

T-14190

Regular

T-14190

Name HBF EnterprisesAddress 23301 SW McKibben Rd.Sheridan, OR 97378markdanielhurst@gmail.comChange in APOD, POD, POUDate Filed 3/17/2023Initial notice date 3/21/2023

DPD issued date

PD issued date 1/22/2025PD notice date 1/28/2025Date of FO 5/7/2025 Vol 134 Page 606-613

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream South Yamhill RiverTrib. of Yamhill RiverUse IrrigationCounty Yamhill / Polk

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 5 46441Per # 5 34700Cert # 45979PR Date 9/25/1969App# 5 51876Per # 5 39648Cert # 56862PR Date 4/29/1974App# 5 46441Per # 5 34700Cert # 57371PR Date 9/25/1969

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

Date

Amount

Receipt #

3/17/23\$3,670.00140311

FEES REFUNDED

Date

Amount

Receipt #

Assignments:

Irrigation District

Agent Will McGill Surveying, LLC - willmcgill.surveying@gmail.comCWRE Yamhill County

CC's list

☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 7, 2025

Mark Hurst
23301 SW McKibben Rd
Sheridan, OR 97378

REFERENCE: Transfer Application T-14190

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, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at Corey.a.courchane@water.oregon.gov.

Sincerely,

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

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Will McGill Surveying Llc, Agent
Yamhill County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING ADDITIONAL
T-14190, Yamhill County	)	POINTS OF DIVERSION, A CHANGE IN
	)	POINTS OF DIVERSION, AND A CHANGE IN
	)	PLACE OF USE

Authority

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

Applicant

HBF ENTERPRISES
23301 SW MCKIBBEN RD.
SHERIDAN, OR 97378

Receiving Landowner

DAVID AND CHRISTINE BRANDT
25015 SW BALLSTON RD.
SHERIDAN, OR 97378

Findings of Fact

1. On March 17, 2023, HBF Enterprises filed an application for additional points of diversion under Certificate 45979, to change the point of diversion (POD) and for additional points of diversion (APOD) under Certificate 56862, and for additional points of diversion, and to change the point of diversion and a change in a portion of the place of use (POU) under Certificate 57371. The Department assigned the application number T-14190.
2. Both the applicant and the receiving landowner will be responsible for the completion of the changes under Certificates 45979, 56862 and 57371.
3. Notice of the application for transfer was published on March 21, 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.

4. On August 26, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14190 to the applicant and receiving landowner. The draft Preliminary Determination cover letter set forth a deadline of September 26, 2024, for the applicant and receiving landowner to respond. The applicant and receiving landowner 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.
5. On January 22, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-14190 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on January 28, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The first right to be transferred is as follows:

Certificate: 45979 in the name of GRACE STUTZMAN (perfected under Permit S-34700)
Use: IRRIGATION of 15.0 ACRES
Priority Date: SEPTEMBER 25, 1969
Rate: 0.16 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: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	31	NW SW	62	POD 3 - 570 FEET NORTH AND 30 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	31	NW SW	75	8.2
5 S	5 W	WM	31	SW SW	75	6.8
Total						15.0

7. Transfer Application T-14190 proposes additional points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 1 - 630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCCANE DLC 62	728 ft. upstream
5 S	5 W	WM	31	NW SW	75	POD 2 - 640 FEET NORTH AND 640 FEET WEST FROM THE NW CORNER OF MCCCANE DLC 62	721 ft. upstream

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

Certificate: 56862 in the name of RONALD L PITMAN (perfected under Permit S-39048)

Use: IRRIGATION of 114.7 ACRES

Priority Date: APRIL 29, 1974

Rate: 1.43 CUBIC FEET 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: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	31	NW SW	1	POD 2 - 640 FEET NORTH AND 640 FEET WEST FROM THE NW CORNER OF MCCANE DLC #62

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Proposed Changes
5 S	5 W	WM	31	SW SW	75	23.6	APOD
5 S	6 W	WM	36	SE SE	47	20.9	POD
6 S	6 W	WM	1	NE NE	87	22.7	APOD
6 S	6 W	WM	1	NE NE	87	4.5	POD
6 S	6 W	WM	1	NW NE	87	31.7	POD
6 S	6 W	WM	1	SW NE	87	10.3	POD
6 S	6 W	WM	1	SE NE	87	1.0	POD
Total						114.7	

9. Transfer Application T-14190 proposes to move the authorized point of diversion for 68.4 acres, approximately 51 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	31	NW SW	75	POD A - 650 FEET NORTH AND 690 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

10. Transfer Application T-14190 also proposes additional points of diversion for 46.3 acres, as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 1 - 630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	13 ft. downstream
5 S	5 W	WM	31	NW SW	75	POD 3 - 570 FEET NORTH AND 30 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	733 ft. downstream

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

Certificate: 57371 in the name of OTTO P. BRANDT (perfected under Permit S-34700)

Use: IRRIGATING 49.3 ACRES

Priority Date: SEPTEMBER 25, 1969

Rate: 0.52 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: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	31	NW SW	1	POD 1 - 630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

Authorized Place of Use:

IRRIGATING							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Proposed Changes
5 S	5 W	WM	31	NW SW	75	7.9	APOD
5 S	5 W	WM	31	NW SW	75	1.4	APOD/POU
5 S	5 W	WM	31	SW SW	75	6.6	APOD
5 S	5 W	WM	31	SW SW	75	0.6	APOD/POU
5 S	6 W	WM	36	NE SE	47	18.6	POD
5 S	6 W	WM	36	SE SE	47	14.2	POD
Total						49.3	

12. Transfer Application T-14190 proposes to move the authorized point of diversion for 32.8 acres approximately 60 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	31	NW SW	75	POD A - 650 FEET NORTH AND 690 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

13. Transfer Application T-14190 also proposes additional points of diversion for 16.5 acres as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 2 - 640 FEET NORTH AND 640 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	13 ft. upstream
5 S	5 W	WM	31	NW SW	75	POD 3 - 570 FEET NORTH AND 30 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	728 ft. downstream

14. Transfer Application T-14190 also proposes to change the place of use for 2.0 acres to:

IRRIGATING						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	1	NE NE	87	2.0

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

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

16. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14190.
18. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. 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).
20. The proposed changes would not result in enlargement of the rights.
21. The proposed changes would not result in injury to other existing water rights.
22. All other application requirements are met.

Conclusions of Law

The change in points of diversion, additional points of diversion, and change in place of use proposed in Transfer Application T-14190 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of diversion, additional points of diversion, and change in place of use proposed in Transfer Application T-14190 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 45979, 56862, and 57371, 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 or the new place of use.
4. Water right Certificates 45979, 56862, and 57371 are cancelled. A new certificate will be issued describing that portion of Certificate 57371 not affected by this transfer.

5. Under Certificate 56862, the quantity of water diverted at the new point of diversion (POD A) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).
6. Under Certificate 57371, the quantity of water diverted at the new point of diversion (POD A) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
7. Under Certificate 45979, the quantity of water diverted at the new additional points of diversion (POD 1 and POD 2), together with that diverted at the original point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 3).
8. Under Certificate 56862, the quantity of water diverted at the new additional points of diversion (POD 1 and POD 3), together with that diverted at the new point of diversion (POD A), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).
9. Under Certificate 57371, the quantity of water diverted at the new additional points of diversion (POD 2 and POD 3), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
10. Water shall be acquired from the same source of surface water as the original points of diversion.
11. The former place of use of the transferred right shall no longer receive water under the right.
12. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
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 MAY 07 2025



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

Mailing date: MAY 08 2025

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OTTO P. BRANDT
ROUTE 1 BOX 38
SHERIDAN, OR 97378

confirms the right to use the waters of the SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER for IRRIGATING 12.8 ACRES.

This right was perfected under Permit S-34700. The date of priority is SEPTEMBER 25, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.167 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	31	NW SW	1	630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

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 right 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:

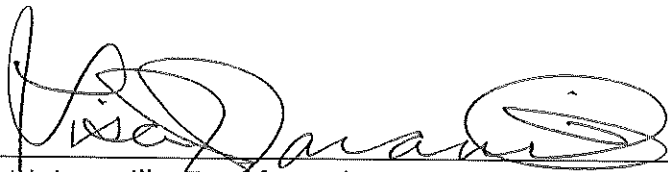
IRRIGATING							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	31	NE SW		62	0.7
5 S	5 W	WM	31	NE SW		55	1.7
5 S	5 W	WM	31	NE SW	3		3.4
5 S	5 W	WM	31	SE SW		62	6.4
5 S	6 W	WM	36	NE SE	1		0.6
Total							12.8

This certificate describes that portion of water right Certificate 57371, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 07 2025, approving Transfer Application T-14190.

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

WITNESS the signature of the Water Resources Director, affixed MAY 07 2025.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14190

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Corey

Applicant: MARK HURST 23301 SW MCKIBBEN RD SHERIDAN, OR 97378	Agent: WILL MCGILL SURVEYING LLC 15333 PLETZER RD SE TURNER, OR 97392	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Yamhill 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.
☐	S 46441	S 34700	45979	☐ Yes ☒ No	
☐	S 51876	S 39048	56862	☐ Yes ☒ No	
☐	S 46441	S 34700	57371	☒ Yes ☐ No	98180

Key Dates & Initial Actions (Support Staff)

Rec'd: March 17, 2023	Proposed Action(s): POINT OF DIVERSION; ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 3670.00	Acknowledgement Letter Sent ☒	Basin: 2 Willamette
Initial Public Notice:	County sent cc: of Ack Letter ☒	County: YAMHILL
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: ☐ <i>N/A</i>	Name of Newspaper:
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:

Electronic

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>9/22/23</i> Initials: <i>CC</i>	Date: <i>10/3/23</i> Initials: <i>ALD</i>	Date: <i>8/19/24</i> Initials: <i>SH</i>	Date: <i>8/22/24</i> Initials: <i>CC</i>	CW Sent: <i>8/22/24</i> WM Sheet: ☒ ODFW Sheet: ☒	N/A
PD	Date: <i>11/20/24</i> Initials: <i>CC</i>	Date: <i>12/12/24</i> Initials: <i>ALD</i>	Date: <i>12/13/24</i> Initials: <i>SH</i>	Date: <i>12/19/24</i> Initials: <i>CC</i> Data Review Date: <i>12/23/24</i>	Date: <i>1/9/25</i>	Date: <i>1/22/2025</i>
FO	Date: <i>3/14/25</i> Initials: <i>CC</i>	Date: <i>3/14/25</i> Initials: <i>SHS</i>	Date: <i>3/14/25</i> Initials: <i>SH</i>	Date: <i>3/14/25</i> Initials: <i>CC</i>	Date: <i>3/14/25</i> No. of docs for sig: <i>2</i>	Date: <i>5/7/2025</i>

Special Issues:

Special Order Volume: Vol. *134* Pages *606-613*

COURCHANE Corey A * WRD

From: PELZEL Colten K * WRD
Sent: Monday, December 23, 2024 10:57 AM
To: COURCHANE Corey A * WRD; WRD_DL_is_data_techs
Subject: RE: HBF Enterprises, T-14190

Hello Corey,

T-14190 has been completed by data. Just wanted to mention that on the right transferred from certificate 45979 the original POD measures to be in DLC 75 not 62 as listed on the document.

Thanks,

[Colten Pelzel](#)

Water Resources Data Technician
725 Summer St NE Suite A | Salem OR 97301 | Phone 541-589-3407



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Friday, December 20, 2024 8:11 AM
To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Subject: HBF Enterprises, T-14190

Good morning,

The PD for T-14190 is ready for review. Only 1 RR cert.

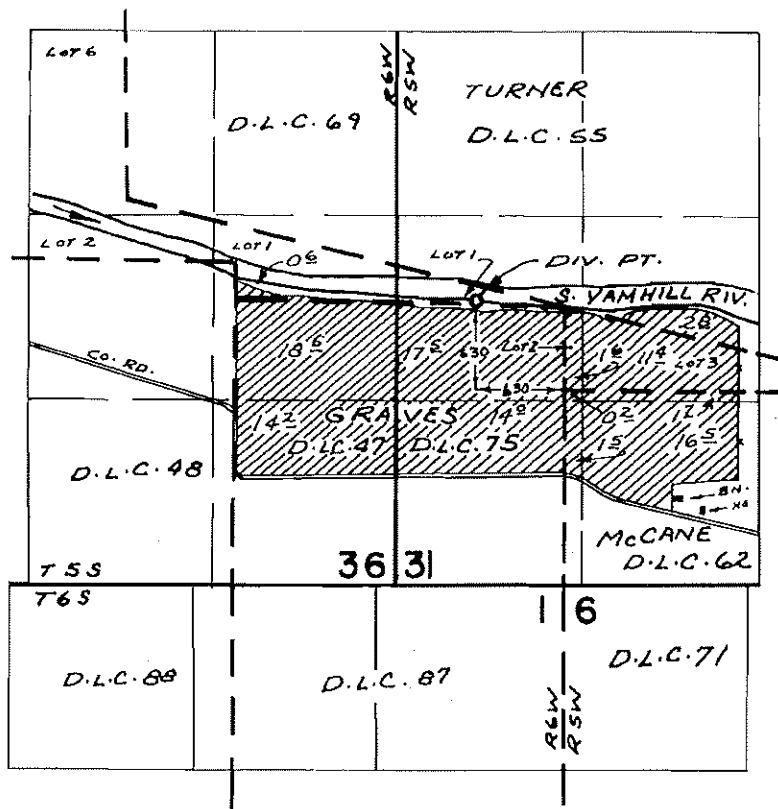
Thank you,

Corey

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Work cell: 503 979-3917 | Fax: 503 986-0901
Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>

T.58&6 S.R.58&6 W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 46441 Permit No. 34700
IN NAME OF

OTTO P. BRANDT

Surveyed FEB. 2, 1973, by R. MUCKEN



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

January , 2025

VIA CERTIFIED MAIL AND E-MAIL

HBF ENTERPRISES
23301 SW MCKIBBEN RD.
SHERIDAN, OR 97378

SUBJECT: Water Right Transfer Application T-14190

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14190. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane".

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-14190
Joel M. Plahn, District 22 Watermaster (*via e-mail*)
Will McGill Surveying LLC, Agent for the applicant (*via e-mail*)
David and Christine Brandt, Receiving landowner

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14190, Yamhill County	)	PROPOSING APPROVAL FOR ADDITIONAL
	)	POINTS OF DIVERSION, A CHANGE IN
	)	POINTS OF DIVERSION, AND A CHANGE IN
	)	PLACE OF USE

Authority

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Applicant

HBF ENTERPRISES
23301 SW MCKIBBEN RD.
SHERIDAN, OR 97378

Receiving Landowner

DAVID AND CHRISTINE BRANDT
25015 SW BALLSTON RD.
SHERIDAN, OR 97378

Findings of Fact

1. On March 17, 2023, HBF Enterprises filed an application for additional points of diversion under Certificate 45979, to change the point of diversion and for additional points of diversion under Certificate 56862, and for additional points of diversion, and to change the point of diversion and a change in a portion of the place of use under Certificate 57371. The Department assigned the application number T-14190.
2. Both the applicant and the receiving landowner will be responsible for the completion of the changes under Certificates 45979, 56862 and 57371.
3. Notice of the application for transfer was published on March 21, 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.

4. On August 26, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14190 to the applicant and receiving landowner. The draft Preliminary Determination cover letter set forth a deadline of September 26, 2024, for the applicant and receiving landowner to respond. The applicant and receiving landowner 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.

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

Certificate: 45979 in the name of GRACE STUTZMAN (perfected under Permit S-34700)
Use: IRRIGATION of 15.0 ACRES
Priority Date: SEPTEMBER 25, 1969
Rate: 0.16 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: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	31	NW SW	62	POD 3 - 570 FEET NORTH AND 30 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	31	NW SW	75	8.2
5 S	5 W	WM	31	SW SW	75	6.8
Total						15.0

6. Transfer Application T-14190 proposes additional points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 1 - 630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	728 ft. upstream
5 S	5 W	WM	31	NW SW	75	POD 2 - 640 FEET NORTH AND 640 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	721 ft. upstream

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

Certificate: 56862 in the name of RONALD L PITMAN (perfected under Permit S-39048)
Use: IRRIGATION of 114.7 ACRES
Priority Date: APRIL 29, 1974
Rate: 1.43 CUBIC FEET 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: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	31	NW SW	1	POD 2 - 640 FEET NORTH AND 640 FEET WEST FROM THE NW CORNER OF MCCANE DLC #62

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Proposed Changes
5 S	5 W	WM	31	SW SW	75	23.6	APOD
5 S	6 W	WM	36	SE SE	47	20.9	POD
6 S	6 W	WM	1	NE NE	87	22.7	APOD
6 S	6 W	WM	1	NE NE	87	4.5	POD
6 S	6 W	WM	1	NW NE	87	31.7	POD
6 S	6 W	WM	1	SW NE	87	10.3	POD
6 S	6 W	WM	1	SE NE	87	1.0	POD
Total						114.7	

8. Transfer Application T-14190 proposes to move the authorized point of diversion for 68.4 acres, approximately 51 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	31	NW SW	75	POD A - 650 FEET NORTH AND 690 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

9. Transfer Application T-14190 also proposes additional points of diversion for 46.3 acres, as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 1 - 630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	13 ft. downstream

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 3 - 570 FEET NORTH AND 30 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	733 ft. downstream

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

Certificate: 57371 in the name of OTTO P. BRANDT (perfected under Permit S-34700)
Use: IRRIGATING 49.3 ACRES
Priority Date: SEPTEMBER 25, 1969
Rate: 0.52 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: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	31	NW SW	1	POD 1 - 630 FEET NORTH AND 630 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

Authorized Place of Use:

IRRIGATING							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Proposed Changes
5 S	5 W	WM	31	NW SW	75	7.9	APOD
5 S	5 W	WM	31	NW SW	75	1.4	APOD/POU
5 S	5 W	WM	31	SW SW	75	6.6	APOD
5 S	5 W	WM	31	SW SW	75	0.6	APOD/POU
5 S	6 W	WM	36	NE SE	47	18.6	POD
5 S	6 W	WM	36	SE SE	47	14.2	POD
Total						49.3	

11. Transfer Application T-14190 proposes to move the authorized point of diversion for 32.8 acres approximately 60 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	31	NW SW	75	POD A - 650 FEET NORTH AND 690 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62

12. Transfer Application T-14190 also proposes additional points of diversion for 16.5 acres as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from original point of diversion in feet (ft.)
5 S	5 W	WM	31	NW SW	75	POD 2 - 640 FEET NORTH AND 640 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	13 ft. upstream
5 S	5 W	WM	31	NW SW	75	POD 3 - 570 FEET NORTH AND 30 FEET WEST FROM THE NW CORNER OF MCCANE DLC 62	728 ft. downstream

13. Transfer Application T-14190 also proposes to change the place of use for 2.0 acres to:

IRRIGATING						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	1	NE NE	87	2.0

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

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

15. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A water delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-14190.
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 would not result in enlargement of the rights.
20. The proposed changes would not result in injury to other existing water rights.

21. All other application requirements are met.

Determination and Proposed Action

The change in points of diversion, additional points of diversion, and change in place of use proposed in Transfer Application T-14190 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-14190 is approved, the final order will include the following:

- 1. The change in points of diversion, additional points of diversion, and change in place of use proposed in Transfer Application T-14190 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 45979, 56862, and 57371, 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 or the new place of use.*
- 4. Water right Certificates 45979, 56862, and 57371 are cancelled. A new certificate will be issued describing that portion of Certificate 57371 not affected by this transfer.*
- 5. Under Certificate 56862, the quantity of water diverted at the new point of diversion (POD A) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).*
- 6. Under Certificate 57371, the quantity of water diverted at the new point of diversion (POD A) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
- 7. Under Certificate 45979, the quantity of water diverted at the new additional points of diversion (POD 1 and POD 2), together with that diverted at the original point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 3).*
- 8. Under Certificate 56862, the quantity of water diverted at the new additional points of diversion (POD 1 and POD 3), together with that diverted at the original point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).*

9. *Under Certificate 57371, the quantity of water diverted at the new additional points of diversion (POD 2 and POD 3), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
10. *Water shall be acquired from the same source of surface water as the original points of diversion.*
11. *The former place of use of the transferred right shall no longer receive water under the right.*
12. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
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

JAN 22 2025


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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@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.

PHILLIPS Stacy H * WRD

From: BRANDT Jason R * ODFW
Sent: Tuesday, April 18, 2023 4:04 PM
To: WRD_DL_transferreviews
Subject: T-14190 Transfer Review ODFW
Attachments: Willamette_SYamhillR_T14190_HBF_Enterprises_ODFW_Review.pdf

Hello-

Attached is the ODFW review for T-14190 (HBF Enterprises). It appears that this transfer may impact ISWRs for pollution abatement in the South Yamhill River. Please let me know if you have any questions/concerns or if you need additional information.

Best-

jason

Jason Brandt
SW Hydro Coordinator
4192 North Umpqua Highway
Roseburg, OR 97470
541-464-2182
Jason.r.brandt@odfw.oregon.gov

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-14190

Date of review: 4/18/23

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:

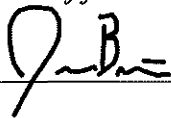
Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

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



(541) 315-6222

Phone

Jason Brandt

Printed Name

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-14190

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: Bryce Macnab

Address: 3561 Klindt Dr

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

Phone: (541) 296-8026

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

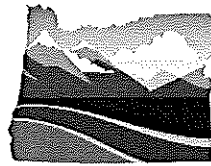
ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222

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-14190

Review Due Date:

Applicant Name: HBF Enterprises

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

Reviewer(s): Joel Plahn

Date of Review: 03/21/2023

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

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

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

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

 Watermaster signature

 District

 Date

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

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



Oregon

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 20, 2023

MARK HURST

23301 SW MCKIBBEN RD

SHERIDAN, OR 97378

Reference: Application T-14190

On March 17, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$3670.00. Receipt number 140311 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) 979-9931.

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

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 # **140311**

INVOICE # _____

RECEIVED FROM: Will Mc Gill Surveying, LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14190

CASH: ☐ CHECK: # 2116 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3,670.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$

0205 TRANSFER \$ 3,670.00

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

140311

DATED:

3/17/23

BY:

Lisa D Minor

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: Cert. 45979, 56862, 57371**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	1,090
	Number of water rights included in transfer <u>3 (3a)</u> Subtract 1 from the number in 3a above: <u>2 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	1,220
	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 ☐ Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? ☒ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter »	4	0
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 ☒ Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.02 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.98 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u> and multiply 5c by \$410, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	3,670
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$3,670

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME HBF Enterprises			PHONE NO. (971) 237-5031	ADDITIONAL CONTACT NO.
ADDRESS 23301 SW McKibben Rd.			FAX NO.	
CITY Sheridan	STATE OR	ZIP 97378	E-MAIL markdanielhurst@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 authorize POD A for the portion of water rights on the neighboring property and authorize all the PODs on the subject property for the respective water right portions giving flexibility to interconnect the irrigation system.

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

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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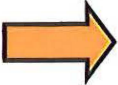
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

CERTIFICATE # **45979**

Description of Water Delivery System

System capacity: **2.5** 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. **40 HP submersible pump delivers water through buried PVC mainline to rotator sprinklers and drip lines.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-__)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 3	☒ Authorized ☐ Proposed		5	S	5	W	31	NW	SW	75	570' N & 30' W from NW corner, McCane DLC 62
POD 1	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	630' N & 630' W from NW corner, McCane DLC 62
POD 2	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	640' N & 640' W from NW corner, McCane DLC 62
	☐ Authorized ☐ Proposed										

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☒ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ 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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MAR 17 2023

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TACS

RECEIVED

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14190

Table 2. Description of Changes to Water Right Certificate # 45979

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										APOD	5	S	5	W	31	NW	SW	2400	75	8.2	Irrigation	POD 1, 2, 3	1969
										APOD	5	S	5	W	31	NW	SW	2400, 2300	75	6.8	Irrigation	POD 1, 2, 3	1969
TOTAL ACRES:											TOTAL ACRES:						15.0						

Additional remarks: _____.

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

Part 5 of 5 – Water Right Information

CERTIFICATE # 56862

Description of Water Delivery System

System capacity: **3.1** 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. **50 HP submersible pump delivers water through buried PVC mainline to rotator sprinklers and drip lines.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 2	☒ Authorized ☐ Proposed		5	S	5	W	31	NW	SW	75	640' N & 640' W from NW corner, McCane DLC 62
POD 1	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	630' N & 630' W from NW corner, McCane DLC 62
POD 3	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	570' N & 30' W from NW corner, McCane DLC 62
POD A	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	650' N & 690' W from NW corner, McCane DLC 62

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☒ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ 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 # 56862

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

AUTHORIZED (the “from” or “off” lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see “CODES” from previous page)	PROPOSED (the “to” or “on” lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Priority Date	Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
5	S	5	W	31	SW	SW	100	75	23.6	Irrigation	POD 2	1974	APOD	5	S	5	W	31	SW	SW	100	75	23.6	Irrigation	POD 1, 2, 3	1974
5	S	6	W	36	SE	SE	500, 600	47	20.9	Irrigation	POD 2	1974	POD	5	S	6	W	36	SE	SE	500, 600	47	20.9	Irrigation	POD A	1974
6	S	6	W	1	NE	NE	100, 500	87	27.2	Irrigation	POD 2	1974	APOD	6	S	6	W	1	NE	NE	100	87	22.7	Irrigation	POD 1, 2, 3	1974
6	S	6	W	1	NW	NE	500, 600	87	31.7	Irrigation	POD 2	1974	POD	6	S	6	W	1	NE	NE	500	87	4.5	Irrigation	POD A	1974
6	S	6	W	1	SW	NE	500, 600	87	10.3	Irrigation	POD 2	1974	POD	6	S	6	W	1	NW	NE	500, 600	87	31.7	Irrigation	POD A	1974
6	S	6	W	1	SE	NE	500	87	1.0	Irrigation	POD 2	1974	POD	6	S	6	W	1	SW	NE	500, 600	87	10.3	Irrigation	POD A	1974
													POD	6	S	6	W	1	SE	NE	500	87	1.0	Irrigation	POD A	1974
TOTAL ACRES:									114.7					TOTAL ACRES:									114.7			

Additional remarks:_____.

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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Part 5 of 5 – Water Right Information

CERTIFICATE # 57371

Description of Water Delivery System

System capacity: 2.5 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. **40 HP submersible pump delivers water through buried PVC mainline to rotator sprinklers and drip lines.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	☒ Authorized ☐ Proposed		5	S	5	W	31	NW	SW	75	630' N & 630' W from NW corner, McCane DLC 62
POD 2	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	640' N & 640' W from NW corner, McCane DLC 62
POD 3	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	570' N & 30' W from NW corner, McCane DLC 62
POD A	☐ Authorized ☒ Proposed		5	S	5	W	31	NW	SW	75	650' N & 690' W from NW corner, McCane DLC 62

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

- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☒ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ 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 # 57371

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				
5	S	5	W	31	NW	SW	2200	75	9.3	Irrigation	POD 3	1969	APOD	5	S	5	W	31	NW	SW	2200	75	7.9	Irrigation	POD 1, 2, 3	1969		
5	S	5	W	31	SW	SW	2200	75	7.2	Irrigation	POD 3	1969	APOD	5	S	5	W	31	SW	SW	2200	75	6.6	Irrigation	POD 1, 2, 3	1969		
5	S	6	W	36	NE	SE	2000	47	18.6	Irrigation	POD 3	1969	POD	5	S	6	W	36	NE	SE	2000	47	18.6	Irrigation	POD A	1969		
5	S	6	W	36	SE	SE	2000	47	14.2	Irrigation	POD 3	1969	POD	5	S	6	W	36	SE	SE	2000	47	14.2	Irrigation	POD A	1969		
													POU/APOD	6	S	6	W	1	NE	NE	100	87	2.0	Irrigation	POD 1, 2, 3	1969		
TOTAL ACRES:									49.3						TOTAL ACRES:									49.3				

Additional remarks:_____.

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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Business Registry Business Name Search

[New Search](#)

Business Entity Data

02-14-2023

11:16

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
699595-84	ABN	INA		07-09-1999		
Entity Name	HBF ENTERPRISES					
Foreign Name						
Affidavit?	N					

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	23301 SW MCKIBBEN RD				
Addr 2					
CSZ	SHERIDAN	OR	97378	Country	UNITED STATES OF AMERICA

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

Type	REP	AUTHORIZED REPRESENTATIVE	Start Date	05-24-2011	Resign Date	
Name	MARK	HURST				
Addr 1	23301 SW MCKIBBEN RD					
Addr 2						
CSZ	SHERIDAN	OR	97378	Country	UNITED STATES OF AMERICA	

Type	REG	REGISTRANT				
Name	MARK	HURST				
Addr 1	23301 SW MCKIBBEN RD					
Addr 2						
CSZ	SHERIDAN	OR	97378	Country	UNITED STATES OF AMERICA	

Type	REG	REGISTRANT				
Name	PATTY	D HURST				
Addr 1	23301 SW MCKIBBEN RD					
Addr 2						
CSZ	SHERIDAN	OR	97378	Country	UNITED STATES OF AMERICA	

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
HBF ENTERPRISES	EN	CUR	07-09-1999	

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of YAMHILL) ss

I, MARK HURST, in my capacity as OWNER,

mailing address 23301 SW MCKIBBEN RD., SHERIDAN, OR 97378

telephone number (971)237-5031, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
45979	5	S	5	W	WM	31	NW	SW	75	8.2
45979	5	S	5	W	WM	31	SW	SW	75	6.8
56862	5	S	5	W	WM	31	SW	SW	75	23.6
56862	6	S	6	W	WM	1	NE	NE	87	22.7
57371	5	S	5	W	WM	31	NW	SW	75	9.3
57371	5	S	5	W	WM	31	SW	SW	75	7.2

OR

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

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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

2/14/23
Date

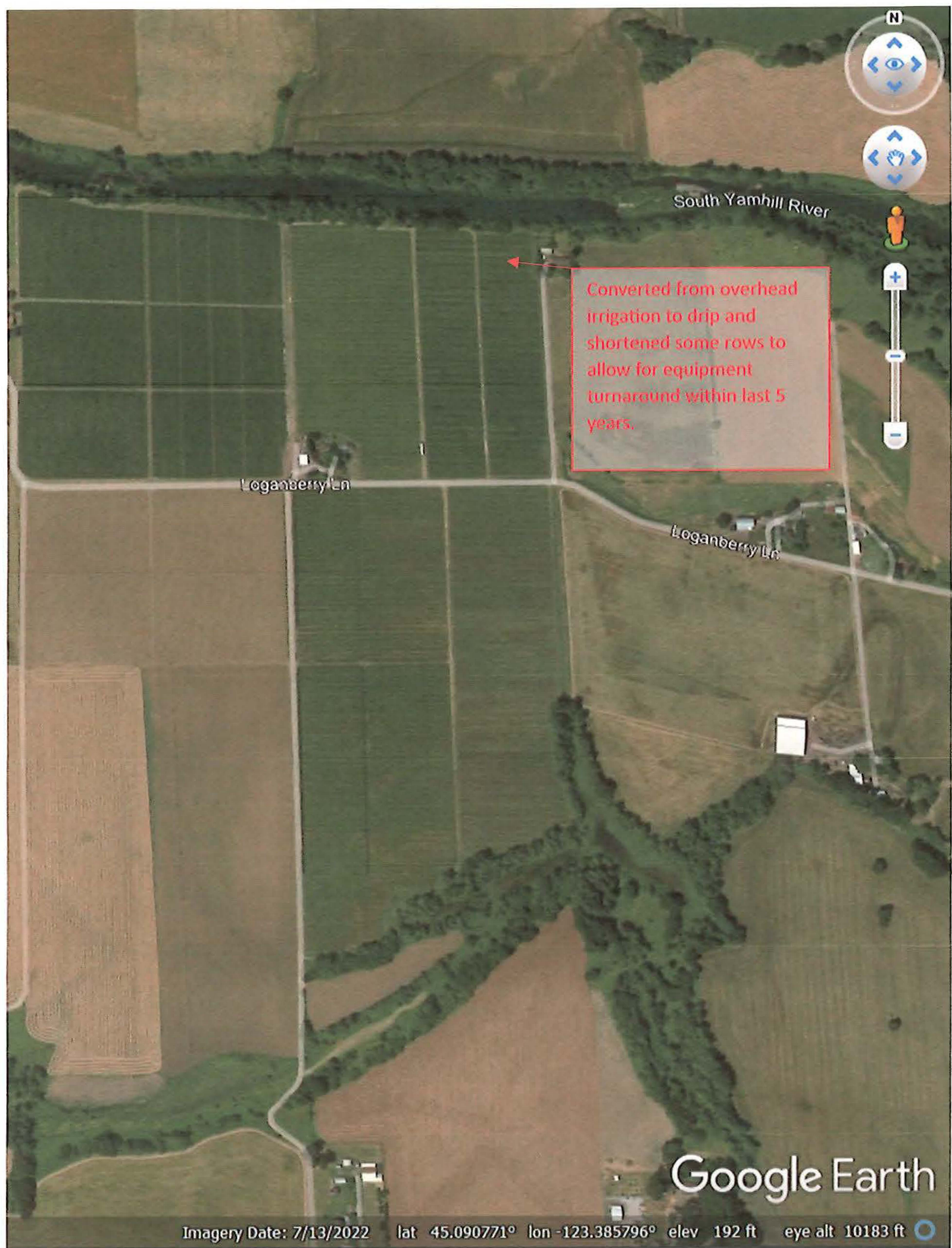
Signed and sworn to (or affirmed) before me this 14 day of Feb., 2023.



[Signature]
Notary Public for Oregon
My Commission Expires: 11/13/23

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	● 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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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)
County of YAMHILL) ss

I, DAVID BRANDT, in my capacity as OWNER/FARMER,
mailing address 25015 SW BALLSTON RD., SHERIDAN, OR 97378
telephone number (503)550-0348, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
56862	5	S	6	W	WM	36	SE	SE	47	20.9
56862	6	S	6	W	WM	1	NE	NE	87	4.5
56862	6	S	6	W	WM	1	NW	NE	87	31.7
56862	6	S	6	W	WM	1	SW	NE	87	10.3
56862	6	S	6	W	WM	1	SE	NE	87	1.0
57371	5	S	6	W	WM	36	NE	SE	47	18.6
57371	5	S	6	W	WM	36	NE	SE	1	0.6
57371	5	S	6	W	WM	36	SE	SE	47	14.2

OR

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

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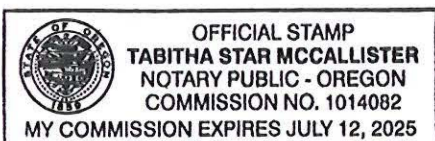
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

2/21/23 - ASB
Date

Signed and sworn to (or affirmed) before me this 21st day of February, 2023.



[Signature]

Notary Public for Oregon

My Commission Expires: July 12 2025

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



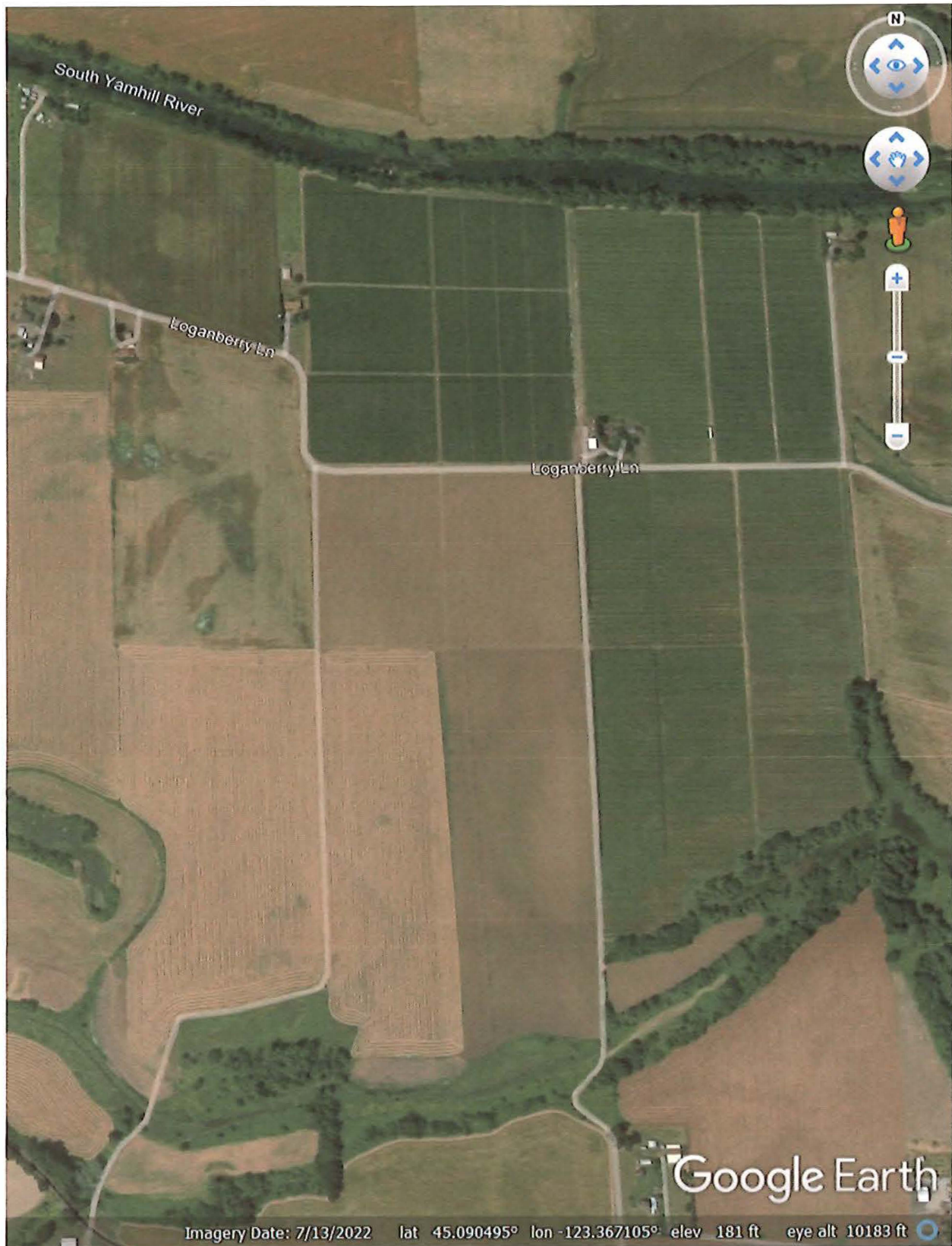
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MAR 17 2023
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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Yamhill)

I David and Christine Brandt in ~~my~~/our capacity as Owners,

mailing address 25015 SW Ballston Rd., Sheridan, OR 97378,

telephone number (503) 550-0348, duly sworn depose and say that ~~I~~/We

consent to the proposed change(s) to Water Right Certificate Number 56862 and 57371

described in a Water Right Transfer Application (T-),

(transfer number, if known)

submitted by HBF Enterprises

on the property in tax lot number(s) 500, 600, and 2000,

Section 36 / 1 Township 5 / 6 South Range 6 / 6 West, W.M.,

located at 23900 Loganberry Ln., Sheridan, OR 97378

(site address)
A handwritten signature in blue ink, appearing to read "David Brandt", written over a horizontal line.

Signature of Affiant

2/21/23

Date

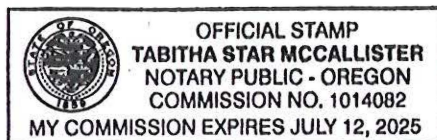
A handwritten signature in blue ink, appearing to read "Christine Brandt", written over a horizontal line.

Signature of Affiant

2/21/23

Date

Subscribed and Sworn to before me this 21st day of February, 2023.



A handwritten signature in blue ink, appearing to read "Tabitha Star McCallister", written over a horizontal line.
Notary Public for Oregon

My commission expires July 12 2025

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R6601 00500

MEMORANDUM OF REAL PROPERTY CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that on the 16th day of December, 2010, EDGAR A. BRANDT and MARYLOUISE BRANDT, husband and wife, as SELLER, and DAVID BRANDT and CHRISTINE BRANDT, husband and wife, as PURCHASER, executed a Contract for Sale of Real property. Said Contract provides for the purchase of Seller's interest in the real property more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

The true and actual consideration paid for such transfer is the sum of \$260,000.

Dated this 16th day of December, 2010.

SELLER:

Edgar A. Brandt
Edgar A. Brandt
Marylouise Brandt
Marylouise Brandt

PURCHASER:

David Brandt
David Brandt
Christine Brandt
Christine Brandt

STATE OF OREGON)
) ss.
County of Yamhill)

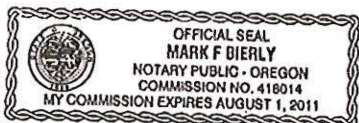
On this 16th day of December, 2010 personally appeared before me the above named Edgar A. Brandt and Marylouise Brandt, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Mark F. Bierly
Notary Public for Oregon
My commission expires: 8-1-11

STATE OF OREGON)
) ss.
County of Yamhill)

On this 16th day of December, 2010 personally appeared before me the above named David Brandt and Christine Brandt, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Mark F. Bierly
Notary Public for Oregon
My commission expires: 8-1-11

Until a change is requested, all tax statements shall be sent to the following address:

David and Christine Brandt
25015 SW Ballston Rd
Sheridan, OR 97378

After recording, return to:

Mark F. Bierly
345 NE 6th St.
McMinnville, OR 97128

SELLER:

Edgar A. & Marylouise Brandt
390 N. Kings Valley Hwy
Dallas, OR 97338

PURCHASER:

David and Christine Brandt
25015 SW Ballston Rd
Sheridan, OR 97378

MEMORANDUM OF REAL PROPERTY CONTRACT

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK



00361944201000176890020021
DMR-CONDMR Cnt=1 Stn=2 ANITA
\$10.00 \$10.00 \$11.00 \$15.00

201017689

\$45.00

12/20/2010 01:44:46 PM

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EXHIBIT A

Parcel 1:

ALL OF THAT PART OF LOT NO. 1 IN THE JAMES GRAVES DONATION LAND CLAIM WHICH IS SITUATED NORTH OF THE RIGHT OF WAY OF THE OREGON AND CALIFORNIA RAILROAD COMPANY, AND SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING A PART OF THE SAID JAMES M. GRAVES DONATION LAND CLAIM, NOTIFICATION NO. 5240, CLAIM NO. 87, IN TOWNSHIP 6 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON WHICH SAID PART THEREOF IS MORE PARTICULARLY DESCRIBED AS BEGINNING ON THE WEST BOUNDARY LINE OF SAID JAMES M. GRAVES DLC AT A POINT 35.053 CHAINS NORTH $00^{\circ} 54'$ EAST FROM THE SOUTHWEST CORNER OF SAID CLAIM, AND RUNNING THENCE NORTH $89^{\circ} 30'$ EAST 17.895 CHAINS; THENCE SOUTH $00^{\circ} 35'$ WEST TO THE NORTH LINE OF SAID RIGHT OF WAY OF THE OREGON-CALIFORNIA RAILROAD COMPANY AS NOW ESTABLISHED BY SAID COMPANY; THENCE WESTERLY ALONG THE NORTH LINE OF THE RIGHT OF WAY OF SAID OREGON AND CALIFORNIA RAILROAD COMPANY TO THE WEST BOUNDARY OF SAID JAMES M. GRAVES DLC; THENCE NORTH $00^{\circ} 35'$ EAST ALONG SAID WEST LINE OF SAID GRAVES DLC TO THE PLACE OF BEGINNING, CONTAINING 40 ACRES, MORE OR LESS.

TOGETHER WITH A ROADWAY 20 FEET WIDE BEGINNING AT THE SW CORNER OF LOT NO. 5 OF COUNTY SURVEY NO. 2001 IN TOWNSHIP 6 SOUTH RANGE 6 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 5 TO A POINT 40 FEET NORTH OF THE NORTH LINE OF THE OREGON CALIFORNIA RAILROAD RIGHT OF WAY; THENCE EAST 20 FEET; THENCE SOUTH TO THE SOUTH LINE OF SAID LOT 5; THENCE WEST 20 FEET ALONG THE SOUTH LINE OF LOT NO. 5 TO THE PLACE OF BEGINNING.

ALSO, THE EAST ONE HALF OF LOT NO. 2 OF THE DIVISION OF THE JAMES M. GRAVES DONATION LAND CLAIM NOTIFICATION NO. 5240, CLAIM NO. 47 IN TOWNSHIP 5 SOUTH, RANGE 6 WEST AND CLAIM NO. 87 IN TOWNSHIP 6 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, OREGON, AS SURVEYED IN COUNTY SURVEY NO. 2001, YAMHILL COUNTY, OREGON.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT NO. 2, BEING NORTH $00^{\circ} 54'$ EAST 69.86 CHAINS AN NORTH $89^{\circ} 30'$ EAST 17.693 CHAINS FROM THE SOUTHWEST CORNER OF SAID GRAVES CLAIM; THENCE SOUTH $00^{\circ} 35'$ WEST ALONG THE EAST LINE OF SAID LOT 2, 34.807 CHAINS TO THE SOUTHEAST CORNER OF SAID LOT NO. 2; THENCE SOUTH $89^{\circ} 30'$ WEST ALONG THE SOUTH LINE OF SAID LOT NO. 2, 8.947 CHAINS TO THE SOUTHWEST CORNER OF THE EAST ONE HALF OF SAID LOT NO. 2; THENCE NORTH $00^{\circ} 45'$ EAST ALONG DIVISION OF SAID LOT NO. 2, 34.807 CHAINS TO THE NORTHWEST CORNER OF SAID EAST ONE-HALF OF SAID LOT NO. 2; THENCE $89^{\circ} 30'$ EAST ALONG THE NORTH LINE OF SAID LOT NO. 2, 8.847 CHAINS TO THE BEGINNING AND CONTAINING 30.968 ACRES, MORE OR LESS.

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Parcel 2:

Being a part of the James M. Graves D. L. C. Notification #5240 Claim #47 in T. 5 S. R. 6 W. and Claim #87 in T. 6 S. R. 6 W. of the Willamette Meridian in Yamhill County, Oregon, and beginning at the N.W. corner of Lot #4 said survey, said point being S. $16'$ W. 19.77 chains and S. $89^{\circ} 30'$ W. 17.996 chains from the N.E. corner of said Claim; thence S. $35'$ W. along the West line of said Lot #4 32.372 chains to iron pipe at the N.W. corner of that certain 11.30 acre tract sold off the South side of said Lot #4; thence N. $67^{\circ} 02'$ E. along the line of said 11.30 acre tract .329 chains to East side of roadway; thence N. $35'$ E. parallel to West line of Lot #4 32.247 chains to North line of Lot #4; thence S. $89^{\circ} 30'$ W. .303 chains to beginning, containing .98 of an acre

NN

R5636 02000
R6601 00600

David J. Brandt, Pers.Rep

25015 SW Ballston Rd

Sheridan, OR 97378

First Party's Name and Address

David J. Brandt, Trustee

25015 SW Ballston Rd

Sheridan, OR 97378

Second Party's Name and Address

After recording, return to (Name, Address, Zip):

David J. Brandt, Trustee

25015 SW Ballston Rd

Sheridan, OR 97378

Until requested otherwise, send all tax statements to (Name, Address, Zip):

David J. Brandt, Trustee

25015 SW Ballston Rd

Sheridan, OR 97378

STATE OF OREGON,

County of _____

} ss.

I certify that the within instrument was received for recording on _____ at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception

SPACE RESERVED

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK

200117823



\$36.00

00070063200100178230030036

10/10/2001 11:09:13 AM

DMR-DDMR Cnt=1 Stn=2 ANITA

\$15.00 \$10.00 \$11.00

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE dated Sept. 28, 2001, by and between David J. Brandt, the duly appointed, qualified and acting personal representative of the estate of Vernon E. Brandt, deceased, hereinafter called the first party, and David J. Brandt, Trustee of the Vernon E. Brandt Testamentary Trust, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of Yamhill, State of Oregon, described as follows, to-wit: a one-half interest in:

See Exhibit A attached hereto and by this reference incorporated herein.

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(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ none. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration. (The sentence between the symbols [®], if not applicable, should be deleted. See ORS 93.030.)

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

David J. Brandt
David J. Brandt,

Personal Representative

STATE OF OREGON, County of Yamhill) ss.

This instrument was acknowledged before me on _____

by _____

This instrument was acknowledged before me on September 28, 2001by David J. Brandtas Personal Representativeof Estate of Vernon E. Brandt

Mark F Bierly
Notary Public for Oregon

My commission expires 8-1-03

1/3 190

Parcel 1:

Beginning at the Northwest corner of the James M. Graves Donation Land Claim, Notification No. 5240, Claim No. 87, in Township 5 South, Range 5 and 6 West of the Willamette Meridian, Yamhill County, Oregon, and running thence North 89° 12' East, 18.50 chains to a stake; thence South 0° 35' West, 19.72 chains to a stake on the North line of Lot 4; thence South 89° 30' West, 0.927 chains to the corner of Lots 2 and 4; thence South 89° 30' West, 17.693 chains to the Southwest corner of Lot 3; thence North 0° 54' East, 19.59 chains to the place of beginning.

Parcel 2:

All of Lots 5, 6, 9, 11, 13 and 15 of YAMHILL RIVER BOTTOM ACRES subdivision in Township 5 South, Range 6 West and Township 6 South, Range 6 West of the Willamette Meridian, in Yamhill County, Oregon; EXCEPT the following described:

Beginning at the Northeast corner of said Lot 6, being a point of intersection of the center of County Road No. 423 with the center of a 40 foot wide road as shown on the original plat of said subdivision; thence North 73° 45' West along the center of said county road, 470.79 feet to a point on the North line of said Lot 5; thence South 00° 00' 30" West 530.83 feet to an iron rod; thence East 452.0 feet to the East line of said Lot 6 and center of said 40 foot wide road; thence North 00° 00' 30" East 399.00 feet to the point of beginning.

EXCEPTING THEREFROM that portion deeded to Yamhill County by deed dated December 28, 1976 and recorded January 21, 1977 in Deed and Mortgage, Film Volume 117, Page 1130, Yamhill County Deed Records.

Parcel 3:

The West one-half of Lot 2 as described in County Survey #2001 in the James M. Groves Donation Land Claim #47 in Section 1, Township 6 South, Range 6 West of the Willamette Meridian, County of Yamhill, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 2, being on the West line of and North 00° 54' East a distance of 35.053 chains from the Southwest corner of said Donation Land Claim; thence North 00° 54' East along the West line of said claim a distance of 34.807 chains to the Northwest corner of said Lot #2; thence North 89° 30' East along the North line of said Lot 2 a distance of 8.846 chains to the division line of said Lot 2; thence South 00° 45' West along the division line of Lot 2 a distance of 34.807 chains to the South line of said Lot 2; thence South 89° 30' West along the South line of said Lot a distance of 8.948 chains to the place of beginning. TOGETHER WITH that certain right-of-way for irrigation line reserved to the Vendor herein in that contract of purchase wherein the Vendor herein was Vendor, and James E. Mickelson and Arlette D. Mickelson, husband and wife, were Purchasers, dated October ____, 1972, recorded November 8, 1972 in Film Volume 91, Page 2000, Deed Records, Yamhill County.

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Parcel 4:

All of Lots 14, 16 and all of Lot 12 lying in Section 1, Township 6 South, Range 6 West of the Willamette Meridian, of YAMHILL RIVER BOTTOM ACRES, Yamhill County, Oregon.

Parcel 5:

Being a part of the Donation Land Claim of Nathan Conner and wife, in Township 5 South, Range 6 West, situate in the Counties of Polk and Yamhill, State of Oregon, and more particularly bounded and described as follows:

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The Northerly 75.60 acres of the following:

Beginning at the Northwest corner of said Donation Land Claim at a stone from which an oak 30 inches in diameter bears South 89° 30' East 250 links distant, which said point of beginning is also the Northeast corner of the Donation Land Claim of John Miller and wife, Claim No. 60, Notification No. 4965 and running thence South 43.25 chains; thence East 23.13 chains; thence North 43.25 chains to the North boundary line of the Nathan Conner Donation Land Claim and thence West along the North line of said Conner Donation Land Claim 23.13 chains to the place of beginning.

Parcel 6:

A tract of land in the James M. Groves Donation Land Claim in Section 1, Township 6 South, Range 6 West of the Willamette Meridian, County of Yamhill, Oregon, described as follows:

Beginning at the Southwest corner of the James M. Groves Donation Land Claim in said Section; thence North 89° 30' East along the South line of said Groves Donation Land Claim, a distance of 18.098 chains; thence North 00° 35' East a distance of 10.453 chains to the South line of the right-of-way of the O & C Railroad Company; thence North 74° 20' West along the South line of said O & C Railroad right-of-way to the West boundary line of said Groves Donation Land Claim; thence South 00° 54' West along the West line of said Donation Land Claim to the place of beginning.

Parcel 7:

The following described tract situated in the Counties of Polk and Yamhill, being 15-1/4 acres off of the East side of the West half of the Donation Land Claim of Benjamin Franklin and wife, Notification No. 4972 and Claim No. 61 and part of Section 1 and 2 in T. 6 S., R. 6 W., being the same premises conveyed to said P. M. Scroggin by Susanah Gates and L. Gates by deed dated November 8, 1875, all in Oregon.

Parcel 8:

A tract of land in Section 2, Township 6 South, Range 6 West, of the Willamette Meridian, in Yamhill County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Benjamin Franklin and wife Donation Land Claim; thence East 29.42 chains; thence South 34.10 chains; thence West 29.42 chains; thence North 34.10 chains to the place of beginning. EXCEPTING therefrom that part lying within public roads.

Parcel 9:

The following described tract situated in the Counties of Polk and Yamhill and State of Oregon described as follows: Commencing at the Northeast corner of the Donation land Claim of S. C. Foster No. 4969 in Township 6 South, Range 6 West of the Willamette Meridian and running thence South 35 chains; thence West 14.24 chains; thence North 35 chains; thence East 14.24 chains to the place of beginning, containing 49.84 acres.

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R5531 00500
R6601 00100
R5531 02200
R5531 02300
R5531 02400

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK

201106625



\$56.00

00371001201100066250040040

05/25/2011 12:32:32 PM

DHR-DDMR Cnt=1 Stn=2 ANITA

\$20.00 \$10.00 \$11.00 \$15.00

WARRANTY DEED

HBF Enterprises, an Oregon general partnership consisting of Mark D. Hurst, Patty D. Hurst, Daniel S. Caldwell, and Deborah L. Caldwell, who took title to:

Parcels A and F as HBF Enterprises, an Oregon corporation;

Parcels B and C as HBF Enterprises, an Oregon general partnership consisting of Mark D. Hurst, Patricia D. Hurst, Daniel S. Caldwell, & Deborah L. Caldwell;

Parcel D as HBF Enterprises, an Oregon general partnership, consisting of Mark D. Hurst and Patty D. Hurst;

Parcel E as HBF Enterprises, an Oregon general partnership consisting of Mark Hurst, Patty D. Hurst, Dan Caldwell, and Deborah L. Caldwell;

(hereinafter collectively "Grantor"), conveys and warrants to HBF Enterprises, an Oregon general partnership consisting of Mark D. Hurst and Patty D. Hurst co-partners (hereinafter "Grantee"), the following described real property, free of encumbrances except as specifically set forth herein:

The Legal descriptions for Parcels A, B, C, D, E, and F are attached hereto as Exhibit A and incorporated by this reference.

The true and actual consideration for this conveyance is other property or value given or promised, the receipt and sufficiency of which is hereby acknowledged by Grantor.

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD OR EXTENDED POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. IT IS THE INTENTION OF THE GRANTOR TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 20th day of May, 2011.

HBF Enterprises, an Oregon general partnership

Mark D. Hurst

Daniel S. Caldwell

Patty D. Hurst

Deborah L. Caldwell

AFTER RECORDING,
RETURN TO:
Churchill Leonard Lawyers
PO Box 804
Salem, OR 97308

UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO:

None

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MAR 17 2023
OWRD

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STATE OF OREGON)
) ss.
County of Yamhill)

The forgoing instrument was acknowledged before me this 20th day of May 2011, 2011, by Mark D. Hurst and Patty D. Hurst, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.



Agnes M Bradford
Notary Public for Oregon
My Commission Expires:

STATE OF OREGON)
) ss.
County of Yamhill)

The forgoing instrument was acknowledged before me this 20th day of May 2011, 2011, by Daniel S. Caldwell and Deborah L. Caldwell, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.



Agnes M Bradford
Notary Public for Oregon
My Commission Expires:

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EXHIBIT A:

Legal Descriptions of Real Property

Parcel A – Stutzman:

A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

BEGINNING at the Northeast corner of the James M. Graves Donation Land Claim No. 75 in said Section 31; thence South 00°16' West along the East line of said Graves Claim, a distance of 1304.82 feet to the Southeast corner of Lot 3B of County Survey No. 2001 in Yamhill County, Oregon; thence South 89°30' West along the South line of said Lot 3B, a distance of 563.31 feet; thence North 00°25'45" East, a distance of 1303.17 feet to a point on the North line of said lot; thence North 89°19'31" East along the North line of said Lot, a distance of 559.68 feet to the point of beginning.

SUBJECT TO rights of the public in streets, roads and highways

Parcel B – Brandt (14 acres):

PARCEL 1: A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point South 00°16' West 1304.82 feet and South 89°20' West 563.31 feet from the Northeast corner of the James M. Graves Donation Land Claim No. 75, in said Section 31, to the South line of Lot 3B of County Survey No. 2001 in Yamhill County, Oregon; thence South 89°30' West along said South line a distance of 563.31 feet to the Southwest corner of said Lot 3B; thence North 00°35' East along the West line of said Lot 3B a distance of 1301.52 feet to the Northwest corner of said Lot 3B; thence North 89°19'30" East along the North line of said Lot a distance of 559.68 feet; thence South 00°25'45" West a distance of 1303.17 feet to the point of beginning.

SAVING AND EXCEPTING THEREFROM the following described tract of land;

A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 3B of County Survey No. 2001 said corner being South 0°16' West 1304.82 feet and South 89°30' West 1126.62 feet from the Northeast corner of the James M. Graves Donation Land Claim No. 75 in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence North 00°35' East 208 feet; thence North 89°30' East 208 feet, thence South 00°35' West 208 feet; thence South 89°30' West 208 feet to the point of beginning.

RESERVING to Grantor, their successors and assigns, an exclusive, perpetual easement parallel with and adjacent to the western and northern boundaries of said parcel for the purpose of providing Grantor access from Loganberry Lane to the point of Grantor's diversion of water from the South Yamhill River, and also an easement running diagonally across the northern portion of said parcel in a generally northeast direction to the point of diversion of water from the South Yamhill river for the purpose of the placement, maintenance, and transmission of underground electricity and water, said easements being appurtenant to other real property on which the water is being applied.

Parcel C – Brandt House (1 acre):

PARCEL 2: A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 3B of County Survey No. 2001, said corner being South 0°16' West 1304.82 feet and South 89°30' West 1126.62 feet from the Northeast corner of the James M. Graves Donation Land Claim No. 75 in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence North 00°35' East 208 feet; thence North 89°30' East 208 feet; thence South 00°35' West 208 feet; thence South 89°30' West 208 feet to the point of beginning.

RESERVING to Grantor, their successors and assigns, an exclusive, perpetual easement parallel with and adjacent to the western boundary of said parcel for the purpose of providing Grantor access from Loganberry Lane to Parcel 1, said easement being appurtenant to other real property on which water from the South Yamhill River is being applied.

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Parcel D – Palmer:

Being a part of Section 1, Township 6 South, Range 6 West and Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and also a part of the James M. Graves Donation Land Claim No. 87, Notification No. 5240 in said Township and Range, more particularly described as follows:

Lot No. 4, which is more particularly described as follows:

BEGINNING at a stake set South 00°16' West 19.77 chains from the Northeast corner of the James M. Graves Donation Land Claim, Notification No. 5240, Claim No. 87 in Yamhill County, Oregon; thence South 00°16' West 34.807 chains to a stake set at the Southeast corner of Lot 4 and the Northeast corner of Lot 5; thence South 89°30' West 18.20 chains to the corner of Lots 1, 2, 4 and 5; thence North 00°35' East 34.807 chains to a stake at the Northeast corner of Lot 2; thence North 89°30' East 17.996 chains to the point of beginning.

EXCEPTING THEREFROM a strip of land 20 feet wide on the West side of the above described premises for roadway purposes.

ALSO SAVE AND EXCEPT THEREFROM that tract described in a certain Warranty Deed from Ellen Graves, a widow and Lacy E. Graves, grantors, to Oscar Graves and Hilda Graves, his wife, grantees, which deed is dated February 27, 1915 and recorded March 1, 1915 in Book 69, Page 247, Deed Records of Yamhill County, Oregon.

Parcel E – Homeplace (1 acre):

A tract of land in Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at an iron pole at the Southeast corner of the Owen P. Turner Donation Land Claim; thence North 647.68 feet along the East line of said Claim; thence North 88°32'30" West 20.01 feet to an iron rod on the West margin of County Road No. 424, said iron rod being the True Point of Beginning; thence North 88°32'30" West 181.76 feet to an iron rod; thence North 239.70 feet to an iron rod; thence South 88°32'30" East 180.53 feet to an iron rod; thence continuing South 88°32'30" East 1.20 feet to the West margin of said County Road; thence South 239.70 feet along said West margin to the True Point of Beginning.

Parcel F – Homeplace (16 acres):

Part of Section 31, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said part being a portion of the James Toney Donation Land Claim, Notification No. 2375, Claim No. 56, and being more particularly described as follows:

Beginning at the Southwest corner of said Toney Donation Land Claim; thence North 13.988 chains to a point 20 feet West of the Southwest corner of a certain tract of land conveyed to B. M. Wepster and wife by deed recorded October 30, 1958 in Film Volume 1, Page 990, Deed and Mortgage Records; thence East along the South line of said Wepster Tract and Westerly extension thereof 11.425 chains to the Northwest corner of a tract of land conveyed by Edna Rierison, et al., by deed recorded October 10, 1957 in Book 163, Page 282, Deed Records; thence South along the West line of said Rierison tract 13.988 chains to a point; thence West 11.425 chains to the place of beginning.

SUBJECT to any adverse claim based upon the assertion that some portion of the herein described premises has been removed or brought within the boundaries thereof by an avulsive movement of the South Yamhill River or has been formed by the process of accretion or reliction.

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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

NAME HBF ENTERPRISES			PHONE (HM)		
PHONE (WK)		CELL (971) 237-5031		FAX	
ADDRESS 23301 SW MCKIBBEN RD.					
CITY SHERIDAN		STATE OR	ZIP 97378	E-MAIL* MARKDANIELHURST@GMAIL.COM	

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:
5S	5W	31	SWSW	100	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
6S	6W	1	NENE	100	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	SESE	500	EFU	☒ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	NESE	500	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	6W	36	SESE	500	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
6S	6W	1	NENE NWNE SWNE SENE	500	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	6W	36	SESE	600	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
6S	6W	1	NWNE SWNE	600	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	6W	36	NESE SESE	2000	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	NWSW	2200	EFU	☒ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	SWSW	2200	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	SWSW	2300	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	NWSW	2400	EFU	☒ Diverted	☐ Conveyed	☒ Used	farming
5S	5W	31	SWSW	2400	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming
5S	6W	36	NESE	2600	EFU	☐ Diverted	☐ Conveyed	☒ Used	farming

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

Yamhill

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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Groundwater ☒ Surface Water (name) South Yamhill RiverEstimated quantity of water needed: 1,000 ☐ 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 Frost Protection

Briefly describe:

It is proposed to authorize POD A for the portions of water rights on the neighboring property. It is proposed to authorize POD 1, 2, and 3 for all water rights on the subject property. It is also proposed to apply new surface water for frost protection on kiwi berries in the months of March and April.

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.

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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): 402 & re. YCZO.
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

--

NAME: <u>Ken Fridley</u>		TITLE: <u>PD</u>
SIGNATURE: <u>[Signature]</u>	PHONE: <u>503 434-7526</u>	DATE: <u>2/28/23</u>
GOVERNMENT ENTITY: <u>Yamhill County</u>		

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

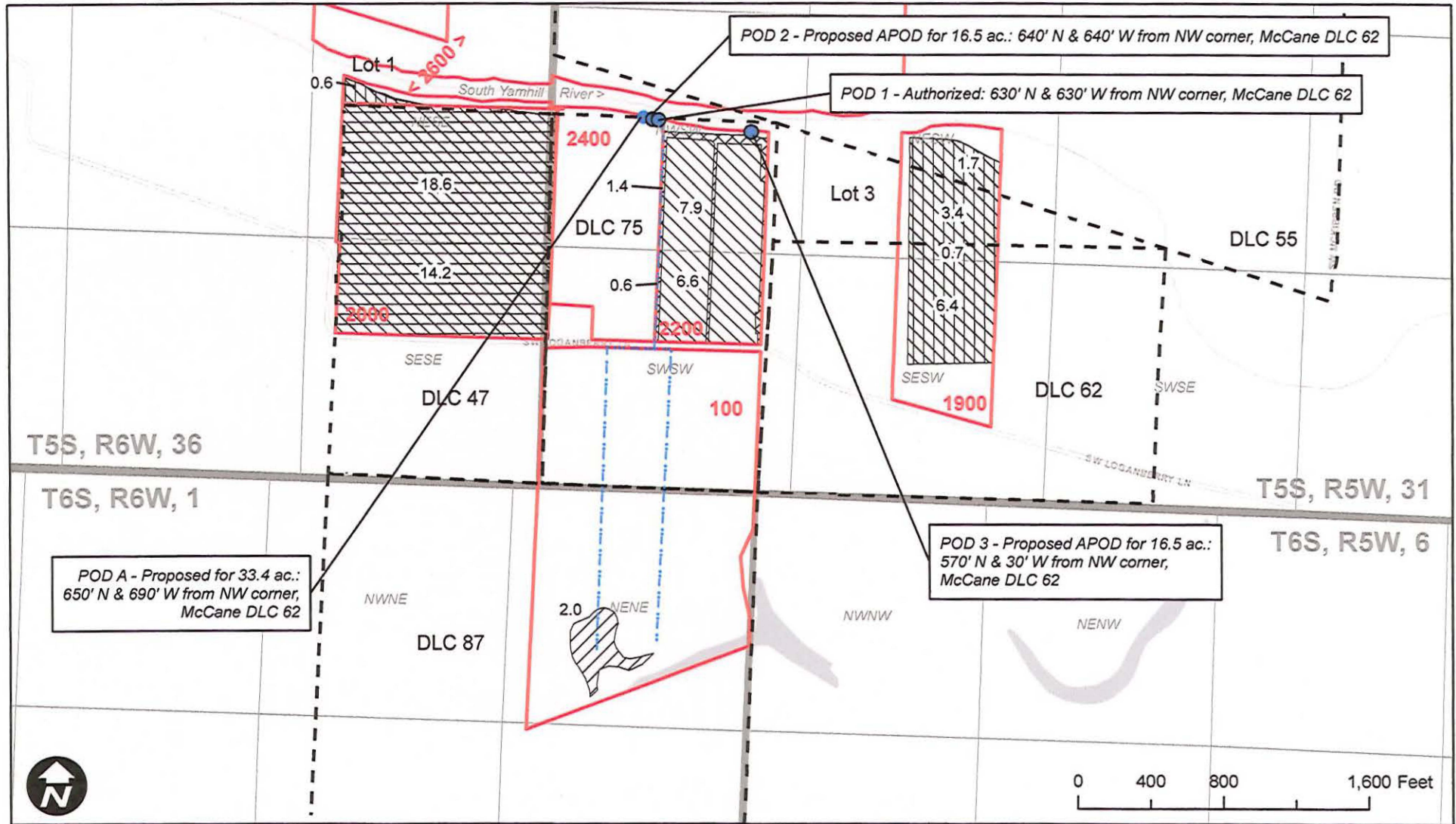
Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Transfer Application - Certificate 57371 - Hurst



Legend

- Cert. 57371 From POU
- Cert. 57371 POD Change
- Cert. 57371 No Change
- DLC
- Cert. 57371 To POU/APOD Change
- Cert. 57371 APOD Change
- Mainline
- Tax Lot

14190

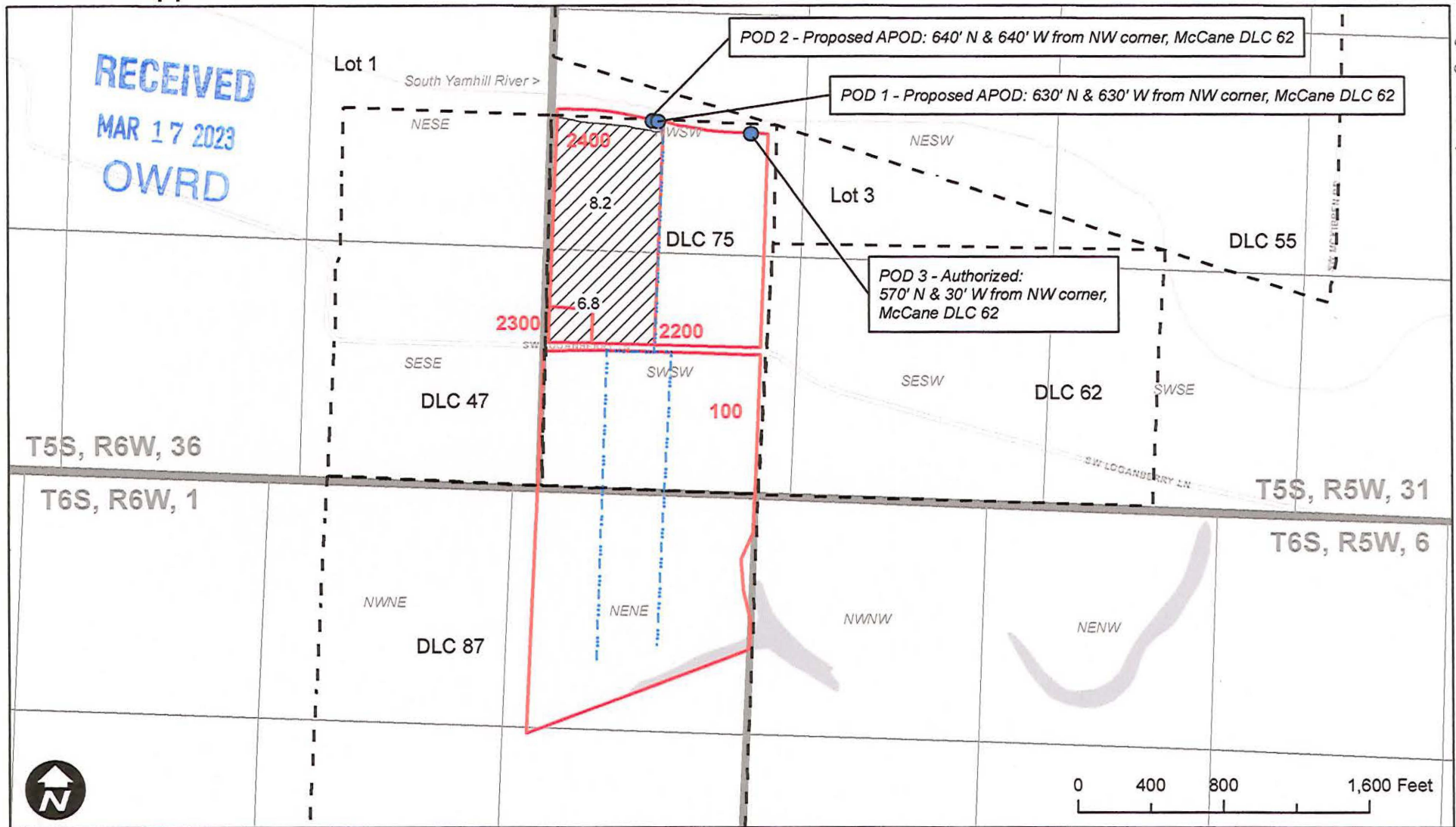


Legend

-  Cert. 56862 POD Change  Mainline  DLC
 Cert. 56862 APOD Change  Tax Lot



Transfer Application - Certificate 45979 - Hurst



Legend

Cert. 45979 APOD Change
 Mainline
 Tax Lot
 DLC





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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: HBF Enterprises
23301 SW McKibben RD, Sheridan OR 97378

Transaction Type: Transfer

Fees Received: \$ 3670.00

☐ Cash

☒ Check:

Check No. 2116

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: Cone Lovner

(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 top drawer of filing cabinet.

14190

Permanent Transfer Application Intake Checklist

Check the Certificates in WRIS

Transfer # T- 14190

Checked by <u>[Signature]</u> Date <u>3/10/23</u>	Type of Change(s) Proposed: NO other changes allowed other than those listed ☒ POU ☒ POD ☒ APOD ☐ POA ☐ APOA ☐ USE	
Calculated Fee \$ <u>3670.00</u>		
Fee Received \$ <u>3670.00</u>		# of rights to be Transferred? <u>3</u>
Deficiencies and Observations:		Certificate #(s) <u>45979, 56862, 53731</u>

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

- ☒ 1. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? _____
- ☒ 2. Have all the applicants listed at the top of the page signed at the bottom? If not, whose signature is missing? _____
- ☐ 3. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☐ N/A. Name of the District _____
- ☒ 4. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application? If not, you may need to contact the applicant or agent? _____
- ☒ 5. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? If no, which certificates are missing a separate Part 5, tables 1 & 2? _____
- ☐ 6. Is there more than one landowner or more than one water use? (OAR 690-380-3220). If so, a separate application for each water use from each landowner **must** be submitted unless:
 - ☐ a. There is a change in POD/POA to a new common POD/POA for a delivery system serving multiple rights and multiple ownerships; or
 - ☐ b. A change in USE or POU of all rights are on a single parcel from all sources; or
 - ☐ c. Transfers between two parcels using water are from the same source.
- ☒ 7. Has the map been completed and signed by a CWRE? Does the map meet the requirements? If not, what is missing? _____. Map waiver included? ☐
- ☐ 8. If a change in point of appropriation, have the well logs been included? ☐ N/A.
- ☐ 9. If a change in place of use is within Umatilla County, is there a Supplemental Form U included? ☐ N/A.

If all boxes (#1-#9) are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If any boxes are not checked, this application is deficient, and **CANNOT** be accepted. Unless the applicant or agent can resolve the deficiencies within 2-3 days, it should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1.

Actions taken:

Date _____

Permanent Transfer Application Intake Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>2</u> (2a) Subtract 1 from the number in line 2a = <u>1</u> (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » »	2	<u>1090</u>
	Number of water rights included in transfer <u>3</u> (3a) Subtract 1 from the number in 3a above: <u>2</u> (3b) <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » »	3	<u>1220</u>
	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 ☐ Yes: enter \$480 for the 1st well to be added or changed _____ (4a) Do you propose to add or change additional wells? ☒ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter » » » » » » » » » » » » » » » »	4	<u>0</u>
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.02</u> (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c)		
5	Multiply 5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » »	5	<u>0</u>
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	<u>3670</u>
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	7	
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	<u>3670</u>