

regular

Name Hudspeth Family FarmAddress 30180 Blaine rd
Beaver Oregon 97108
zhudspeth09@gmailChange in POD APD
Date Filed 8/21/2023
Initial notice date 8/29/2023
DPD issued date 10-15-24
PD issued date 2/6/2025
PD notice date 2/11/2025
Date of FO 3/27/2025 Vol 134 Page 158-164C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____Assignments: _____

Irrigation District _____

Agent Will Megill Surveying willmegill.surveying@gmailCWRE _____
CC's list Tillamook County

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Unnamed stream nestucca riverTrib. of nestucca river nestucca BayUse Irrigation County Tillamook

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# 513085 Per # 54821 Cert # 95360 PR Date _____App# 521523 Per # 51878 Cert # 214360 PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

| Date | Amount | Receipt # |
|---------|-----------|-----------|
| 8-21-23 | \$3060.00 | 14438 |

FEES REFUNDED

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14311

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

| | | |
|--|---|-----------------------------|
| Applicant: HUDSPETH FAMILY FARM 30180 BLAINE RD BEAVER, OR 97108 | Agent: WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392 | Receiving Landowner: |
| Current Landowner if other than Applicant: | CWRE: | Irrigation District: |
| Affected Local Gov'ts: Tillamook County Planning Department | Affected Tribal Gov't: | BOR Notified (date): |

Water Rights Affected

| File Marked | App. File # or Decree Name | Permit | Certificate | RR/CR Needed | RR/CR Nos. |
|--------------------------|----------------------------|--------|-------------|---|------------|
| <input type="checkbox"/> | S13685 | S9821 | 9536 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <input type="checkbox"/> | S21523 | S6878 | 21436 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| <input type="checkbox"/> | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

Key Dates & Initial Actions (Support Staff)

| | | |
|-----------------------------------|---|----------------------------|
| Rec'd: August 21, 2023 | Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE | |
| Fees Pd: 3060.00 | Acknowledgement Letter Sent <input checked="" type="checkbox"/> | Basin: 1 North Coast |
| Initial Public Notice: 8/29/2023 | County sent cc: of Ack Letter <input checked="" type="checkbox"/> | County: TILLAMOOK |
| WM District: 1 Nikki M. Hendricks | WM Review request sent: | WM Review date received: |
| ODFW District: | ODFW Review sent: <i>Screen now #2</i> | ODFW Review date received: |
| Groundwater | GW Review sent: | GW Review date received: |

Caseworker Actions: Newspaper & PD Notice:

| | |
|---|--|
| Newspaper notice needed: <input type="checkbox"/> | Name of Newspaper: <i>Tillamook Headlight Herald</i> |
| Newspaper notice sent to coordinator: | Newspaper notice quote requested (NRS1): |
| Request for news \$ sent: | News \$ received: |
| Affidavit of publication received: | Last day of publication: |

Peer Review:

| Document | Drafted | Peer Review | Coordinator | Changes Made | Signature Bin | Signature Date |
|----------|--|--|---|---|---|------------------------|
| DPD | Date: <i>11/12/23</i> Initials: <i>Joan</i> | Date: <i>11/2/23</i> Initials: <i>Scott</i> | Date: <i>Sarah</i> Initials: _____ | Date: _____ Initials: _____ | CW Sent: <i>10/15/24</i> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/> | N/A |
| PD | Date: <i>10/30/24</i> Initials: <i>Joan</i> | Date: <i>10/30/24</i> Initials: <i>Arla</i> | Date: <i>11/8/25</i> Initials: <i>Keri</i> | Date: _____ Initials: <i>JS</i> Data Review Date: _____ | Date: <i>2/4/25</i> | Date: <i>2/6/2025</i> |
| FO | Date: <i>2/6/25</i> Initials: <i>Joan</i> | Date: <i>2/7/25</i> Initials: <i>Scott</i> | Date: _____ Initials: <i>Sarah</i> | Date: _____ Initials: _____ | Date: <i>3/20/25</i> No. of docs for sig: _____ | Date: <i>5/27/2025</i> |

Special Issues: _____

**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 # **144265**

INVOICE # _____

RECEIVED FROM: Zachary A. Hulspeeth
BY: _____

| | |
|-------------|---------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | T-14311 |

CASH: ☐ CHECK: # 573 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 159.96

1083 TREASURY 4170 WRD MISC CASH ACCT

| | |
|---|------------------|
| 0407 COPIES <u>46118</u> | \$ |
| <u>0207</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u> | \$ <u>159.96</u> |

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **144265**

DATED 11.25.24 BY: [Signature]

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

Received
NOV 25 2024

Caseworker: Joan Smith

Attached is a check in the amount of \$159.96 (PCA #46118) for Newspaper Notice for Transfer T-14311 made out to Oregon Water Resources Department (or WRD)
• "for T-14311 NOTICE" written on front of check

OWRD

**AFFIDAVIT
OF
PUBLICATION**

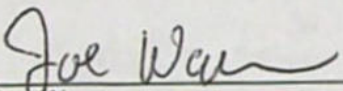
COUNTY OF TILLAMOOK
STATE OF OREGON SS.

I, Joe Warren, being first duly sworn, depose and say that I am The Clerk of The Headlight Herald, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, printed and published at Tillamook, in the aforesaid county and state; that the

Oregon Water Resources Dept
Notice of Preliminary Determination
HH25-142

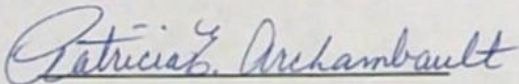
Was published 2 (two) successive and consecutive week(s) in the following issues:

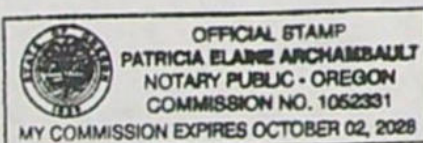
February 18, 2025
February 25, 2025


Joe Warren

Subscribed and sworn before me
this

27 day of February, 2025





HH25-142 Notice of Preliminary Determination for Water Right Transfer T-14311. T-14311 filed by Hudspeth Family Farm, 30180 Blaine Rd. Beaver, OR 97108, proposes changes in place of use and additional points of diversion under Certificates 9536 and 21436. Certificate 9536 allows the use of 0.16 cubic foot per second (cfs) from an unnamed stream in Sec. 25, T3S, R9W, WM for irrigation in Sec. 30, T3S, R8W, WM and Sec. 25, T3S, R9W, WM. The applicant proposes an additional point of diversion in Sec. 25, T3S, R9W, WM and to change the place of use to Sec. 25, T3S, R9W, WM. Certificate 21436 allows the use of 0.11 cfs from Nestucca River in Sec. 30, T3S, R9W, WM for irrigation in Sec. 30, T3S, R8W, WM. The applicant proposes an additional point of diversion in Sec. 25, T3S, R9W, WM and to change the place of use to Sec. 25, T3S, R8W, 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, 02/25/2025. 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.

2/18/25. 2/25/25

Received
APR 08 2025
OWRD

Country Media Inc.
PO Box 670
Salem OR 97308
Tel : (503) 444-7924

Advertising Docket

OREGON WATER RESOURCES DEPT.
725 Summer St. NE, Suite A
Salem, OR
97301

Cust# : 46321
Tel # : (503) 986-0898
Ad # : 408344
Date : 02/06/25
Classification : N PUBLIC NOTICE
Salesperson : House

| Edition | Insertion Date | Amount |
|-------------------------|----------------|--------|
| Headlight Herald Tues | 02/18/25 | 66.65 |
| Headlight Herald Online | 02/18/25 | 0.00 |
| Headlight Herald Tues | 02/25/25 | 66.65 |
| Headlight Herald Online | 02/25/25 | 0.00 |
| Sub Total | | 133.30 |
| | | 0.00 |
| | | 0.00 |
| Grand Total | | 133.30 |

Ad Text

HH25-142 Notice of Preliminary Determination for Water Right Transfer T-14311. T-14311 filed by Hudspeth Family Farm, 30180 Blaine Rd. Beaver, OR 97108, proposes changes in place of use and additional points of diversion under Certificates 9536 and 21436. Certificate 9536 allows the use of 0.16 cubic foot per second (cfs) from an unnamed stream in Sec. 25, T3S, R9W, WM for irrigation in Sec. 30, T3S, R8W, WM and Sec. 25, T3S, R9W, WM. The applicant proposes an additional point of diversion in Sec. 25, T3S, R9W, WM and to change the place of use to Sec. 25, T3S, R9W, WM. Certificate 21436 allows the use of 0.11 cfs from Nestucca River in Sec. 30, T3S, R9W, WM for irrigation in Sec. 30, T3S, R8W, WM. The applicant proposes an additional point of diversion in Sec. 25, T3S, R9W, WM and to change the place of use to Sec. 25, T3S, R8W, 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, 02/25/2025. 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. 2/18/25. 2/25/25

Received
APR 08 2025
OWRD



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

March 27, 2025

Hudspeth Family Farm
30180 Blaine Rd
Beaver, OR 97108

REFERENCE: Transfer Application T-14311

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

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

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

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

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

Sincerely,

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

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)
William E. McGill, Agent
Tillamook 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 CHANGES IN |
| T-14311, Tillamook County |) | PLACE OF USE, ADDITIONAL POINTS OF |
| |) | DIVERSION, AND PARTIAL CANCELLATION |
| |) | OF A WATER RIGHT |

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicant

HUDSPETH FAMILY FARM
30180 BLAINE RD
BEAVER, OR 97108

Findings of Fact

1. On August 21, 2023, Hudspeth Family Farm filed an application to change the place of use and add an additional point of diversion under Certificates 9536 and 21436. The Department assigned the application number T-14311.
2. Notice of the application for transfer was published on August 29, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

3. On October 15, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 15, 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.
4. On February 6, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-14311 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 11, 2025, and in the Headlight Herald newspaper on February 18 and 25, 2025 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

Certificate: 9536 in the name of ADAM LAPIN (perfected under Permit S-9821)
Use: IRRIGATION OF 13.0 ACRES
Priority Date: AUGUST 22, 1930
Rate: 0.165 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: UNNAMED STREAM, tributary of NESTUCCA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q |
|-----|-----|-----|-----|-------|
| 3 S | 9 W | WM | 25 | NE SE |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 4.6 |
| 3 S | 9 W | WM | 25 | SE SE | 8.4 |
| Total | | | | | 13.0 |

6. Certificate 9536 does not include a name or measured distance for the point of diversion, for purposes of this transfer application the point of diversion will be referred to as POD 1.
7. Transfer Application T-14311 proposes an additional point of diversion approximately 0.31 mile downstream to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|---|
| 3 S | 9 W | WM | 25 | SE SE | APOD 3 - 30 FEET NORTH AND 720 FEET WEST FROM THE SE CORNER OF SECTION 25 |

8. Transfer Application T-14311 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 9 W | WM | 25 | SW SE | 6.4 |
| 3 S | 9 W | WM | 25 | SE SE | 6.6 |
| Total | | | | | 13.0 |

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

Certificate: 21436 in the name of IVAH L. BROWNING (perfected under Permit S-16878)

Use: IRRIGATION OF 8.5 ACRES

Priority Date: MARCH 29, 1946

Rate: 0.11 CUBIC FOOT PER SECOND

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

Source: NESTUCCA RIVER, tributary of PACIFIC OCEAN

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Lot |
|-----|-----|-----|-----|-------|-----|
| 3 S | 8 W | WM | 30 | SW SW | 4 |

Authorized Place of Use:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 4 | 2.6 |
| 3 S | 8 W | WM | 30 | SE SW | | 5.9 |
| Total | | | | | | 8.5 |

10. The applicant provided additional information regarding the location of the point of diversion and further describes the point of diversion as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|---|
| 3 S | 8 W | WM | 30 | SE SW | POD 2 - 700 FEET NORTH AND 675 FEET EAST FROM THE SW CORNER OF SECTION 30 |

11. A scrivener's error exists in Certificate 21436, which identifies the Government Lot as Lot 4, upon re-examination of Lot 4 Certificate 21436 is not located in Lot 4.

12. Transfer Application T-14311 proposes an additional point of diversion approximately 0.22 mile downstream to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|---|
| 3 S | 9 W | WM | 25 | SE SE | APOD 3 - 30 FEET NORTH AND 720 FEET WEST FROM THE SE CORNER OF SECTION 25 |

13. Transfer Application T-14311 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 9 W | WM | 25 | SE SE | 8.5 |

14. 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.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2200 and 690-380-2110(2)]

15. Water has been used within the five-year period prior to submittal of Transfer Application T-14311 according to the terms and conditions of the right. 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-14311.
17. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
18. The proposed points of diversion divert water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
19. The proposed changes, as conditioned, would not result in enlargement of the rights.
20. The proposed changes, as conditioned, would not result in injury to other existing water rights.
21. All other application requirements are met.

Partial Cancellation of a Water Right

22. On August 21, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Zachary Hudspeth.

The portion of the right to be cancelled is as follows:

Certificate: 9536 in the name of ADAM LAPIN (perfected under Permit S-9821)
Use: IRRIGATION OF 2.0 ACRES
Priority Date: AUGUST 22, 1930
Rate: 0.025 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.
Source: UNNAMED STREAM, tributary of NESTUCCA RIVER

Authorized Point of Diversion:

| Twtp | Rng | Mer | Sec | Q-Q |
|------|-----|-----|-----|-------|
| 3 S | 9 W | WM | 25 | NE SE |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twtp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 0.4 |
| 3 S | 9 W | WM | 25 | SE SE | 1.6 |
| Total | | | | | 2.0 |

Conclusions of Law

The additional points of diversion and changes in place of use proposed in Transfer Application T-14311 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled.

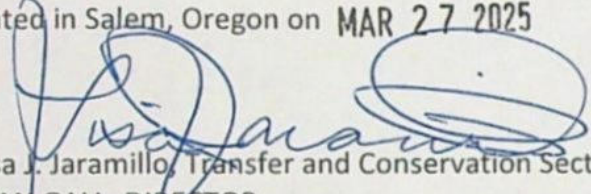
Now, therefore it is ORDERED:

1. The additional points of diversion and changes in place of use proposed in Transfer Application T-14311 are approved. The portion of the right that has been abandoned is cancelled.
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 9536 and 21436 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 points of diversion and the new place of use.

4. Water right Certificates 9536 and 21436 are cancelled. A new certificate will be issued describing those portions of Certificate 21436 not affected by this transfer and cancellation.
5. The quantity of water diverted at the new additional points of diversion (APOD 3), together with that diverted at the original points of diversion (POD 1 and POD 2), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).
6. Water must be available at the original point of diversion for Certificate 9536, to avoid enlargement of the right.
7. Water shall be acquired from the same source of surface water as the original points of diversion.
8. The former place of use of the transferred rights shall no longer receive water under the rights.
9. The portion of Certificate 9536, described in Finding of Fact #22 as cancelled, is cancelled.
10. 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.
11. 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.
12. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - 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.

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

Dated in Salem, Oregon on **MAR 27 2025**


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

Mailing date: **MAR 28 2025**

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
IVAH L. BROWNING
BEAVER, OR 97108

confirms the right to use the waters of NESTUCCA RIVER, a tributary of PACIFIC OCEAN for IRRIGATION of 10.1 ACRES.

This right was perfected under Permit S-16878. The date of priority is MARCH 29, 1946. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.12 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q |
|-----|-----|-----|-----|-------|
| 3 S | 8 W | WM | 30 | SW SW |

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

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

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

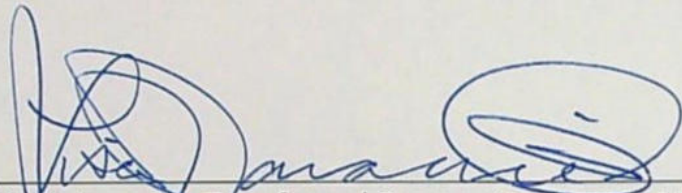
| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 2.1 |
| 3 S | 9 W | WM | 25 | SE SE | 8.0 |
| Total | | | | | 10.1 |

This certificate describes that portion of water right Certificate 21436, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered **MAR 27 2025**, approving Transfer Application T-14311.

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

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

WITNESS the signature of the Water Resources Director, affixed MAR 27 2025.



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

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



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

February 6, 2025

VIA CERTIFIED MAIL AND E-MAIL

HUDSPETH FAMILY FARM
30180 BLAINE RD
BEAVER, OR 97108

SUBJECT: Water Right Transfer Application T-14311

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14311. 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 Headlight Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will 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 don't hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14311
Nikki M. Hendricks, District 1 Watermaster (*via e-mail*)
William E. McGill, Agent for the applicant and CWRE (*via e-mail*)

encs

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

| | | |
|---------------------------------------|---|-------------------------------------|
| In the Matter of Transfer Application |) | PRELIMINARY DETERMINATION |
| T-14311, Tillamook County |) | PROPOSING APPROVAL OF CHANGES IN |
| |) | PLACE OF USE, ADDITIONAL POINTS OF |
| |) | DIVERSION, AND PARTIAL CANCELLATION |
| |) | OF A WATER RIGHT |

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

Applicant

HUDSPETH FAMILY FARM
30180 BLAINE RD
BEAVER, OR 97108

Findings of Fact

1. On August 21, 2023, Hudspeth Family Farm filed an application to change the place of use and add an additional point of diversion under Certificates 9536 and 21436. The Department assigned the application number T-14311.
2. Notice of the application for transfer was published on August 29, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

| |
|---|
| 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. |
|---|

3. On October 15, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 15, 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.

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

Certificate: 9536 in the name of ADAM LAPIN (perfected under Permit S-9821)

Use: IRRIGATION OF 13.0 ACRES

Priority Date: AUGUST 22, 1930

Rate: 0.165 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: UNNAMED STREAM, tributary of NESTUCCA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q |
|-----|-----|-----|-----|-------|
| 3 S | 9 W | WM | 25 | NE SE |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 4.6 |
| 3 S | 9 W | WM | 25 | SE SE | 8.4 |
| Total | | | | | 13.0 |

5. Certificate 9536 does not include a name or measured distance for the point of diversion, for purposes of this transfer application the point of diversion will be referred to as POD 1.
6. Transfer Application T-14311 proposes an additional point of diversion approximately 0.31 mile downstream to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|---|
| 3 S | 9 W | WM | 25 | SE SE | APOD 3 - 30 FEET NORTH AND 720 FEET WEST FROM THE SE CORNER OF SECTION 25 |

7. Transfer Application T-14311 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 9 W | WM | 25 | SW SE | 6.4 |
| 3 S | 9 W | WM | 25 | SE SE | 6.6 |
| Total | | | | | 13.0 |

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

Certificate: 21436 in the name of IVAH L. BROWNING (perfected under Permit S-16878)
Use: IRRIGATION OF 8.5 ACRES
Priority Date: MARCH 29, 1946
Rate: 0.11 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: NESTUCCA RIVER, tributary of PACIFIC OCEAN

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Lot |
|-----|-----|-----|-----|-------|-----|
| 3 S | 8 W | WM | 30 | SW SW | 4 |

Authorized Place of Use:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 4 | 2.6 |
| 3 S | 8 W | WM | 30 | SE SW | | 5.9 |
| Total | | | | | | 8.5 |

9. The applicant provided additional information regarding the location of the point of diversion and further describes the point of diversion as follows:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|---|
| 3 S | 8 W | WM | 30 | SE SW | POD 2 - 700 FEET NORTH AND 675 FEET EAST FROM THE SW CORNER OF SECTION 30 |

10. A scrivener's error exists in Certificate 21436, which identifies the Government Lot as Lot 4, upon re-examination of Lot 4 Certificate 21436 is not located in Lot 4.
11. Transfer Application T-14311 proposes an additional point of diversion approximately 0.22 mile downstream to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|-----|-----|-----|-------|---|
| 3 S | 9 W | WM | 25 | SE SE | APOD 3 - 30 FEET NORTH AND 720 FEET WEST FROM THE SE CORNER OF SECTION 25 |

12. Transfer Application T-14311 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 9 W | WM | 25 | SE SE | 8.5 |

13. 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.

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

14. Water has been used within the five-year period prior to submittal of Transfer Application T-14311 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. 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-14311.
16. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
17. The proposed points of diversion divert water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
18. The proposed changes, as conditioned, would not result in enlargement of the rights.
19. The proposed changes, as conditioned, would not result in injury to other existing water rights.
20. All other application requirements are met.

Partial Cancellation of a Water Right

21. On August 21, 2023, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Zachary Hudspeth.

The portion of the right to be cancelled is as follows:

Certificate: 9536 in the name of ADAM LAPIN (perfected under Permit S-9821)
Use: IRRIGATION OF 2.0 ACRES
Priority Date: AUGUST 22, 1930
Rate: 0.02 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.
Source: UNNAMED STREAM, tributary of NESTUCCA RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q |
|-----|-----|-----|-----|-------|
| 3 S | 9 W | WM | 25 | NE SE |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 S | 8 W | WM | 30 | SW SW | 0.4 |
| 3 S | 9 W | WM | 25 | SE SE | 1.6 |
| Total | | | | | 2.0 |

Determination and Proposed Action

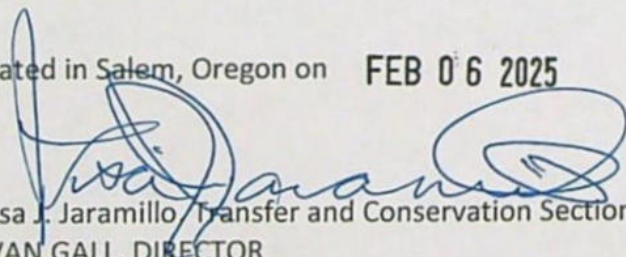
The additional points of diversion and changes in place of use proposed in Transfer Application T-14311 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14311 is approved, the final order will include the following:

- 1. The additional points of diversion and changes in place of use proposed in Transfer Application T-14311 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 9536 and 21436 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 points of diversion and the new place of use.*
- 4. Water right Certificates 9536 and 21436 are cancelled. A new certificate will be issued describing those portions of Certificate 21436 not affected by this transfer and cancellation.*
- 5. The quantity of water diverted at the new additional points of diversion (APOD 3), together with that diverted at the original points of diversion (POD 1 and POD 2), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1 and POD 2).*
- 6. Water must be available at the original point of diversion for Certificate 9536, to avoid enlargement of the right.*
- 7. Water shall be acquired from the same source of surface water as the original points of diversion.*
- 8. The former place of use of the transferred rights shall no longer receive water under the rights.*

9. *The portion of Certificate 9536, described in Finding of Fact #21 as cancelled, is cancelled.*
10. *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.*
11. *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.*
12. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - 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.*
13. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
14. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **FEB 06 2025**


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

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

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

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

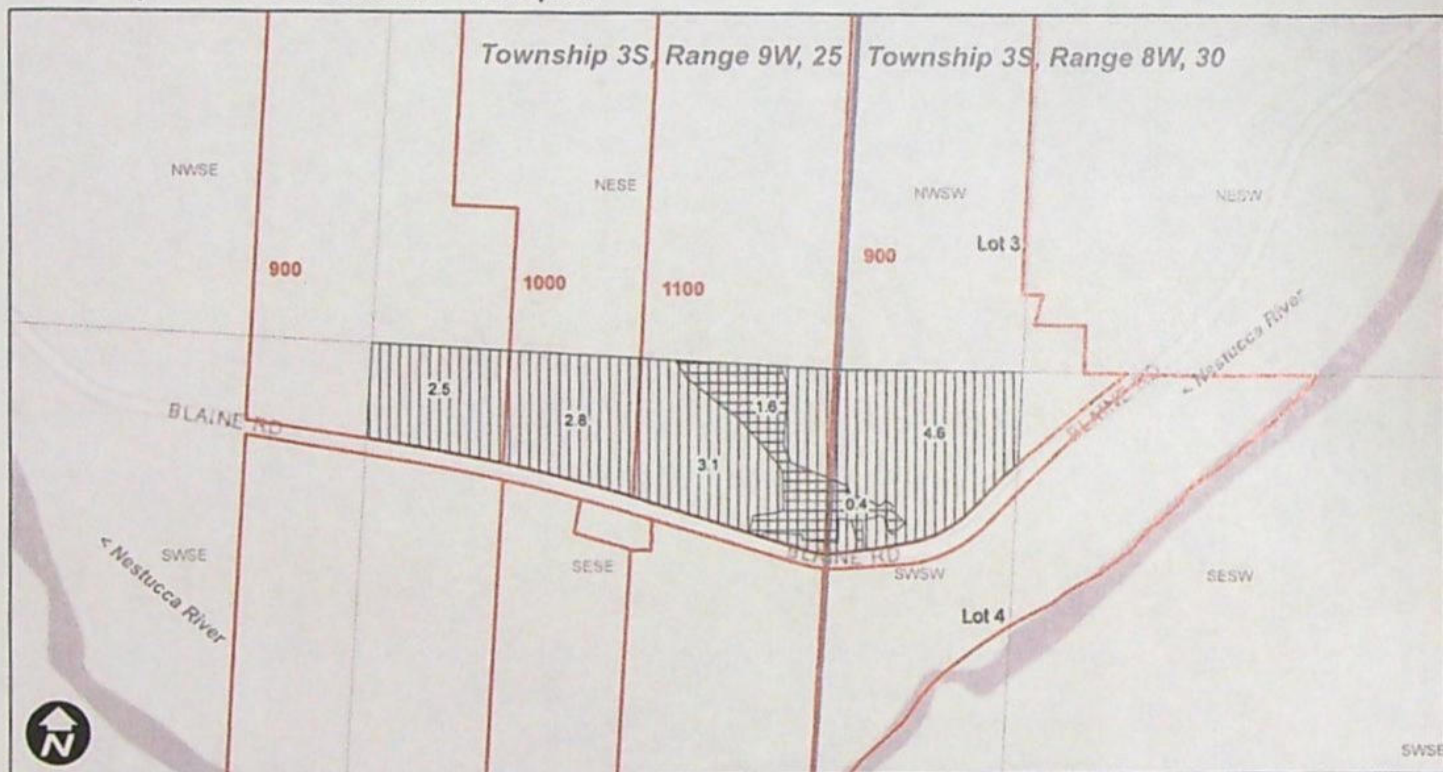
Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest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

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

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

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

Voluntary Partial Cancellation - Hudspeth



Legend

- Cert. 9536 No Change
- Cert. 9536 Voluntary Cancellation
- Taxlots

RECEIVED

AUG 21 2023

OWRD

WILL MCGILL SURVEYING LLC

SMITH Joan M * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Monday, October 21, 2024 8:56 AM
To: SMITH Joan M * WRD
Cc: Zachary Hudspeth; HENDRICKS Nikki M * WRD
Subject: Re: Transfer Application T-14311

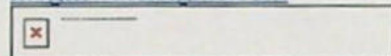
Hi Joan,

We have also reviewed the DPD and agree with the first comments Zachary has sent.
We'll also add the following comment:

1. The certificate 21436 listed POD 2 in Lot #4 (SWSW) which would be true on a normally sized QQ grid. In this situation Lot 4 or the SWSW is slim compared to the normal 1320'. The mapped (and actual historical) location of the POD 2 lands in the SESW as shown corrected on our transfer map. We believe this was a scrivener's error that just got carried through to the transfer from the certificate.

Thanks!

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



On Mon, Oct 21, 2024 at 6:57 AM Zachary Hudspeth <zhudspeth09@gmail.com> wrote:
Good Morning Joan,

I have reviewed the Draft Preliminary Determination, and have the following comments/questions:

1. Page 3, Item 10: states the place of use being transferred to 3S 8W section 25 SE SE, should be 3S 9W section 25 SE SE.
 - 1a. This also needs corrected on the "Notice of Preliminary Determination for Water Right Transfer R-14311" sheet.
2. Just wanted to confirm that the vintage of these water rights will remain when the new certificates are issued?
3. It states that we will need a totalizing flow meter at each point of diversion, existing and new. I plan on having only 1 pump that is portable, can the flow meter be located on the pump permanently? Just want to clarify if each POD needs a separate meter.

Please let me know when the change is complete and I can respond with approval. Feel free to call if you have any questions, thank you!

Thank you,

Zachary Hudspeth
503-801-6090

On Tue, Oct 15, 2024 at 2:19 PM SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov> wrote:



Oregon
Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0900
www.oregon.gov/owr

October 15, 2024

VIA E-MAIL

HUDSPETH FAMILY FARM

30180 BLAINE RD

BEAVER, OR 97108

Reference: Water Right Transfer Application T-14311

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-14311. 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 November 15, 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 November 15, 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%20to%20transfer%20form.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...

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

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, 2026. 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 are intervening point(s) of diversion 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.

If we do not receive the items listed above by November 15, 2024, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

JOAN M. SMITH | TRANSFER SPECIALIST

TRANSFER & CONSERVATION SECTION

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

NOTE: OWRD offices are now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, however, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day (M-F). OWRD's Salem office is closed for customer service drop-ins from Noon – 1pm. Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

SMITH Joan M * WRD

From: Zachary Hudspeth <zhudspeth09@gmail.com>
Sent: Monday, October 21, 2024 6:58 AM
To: SMITH Joan M * WRD
Cc: willmcgill.surveying@gmail.com; HENDRICKS Nikki M * WRD
Subject: Re: Transfer Application T-14311

Good Morning Joan,

I have reviewed the Draft Preliminary Determination, and have the following comments/questions:

1. Page 3, Item 10: states the place of use being transferred to 3S 8W section 25 SE SE, should be 3S 9W section 25 SE SE.
 - 1a. This also needs corrected on the "Notice of Preliminary Determination for Water Right Transfer R-14311" sheet.
2. Just wanted to confirm that the vintage of these water rights will remain when the new certificates are issued?
3. It states that we will need a totalizing flow meter at each point of diversion, existing and new. I plan on having only 1 pump that is portable, can the flow meter be located on the pump permanently? Just want to clarify if each POD needs a separate meter.

Please let me know when the change is complete and I can respond with approval. Feel free to call if you have any questions, thank you!

Thank you,

Zachary Hudspeth
503-801-6090

On Tue, Oct 15, 2024 at 2:19 PM SMITH Joan M * WRD <Joan.M.SMITH@water.oregon.gov> wrote:



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

October 15, 2024

VIA E-MAIL

HUDSPETH FAMILY FARM

30180 BLAINE RD

BEAVER, OR 97108

Reference: Water Right Transfer Application T-14311

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-14311. 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 November 15, 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 November 15, 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

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...

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

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, 2026. 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 are intervening point(s) of diversion 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.

If we do not receive the items listed above by November 15, 2024, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

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-14311

Date of review: 9/25/23

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:

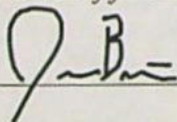
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

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-14311

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: Toby Schuyler

Address: 3561 Klindt Dr

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

Phone: (541) 967-2162

- ☒ 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

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-14311

Review Due Date: 09/22/2023

Applicant Name: Hudspeth Family Farm

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

Reviewer(s): Nikki Hendricks

Date of Review: 09/06/2023

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:
Nestucca river is regulated most summers to ISWR's 72571, 73003, 59637, 59655. these ISWR's are junior to the applicants WR's 21436 and 9536.
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:
The additional point of diversion on the Nestucca River could have potential injury to the flows for downstream users and the ISWR's.
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:

Cert 9536 transfer map shows lands being currently irrigated that aren't authorized under the cert. Irrigation should only be happening within 5 acres in SW, SW of section 30 and 10 acres in the SE, SE of section 25. No other transfer of POU is documented for Cert 9536. Not sure how this affects anything but a discrepancy I found.

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:

The APOD in the main stem Nestucca has potential to injure downstream rights and the ISWR's.

- 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:

I don't understand the voluntary cancellation of the 2 acre portion of the 1930 priority water right. Is that due to not irrigating that section over the many years? That whole section of lands isn't authorized for irrigation under any water rights.

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

The cancellation of the portion of Cert 9536 Could be transferred to instream to help mitigate the APOD losses from the Nestucca River. Would equal roughly .025 cfs (16,000gpd).

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- 14311

☒ In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** 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: Nikki Hendricks

District: 1

Address: 4000 Blimp Blvd ste 400

City/State/Zip: Tillamook, OR 97141

Phone: 503-457-8989

Email: Nikki.M.Hendricks@water.oregon.gov

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

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature

District

Date

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

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



Oregon

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

August 29, 2023

HUDSPETH FAMILY FARM
30180 BLAINE RD
BEAVER, OR 97108

Reference: Application T-14311

On August 21, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$3060.00. Receipt number 141438 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 in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #1, Nikki M. Hendricks (*via email*)
Tillamook County Planning Department
William E. McGill, Agent

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 # **141438**

INVOICE # _____

RECEIVED FROM: Will McBill Surveying, LLC
BY: _____

| | |
|-------------|---------|
| APPLICATION | |
| PERMIT | |
| TRANSFER | T-14311 |

CASH: ☐ CHECK: # 2181 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 3,060.00

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 | RECORD FEE | \$ _____ |
| 0203 GROUND WATER | \$ _____ | 0204 | | \$ _____ |

0205 TRANSFER \$ 3,060.00

WELL CONSTRUCTION

| | | | | |
|-----------------------------|----------|------|-------------|----------|
| 0218 WELL DRILL CONSTRUCTOR | \$ _____ | 0219 | LICENSE FEE | \$ _____ |
| LANDOWNER'S PERMIT | | 0220 | | \$ _____ |

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

**RECEIVED
OVER THE COUNTER**

RECEIPT: **141438**

DATED: 8/21/02 BY: [Signature]

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2** List them here: **Certificate 9536 & 21436**

Please include a separate Part 5 for each water right. (See instructions on page 6)

NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

RECEIVED

AUG 21 2023

OWRD

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

FEE WORKSHEET for SUBSTITUTIONQWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

| | | | |
|---|--------------------|------------------------------------|--|
| APPLICANT/BUSINESS NAME Hudspeth Family Farm | | PHONE NO. (503) 801-6090 | ADDITIONAL CONTACT NO. |
| ADDRESS 30180 Blaine Rd. | | | FAX NO. |
| CITY Beaver | STATE OR | ZIP 97108 | E-MAIL zhudspeth09@gmail.com |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. | | | |

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:
It is proposed to move portions of Certificates 9536 and 21436 to the same field and potentially consolidate irrigation to one proposed POD downstream from the authorized PODs.

Check One Box

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

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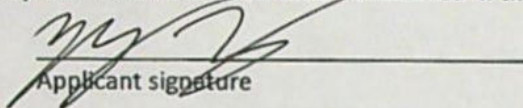
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By my signature below, I confirm that I understand:

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

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


Applicant signature

ZACHARY HUDSPETH
Print Name (and Title if applicable)

7/31/2023
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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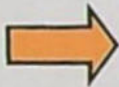
| | | | | |
|--|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | | FAX NO. |
| CITY | STATE | ZIP | E-MAIL | |
| Describe any special ownership circumstances: | | | | |
| The confirming Certificate shall be issued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

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

| | | |
|--------------------------|---------|-----|
| IRRIGATION DISTRICT NAME | ADDRESS | |
| CITY | STATE | ZIP |

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

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



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

| | | |
|--|-----------------------------------|---------------------|
| ENTITY NAME Tillamook County | ADDRESS 201 Laurel Ave. | |
| CITY Tillamook | STATE OR | ZIP 97141 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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Table 2. Description of Changes to Water Right Certificate # 9536

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 | Acre | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acre | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | | | |
| 3 | S | 8 | W | 30 | SW | SW | 900 | 4 | 4.6 | Irrigation | POD 1 | 1930 | POU/APOD | 3 | S | 9 | W | 25 | SW | SE | 900 | | 6.4 | Irrigation | POD 1, APOD 3 | 1930 | | |
| 3 | S | 9 | W | 25 | SE | SE | 900 | | 2.5 | Irrigation | POD 1 | 1930 | POU/APOD | 3 | S | 9 | W | 25 | SE | SE | 900 | | 6.6 | Irrigation | POD 1, APOD 3 | 1930 | | |
| 3 | S | 9 | W | 25 | SE | SE | 1000 | | 2.8 | Irrigation | POD 1 | 1930 | | | | | | | | | | | | | | | | |
| 3 | S | 9 | W | 25 | SE | SE | 1100 | | 3.1 | Irrigation | POD 1 | 1930 | | | | | | | | | | | | | | | | |
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| TOTAL ACRES: | | | | | | | | | 13.0 | | | | | | TOTAL ACRES: | | | | | | | | | 13.0 | | | | |

Additional remarks: The map for Cert. 9536 does not show more specific place of use than acreage within QQs. After extensive research, the 15.0 acres was found to best fit on the same side of the highway as the authorized POD and not layered with the primary irrigation right Cert. 21436 South of the highway. This is also consistent with the owner's memories of what area was historically irrigated (family owned property for a long time). The 2.0 acres left out of the changes are pending voluntary cancellation due to non-use (over-growth and buildings constructed since original POU permitted).

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

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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.

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Table 3. Construction of Point(s) of Appropriation

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

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

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Part 5 of 5 – Water Right Information

CERTIFICATE # 9536

Description of Water Delivery System

System capacity: 0.41 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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. 4.8 HP centrifugal gas-powered pump conveys water to field through 4" pipe and applied by big gun or 30' spaced sprinklers.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-____) | Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|---|-----|---|-----|---|-----|-----|----|---------------------------|--|
| POD 1 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | 3 | S | 9 | W | 25 | NE | SE | 1100 | in the NESE of Section 25, Township 3S, Range 9W, W.M. |
| APOD 3 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 3 | S | 9 | W | 25 | SE | SE | 1300 | 30' N and 720' W from SE corner, Section 25 |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | | | | |

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input 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.

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CERTIFICATE # 21436

Description of Water Delivery System

System capacity: 0.23 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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. **4.8 HP centrifugal gas-powered pump conveys water to field through 4" pipe and applied by big gun or 30' spaced sprinklers.**

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed? | If POA, OWRD Well Log ID# (or Well ID Tag # L-____) | Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------------|---|--|-----|---|-----|---|-----|-----|----|--|---|
| POD 2 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | 3 | S | 8 | W | 30 | SE | SW | 900 | in the Lot #4 (SWSW), Section 30, Township 3S, Range 8W, W.M. corrected: 700' N and 675' E of SW corner, Section 30 |
| APOD 3 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | | 3 | S | 9 | W | 25 | SE | SE | 1300 | 30' N and 720' W from SE corner, Section 25 |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Proposed | | | | | | | | | | |

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input 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.

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Table 2. Description of Changes to Water Right Certificate # 21436

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

| AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed. | | | | | | | | | | | | | Proposed Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | | | |
|--|-----|---|-----|-----|----|---------|----------------------|-------|---|---|------------------|------|---|---|---|-----|-----|----|---------|----------------------|-------|--------------------|--|------------------|------------------|------|--|
| Twp | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | | Rng | | Sec | ¼ ¼ | | Tax Lot | Gvt Lot or DLC | Acres | New Type of USE | POD(s)/ POA(s) to be used (from Table 1) | Priority Date | | | |
| 3 | S | 8 | W | 30 | SW | SW | 900 | 4 | 2.6 | Irrigation | POD 2 | 1946 | POU/APOD | 3 | S | 9 | W | 25 | SE | SE | 900 | | 0.8 | Irrigation | POD 2, APOD 3 | 1946 | |
| 3 | S | 8 | W | 30 | SE | SW | 900 | | 5.9 | Irrigation | POD 2 | 1946 | POU/APOD | 3 | S | 9 | W | 25 | SE | SE | 1300 | | 6.7 | Irrigation | POD 2, APOD 3 | 1946 | |
| | | | | | | | | | | | | | POU/APOD | 3 | S | 9 | W | 25 | SE | SE | 1100 | | 1.0 | Irrigation | POD 2, APOD 3 | 1946 | |
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| TOTAL ACRES: | | | | | | | | | 8.5 | | | | | TOTAL ACRES: | | | | | | | | | 8.5 | | | | |

Additional remarks: The simple POD location listed in the certificate is described in the Lot #4 (SWSW); however, the final proof survey map clearly shows the POD in the SESW outside of Lot #4. The corrected POD location is described on the map.

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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



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

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

State of Oregon)
) ss

County of TILLAMOOK

I, ZACHARY HUDSPETH, in my capacity as OWNER,
mailing address 30180 BLAINE RD., BEAVER, OR 97108
telephone number (503)801-6090, 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 # 21436; **OR-AND**

☒ 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) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 9536 | 3 | S | 8 | W | WM | 30 | SW | SW | 4 | 4.6 |
| 9536 | 3 | W | 9 | W | WM | 25 | SE | SE | | 8.4 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

OR

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

(continues on reverse side)

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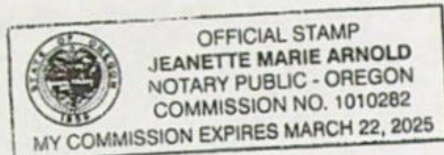
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

[Signature]
Signature of Affiant

7/31/2023
Date

Signed and sworn to (or affirmed) before me this 31st day of July, 2023.



Jeanette Marie Arnold
Notary Public for Oregon

My Commission Expires: 3/22/25

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

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Land Use Information Form



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

Applicant(s): Hudspeth Family Farm

Mailing Address: 30180 Blaine Rd.

City: Beaver

State: OR

Zip Code: 97108

Daytime Phone: (503) 801-6090

A. Land and Location

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

| Township | Range | Section | ¼ ¼ | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be: | Proposed Land Use: |
|-----------|-----------|-----------|----------------------------|-------------|---|---|--------------------|
| <u>3S</u> | <u>9W</u> | <u>25</u> | <u>SWSE</u> <u>SESE</u> | <u>900</u> | <u>F-1</u> | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>farming</u> |
| <u>3S</u> | <u>9W</u> | <u>25</u> | <u>SESE</u> | <u>1300</u> | <u>F-1</u> | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>farming</u> |
| <u>3S</u> | <u>9W</u> | <u>25</u> | <u>SESE</u> | <u>1100</u> | <u>F-1</u> | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | <u>farming</u> |
| _____ | _____ | _____ | _____ | _____ | _____ | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | _____ |

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

Tillamook

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) Nestucca River/Unnamed Stream

Estimated quantity of water needed: 53.75 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

It is proposed to move portions of water right certificates 9536 and 21436 to the same field and consolidate irrigation to one POD on TL 1300.

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

See bottom of Page 3. →

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For Local Government Use Only

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):

☐ 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.

Form-use allowed outright in Farm (F-1) zone.

Name: Melissa Tenck Title: SENIOR PLANNER

Signature: [Signature] Phone: 303-842-3408 Date: 8/11/2023

Government Entity: Tillamook 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: _____

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Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: It is proposed to cancel 2.0 acres of the 15.0 acres authorized under Certificate 9536. A transfer application is being submitted to move the remaining 13.0 acres. The 2.0 acres is subject to forfeiture from non-use. Rather than issue a remaining right from the transfer for a non-use area, it is agreed to cancel these 2.0 acres.

Certificate of Water Right Information:

Certificate Number: 9536

Issued for use within the State of Oregon, County of Tillamook.

Issued in the name of: Adam Lapin.

Date of priority: August 22, 1930

Rate or Volume on entire certificate: 0.19 cfs (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Unnamed Creek.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 15.0, supplemental IR ____.

Statements of Oath:

I/We (or authorized agent), Zachary Hudspeth,

residing at 30180 Blaine Rd., Beaver, OR 97108,

with a mailing address of (if different) _____,

and a telephone number of (503) 801-6090, being first duly sworn depose and say:

1. I/We are the legal owners of property appurtenant to all ☒ **or** ☐ a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [must include at a

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S¼, TL 1100

Enter legal description here: T3S, R9W, Sec 25, SESE, TL 1100 & T3S, R8W, Sec 30, SWSW, Lot 4, TL 900.

2. I/We are requesting a **[check one box - the affidavit will be returned if more than one box is checked]**:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # ____.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # **9536**.

☐ voluntary diminution of the ENTIRE water right Certificate # ____.

☐ voluntary diminution of a PORTION of water right Certificate # ____.

3. The appurtenant water right ☐ is or ☒ is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: ____.

a. The water right, or portion thereof, being ☐ cancelled or ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager

Printed Name

Date _____

4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Irrigation
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 2.0
- In the amount of 0.025 cubic foot per second
- From the water source (s) Unnamed Creek
- At the following location(s) (attach a larger table if needed):

| ABANDONED PORTION TO BE CANCELLED | | | | | | | | | | |
|-----------------------------------|----------|----------|----------|-----|-----------|-------|----------|-----------------|------------|-------------|
| Township | N or S | Range | E or W | Mer | Section # | DLC # | G-LOT # | Quarter-Quarter | Acres | Tax Lot # |
| <u>3</u> | <u>S</u> | <u>9</u> | <u>W</u> | WM | <u>25</u> | _____ | _____ | <u>SESE</u> | <u>1.6</u> | <u>1100</u> |
| <u>3</u> | <u>S</u> | <u>8</u> | <u>W</u> | WM | <u>30</u> | _____ | <u>4</u> | <u>SWSW</u> | <u>0.4</u> | <u>900</u> |
| _____ | _____ | _____ | _____ | WM | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | WM | _____ | _____ | _____ | _____ | _____ | _____ |

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____¹/₄, Section _____, Township _____ (N ☐ or S ☐), Range _____ (E ☐ or W ☐, W.M.
 - Location Description (if given on the certificate) _____

5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from _____ (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from _____ (source of water) for primary use on these lands.

6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of _____ (cfs) from _____ (sources) for irrigation (if applicable) of _____ acres at the following location(s) as listed on the certificate (*attach a larger table if needed*):

| PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION | | | | | | | | | | |
|--|--------|-------|--------|-----|-----------|-------|---------|-----------------|-------|-----------|
| Township | N or S | Range | E or W | Mer | Section # | DLC # | G-LOT # | Quarter-Quarter | Acres | Tax Lot # |
| _____ | _____ | _____ | _____ | WM | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | WM | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | WM | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | WM | _____ | _____ | _____ | _____ | _____ | _____ |

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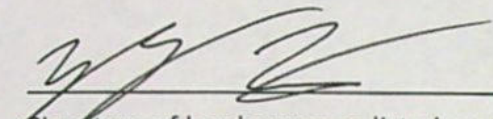
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revised August 2022

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:



Signature of legal owner as listed on deed, or authorized agent

Printed Name ZACHARY HUDSPETH

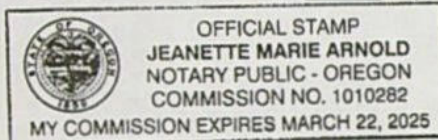
Date 7/31/2023

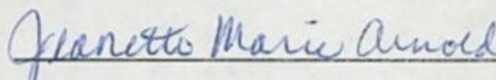
Signature of legal co-owner as listed on deed (if applicable)

Printed Name _____

Date _____

Subscribed and Sworn to Before Me this 31st day of July, 2023.





Signature of Notary Public for Oregon

My Commission Expires 3/22/25

REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

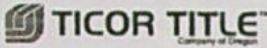
MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

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RECORDING REQUESTED BY:



105 NE 4th St
McMinnville, OR 97128

GRANTOR'S NAME:
Melvin W Fitch

GRANTEE'S NAME:
Jessica J. Hudspeth and Zachary A. Hudspeth

AFTER RECORDING RETURN TO:
Order No.: 471817058724-LC
Jessica J. Hudspeth and Zachary A. Hudspeth, wife and husband
30180 Blaine Rd
Beaver, OR 97108

SEND TAX STATEMENTS TO:
Jessica J. Hudspeth and Zachary A. Hudspeth
30180 Blaine Rd
Beaver, OR 97108

APN: T359W25, 900, 1000, 1100, 1200, 1300
T358W30, 900, 800

Tillamook County, Oregon 2017-002788

05/10/2017 12:54:48 PM

DEED-OWARR

\$30.00 \$11.00 \$21.00 \$10.00 - Total = \$72.00



00168148201700027880060061

I hereby certify that the within
instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.

Tassi O'Neil, Tillamook County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Melvin W Fitch, Grantor, conveys and warrants to Jessica J. Hudspeth and Zachary A. Hudspeth, wife and husband, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Tillamook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 9 May 2017

Melvin W. Fitch
Melvin W Fitch

State of Oregon
County of Yamhill

This instrument was acknowledged before me on 9 May 2017 by Melvin W Fitch.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 21 June 2017



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EXHIBIT "B"
Exceptions

Subject to:

The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

The Land does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration.

Any adverse claim based upon the assertion that:

- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Nestucca River, in the event the boundary of said Nestucca River has been artificially raised or is now or at any time has been below the high watermark, if said Nestucca River is in its natural state.
- b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Nestucca River, or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Nestucca River.

Rights of the public to any portion of the Land lying within streets, roads and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook County, Oregon
Purpose: Roadway
Recording Date: February 5, 1909
Recording No: Book 9, Page 548
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook County, Oregon
Purpose: Roadway
Recording Date: March 31, 1909
Recording No: Book 9, Page 628
Affects: A strip 40 feet in width as described in said document

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District
Purpose: Utilities
Recording Date: October 21, 1947
Recording No: Book 109, Page 55
Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District
Purpose: Utilities
Recording Date: October 21, 1947
Recording No: Book 109, Page 57
Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District
Purpose: Utilities
Recording Date: October 21, 1947
Recording No: Book 109, Page 58
Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District
Purpose: Utilities
Recording Date: October 21, 1947
Recording No: Book 109, Page 59
Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District
Purpose: Utilities
Recording Date: July 25, 1953
Recording No: Book 139, Page 312
Affects: Exact location not specified

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EXHIBIT "B"
Exceptions

Easement(s) for the purpose(s) shown below and rights incidental thereto, as disclosed by a document:
Granted to: Owners of adjoining property
Purpose: Roadway
Recording Date: April 17, 1964
Recording No: Book 191, Page 239
Affects: Parcel 7

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Owners of adjoining property
Purpose: Right of way
Recording Date: August 18, 1966
Recording No: Book 203, Page 295
Affects: Parcel 7

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Publishers Paper Co.
Purpose: Right of way
Recording Date: January 18, 1967
Recording No: Book 205, Page 285
Affects: See document for specifics

Declaratory Statement, including the terms and provisions thereof,
Recording Date: June 22, 2007
Recording No.: 2007-005219

Declaratory Statement, including the terms and provisions thereof,
Recording Date: June 27, 2007
Recording No.: 2007-005363

Scenic Waterways Public Notice, including the terms and provisions thereof,
Recording Date: January 12, 2009
Recording No.: 2009-000207
Affects: Parcels 1, 2 and 7.

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**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

Lots 3 and 4 and the Southeast quarter of the Southwest quarter of Section 30, Township 3 South, Range 8 West of the Willamette Meridian, in Tillamook County, Oregon, reserving a right of way 20 feet in width along and adjacent to the unnamed creek between the County Road and the Nestucca River to connect with tract of grantor's land in Section 31, Township 3 South, Range 8 West of the Willamette Meridian, in Tillamook County, Oregon.

EXCEPTING THEREFROM the following described property:

That portion of Government Lot 4 and the Southeast quarter of the Southwest quarter of said Section 30 lying South of the Big Nestucca River, in Tillamook County, Oregon.

PARCEL 2:

Beginning at the Southwest corner of the Northeast quarter of the Southwest quarter of Section 30, Township 3 South, Range 8 West of the Willamette Meridian, in Tillamook County, Oregon; thence East 12 rods; thence North 13 and 1/3 rods; thence West 12 rods; thence South 12 rods to the place of beginning.

SAVE AND EXCEPT any portion of the above tract lying within the following parcel:

Beginning at a point which is 3358.40 feet West and 1059.74 feet South of the quarter corner between Sections 29 and 30, Township 3 South, Range 8 West of the Willamette Meridian, in Tillamook County, Oregon; thence North 34° 02' East 388.1 feet; thence North 18° 30' East 314.1 feet; thence North 51° 20' East 395.0 feet; thence North 01° 20' East 60 feet; thence South 86° 22' West 372.7 feet; thence West 430 feet; thence South 15° 46' West 937.93 feet; thence East 430 feet to the place of beginning.

PARCEL 3:

Beginning at the quarter section corner on the East line of Section 25, Township 3 South, Range 9 West of the Willamette Meridian in Tillamook County, Oregon; thence West 8.25 chains; thence South 40 chains to the Section line; thence East 8.25 chains to the Southeast corner of said Section 25; thence North 40 chains to the place of beginning.

EXCEPTING THAT tract conveyed to Nestucca Grange #503 by deed recorded July 27, 1988 in Book 316, Page 769, Tillamook County Records.

PARCEL 4:

Beginning at the Southwest corner of the Ivah Browning tract as described in Book 71, page 153, Deed Records, which point is on the Section line between Sections 25 and 36, Township 3 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon; thence West along said Section line 363.0 feet; thence North 930.0 feet, more or less, to intersect the South line of the County Road; thence Southeasterly along said South line of County Road, 365.0 feet, more or less, to intersect the West line of the said tract; thence South along the West line of the said tract 840 feet, more or less, to the true point of beginning.

EXCEPTING that tract of land owned by the Nestucca Grange as recorded in Book 66, page 323, Deed Records, and further excepting that tract of land conveyed to Nestucca Grange #503 by deed recorded July 27, 1988 in Book 316, page 769, Tillamook County Records.

PARCEL 5:

Beginning at a point 1089.0 feet West of the quarter corner on the East line of Section 25, Township 3 South, Range 9 West of the Willamette Meridian in Tillamook County, Oregon, said point being the Northeast corner of the Nancy Peerenboom tract as recorded in Book 103, page 92, Deed Records; thence South along the East line of the said Peerenboom tract 2640.00 feet to the Section line between Sections 25 and 36, Township 3 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon; thence East along said Section line 181.5 feet; thence North 2640.00 feet, to the quarter Section line; thence West along said quarter Section line 181.5 feet to the point of beginning.

EXCEPTING THEREFROM that tract conveyed to Nellie Ayer by deed recorded June 6, 1956 in Book 153, page 374, Deed Records in Tillamook County, Oregon.

PARCEL 6:

Beginning 16.50 chains West of the quarter Section corner on the East line of Section 25, Township 3 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon; thence West 8.25 chains; thence South 40.0 chains to the Section line at a point 24.75 chains from the Southeast corner of Section 25; thence East 8.25 chains; thence North 40.0 chains to the point of beginning.

PARCEL 7:

Beginning at a point which is 3358.40 feet West and 1059.74 feet South of the quarter corner between Sections 29 and 30, Township 3 South, Range 8 West of the Willamette Meridian, in Tillamook County, Oregon; thence North 34° 02' East 388.1 feet; thence North 18° 30' East 314.1 feet; thence North 51°

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EXHIBIT A
LEGAL DESCRIPTION
(continued)

20' East 395.0 feet; thence North 01° 20' East 60 feet; thence South 86° 22' West 372.7 feet; thence West 430 feet; thence South 15° 46' West 937.93 feet; thence East 430 feet to the place of beginning.

PARCEL 8:

Beginning at a point 1089.0 feet West of the quarter corner on the East line of Section 25, Township 3 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon, said point being the Northeast corner of the Nancy Peerenboom tract as recorded in Book 103, page 92, Deed Records of Tillamook County, Oregon; thence South along the East line of said Peerenboom tract, 920.0 feet to the true point of beginning of the land to be conveyed; thence East 181.5 feet; thence South 766.0 feet to the North line of the County Road; thence Westerly along the North line of said County road to a point South of the true point of beginning; thence North 734.5 feet, more or less, to the true point of beginning.

EXCEPTING portions lying in streets, roads and highways.

PARCEL 9:

Beginning at the Northwest corner of the Ivah Browning tract as described in Book 71, page 153, Deed Records; thence South along the West line of the tract 1320.0 feet to the true point of beginning of the land to be conveyed; thence West 363.0 feet; thence South 366.0 feet, more or less, to the North line of the County Road; thence Southeasterly along said North line of the County Road to intersect the West line of the said tract; thence North along the West line of said tract 420.0 feet, more or less, to the true point of beginning, in Tillamook County, Oregon.

EXCEPTING portions lying in street, roads and highways.

PARCEL 10:

Beginning at the Northwest corner of the Ivah Browning tract as described in Book 71, page 153, of Deeds of Tillamook County, Oregon; thence South along the West line of the said tract of 1320.0 feet; thence West 363.0 feet; thence North 1320.0 feet; thence East 363.0 feet, to the point of beginning.

EXCEPTING portions lying in streets, roads and highways.

PARCEL 11:

Beginning 26.74 chains South of the quarter section corner on the East line of Section 25, Township 3 South, Range 9 West, Willamette Meridian, Tillamook County, Oregon, and 8.25 chains West of the East line of said section; thence North 77° West 3.25 chains, along the South line of the County Road; thence South 1.50 chains; thence South 77° East 3.25 chains; thence North 1.50 chains to the place of beginning.

ALSO: Beginning at a 5/8 inch iron rod set by F.M. Gaylord PLS No. 929, in June 1984, for the Northeast corner of that tract described in Book 66, page 323, Tillamook County Deed Records (see Survey No. A-5134, Tillamook County Surveyor Records), said iron rod being South 18° 12' 17" West 1858.16 feet (Gaylord's plat = South 18° 12' 17" West 1857.45 feet) from the East one-quarter of said Section 25; thence South 01° 11' 02" West (Gaylord's plat = South 01° 09' 43" West) along East deed boundary 4.56 feet to a point on the apparent Southerly right-of-way boundary of the "Beaver - Blaine" County Road, said point being the true point of beginning; thence South 01° 11' 02" West 94.40 feet to a 5/8 inch iron rod; thence South 77° 51' 38" East 14.72 feet to a 1/2 inch iron pipe; thence North 02° 18' 11" East 25.95 feet to a 5/8 inch iron rod; thence North 88° 24' 31" East 1.93 feet to a 5/8 inch iron rod; thence North 00° 05' 32" West 22.46 feet to a 5/8 inch iron rod; thence South 88° 13' 50" West 1.87 feet to a 5/8 inch iron rod; thence North 00° 16' 00" East 45.44 feet to a 1/2 inch iron pipe on the apparent Southerly right-of-way boundary of the "Beaver - Blaine" County Road; thence North 75° 06' 28" West 14.20 feet to the true point of beginning.

ALSO: Beginning at the 5/8 inch iron rod at the Southwest corner of the parcel; thence South 86° 04' 39" West 30.60 feet to a 1/2 inch iron pipe; thence North 73° 37' 35" West 175.45 feet to a 1/2 inch iron pipe; thence North 08° 39' 13" East 5.78 feet; thence South 74° 59' 36" East 204.98 feet to the point of beginning.

SAVE AND EXCEPT the following described property:

Beginning at a 5/8 inch iron rod set by F.M. Gaylord PLS No. 929, in June 1984, for the Northeast corner of that tract described in Book 66, page 323, Tillamook County Deed Records (see Survey No. A-5134, Tillamook County Surveyor Records), said iron rod being South 18° 12' 17" West 1858.16 feet (Gaylord's plat = South 18° 12' 17" West 1857.45 feet) from the East one-quarter of said Section 25; thence North 74° 59' 42" West 214.58 feet (Gaylord Survey = North 74° 58' 00" West 214.50 feet) to a 5/8 inch iron rod; thence South 01° 05' 47" West 4.99 feet to a point on the apparent Southerly Right-of-Way boundary of the "Beaver - Blaine" County Road, said point being the true point of beginning of the tract conveyed; thence South 01° 05' 47" West 94.00 feet to a 5/8 inch iron rod (Southwest corner of Gaylord's Survey); thence South 74° 59' 36" East 9.45 feet; thence North 08° 39' 13" East 91.84 feet to a 1/2 inch iron pipe on the apparent Southerly right-of-way boundary of the "Beaver - Blaine" County Road; thence North 75° 06' 28" West 21.88 feet to the true point of beginning.

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EXHIBIT A
LEGAL DESCRIPTION
(continued)

PARCEL 12:

A tract of land in the Southeast quarter of Section 25, Township 3 South, Range 9 West of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows: Beginning at a 5/8 inch iron rod set by F.M. Gaylord PLS No. 929, in June 1984, for the Northeast corner of that tract described in Book 66, page 323, Tillamook County Deed Records (see Survey No. A-5134, Tillamook County Surveyor Records), said iron rod being South 18° 12' 17" West 1858.16 feet (Gaylord's plat = South 18° 12' 17" West 1857.45 feet) from the East one-quarter of said Section 25; thence North 74° 59' 42" West 214.58 feet (Gaylord Survey = North 74° 58' 00" West 214.50 feet) to a 5/8 inch iron rod; thence South 01° 05' 47" West 4.99 feet to a point on the apparent Southerly Right-of-Way boundary of the "Beaver - Blaine" County Road, said point being the true point of beginning of the tract conveyed; thence South 01° 05' 47" West 94.00 feet to a 5/8 inch iron rod (Southwest corner of Gaylord's Survey); thence South 74° 59' 36" East 9.45 feet; thence North 08° 39' 13" East 91.84 feet to a 1/2 inch iron pipe on the apparent Southerly right-of-Way boundary of the "Beaver - Blaine" County Road; thence North 75° 06' 28" West 21.88 feet to the true point of beginning.

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14311 -

STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ADAM LAPIN

of Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Unnamed Creek a tributary of Nestucca River for the purpose of Irrigation under Permit No. 9821 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 22, 1930;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.19 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 5S, Range 9W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows: 5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 3 South, Range 8 West, and 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 3 South, Range 9 West, Willamette Meridian, in Tillamook County, Oregon.

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

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 28th day
of January, 1932

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 9556

14311-

Business Name Search

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Business Entity Data

08-22-2023

08:51

| Registry Nbr | Entity Type | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--------------|-----------------------|---------------|--------------|---------------|-------------------|--------------|
| 1437631-91 | ABN | ACT | | 05-07-2018 | 05-07-2024 | |
| Entity Name | HUDSPETH FAMILY FARMS | | | | | |
| Foreign Name | | | | | | |
| Affidavit? | N | | | | | |

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Associated Names

| | | | | | |
|--------|-----------------|-----------------------------|-------|---------|--------------------------|
| Type | PPB | PRINCIPAL PLACE OF BUSINESS | | | |
| Addr 1 | 29995 BLAINE RD | | | | |
| Addr 2 | | | | | |
| CSZ | BEAVER | OR | 97108 | Country | UNITED STATES OF AMERICA |

The Authorized Representative address is the mailing address for this business.

| | | | | | | | |
|--------|-----------------|---------------------------|----------|------------|--------------------------|-------------|--|
| Type | REP | AUTHORIZED REPRESENTATIVE | | Start Date | 05-07-2018 | Resign Date | |
| Name | JESSICA | J | HUDSPETH | | | | |
| Addr 1 | 29995 BLAINE RD | | | | | | |
| Addr 2 | | | | | | | |
| CSZ | BEAVER | OR | 97108 | Country | UNITED STATES OF AMERICA | | |

| | | | | | |
|--------|-----------------|------------|----------|---------|--------------------------|
| Type | REG | REGISTRANT | | | |
| Name | ZACHARY | ANDREW | HUDSPETH | | |
| Addr 1 | 29995 BLAINE RD | | | | |
| Addr 2 | | | | | |
| CSZ | BEAVER | OR | 97108 | Country | UNITED STATES OF AMERICA |

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Name History

| Business Entity Name | Name Type | Name Status | Start Date | End Date |
|-----------------------|-----------|-------------|------------|----------|
| HUDSPETH FAMILY FARMS | EN | CUR | 05-07-2018 | |




14311 -

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Summary History

| Image Available | Action | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|---|------------------------------|------------------|----------------|--------|-------------------|--------------|
|  | RENEWAL OF REGISTRATION | 04-13-2022 | | FI | | |
|  | RENEWAL OF REGISTRATION | 04-24-2020 | | FI | | |
|  | APPLICATION FOR REGISTRATION | 05-07-2018 | | FI | Representative | |

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Counties

Counties Filed

Tillamook

Counties Not Filed (but not necessarily available)

Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

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please contact : corporation.division@sos.oregon.gov

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STATE OF OREGON
COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That IVAH L. BROVNING

of Beaver, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Nestucca River a tributary of Pacific Ocean for the purpose of irrigation under Permit No. 16878 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 29, 1916

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot #4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 30, Township 3 South, Range 8 West, W.M.

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

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

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

5.9 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
4.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ - Lot 4
Section 30
Township 3 South, Range 8 West, W.M.
8.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25
Township 3 South, Range 9 West, W.M.

Land on which water is to be used is part of the property described as follows:

Those parts of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4, of Section 30, Township 3 South, Range 8 West, W.M., and the E $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 3 South, Range 9 West, W.M. lying between the Nestucca River and the County Road.

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

WITNESS the signature of the State Engineer, affixed

this 8th day of August, 1956.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21436

14311

Permanent Transfer Application Intake Checklist

Transfer # T-14311

| | |
|---|--|
| Reviewer Corie Date 8/21/23 | Type of Change(s) Proposed: <input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW |
| Calculated Fee \$3060 Use fee calculator on back of this form | |
| Fee Received \$3060 | |
| Certificate(s): 9536, 21436 | Check <u>all</u> Certs in WRIS to confirm they are not cancelled |
| For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs | |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A | |
| Notes: N/A | |

| | | | |
|--|---|-----------------------------|--|
| Application: OAR 690-380-3000; OAR 690-380-3220 | | | |
| 1. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Have ALL of the applicant's signed and dated the application? If no, whose signature is missing? |
| 2. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Part 5 of application: Does the information match the description of the explanation on Part 4 of the application? |
| 3. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> N/A For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2? |

| | | | |
|---|---|-----------------------------|---|
| Map Requirements: OAR 690-380-3100 | | | |
| 4. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Has the map been completed and signed by a CWRE? |
| 5. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> N/A Map Waiver? The map waiver must be issued by the Department |
| Notes: N/A | | | |

| | | | |
|--------------------------------------|---|-----------------------------|--|
| Attachments: OAR 690-380-3000 | | | |
| 6. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | Evidence of Use included, signed, & notarized w/supporting documentation? |
| 7. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> N/A Land Use Form included and signed by the County? |
| 8. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> N/A Consent Form included, signed, and notarized? |
| 9. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> N/A District: Place of use is in <u>or</u> near an irrigation district? |
| | <input type="checkbox"/> YES | <input type="checkbox"/> NO | If Yes, is Form D included? Name of the District |
| 10. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> N/A For changes in POA/APOA – are the well logs included? |
| 11. | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> N/A For change in POU within Umatilla County, Supplemental Form U included? |

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder. |
| <input type="checkbox"/> | Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified. |

14311 -

Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

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Today's Date: Tuesday, August 22, 2023

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 |
|---------------|--------------------------------|------------------------------|--|---|--------------|
| 9536 | 15 | 13 | .19 | | 0.164667 |
| 21436 | 18.6 | 8.5 | .23 | | 0.105108 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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:

1 4 3 1 1 \$3,060.00



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Hudspeth Family Farms

30180 Blaine Rd, Beaver OR 97108

Transaction Type: Perm. Transfer

Fees Received: \$ 3060.00

☐ Cash

☒ Check;

Check No.

2181

Name(s) on Check:

Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: _____

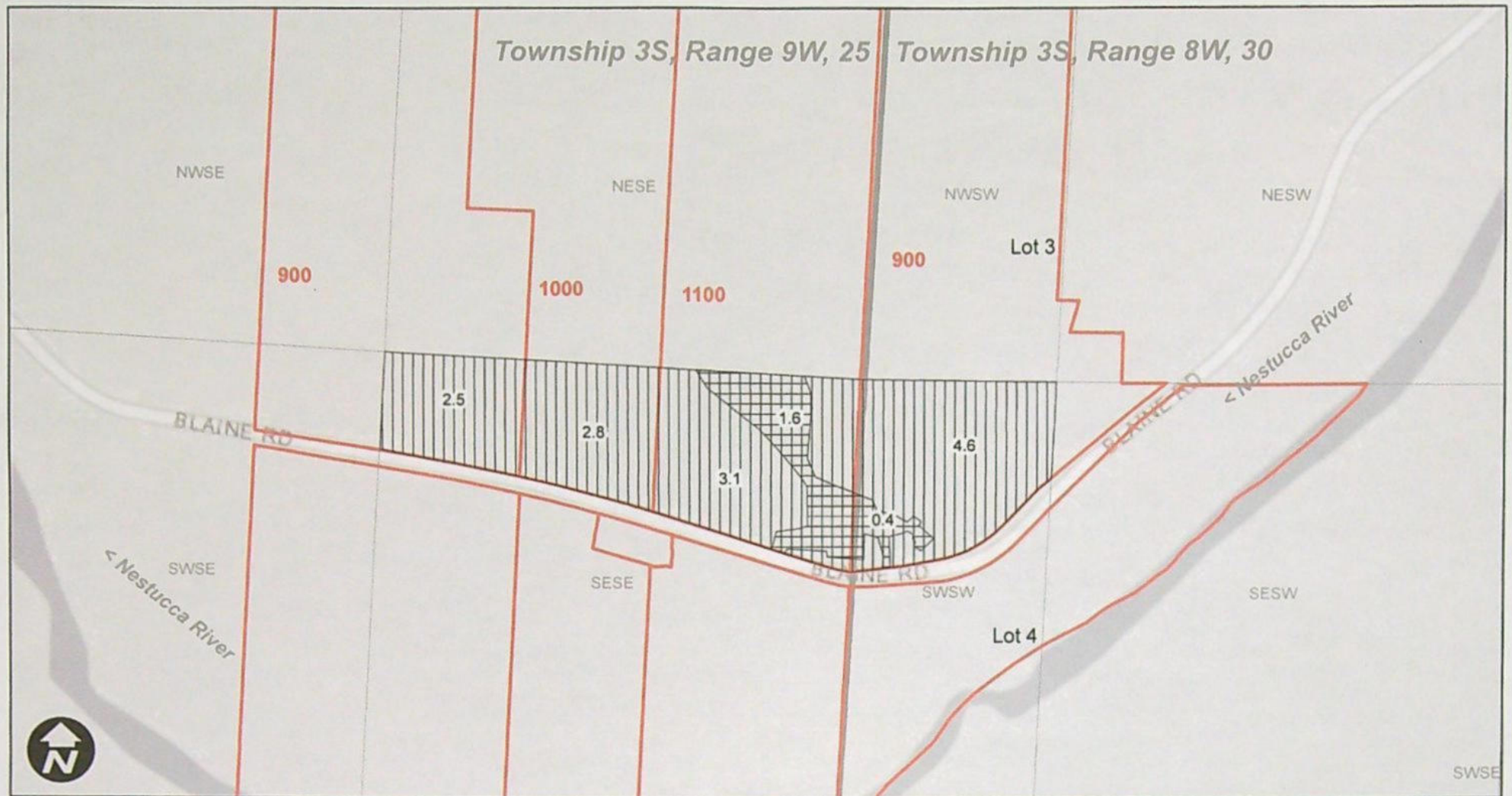
(Name of OWRD staff)

Instructions for OWRD staff:




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

14311 -

Voluntary Partial Cancellation - Hudspeth



Legend

-  Cert. 9536 No Change
-  Taxlots
-  Cert. 9536 Voluntary Cancellation

RECEIVED

AUG 21 2023

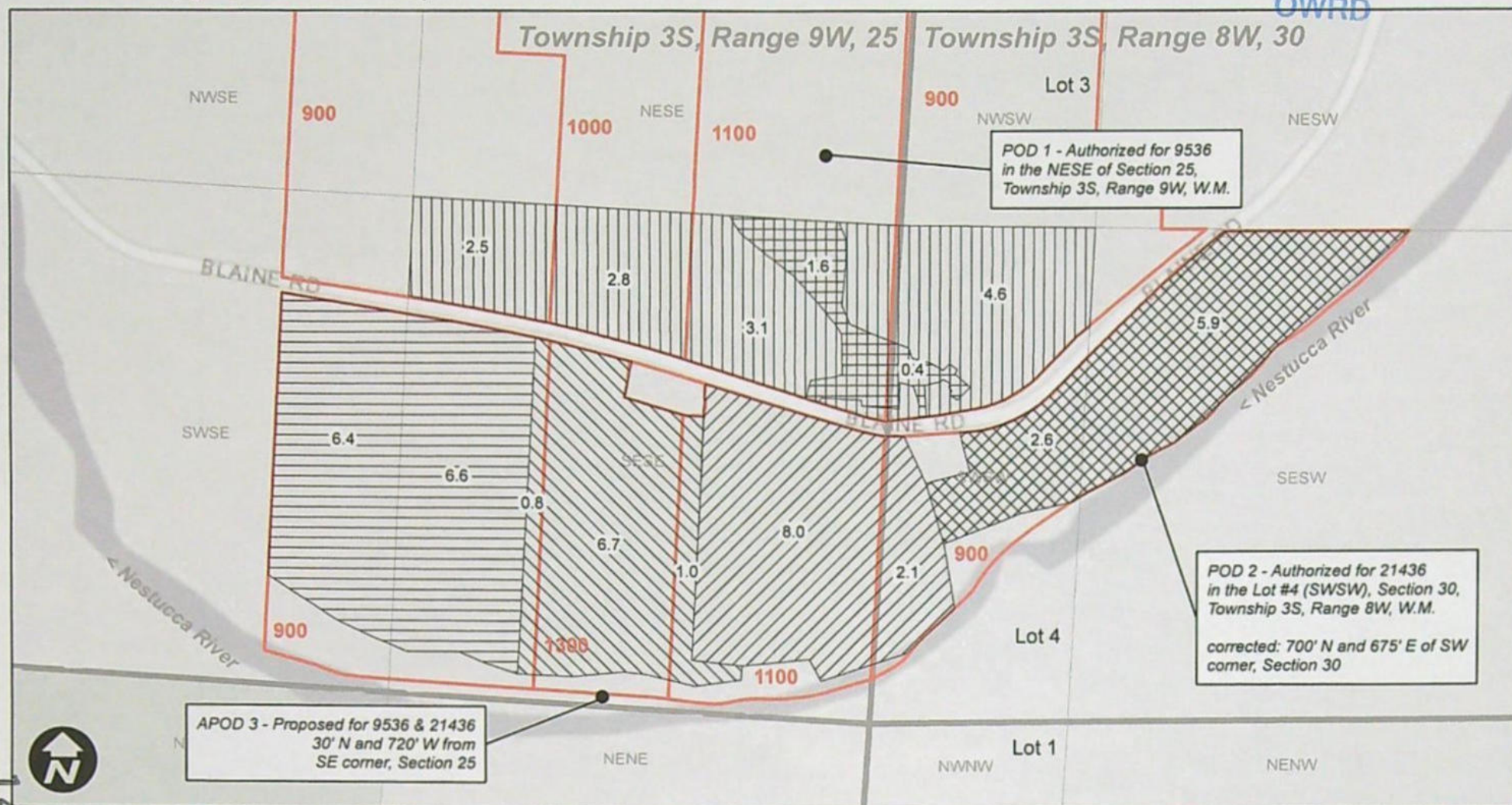
OWRD

RECEIVED

AUG 21 2023

OWRD

Transfer Application - Hudspeth



Legend

- | | | | | | |
|--|---------------------------|--|-----------------------|--|---------|
| | Cert. 9536 From | | Cert. 21436 From | | Taxlots |
| | Cert. 9536 To | | Cert. 21436 To | | |
| | Pending Cancellation 9536 | | Cert. 21436 No Change | | |

0 200 400 800 Feet



EXPIRES: 12-31-2024