>	\$10.22	\$10.22	\$9.91	\$0.00
11/21/2019 00:00:00	<a href="#">1086561</a>	\$10.04	\$10.04	\$9.74	\$0.00

#### Sales History

Sale Date	Entry Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Other Parcels
09/06/2023	09/14/2023	2023-08272	\$1,720,000.00	276909		X	No
10/10/2012	10/10/2012	2012-14606	\$0.00	156424		S	No
02/08/1999	02/08/1999	1999-02603	\$0.00	95617		S	No
02/08/1999	02/08/1999	1999-02602	\$0.00	95614		S	No
11/09/1998	11/09/1998	1998-22066	\$632,500.00	94431		S	No

#### Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

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AUG 06 2024

Salem, OR



Mark E. Firestone, Trustee of the Firestone  
Living Trust dtd 01/11/99, as amended, Grantor  
21076 SE Neck  
Dayton, OR 97114

Mark E. Firestone, Trustee of the Constance L.  
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10/10/2012 04:07:23 PM

DMR-DDMR Cnt=1 Stn=3 SUSIE  
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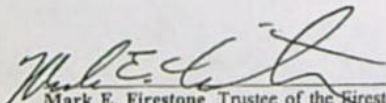
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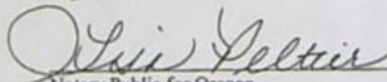
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Notary Public for Oregon



Received by OWRD

AUG 06 2024

Salem, OR



## LEGAL DESCRIPTION

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Received by OWRD

AUG 06 2024

Salem, OR

2/2



**GREW Scott A \* WRD**

---

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Wednesday, July 31, 2024 12:35 PM  
**To:** GREW Scott A \* WRD; chris cozart; Megan Cozart; Greg Kupillas  
**Subject:** Fwd: T-13781 DPD approval

Hi Scott

I am forwarding our my client C and M Legacy Land LLC email

We agree to the proposed actions and conditions set out in this Draft Preliminary Determination issued July 10, 2024 for T-13781

Except for the error:

- On Page 2 stating the POD is located 960 feet east from the SE corner. This should be 960 feet west of the SE corner.
- Also we want to make sure it is clear in item 8 on page 3 the new POD is approved for use for livestock as it is listed in Item 7 on page 2 and not just note a change in character of use.
- And our client request the completion date be extended to October 1, 2028

Also as requested

- They wish to have this posted in the News-Register publication of McMinnville

We hope these changes can be made

If not please let us know and we will determine how to proceed

Once we have the title report we will send that to you later.

Thank you

Doann Hamilton

Pacific Hydro-Geology, Inc.

503-349-6946



----- Forwarded message -----

From: **chris cozart** <[cozartchris@yahoo.com](mailto:cozartchris@yahoo.com)>

Date: Wed, Jul 31, 2024 at 12:21 PM

Subject: Re: T-13781 DPD approval

To: <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)>, Megan Cozart <[farmerswife518@yahoo.com](mailto:farmerswife518@yahoo.com)>, Greg Kupillas <[phggek@bctonline.com](mailto:phggek@bctonline.com)>

Yes we approve

[Yahoo Mail: Search, Organize, Conquer](#)

On Wed, Jul 31, 2024 at 6:34 AM, Doann Hamilton <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)> wrote:

Hi Chris and Megan

OK with all the emails back and forth with OWRD

I cannot change anything

not even the name of the POD

Scott said that can be changed at the time of proving up the water right

So do you approve of the DPD as it has been issued:

**A. Certificate 65269:**

1. Certificate 65269 will be canceled but the conditions, priority date, and limitations of that certificate still remain. A remaining right will be issued for the portions not affected by this transfer retaining the same conditions and priority date.
2. Primary Irrigation of 10.8 acres from April 1 through September 30 at a rate of 0.19 cfs (85.3 gpm)
3. Livestock on 5.35 acres from April 1 through September 30 at a rate of 0.06 cfs (26.9 gpm)

**B. Certificate 65303:**

1. Certificate 65303 will be canceled but the conditions, priority date, and limitations of that certificate still remain.



2. Primary Irrigation of 23.1 acres from April 1 through September 30 at a rate of 0.29 cfs (130.2 gpm).

### C. Both

1. New proposed POD Firestone is approved
2. 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. **Once you obtain the fish screen you must submit evidence in writing that ODFW approves the newly installed fish screen.**
3. By **October 1, 2025**, you must have:
  - a. Constructed the new POD Firestone
  - b. Installed a fish screen
  - c. Received a letter from ODFW approving the fish screen
  - d. your irrigation system installed,
  - e. and you must put water to full use.
- If you cannot get all of this work done by that date, you can apply for an extension. However, in order to get the extension, you must show that you have made some progress toward completion of your water systems. **If the POD has not been constructed and a fish screen installed and approved in the proposed location – an extension will not be granted.**
4. By October 1, 2026, a Claim of Beneficial Use (COBU) must be filed by a Certified Water Right Examiner (CWRE).

I believe from previous communication you do wish to change (and is allowed)  
- the completion date to October 1, 2028



- and the publication to be in the News-Register of McMinnville

**If you agree:**

**Please respond to this email you approve**

This leaves the only item left

- and that is the ownership information

and the title company said they will get me that by Monday August 5th

Thank you

Doann

--

Pacific Hydro-Geology, Inc.  
18487 S. Valley Vista Rd.  
Mulino, OR 97042  
(503) 349-6946  
Fax: (503) 632-5983  
email: [phgdmh@gmail.com](mailto:phgdmh@gmail.com)

--

Pacific Hydro-Geology, Inc.  
18487 S. Valley Vista Rd.  
Mulino, OR 97042  
(503) 349-6946  
Fax: (503) 632-5983  
email: [phgdmh@gmail.com](mailto:phgdmh@gmail.com)



## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Tuesday, July 30, 2024 2:15 PM  
**To:** Doann Hamilton  
**Cc:** JARAMILLO Lisa J \* WRD; GREW Scott A \* WRD  
**Subject:** RE: Change of Agent

Doann,

The only amendments that can be made after DPD is a change in support of an approval if the DPD were denied. OAR-690-380-4010 (8)

We cannot accept any amendments at this time in the process.

The applicant can move forward as is or withdraw and resubmit.

Best,  
Scott

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Tuesday, July 30, 2024 1:09 PM  
**To:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; Greg Kupillas <phggek@bctonline.com>; chris cozart <cozartchris@yahoo.com>; Megan Cozart <farmerswife518@yahoo.com>  
**Subject:** Re: Change of Agent

Hi Scott

According to OWRD flowchart we can modify during this stage  
i will attach

Doann

On Tue, Jul 30, 2024 at 1:05 PM Doann Hamilton <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)> wrote:

Hi Scott

Yes I understand after the DPD but what about during  
I thought this is the time to make changes before the PD is issued

Doann



----- Forwarded message -----

From: **GREW Scott A \* WRD** <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>

Date: Tue, Jul 30, 2024 at 1:02 PM

Subject: RE: Change of Agent

To: Doann Hamilton <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)>

Cc: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>

Doann,

The change of agent is in process to change in WRIS. It will be soon.

No amendments can be made after DPD. The application can be withdrawn and resubmitted.

Best,

Scott

Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890

---

From: Doann Hamilton <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)>

Sent: Tuesday, July 30, 2024 11:04 AM

To: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>; chris cozart <[cozartchris@yahoo.com](mailto:cozartchris@yahoo.com)>; Megan Cozart <[farmerswife518@yahoo.com](mailto:farmerswife518@yahoo.com)>; Greg Kupillas <[phggek@bctonline.com](mailto:phggek@bctonline.com)>

Subject: Fwd: Change of Agent

Hi Scott

Our client



C and M Legacy Land LLC

sent the email I am forwarding to you  
to change their agent from BK Water Rights  
to Pacific Hydro-Geology, Inc.

I do not see the change has been made on WRIS

But I would like to ask you some question regarding

T-13781

I see the DPD was issued July 10, 2024

with replies and information needed by August 9th

We are wondering at this stage can we change:

- Livestock to commercial use
- and change the name of the POD from Firestone POD to C&M Legacy Land POD

Thank you

Doann

----- Forwarded message -----

From: **Megan Cozart** <[farmerswife518@yahoo.com](mailto:farmerswife518@yahoo.com)>

Date: Thu, Jul 25, 2024 at 3:07 PM

Subject: Change of Agent



To: [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) <[scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov)>

Cc: Chris Cozart <[cozartchris@yahoo.com](mailto:cozartchris@yahoo.com)>, Doann Hamilton <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)>

Good afternoon,

We wish to approve as our new agent:

Pacific Hydro-Geology, Inc.

Doann Hamilton

Greg Kupillas

18487 S Valley Vista Rd

Mulino, OR 97042

Thank you,

Chris & Megan Cozart

C and M Legacy Land, LLC

541.936.0771

--

Pacific Hydro-Geology, Inc.

18487 S. Valley Vista Rd.

Mulino, OR 97042

(503) 349-6946

Fax: (503) 632-5983

email: [phgdmh@gmail.com](mailto:phgdmh@gmail.com)



## GREW Scott A \* WRD

---

**From:** Megan Cozart <farmerswife518@yahoo.com>  
**Sent:** Thursday, July 25, 2024 3:44 PM  
**To:** GREW Scott A \* WRD  
**Subject:** Re: Change of Agent

You don't often get email from farmerswife518@yahoo.com. [Learn why this is important](#)

I believe it's T-13781

On Thursday, July 25, 2024 at 03:35:18 PM PDT, GREW Scott A \* WRD <scott.a.grew@water.oregon.gov> wrote:

Thank you for your e-mail Megan.

What is the transfer file?

Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890

---

**From:** Megan Cozart <farmerswife518@yahoo.com>  
**Sent:** Thursday, July 25, 2024 3:07 PM  
**To:** GREW Scott A \* WRD <scott.a.grew@water.oregon.gov>  
**Cc:** Chris Cozart <cozartchris@yahoo.com>; Doann Hamilton <phgdmh@gmail.com>  
**Subject:** Change of Agent

You don't often get email from [farmerswife518@yahoo.com](#). [Learn why this is important](#)

Good afternoon,

We wish to approve as our new agent:

Pacific Hydro-Geology, Inc.

Doann Hamilton



## GREW Scott A \* WRD

---

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Tuesday, July 30, 2024 11:04 AM  
**To:** GREW Scott A \* WRD; chris cozart; Megan Cozart; Greg Kupillas  
**Subject:** Fwd: Change of Agent

Hi Scott

Our client  
C and M Legacy Land LLC  
sent the email I am forwarding to you  
to change their agent from BK Water Rights  
to Pacific Hydro-Geology, Inc.

I do not see the change has been made on WRIS  
But I would like to ask you some question regarding  
T-13781

I see the DPD was issued July 10, 2024  
with replies and information needed by August 9th

We are wondering at this stage can we change:  
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- and change the name of the POD from Firestone POD to C&M Legacy Land POD

Thank you  
Doann

----- Forwarded message -----

**From:** Megan Cozart <farmerswife518@yahoo.com>  
**Date:** Thu, Jul 25, 2024 at 3:07 PM  
**Subject:** Change of Agent  
**To:** [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) <[scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov)>  
**Cc:** Chris Cozart <[cozartchris@yahoo.com](mailto:cozartchris@yahoo.com)>, Doann Hamilton <[phgdmh@gmail.com](mailto:phgdmh@gmail.com)>

Good afternoon,

We wish to approve as our new agent:  
Pacific Hydro-Geology, Inc.  
Doann Hamilton  
Greg Kupillas  
18487 S Valley Vista Rd



## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Monday, July 29, 2024 4:59 PM  
**To:** bill@bkwrc.com  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: T-13781 - Issuance of Draft Preliminary Determination - Action Required!

Hello Bill,

Thanks for your e-mail.

1. Yes more time is allowed pursuant to OAR 690-380-5140(3). 5 years total is the limit
  - a. Please let me know how much longer they would need and the reason why they are requesting that. I add that reason to the finding citing that OAR.
2. Yes there is a scrivener's error in the APOD. It is in fact WEST. I will correct that for the PD.
3. The calculation I made was on the actual rate that was proven up on. You are citing 1/80 or 0.0125. When I do the calculation of the actual 16.15 acres and 0.19 cfs comes out to 0.0117647 cfs/acre which is a scant deficient in rate. My calculation actually comes to 0.063 so in keeping with the hundredths I round down. (see my calculation below I did take it out below to the thousandths for you to see.

16.15	0.190	0.0117647	5.35	0.063	10.8	0.127
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Let me know if you have any further questions.

I hope you have an amazing week!

Scott

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

**From:** bill@bkwrc.com <bill@bkwrc.com>  
**Sent:** Monday, July 29, 2024 4:13 PM  
**To:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Cc:** Chris Cozart <cozartchris@yahoo.com>  
**Subject:** RE: T-13781 - Issuance of Draft Preliminary Determination - Action Required!

Afternoon Scott,



Finally had time to review the draft. I noticed one thing that needs correcting, have one question and the applicant needs more time than October 2025 to complete the transfer. The correction is regarding the location of the APOD. I believe the APOD is West from the SE Corner of Section 11. The question I have pertains to the allowed rate for the livestock and cooling water. The change of Character of Use affects 5.35 acres and at the rate of 1/80<sup>th</sup> cfs per acre that comes out to 0.067 cfs (30.1 gpm) rounding to 0.7 (31.4 gpm). Using the proposed 0.06 cfs (26.9 gpm) results in roughly a 10% loss. I don't recall the policy for rounding so if I'm off base please let me know. The last item is the Beneficial Use date. What is the maximum time that can be requested?

Hope all is well with you Scott. Have a grand week,  
Bill

William (Bill) Ferber CWRE, PE  
BK Water Right Consulting LLC  
PO Box 13  
Brush Prairie, Washington 98606

Phone: 503.910.9212  
FAX: 1 503.339.9536  
Email: [bill@bkwrc.com](mailto:bill@bkwrc.com)

---

From: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Sent: Wednesday, July 10, 2024 12:00  
To: [bill@bkwrc.com](mailto:bill@bkwrc.com)  
Cc: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Subject: T-13781 - Issuance of Draft Preliminary Determination - Action Required!

July 10, 2023

VIA E-MAIL

**Applicant**

C AND M LEGACY LAND LLC  
21105 SE NECK RD  
DAYTON, OR 97114

Reference: Water Right Transfer Application T-13781

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-13781. 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 August 9, 2024.

***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 August 9, 2024, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.



## GREW Scott A \* WRD

---

**From:** bill@bkwrc.com  
**Sent:** Monday, July 29, 2024 4:13 PM  
**To:** GREW Scott A \* WRD  
**Cc:** Chris Cozart  
**Subject:** RE: T-13781 - Issuance of Draft Preliminary Determination - Action Required!

Afternoon Scott,

Finally had time to review the draft. I noticed one thing that needs correcting, have one question and the applicant needs more time than October 2025 to complete the transfer. The correction is regarding the location of the APOD. I believe the APOD is West from the SE Corner of Section 11. The question I have pertains to the allowed rate for the livestock and cooling water. The change of Character of Use affects 5.35 acres and at the rate of 1/80<sup>th</sup> cfs per acre that comes out to 0.067 cfs (30.1 gpm) rounding to 0.7 (31.4 gpm). Using the proposed 0.06 cfs (26.9 gpm) results in roughly a 10% loss. I don't recall the policy for rounding so if I'm off base please let me know. The last item is the Beneficial Use date. What is the maximum time that can be requested?

Hope all is well with you Scott. Have a grand week,  
Bill

*William (Bill) Ferber CWRE, PE  
BK Water Right Consulting LLC  
PO Box 13  
Brush Prairie, Washington 98606*

Phone: 503.910.9212  
FAX: 1 503.339.9536  
Email: [bill@bkwrc.com](mailto:bill@bkwrc.com)

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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Wednesday, July 10, 2024 12:00  
**To:** bill@bkwrc.com  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** T-13781 - Issuance of Draft Preliminary Determination - Action Required!

July 10, 2023

VIA E-MAIL

### Applicant

C AND M LEGACY LAND LLC  
21105 SE NECK RD  
DAYTON, OR 97114

Reference: Water Right Transfer Application T-13781





# 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](http://www.oregon.gov/owrd)

July 10, 2023

VIA E-MAIL

### Applicant

C AND M LEGACY LAND LLC

21105 SE NECK RD

DAYTON, OR 97114

Reference: Water Right Transfer Application T-13781

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-13781. 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 August 9, 2024.

### *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 August 9, 2024, 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_to_transfer_form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please provide the name of the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

**Conditions of your water right...**

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, 2025.** 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. Because there is more than ¼ mile between the new and the authorized points of diversion, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

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.

3. The name of the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by August 9, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13781  
Joel M. Plahn, District 22 Watermaster (*via e-mail*)  
Bill Ferber, Agent for the applicant (*via e-mail*)

encs





# Oregon

Tina Kotek, Governor

## Water Resources Department

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

September 26, 2023

Firestone Living Trust  
Eric Firestone, Trustee  
910 Spring Knoll  
San Antonio, TX 78258

Reference: Transfer: T-13781

The assignment from Firestone Living Trust, Eric Firestone, Trustee to C & M Legacy Land LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show C & M Legacy Land LLC as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 141645 covering the recording fee is also enclosed.

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

Sincerely,

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

Enclosure: Original Request and Receipt 141645

cc: C & M Legacy Land LLC – 21105 SE Neck Rd., Dayton, OR 97114  
Data Center, OWRD (cover letter & request)  
File



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **141645**

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

RECEIVED FROM: Firestone Living Trust

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 1425 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-13781</u>

TOTAL REC'D \$ 120.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_ 0202 \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_

0205 TRANSFER \$ \_\_\_\_\_

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 \$ \_\_\_\_\_

LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

0250 OTHER (IDENTIFY) Assignment \$ 120.00

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

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

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT:

**141645**

DATED:

9-18-2023

BY:

Lisa J. Miller



# Request for Assignment

RECEIVED

SEP 18 2023

OWRD



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

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

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

1. Eric Firestone, Trustee Firestone Living Trust  
(Name of Current Holder of Record)  
910 Spring Knoll San Antonio TX 78258 210-488-4115  
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

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

Application # 553310 ; Permit # 539730 ; Transfer Order # T-13781 ;

Limited License # \_\_\_\_\_ ; Groundwater Statement # \_\_\_\_\_ ;

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

C+M Legacy Land LLC  
(Name of New Owner)  
21105 SE Weck Rd Dayton OR 97114 541-936-0771  
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 13 day of September, 2023.  
(Day) (Month) (Year)

Signature of Current Holder of Record

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

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

Fee receipt # 141645 PSI  
For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

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

Assign - Approve  
PSI MFB 9-28-2023



# Request for Assignment

RECEIVED

SEP 18 2023

OWRD

OREGON



WATER RESOURCES  
DEPARTMENT

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

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

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

I, Eric Firestone, Trustee Firestone Living Trust  
(Name of Current Holder of Record)

910 Spring Knoll San Antonio TX 78758 210-488-4115  
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

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

Application # 558637 ; Permit # 544208 ; Transfer Order # 7-13781 ;

Limited License # \_\_\_\_\_ ; Groundwater Statement # \_\_\_\_\_ ;

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

C+M Legacy Land, LLC  
(Name of New Owner)

21105 SE Neck Rd Dayton OR 97114 541-936-0771  
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 13 day of September, 2023.  
(Day) (Month) (Year)

Signature of Current Holder of Record

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

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

Fee receipt # 141645 PS 2  
For Director by Mary F. Bjork, Program Analyst in Water Rights Division. M & B

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

Assign - Approve  
pg 2 WRB 9-28-2023





# Oregon

Tina Kotek, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

September 25, 2023

Firestone Living Trust  
Eric Firestone  
910 Spring Knoll  
San Antonio, TX 78258

Reference: Transfer T-13781

Dear Eric Firestone,

The Department has received your submitted Request for Assignment on Transfer T-13781, to change the transfer holder of record from Firestone Living Trust, Eric Firestone to C & M Legacy Land LLC. Two fees were submitted, one for each water right that the transfer application works on. Only one fee is needed to change the transfer holder of record, so the second fee is being returned to you.

Should you have any questions, please contact me at 503-979-9895 or [mary.f.bjork@water.oregon.gov](mailto:mary.f.bjork@water.oregon.gov).

Sincerely,

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

Enclosures: Request for Assignment Fee

cc: File





COPY

## MONEY SLIP

DATE: 9-18-2023 RECEIPT #: 141646

RECEIVED FROM: FireStone Living Trust

APPLICATION  
PERMIT  
TRANSFER

CASH ☐ CHECK # 1426 ☒ OTHER (IDENTIFY) ☐

TOTAL REC'D \$ 120.00

1083 TREASURY 4170 MISC CASH ACCT.

0407 COPIES \$  
OTHER: (IDENTIFY) \$

0243 Instream Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

1083 TREASURY 4270 WRD OPERATING ACCT.

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

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

WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ RECORD FEE \$  
LANDOWNER'S PERMIT 0219 \$  
OTHER (IDENTIFY) 0220 \$

0607 TREASURY 0467 HYDROELECTRIC

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

HYDRO APPLICATION \$

SPECIAL INSTRUCTIONS:

☒ RETURN TO APPLICANT -- LETTER ATTACHED



# 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-13781

Review Due Date:

Applicant Name: Eric Firestone

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

Reviewer(s): Joel Plahn

Date of Review: 09/13/2021

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:
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:

☒ 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:

☒ 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:

The irrigation season is April 1 through September 30. Max Rate for new use 28 GPM and total of 13.375 acre feet total per season.

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



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T-

- ☐ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

**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-13781

Date of review: 9/8/21

**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:

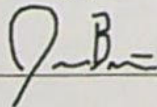
**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**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



**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-13781

**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: Hilary Doulos

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 296-8026

- ☒ 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: Roseburg/OR/97470

Phone: (541) 315-6222



**GREW Scott A \* WRD**

---

**From:** bill@bkwrc.com  
**Sent:** Thursday, August 3, 2023 7:54 AM  
**To:** GREW Scott A \* WRD  
**Subject:** Firestone Transfer T 13781

Morning Scott,

Eric Firestone, T 13781 applicant, was asking me about the transfer process and while I was looking over the application I realized I may have not made things clear regarding the Change in Character of Use lands. On page 8 of the application where the changes by acres is listed I listed "Same" in the "New Type of Use" column. "Same" is referencing that listed in the "Proposed Changes (see "Codes" from previous page)" column. Should I have listed "Livestock and Livestock Cooling" in the "New Type of Use" column instead of "Same"? If so, should I send you an updated page 8? Please contact me if you have questions.

Thanks for your help and hope your day is going well,  
Bill

*William (Bill) Ferber CWRE, PE  
BK Water Right Consulting LLC  
PO Box 13  
Brush Prairie, Washington 98606*

Phone: 503.910.9212  
FAX: 1 503.339.9536  
Email: [bill@bkwrc.com](mailto:bill@bkwrc.com)





**Oregon**  
Kate Brown, Governor

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

August 11, 2021

ERIC FIRESTONE  
910 SPRING KNOLL  
SAN ANTONIO, TX 78258

Reference: Application T-13781

On July 23, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$2610.00. Our receipt number 135965 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 for the new use or from the new point of appropriation 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) 986-0815.

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

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135965**

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

RECEIVED FROM: Firestone Living Trust.  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-13781

CASH: ☐ CHECK # 1334 ☒ OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 2,610.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_ 0202 \$ \_\_\_\_\_  
0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_  
0205 TRANSFER \$ 2,610.00  
**WELL CONSTRUCTION**  
0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 \$ \_\_\_\_\_  
LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **135965**

DATED: 7-26-2021 BY: [Signature]



# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

OREGON



WATER RESOURCES  
DEPARTMENT

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

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

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

RECEIVED

JUL 26 2021

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: C 65269, C 65303**  
Please include a separate Part 5 for each water right. (See instructions on page 6)

### Attachments:

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

(For Staff Use Only)

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

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

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

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

13781



JUL 26 2021

OWRD

## 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/](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°).

13781



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

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

**Table 2. Description of Changes to Water Right Certificate # 65269**

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.

**SUPERSEDING**

Received by OWRD

SEP 22 2023

Salem, OR

SUPERSEDING



# SUPERSEDING

SEP 22 2023

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "Salem, OR") The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	S	3	W	11	SW	SE	100	76	3.4	Irrigation	DIV. PT.	1975	APOD	4	S	3	W	11	SE	SE	1601	76	1.11	SAME	DIV.PT. & Firestone POD	1975
4	S	3	W	11	SE	SE	100	76	7.48	Irrigation	DIV. PT.	1975	ADPO/USE	4	S	3	W	11	SE	SE	1601	76	0.01	Livestock Watering & Cooling	DIV.PT. & Firestone POD	1975
4	S	3	W	11	SE	SE	1601	76	1.12	Irrigation	DIV. PT.	1975	APOD	4	S	3	W	11	SE	SE	100	76	4.61	SAME	DIV.PT. & Firestone POD	1975
4	S	3	W	14	NE	NE	100	76	2.9	Irrigation	DIV. PT.	1975	APOD/USE	4	S	3	W	11	SE	SE	100	76	2.87	Livestock Watering & Cooling	DIV.PT. & Firestone POD	1975
4	S	3	W	14	NW	NE	100	76	1.1	Irrigation	DIV.PT	1975	APOD	4	S	3	W	11	SW	SE	100	76	2.61	SAME	DIV.PT. & Firestone POD	1975
4	S	3	W	14	NE	NE	200	76	0.1	Irrigation	DIV.PT	1975	APOD/USE	4	S	3	W	11	SW	SE	100	76	0.79	Livestock Watering and Cooling	DIV.PT. & Firestone POD	1975
4	S	3	W	14	NW	NE	200	76	0.05	Irrigation	DIV.PT	1975	APOD	4	S	3	W	14	NE	NE	100	76	1.22	SAME	DIV.PT. & Firestone POD	1975
													APOD/USE	4	S	3	W	14	NE	NE	100	76	1.68	Livestock Watering and Cooling	DIV.PT. & Firestone	1975



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Addition remarks: Transfer is for an APOD and Use on the acres listed above only. USE is requesting 5.35 acres of irrigation be changed to Livestock and Livestock Cooling.

## SUPERSEDING

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

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

**Table 2. Description of Changes to Water Right Certificate # 65269**

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

137

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	S	3	W	11	SW	SE	100	76	3.4	Irrigation	DIV. PT.	1975	APOD	4	S	3	W	11	SE	SE	1601	76	1.11	SAME	Firestone POD	1975
4	S	3	W	11	SE	SE	100	76	7.48	Irrigation	DIV. PT.	1975	ADPO/USE	4	S	3	W	11	SE	SE	1601	76	0.01	SAME	Firestone POD	1975
4	S	3	W	11	SE	SE	1601	76	1.12	Irrigation	DIV. PT.	1975	APOD	4	S	3	W	11	SE	SE	100	76	4.61	SAME	Firestone POD	1975
4	S	3	W	14	NE	NE	100	76	2.9	Irrigation	DIV. PT.	1975	APOD/USE	4	S	3	W	11	SE	SE	100	76	2.87	SAME	Firestone POD	1975
4	S	3	W	14	NW	NE	100	76	1.1	Irrigation	DIV. PT.	1975	APOD	4	S	3	W	11	SW	SE	100	76	2.61	SAME	Firestone POD	1975
4	S	3	W	14	NE	NE	200	76	0.1	Irrigation	DIV. PT.	1975	APOD/USE	4	S	3	W	11	SW	SE	100	76	0.79	SAME	Firestone POD	1975
4	S	3	W	14	NW	NE	200	76	0.05	Irrigation	DIV. PT.	1975	APOD	4	S	3	W	14	NE	NE	100	76	1.22	SAME	Firestone POD	1975
													APOD/USE	4	S	3	W	14	NE	NE	100	76	1.68	SAME	Firestone POD	1975
													APOD	4	S	3	W	14	NE	NE	200	76	0.1	SAME	Firestone POD	1975
													APOD	4	S	3	W	14	NW	NE	100	76	1.1	SAME	Firestone POD	1975
													APOD	4	S	3	W	14	NW	NE	200	76	0.05	SAME	Firestone POD	1975
													APOD	4	S	3	W	11	SE	SE	1601	76	N/A	SAME	Firestone POD	1975
TOTAL ACRES:							16.15						TOTAL ACRES:							16.15						

Revised 11/6/2019

Permanent Transfer Application Form - Page 8 of 11

TAC5

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RECEIVED

JUL 26 2021

OWRD



Additional remarks: Transfer is for an APOD and USE on the acres listed above only. USE is requesting 5.35 acres of irrigation be changed to Livestock and Livestock Cooling.

RECEIVED

JUL 26 2021

OWRD

**SUPERSEDED**

13781



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

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

**Table 2. Description of Changes to Water Right Certificate # 65303**

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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										APOD	4	S	3	W 14 NE NE	200	76	5.6	N/A	DIV. PT & Firestone POD	1979		
										APOD	4	S	3	W 14 NW NE	200	76	13.4	N/A	DIV. PT & Firestone POD	1979		
										APOD	4	S	3	W 14 SW NE	200	76	3.9	N/A	DIV. PT & Firestone POD	1979		
										APOD	4	S	3	W 14 SE NE	200	76	0.2	N/A	DIV. PT & Firestone POD	1979		
TOTAL ACRES:											TOTAL ACRES:						23.1					

Additional remarks: C 65303 Transfer is for an APOD only and will affect all acres of this water right.

Received by OWRD

SEP 22 2023

**SUPERSEDING**

Salem, OR



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

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

**Table 2. Description of Changes to Water Right Certificate # 65303**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													APOD	4	S	3	W	14	NE	NE	200	76	5.6	N/A	Firestone POD	1979
													APOD	4	S	3	W	14	NW	NE	200	76	13.4	N/A	Firestone POD	1979
													APOD	4	S	3	W	14	SW	NE	200	76	3.9	N/A	Firestone POD	1979
													APOD	4	S	3	W	14	SE	NE	200	76	0.2	N/A	Firestone POD	1979
TOTAL ACRES:													TOTAL ACRES:							23.1						

Additional remarks: Transfer is for an APOD only and will affect all acres of this water right.

**SUPERSEDED**







## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Firestone Living Trust, Attn: Eric Firestone, Trustee</b>			PHONE NO. <b>210.488.4115</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>910 Spring Knoll</b>			FAX NO.	
CITY <b>San Antonio</b>	STATE <b>Texas</b>	ZIP <b>78258</b>	E-MAIL <b>efirestone81@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME <b>Bill Ferber/BK Water Right Consulting</b>			PHONE NO. <b>503.910.9212</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 13434</b>			FAX NO. <b>1 503.339.9536</b>	
CITY <b>Salem</b>	STATE <b>Oregon</b>	ZIP <b>97309</b>	E-MAIL <b>bill@bkwrc.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:  
Place an Additional POD on the Trust's property to facilitate irrigation of the Trust's property and change some of the Trust's lands from Irrigation to Livestock and Livestock Cooling.

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

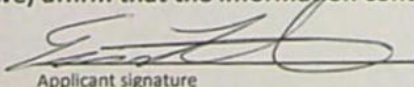
JUL 26 2021

OWRD

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: \_\_\_\_\_.
- 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).

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

  
Applicant signature

Eric Firestone, trustee  
Print Name (and Title if applicable)

7/14/2021  
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



Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

**RECEIVED**  
**JUL 26 2021**

Describe any special ownership circumstances here: \_\_\_\_\_

**OWRD**

- ☐ 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 <b>Yamhill County</b>	ADDRESS <b>535 NE 5th Street</b>		
CITY <b>McMinnville</b>	STATE <b>Oregon</b>	ZIP <b>97128</b>	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	



## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 65269

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JUL 26 2021

### Description of Water Delivery System

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR

445 gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the Yamhill River via a Cornell 2.5WH-30-2 pump with a 30 Hp electric motor. Water is delivered to the POU via 5" buried and on ground mainline, 3" hand lines and 3/16" sprinklers @ 50 p.s.i..

**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)
DIV. PT.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	3	W	11	NE SW	76 1400' North and 2250' East from the SW Corner of Section 11.
Firestone POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	S	3	W	11	SE SE	76 1160' North and 960' West from the SE Corner of Section 11
	<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 checked="" type="checkbox"/> Character of Use (USE)               | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

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

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



**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: N/A.

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

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

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

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

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

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

OWRD

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

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

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](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 -s rate (i gpm). than fu of wate

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

CERTIFICATE # **65303**

RECEIVED

JUL 26 2021

**Description of Water Delivery System**

System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR  
**445** gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the Yamhill River via a Cornell 2.5WH-30-2 pump with a 30 Hp electric motor. Water is delivered to the POU via 5" buried and on ground mainline, 3" hand lines and 3/16" sprinklers @ 50 p.s.i..

**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)
Div. PT.	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	3	W	11	NE SW	76 1400' North and 2250' East from the SW Corner of Section 11.
Firestone POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	S	3	W	11	SE SE	76 1160' North and 960' West from the SE Corner of Section 11

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

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

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

**13781**

☒ 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.



**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: N/A.

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****JUL 26 2021****For a change from Supplemental Irrigation Use to Primary Irrigation Use**

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

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

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

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**AND/OR**

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

**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

**13781**



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of Yamhill )

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JUL 26 2021

OWRD

I, Eric Firestone, in my capacity as Trustee, Firestone Living Trust,  
mailing address 910 Spring Knls, San Antonio, TX 78258

telephone number (210) 488-4115, 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 # C65303; **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)
65269	4	S	3	W	WM	11	SW SE	76	3.1
65269	4	S	3	W	WM	11	SE SE	76	8.6
65269	4	S	3	W	WM	14	NE NE	76	3.0
65269	4	S	3	W	WM	14	NW NE	76	1.1

**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)

13781



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

RECEIVED

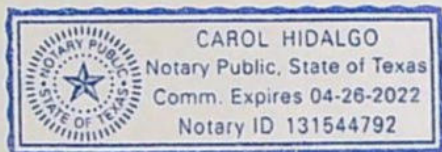
JUL 26 2021

[Signature]  
Signature of Affiant

05/27/2020  
Date

OWRD

Signed and sworn to (or affirmed) before me this 27 day of May, 2020.



[Signature]  
Notary Public for Oregon TEXAS

My Commission Expires: 04/26/2022

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 <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<input 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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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INVOICE #100

RECEIVED

JUL 26 2021

# Owens Family Farm LLC

20435 SE Neck Rd.

Dayton, OR. 97114

503-864-2805

9/13/19

## BILL TO

Firestone Farms

## FOR

Re-Establishment of Water Rights  
Support

### Details

### AMOUNT

Irrigation Labor

\$450.00

Electricity

\$800.00 \*

\*marzan will pay half for additional  
watering. we moved pipe ourselves :)

Rebilled Admin Trust on Inv #1011

SUBTOTAL \$1,250.00

TAX RATE 0.00%

OTHER \$0.00

TOTAL \$1,250.00

Make all checks payable to Owens Family Farm LLC

If you have any questions concerning this invoice, use the following contact information:

Contact Name, Phone Number, Email

THANK YOU FOR YOUR BUSINESS!

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RECEIVED  
JUL 26 2021



## Permanent APOD Map

RECEIVED

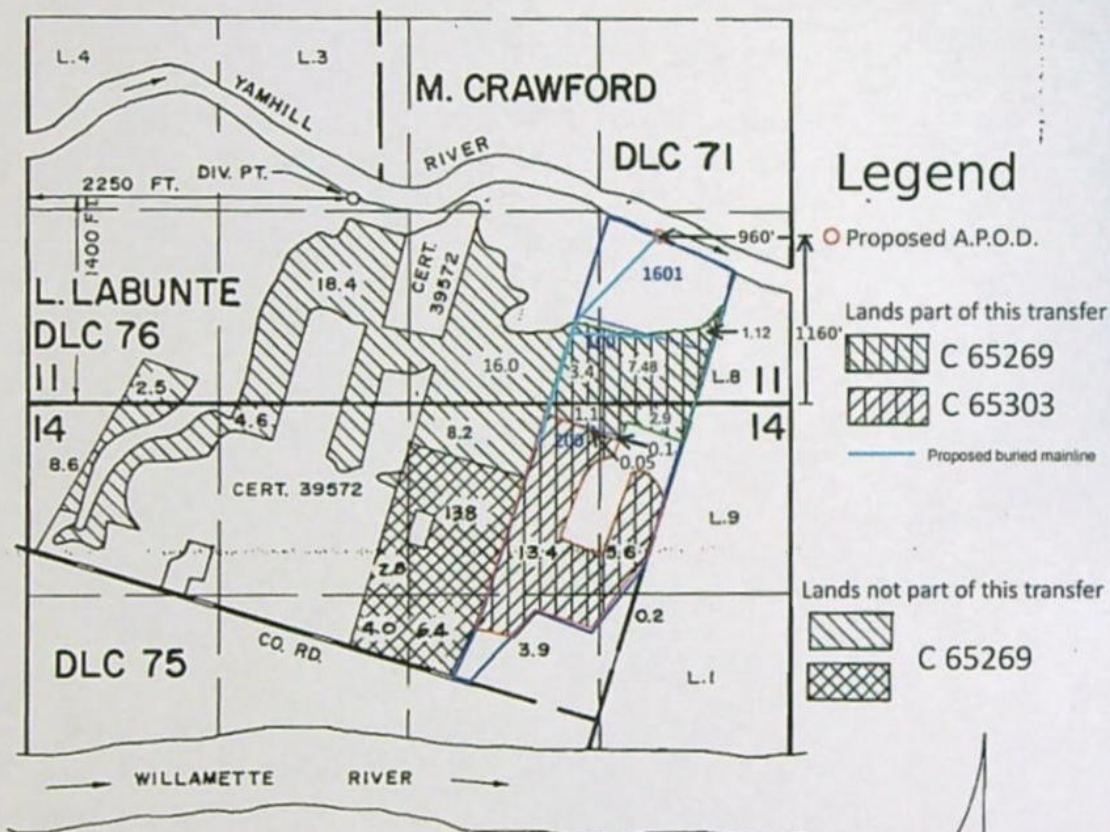
JUL 26 2021

OWRD



T.4S., R.3W., W.M.

EXPIRES: Dec. 31, 2021



## FINAL PROOF SURVEY

UNDER

Application No. 58637 44208  
 53310 Permit No. 39730  
 IN NAME OF

GARY L. OWENS

Surveyed MAY 31, 1984, by P. Fenton

13781



# Permanent Change in Character of Use Map - from Irrigation to Livestock and Livestock Cooling



T.4S., R.3W., W.M.

RECEIVED

JUL 26 2021

OWRD Legend

EXPIRES: Dec. 31, 2021

Lands part of  
this transfer

Certificate 65269

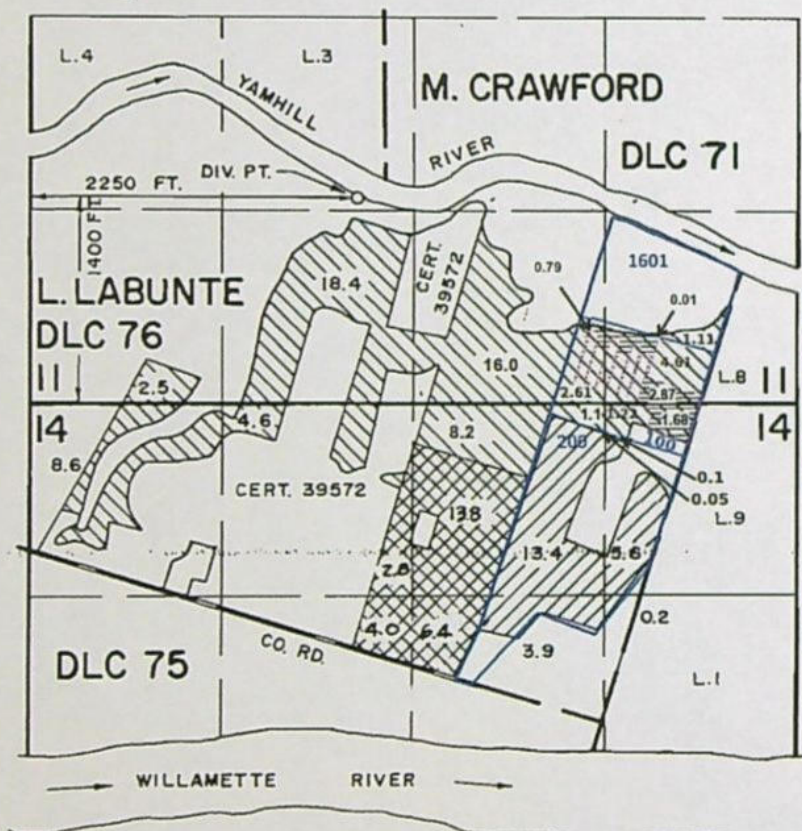
Lands not part of  
this transfer

Certificate 65269

PRIMARY

SUPPLEMENTAL

Certificate 65303



SCALE: 4" = 1 MILE

## FINAL PROOF SURVEY UNDER

Application No. 58637 44208  
53310 Permit No. 39730  
IN NAME OF

GARY L. OWENS

Surveyed MAY 31, 1984, by P. Fenton

13781



## Oregon Water Resources Department

## Transfer Fee Calculation for Permanent (Non-District) Transfer

Main

Help

Return

Contact Us

Today's Date: Wednesday, August 4, 2021

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs)

\$1,360.00

Fill in information below— Check each box that applies.

Types of Change Proposed:

☐ Place of Use☒ Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD☒ Character of Use

\$1,090.00

Enter total number of water rights included in transfer. 

\$610.00

☐ Check this box if you propose to add or change a well, or change from a surface water POD to a well.Enter total number of groundwater wells (POAs) included in transfer. 

\$0.00

☐ Check this box if you propose to change the place of use or character of use for a NON-irrigation right.☒ Check this box if you propose to change the place of use or character of use for an irrigation right.

Enter the following for the primary certificates on the land included in the transfer.

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
65269	101.45	16.15	1.2		0.19103
65303	23.1	23.1	0.29		0.29

Total Transfer CFS(rounded up to the next whole cfs): 1.00

Subtotal:

\$3,060.00

Check each box that applies.

☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

\$3,060.00

Return to Edit

Clear



# Land Use Information Form



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

RECEIVED

JUL 26 2021

OWRD

Applicant(s): Firestone Living Trust, Attn: Eric Firestone, Trustee

Mailing Address: 910 Spring Knoll

City: San Antonio

State: Texas

Zip Code: 78258

Daytime Phone: 210.488.4115

## 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>4</u>	<u>3</u>	<u>14</u>	_____	<u>200</u>	<u>EF80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation, Livestock cooling</u>
<u>4</u>	<u>3</u>	<u>14</u>	_____	<u>100</u>	<u>EF80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation, Livestock cooling</u>
<u>4</u>	<u>3</u>	<u>14</u>	_____	<u>1601</u>	<u>EF80</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<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:

Yamhill County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.20    ☒ 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 Change in character of use

Briefly describe:

The proposed transfer is to locate an addition Point of Diversion (POD) on the applicants property, 4 3 14 1601 and to change some of the Irrigation use to Temperature Control. The current and authorized POD is on neighboring property 4 3 14 tax lot 1400.

13781



JUL 26 2021

## For Local Government Use Only

OWRD

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

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

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the Yamhill Co. Zoning Ord
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Kenneth P. Fide Title: P.D.

Signature: [Signature] Phone: 503 434-7516 Date: 7/14/2021

Government Entity: Yamhill County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13781

Checked by: <u>John</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Date: <u>8/15/21</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: \$ <u>2610.00</u>	Calculated Fee: \$ <u>3060.00</u> <u>need 496.00 send letter</u>	How many rights to be Transferred? <u>2</u>				
		Certificate # <u>65269</u>				
		<u>65303</u>				
Additional Observations:						

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

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

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_



## Permanent Transfer Application Intake Completion Checklist

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