

Regular

Name Spurlin Farms Inc.Address 28637 Seven Mile Ln
Brownsville, OR 97327Change in POUDate Filed 12/1/2023Initial notice date 12/5/2023

DPD issued date

PD issued date 5/23/2025PD notice date 5/27/2025Date of FO 6/30/2025 Vol 134 Page 1114-1118

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Will McGill Surveying, LLC
willmcgill.surveying@gmail.com

CWRE

CC's list

☐ - Oversized map - Location

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well No.1Trib. of Calapooia RiverUse Irrigation County Linn

Quantity of water (CFS) No. of Acres

Name of ditch

App# G6718 Per # G6256 Cert # 56982 PR Date 11-12-1974

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>12/1/23</u>	<u>\$1,360.00</u>	<u>142018</u>

FEES REFUNDED		
Date	Amount	Receipt #



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

June 30, 2025

Kyle Spurlin
34728 Henshaw Dr
Brownsville, OR 97327

Spurlin Farms Inc.
28637 Seven Mile Ln
Brownsville, OR 97327

REFERENCE: Transfer Application T-14361

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

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

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

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

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

Sincerely,

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

cc: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)
William E. McGill, Agent

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A CHANGE IN
T-14361, Linn County)	PLACE OF USE AND PARTIAL
)	CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

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

Applicant

SPURLIN FARMS INC
28637 SEVEN MILE LN.
BROWNSVILLE, OR 97327

Findings of Fact

1. On December 1, 2023, Spurlin Farms Inc filed an application to change the place of use under Certificate 56982. The Department assigned the application number T-14361.
2. Notice of the application for transfer was published on December 5, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 12, 2024, the Department contacted the Applicants Agent regarding a portion of the acreage that was not subject to Transfer.
4. On December 13, 2024, the Applicant and Agent provided the Department with an affidavit cancelling the portion of the right in question.

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

5. On February 25, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14361. The draft Preliminary Determination cover letter set forth a deadline of March 27, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On May 23, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14361 and sent a copy to the applicant. Additionally, the notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 27, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

Certificate: 56982 in the name of GENE E. THORNTON, ROSEMARY THORNTON
(perfected under Permit G-6256)

Use: IRRIGATION OF 5.0 ACRES

Priority Date: NOVEMBER 12, 1974

Rate: 0.018 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: WELL NO.1 in the CALAPOOIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1 - 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	3.3
13 S	3 W	WM	36	NW NE	37	1.7
Total						5.0

8. Transfer Application T-14361 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	1.4
13 S	3 W	WM	36	NW NE	37	1.4
13 S	3 W	WM	36	SW NE	37	0.4
13 S	3 W	WM	36	SE NE	37	1.8

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
Total						5.0

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

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14361.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed change, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

Partial Cancellation of a Water Right

15. On December 13, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Spurlin Farm, Inc.

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

Certificate: 56982 in the name of GENE E. THORNTON, ROSEMARY THORNTON
(perfected under Permit G-6256)

Use: IRRIGATION OF 0.5 ACRE

Priority Date: NOVEMBER 12, 1974

Rate: 0.002 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: WELL NO.1 in the CALAPOOIA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1- 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	0.5

Conclusions of Law

The change in place of use proposed in Transfer Application T-14361 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right is cancelled.

Now, therefore it is ORDERED:

1. The change in place of use proposed in Transfer Application T-14361 is approved. The portion of the right that has been abandoned is cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56982 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 place of use.
4. Water right Certificate 56982 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

7. 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 change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUN 30 2025**



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

Mailing date: **JUL 01 2025**

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GENE E. THORNTON
ROSEMARY THORNTON
27840 SEVEN MILE LANE
BROWNSVILLE, OR 97327

has a right to the use of the waters of WELL NO.1 in the CALAPOOIA RIVER basin for the purpose of IRRIGATION.

This right has been perfected under Permit G-6256. The date of priority is NOVEMBER 12, 1974. The right is limited to not more than 0.09 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1 - 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

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:

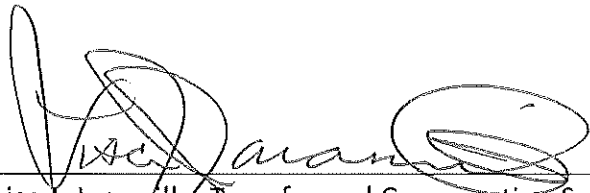
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	13.5
13 S	3 W	WM	36	NW NE	37	13.0
Total						26.5

This certificate describes that portion of water right Certificate 56982, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 30 2025, approving Transfer Application T-14361.

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

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

WITNESS the signature of the Water Resources Director affixed JUN 30 2025.

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

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14361

Transfer Specialist: *Joan*

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: Spurlin Farms 28637 Seven Mile Ln Brownsville, OR 97327	Agent: William McGill 15333 Pletzer Rd SE TURNER, OR 97392	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>			56982	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: December 1, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1360.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 12/5/2023	County sent cc: of Ack Letter <input type="checkbox"/>	County: LINN
WM District: 2 Lanaya F. Blakely	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:

partial cancellation received 12/13/24

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

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>1/28/25</i> Initials: <i>Joan</i>	Date: <i>1/30/25</i> Initials: <i>Aria</i>	Date: <i>2/10/25</i> Initials: <i>Sarah</i>	Date: <i>2/25/25</i> Initials: <i>Joan</i>	CW Sent: <i>2/25/25</i> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <i>5/17/25</i> Initials: <i>Joan</i>	Date: <i>5/14/25</i> Initials: <i>Scott</i>	Date: <i>5/19/25</i> Initials: <i>Cory</i>	Date: <i>5/19/25</i> Initials: <i>[Signature]</i> Data Review Date: <i>[Signature]</i>	Date: <i>5/19/25</i>	Date: <i>5/23/2025</i>
FO	Date: <i>6/2/25</i> Initials: <i>Joan</i>	Date: <i>6/3/25</i> Initials: <i>Scott</i>	Date: <i>6/6/25</i> Initials: <i>Tamara</i>	Date: <i>6/6/25</i> Initials: <i>Joan</i>	Date: <i>6/28</i> No. of docs for sig: <i>_____</i>	Date: <i>6/30/2025</i>

Special Issues: *POU A only & partial cancellation of a portion (unused)* ✓

Special Order Volume: Vol. *134* Pages *1114-1118*



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

May 23, 2025

VIA CERTIFIED MAIL AND E-MAIL

SPURLIN FARMS
34728 HENSHAW DR
BROWNSVILLE, OR 97327

SUBJECT: Water Right Transfer Application T-14361

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14361. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14361
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)
William E. McGill, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14361, Linn County)	PROPOSING APPROVAL OF A CHANGE IN
)	PLACE OF USE AND PARTIAL
)	CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

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

Applicant

SPURLIN FARMS
28637 SEVEN MILE LN.
BROWNSVILLE, OR 97327

Findings of Fact

1. On December 1, 2023, Spurlin Farms filed an application to change the place of use under Certificate 56982. The Department assigned the application number T-14361.
2. Notice of the application for transfer was published on December 5, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 12, 2024, the Department contacted the Applicants Agent regarding a portion of the acreage that was not subject to Transfer.
4. On December 13, 2024, the Applicant and Agent provided the Department with an affidavit cancelling the portion of the right in question.

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.

5. On February 25, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14361. The draft Preliminary Determination cover letter provided a deadline of March 27, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. The portion of the right to be transferred is as follows:

Certificate: 56982 in the name of GENE E. THORNTON, ROSEMARY THORNTON
(perfected under Permit G-6256)

Use: IRRIGATION OF 5.0 ACRES

Priority Date: NOVEMBER 12, 1974

Rate: 0.018 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: WELL NO.1 in the CALAPOOIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1 - 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	3.3
13 S	3 W	WM	36	NW NE	37	1.7
Total						5.0

7. Transfer Application T-14361 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	1.4
13 S	3 W	WM	36	NW NE	37	1.4
13 S	3 W	WM	36	SW NE	37	0.4
13 S	3 W	WM	36	SE NE	37	1.8
Total						5.0

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

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14361.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

Partial Cancellation of a Water Right

14. On December 13, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Spurlin Farm, Inc.
15. The portion of the right to be cancelled is as follows:

Certificate: 56982 in the name of GENE E. THORNTON, ROSEMARY THORNTON
(perfected under Permit G-6256)

Use: IRRIGATION OF 0.5 ACRE

Priority Date: NOVEMBER 12, 1974

Rate: 0.002 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: WELL NO.1 in the CALAPOOIA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1- 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	0.5

Determination and Proposed Action

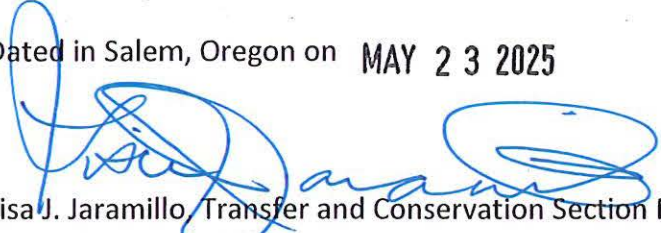
The change in place of use proposed in Transfer Application T-14361 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, and the abandoned right will be cancelled.

If Transfer Application T-14361 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-14361 is approved. The portion of the right that has been abandoned is cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56982 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 place of use.*
- 4. Water right Certificate 56982 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
- 5. The former place of use of the transferred right shall no longer receive water under the right.*
- 6. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. 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 change and full beneficial use of the water.*

8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 23 2025**



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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0896 or Joan.M.Smith@water.oregon.gov.

Protests

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

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

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and

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

Requests for Standing

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

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

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

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

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

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

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

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

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

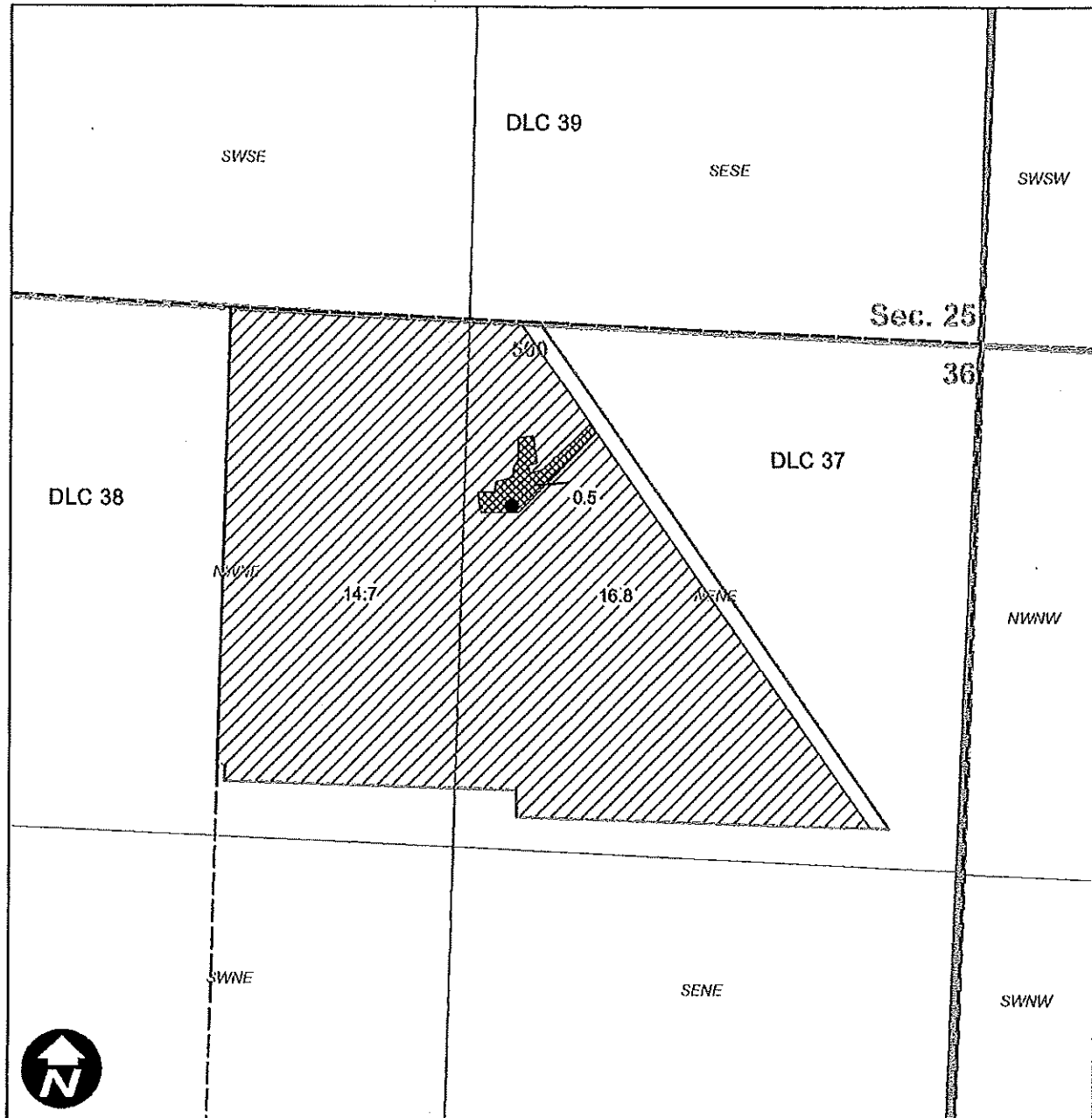
If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

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

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

Spurlin Farm Inc. - Voluntary Cancellation Portion of Certificate 56982

Township 13S, Range 3W, W.M.



Legend

- Cancel Portion Cert. 56982
- DLC
- Cert. 56982
- Taxlot

Received by OWRD

DEC 18 2024

Salmon, OR

T-14361

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-14361, Linn County

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)
)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
PLACE OF USE AND PARTIAL
CANCELLATION OF A WATER RIGHT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

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

Applicant

SPURLIN FARMS
28637 SEVEN MILE LN.
BROWNSVILLE, OR 97327

Findings of Fact

1. On December 1, 2023, Spurlin Farms filed an application to change the place of use under Certificate 56982. The Department assigned the application number T-14361.
2. Notice of the application for transfer was published on December 5, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 12, 2024, the Department contacted the Applicants Agent regarding a portion of the acreage that was not subject to Transfer, ~~nor was it part of the request for transfer.~~
4. On December 13, 2024, the Applicant and Agent provided the Department with an affidavit cancelling the portion of the right in question.

*nope
should I
add this?*

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

Certificate: 56982 in the name of GENE E. THORNTON, ROSEMARY THORNTON
(perfected under Permit G-6256)

Use: IRRIGATION OF 5.0 ACRES

Priority Date: NOVEMBER 12, 1974

Rate: 0.018 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: WELL NO.1 in the CALAPOOIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1 - 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	3.3
13 S	3 W	WM	36	NW NE	37	1.7
Total						4.5

6. Transfer Application T-14361 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	1.4
13 S	3 W	WM	36	NW NE	37	1.4
13 S	3 W	WM	36	SW NE	37	0.4
13 S	3 W	WM	36	SE NE	37	1.8
Total						5.0

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

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14361.

9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

Partial Cancellation of a Water Right

13. On December 13, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Spurlin Farm, Inc.
14. The portion of the right to be cancelled is as follows:

Certificate: 56982 in the name of GENE E. THORNTON, ROSEMARY THORNTON
(perfected under Permit G-6256)

Use: IRRIGATION OF 0.5 ACRE

Priority Date: NOVEMBER 12, 1974

Rate: 0.002 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: WELL NO.1 in the CALAPOOIA RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1- 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	0.5

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-14361 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, and the abandoned right will be cancelled.

If Transfer Application T-14361 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-14361 is approved. The portion of the right that has been abandoned is cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 56982 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 place of use.*
- 4. Water right Certificate 56982 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
- 5. The former place of use of the transferred right shall no longer receive water under the right.*
- 6. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. 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 change and full beneficial use of the water.*
- 8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0896 or Joan.M.Smith@water.oregon.gov.

**Notice of Preliminary Determination for
Water Right Transfer T-14361**

T-14361 filed by Spurlin Farm Inc. 34728 Henshaw DR Brownsville, OR 97327, proposes a change in place of use under Certificate 56982. The right allows the use of 0.02 cubic foot per second from a well in Sec. 36, T13S, R3W, WM for irrigation in Sec. 36, T13S, R3W, WM. The applicant proposes to change the place of use within Sec. 36, T13S, R3W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GENE E. THORNTON
ROSEMARY THORNTON
27840 SEVEN MILE LANE
BROWNSVILLE, OR 97327

has a right to the use of the waters of WELL NO.1 in the CALAPOOIA RIVER basin for the purpose of IRRIGATION.

This right has been perfected under Permit G-6256. The date of priority is NOVEMBER 12, 1974. The right is limited to not more than 0.09 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
13 S	3 W	WM	36	NE NE	37	WELL NO. 1 - 450 FEET SOUTH AND 740 FEET EAST FROM THE NW CORNER OF KIRK DLC 37

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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
13 S	3 W	WM	36	NE NE	37	13.5
13 S	3 W	WM	36	NW NE	37	13.0
Total						26.5

This certificate describes that portion of water right Certificate 56982, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application T-14361.

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

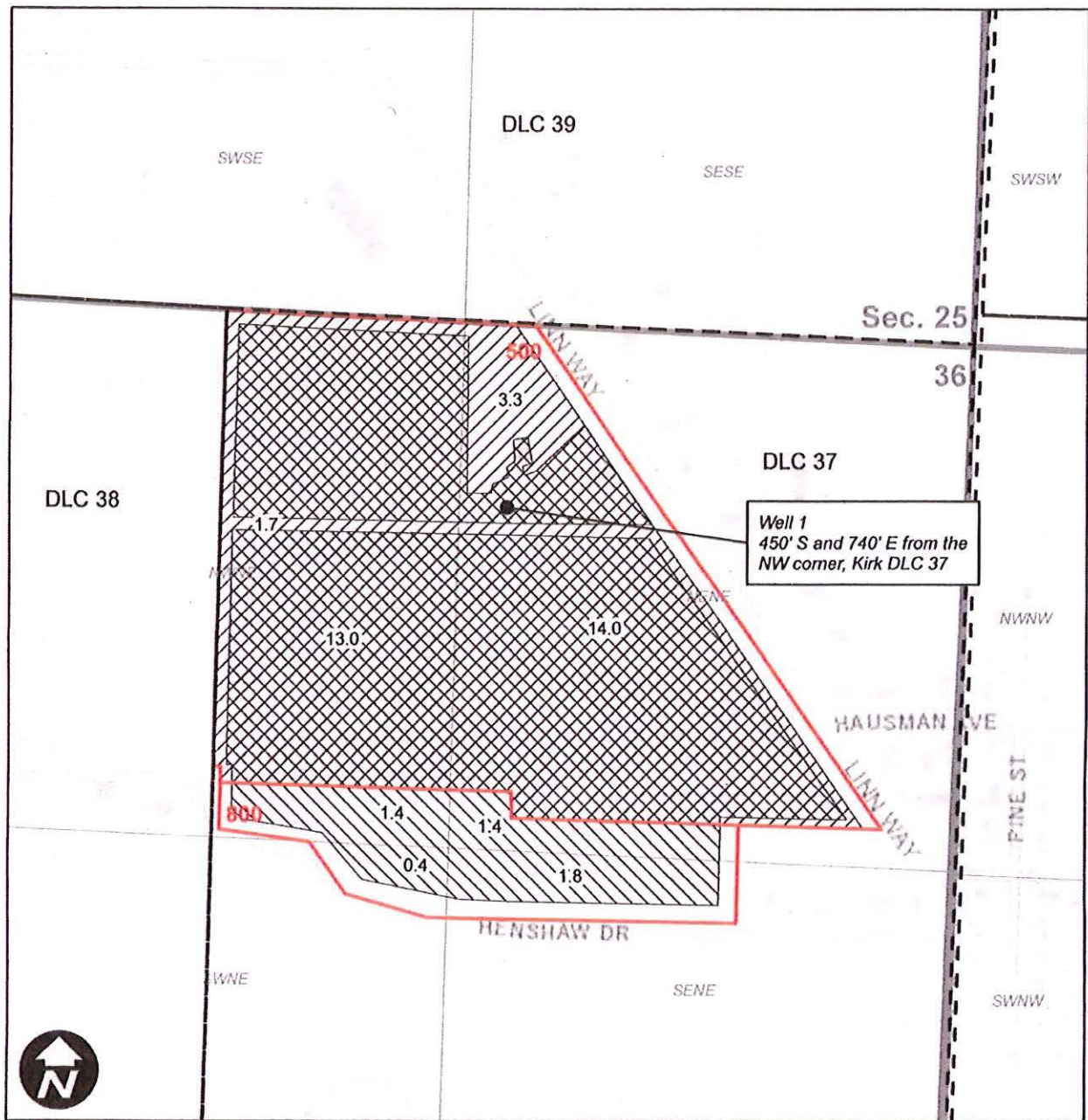
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed _____.

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



Spurlin Farm Inc. - Transfer Application Certificate 56982

Township 13S, Range 3W, W.M.



Legend

-  Cert. 56982 From
-  Transfer To
-  Cert. 56982 No Change

-  Tax Lot
-  DLC



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EXPIRES: 12-31-2024

of 27840 SEVEN MILE LANE BROWNSVILLE, OR 97327
has a right to the use of the waters of WELL NO.1 in the
CALAPOOIA RIVER basin for the purpose of IRRIGATION.

The right has been perfected under Permit G 6256. The
date of priority is NOVEMBER 12, 1974. The right is limited to not
more than 0.110 CUBIC FOOT PER SECOND or its equivalent in case
of rotation, measured at the well. The well is located as follows:

DLC 37, NE 1/4 NE 1/4, Section 36, T 13 S, R 03 W, WM;
450 FEET SOUTH & 740 FEET EAST FROM THE NW CORNER, KIRK DLC 37

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 under the right, and to
which such right is appurtenant, is as follows:

	ACRES	1/4	1/4	DLC	SECTION	TOWNSHIP	RANGE,	WM
primary	17.30	NE	NE	37	36	13 S	03 W	
primary	14.70	NW	NE	37	36	13 S	03 W	
Total:	32.00	acres.						

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

WITNESS the signature of the Water Resources Director,
affixed this date, APRIL 4, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56982
G 6718

BASIN 02 VOL 5 CALAPOOYA R

WELLS DIST 20



Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

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

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

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

Describe in your own words what you want to accomplish with this affidavit: Cancel 0.5 acre portion of Cert. 56982 on house and driveway.

Certificate of Water Right Information:

Certificate Number: 56982

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

Issued in the name of: Gene E. and Rosemary Thornton.

Date of priority: November 12, 1974

Rate or Volume on entire certificate: 0.11 (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Well 1.

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

If for irrigation (IR), total number of acres on certificate for primary IR 32.0, supplemental IR ____.

Statements of Oath:

I/We (or authorized agent), Spurlin Farm Inc.,

residing at 28637 Seven Mile Ln., Brownsville, OR 97327,

with a mailing address of (if different) _____,

and a telephone number of (541) 936-1744, being first duly sworn depose and say:

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

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Salem, OR

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

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

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T13S, R3W, Sec. 36, NENE/NWNE, TL 500.

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

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

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # **56982**.

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

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

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

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

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Signature of district manager

Printed Name

Date

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

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

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) **Irrigation**
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled **0.5**
- In the amount of **0.00017** cubic foot per second
- From the water source (s) **Well 1**
- At the following location(s) (*attach a larger table if needed*):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
13	S	3	W	WM	36	37	_____	NENE	0.5	500
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

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

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

AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____ ¼, Section _____, Township _____ (N ☐ or S ☐)
Range _____ (E ☐ or W ☐, W.M.
 - Location Description (if given on the certificate) _____

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

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

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

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

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

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DEC 13 2024

Salem, OR

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

Signatures and Notary:

Karen Spurlin, Trustee

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

Printed Name Karen Spurlin

Date 12/12/24

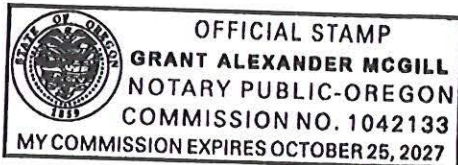
Kyle T. Spurlin, Trustee

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

Printed Name Kyle T. Spurlin

Date 12/12/24

Subscribed and Sworn to Before Me this 12 day of Dec., 20 24.



My Commission Expires 10/25/2027

Grant McGill

Signature of Notary Public for Oregon

REQUIRED ATTACHMENTS (LEGIBLE COPIES):

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

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

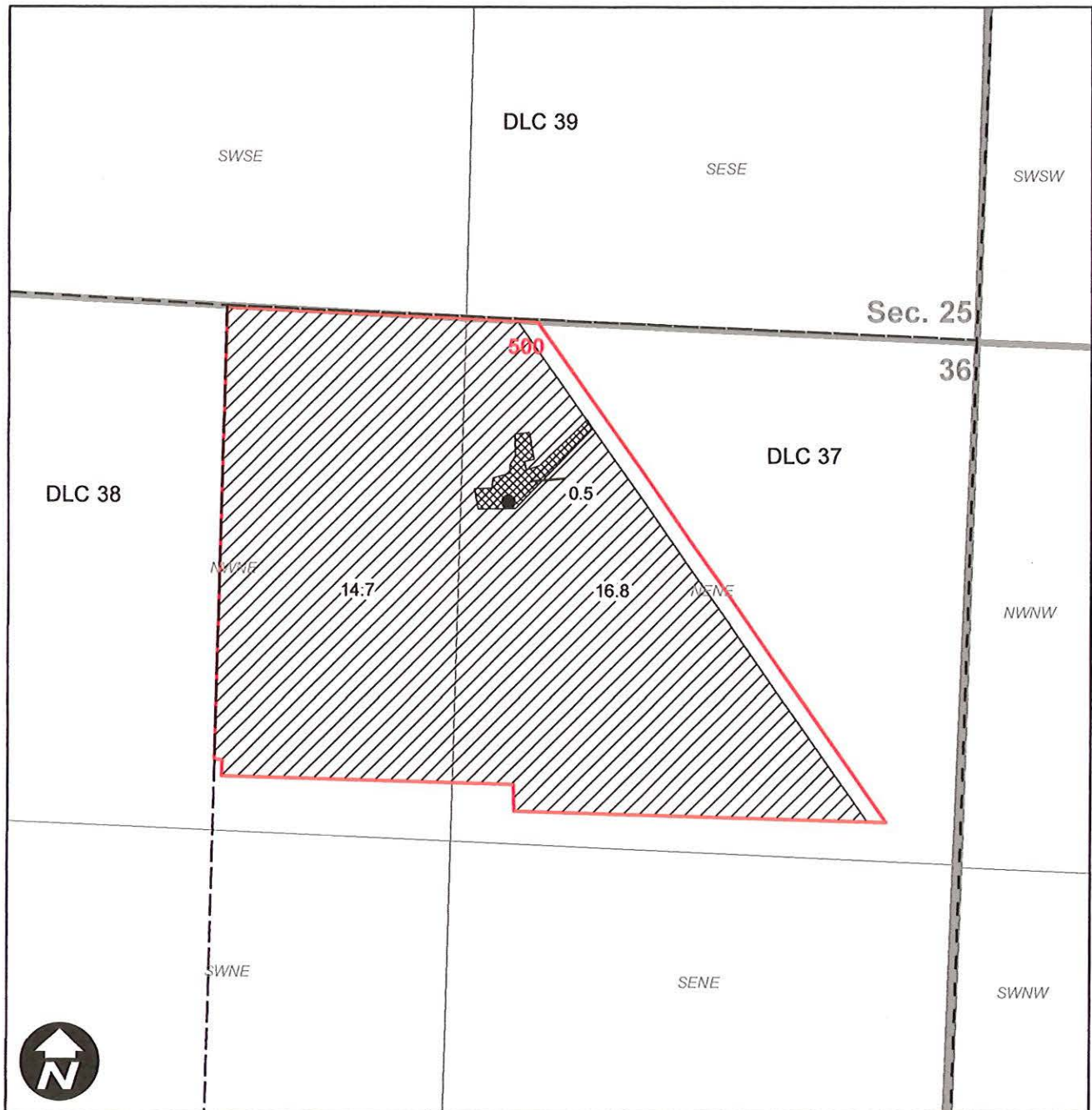
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Spurlin Farm Inc. - Voluntary Cancellation Portion of Certificate 56982

Township 13S, Range 3W, W.M.



Legend

- Cancel Portion Cert. 56982
- Cert. 56982
- DLC
- Taxlot

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DEC 13 2024
Salem, OR

STATE OF OREGON
COUNTY OF LINN
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

GENE E. THORNTON
ROSEMARY THORNTON
of 27840 SEVEN MILE LANE BROWNSVILLE, OR 97327
has a right to the use of the waters of WELL NO.1 in the
CALAPOOIA RIVER basin for the purpose of IRRIGATION.
The right has been perfected under Permit G 6256. The
date of priority is NOVEMBER 12, 1974. The right is limited to not
more than 0.110 CUBIC FOOT PER SECOND or its equivalent in case
of rotation, measured at the well. The well is located as follows:

DLC 37, NE 1/4 NE 1/4, Section 36, T 13 S, R 03 W, WM;
450 FEET SOUTH & 740 FEET EAST FROM THE NW CORNER, KIRK DLC 37

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 under the right, and to
which such right is appurtenant, is as follows:

	ACRES	1/4	1/4	DLC	SECTION	TOWNSHIP	RANGE,	WM
primary	16.80	17.30	NE	NE	37	36	13 S	03 W
primary		14.70	NW	NE	37	36	13 S	03 W
Total:	32.00							

acres.

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Salem, OR

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

WITNESS the signature of the Water Resources Director,
affixed this date, APRIL 4, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56982
G 6718
BASIN 02 VOL 5 CALAPOOYA R WELLS DIST 20

**LINN COUNTY ASSESSOR
REAL PROPERTY ACCOUNT NAMES**

Account # [REDACTED]
Map 13S03W3600 00500
Owner LEROY & KAREN SPURLIN TRUSTS ET AL
SPURLIN LEROY & KAREN TR
28637 SEVEN MILE LN
BROWNSVILLE OR 97327

Name Type	Name	Ownership Type	Own Pct
OWNER	LEROY SPURLIN TRUST	OWNER	
OWNER	SPURLIN, LEROY TRUSTEE	OWNER AS TRUSTEE	
OWNER	SPURLIN, KAREN TRUSTEE	OWNER AS TRUSTEE	
OWNER	KAREN SPURLIN TRUST	OWNER	
OWNER	KYLE SPURLIN TRUST	OWNER	
OWNER	SPURLIN, KYLE T TRUSTEE	OWNER AS TRUSTEE	
OWNER	EVERETT, DIANA JEAN	OWNER	
OWNER AS TENANTS IN COMMON			
LEROY SPURLIN TRUST			
TRUSTEE			
SPURLIN, LEROY TRUSTEE			
SPURLIN, KAREN TRUSTEE			
OWNER AS TENANTS IN COMMON			
KAREN SPURLIN TRUST			
TRUSTEE			
SPURLIN, KAREN TRUSTEE			
SPURLIN, LEROY TRUSTEE			
OWNER AS TENANTS IN COMMON			
KYLE SPURLIN TRUST			
TRUSTEE			
SPURLIN, KYLE T TRUSTEE			
OWNER AS TENANTS IN COMMON			
EVERETT, DIANA JEAN			

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Salem, OR

3736696

FIRST AMERICAN



After recording return to:
The Leroy Spurlin Trust dated
November 24, 2015
28637 Seven Mile Lane
Brownsville, OR 97327

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

The Leroy Spurlin Trust dated
November 24, 2015
28637 Seven Mile Lane
Brownsville, OR 97327

File No.: 7091-3736696 (BR)
Date: May 03, 2021

THIS SPACE RESERVED FOR RECORDER'S USE

LINN COUNTY, OREGON **2021-17199**
D-WD
Stn=10131 FORBISJ 07/16/2021 03:23:00 PM
\$20.00 \$11.00 \$10.00 \$60.00 \$19.00 **\$120.00**

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Steve Druckenmiller - County Clerk

STATUTORY WARRANTY DEED

Cheryl Ann Hayes, David A. Thornton and Michael D. Thornton, each as to 1/3 interest, as tenants in common, Grantor, conveys and warrants to Leroy Spurlin and Karen Spurlin, Trustees of the Leroy Spurlin Trust dated November 24, 2015 and Karen Spurlin and Leroy Spurlin, Trustees of the Karen Spurlin Trust dated November 24, 2015 and Kyle T. Spurlin, Trustee of the Kyle Spurlin Trust dated December 10, 2015 and Diana Jean Everett, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$700,000.00**. (Here comply with requirements of ORS 93.030)

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

Dated this 13 day of July, 2021.

Michael D. Thornton
Michael D. Thornton

Cheryl Ann Hayes
Cheryl Ann Hayes

David A. Thornton
David A. Thornton

STATE OF AMP CA)
Oregon) ss.
County of Hnn San Diego)
AW

This instrument was acknowledged before me on this 13 day of July, 2021
by Michael D. Thornton and Cheryl Ann Hayes and David A. Thornton.



Anne Marie Penkala
Notary Public for Oregon CA
My commission expires: 1-1-23

Received by OWRD
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Salem, OR

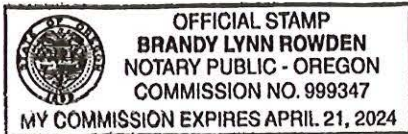
APN: 289757

Statutory Warranty Deed
- continued

File No.: 7091-3736696 (BR)

STATE OF Oregon)
County of Linn)ss.
)

This instrument was acknowledged before me on this 16 day of JULY, 2021
by **Michael D. Thornton and Cheryl Ann Hayes.**



Brandy Lynn Rowden
Brandy Lynn Rowden
Notary Public for Oregon
My commission expires: 4/21/2024

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Salem, OR

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Linn, State of Oregon, described as follows:

Beginning at the Northwest Corner of the Donation Land Claim of Alexander Kirk and wife, Notification No. 2136, Claim No. 37, Township 13 South, Range 3 West of the Willamette Meridian, and running from thence South along the West line of said Claim 17.55 chains, thence East parallel with the North boundary of said Claim 11.75 chains, thence South parallel with the West boundary of said Claim 0.97 chains to an iron pin, thence East parallel with the North boundary of said Claim 13.15 chains to an iron pin set on the West line of the right of way of the Oregonian Railway, thence East parallel with the North boundary of said Claim to the center line of the County Road leading across said Claim from Brownsville to Albany, Oregon, thence North 37° West along the center of said road to the North boundary of said Claim, thence West along the North boundary of said Claim to an iron pin set on the West line of said right of way of said railway, thence West along the North boundary of said Claim 704.50 feet to the place of beginning, and being subject to said right of way of said County Road and right of way of said Railway, all in Linn County, Oregon.

And

A strip of land, 60 feet wide, situated in the Alexander Kirk, et ux., Donation Land Claim No. 37, County of Linn, State of Oregon, described as follows:

That portion of the 60-foot wide strip of land as described in deed dated October 26, 1881, from A.C. Hausman, et ux., to Oregonian Railway Company, Limited recorded October 27, 1881, in Book "Y" of Deeds, Page 14, Records of said County, lying within the land "lastly" described in deed dated May 30, 1991, from Gene E. Thornton, et al., to Gene E. Thornton, et al., Trustee, recorded June 3, 1991, in Volume MF 564, Page 521, Records of said County.

NOTE: This Legal Description was created prior to January 01, 2008.

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Salem, OR

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-14361

Review Due Date:

Applicant Name: Kyle Spurlin, Spurlin Farms

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

Reviewer(s): L. Blakely

Date of Review: 02/23/2024

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:
Groundwater has not been regulated in this area.
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:

As long as drip irrigation is used and From Lands that look like a access road is not irrigated.

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☒ Yes ☐ No If "Yes", explain:

The POU underlying the house and driveway are not eligible to be transferred. Those acres should be removed from the Transfer Application or cancelled.

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- 14361



In order to avoid enlargement of the right or injury to other rights, a **Totalizing Flow Meter** will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) OR



at each new point of diversion/appropriation.

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

Watermaster name: **Lanaya Blakely**

District: **2**

Address: **125 E 8th Ave.**

City/State/Zip: **Eugene, OR 97426**

Phone: **541-913-1154**

Email: **Lanaya.F.Blakely@water.oregon.gov**

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

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

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

Watermaster signature

District

Date

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

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

27840 SEVEN MILE LN, BROWNSVILLE 97327

Search

en 15217

[Get Directions](#) [History](#)



27840 7 Mile Ln



▼ Places

- ✓ My Places
 - ✓ [Sightseeing Tour](#)
Make sure 3D buildings layer is checked
- ☐ Temporary Places



▼ Layers

- ☒ Primary Database
 - ☐ Announcements
 - ☒ Borders and Labels
 - ☒ Places
 - ☐ Photos
 - ☒ Roads
 - ☐ 3D Buildings
 - ☐ Weather
 - ☐ Gallery
 - ☐ More
 - ☒ Terrain





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

December 4, 2023

Spurlin Farms

28637 Seven Mile Ln

Brownsville, OR 97327

Reference: Application T-14361

On December 1, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Receipt number 142018 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.

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 a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

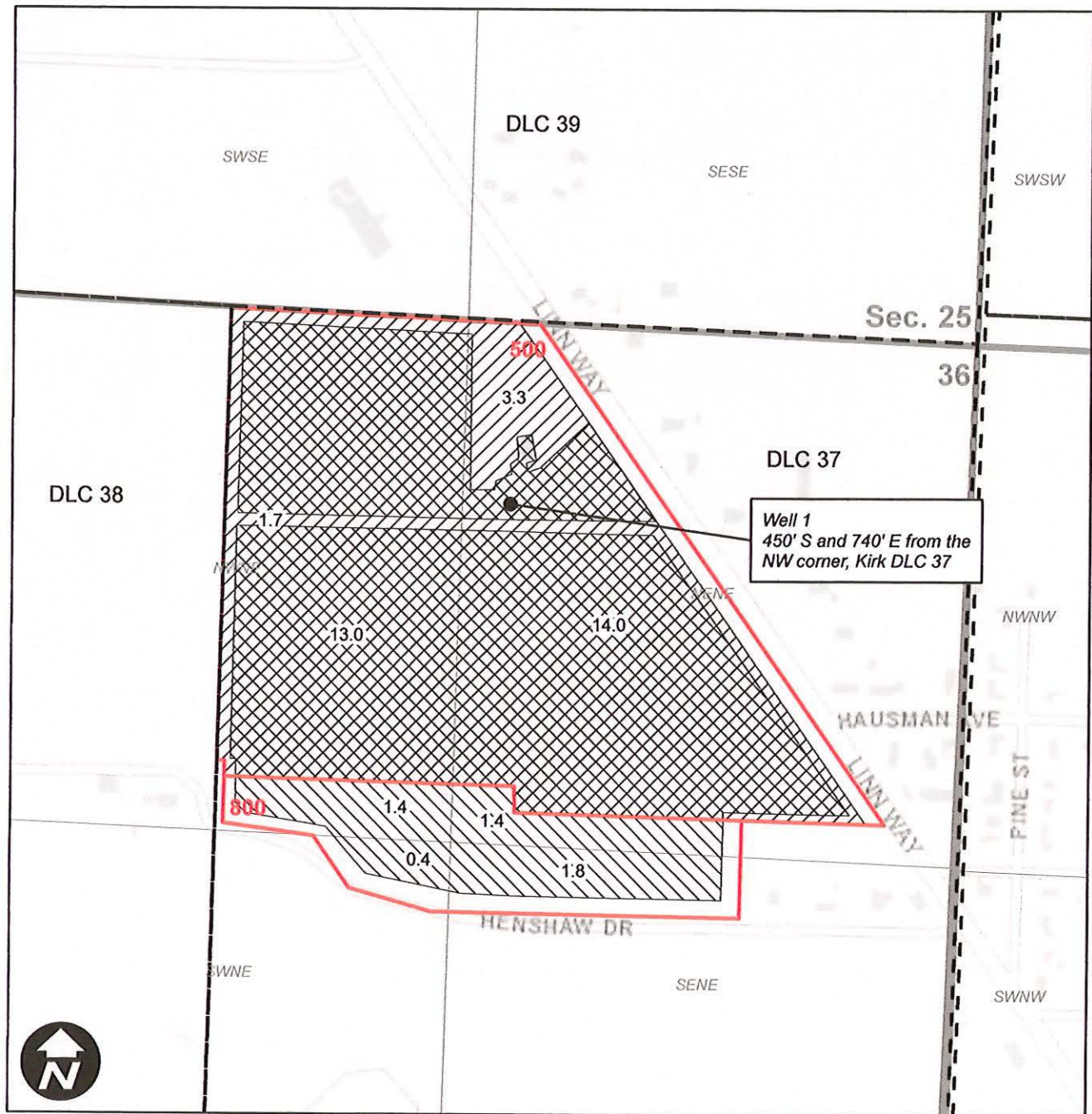
If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #2, Lanaya F. Blakely (*via email*)
William E. McGill, Agent

Enclosure



Spurlin Farm Inc. - Transfer Application Certificate 56982



Township 13S, Range 3W, W.M.



0 200 400 800 Feet

Legend

-  Cert. 56982 From
-  Transfer To
-  Cert. 56982 No Change

-  Tax Lot
-  DLC



RECEIVED

DEC 01 2023

EXPIRES: 12-31-2024

**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 # **142018**

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14361

CASH: ☐ CHECK: # 224 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,360.00

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 46110

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 \$ 1,360.00

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 _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **142018**

DATED: 12-1-23 BY: [Signature]

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Cert. 56982**

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 (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

RECEIVED

DEC 01 2023

OWRD

(For Staff Use Only)

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

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

Other/Explanation _____

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

14361 -

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°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1 \$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>	
2	Multiply line 2b by \$1090 and enter »	2 0
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>	
3	Multiply line 3b by \$610 and enter »	3 0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>0 (4a)</u> Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0 (4b)</u>	
4	Add line 4a to line 4b and enter »	4 0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0.017 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.983 (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 \$1,360
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	
7	If no box is applicable, enter 0 on line 7 »	7 0
8	Subtract line 7 from line 6 » Transfer Fee:	8 \$1,360

***Example for Line 5a calculation** to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	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 Spurlin Farms			PHONE NO. (541) 936-1742	ADDITIONAL CONTACT NO.
ADDRESS 28637 Seven Mile Ln.			FAX NO.	
CITY Brownsville	STATE OR	ZIP 97327	E-MAIL	
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 transition to a hazelnut crop and move the water right acreage to the more precise planted area.

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: Brownsville, The Times.
- 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

Kyle Spurlin Olesner
Print Name (and Title if applicable)

12/1/23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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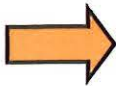
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Linn County	ADDRESS 300 SW 4th Ave.	
CITY Albany	STATE OR	ZIP 97321

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 56982

Description of Water Delivery System

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

50 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. 5 HP submersible pump delivered water to field through above ground pipe.

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)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LINN 11987	13	S	3	W	36	NE	NE	37	450' S and 740' E from the NW corner, Kirk DLC 37
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 56982

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
13	S	3	W	36	NE	NE	500	37	3.3	Irrigation	Well 1	1974	POU	13	S	3	W	36	NE	NE	800	37	1.4	Irrigation	Well 1	1974
13	S	3	W	36	NW	NE	500	37	1.7	Irrigation	Well 1	1974	POU	13	S	3	W	36	NW	NE	800	37	1.4	Irrigation	Well 1	1974
													POU	13	S	3	W	36	SW	NE	800	37	0.4	Irrigation	Well 1	1974
													POU	13	S	3	W	36	SE	NE	800	37	1.8	Irrigation	Well 1	1974
TOTAL ACRES:									5.0					TOTAL ACRES:									5.0			

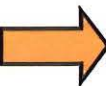
Additional remarks:_____.

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For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of LINN)

I, LEROY SPURLIN, in my capacity as OWNER,

mailing address 28637 SEVEN MILE LN., BROWNSVILLE, OR 97327

telephone number (541)936-1742, 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 # 56982; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

☐ Confirming Certificate # _____ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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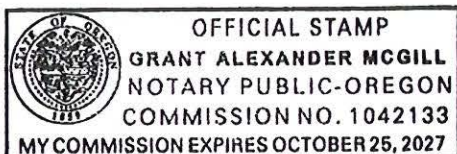
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

[Signature]
Signature of Affiant

12/1/23
Date

Signed and sworn to (or affirmed) before me this 1 day of Dec., 20 23.



[Signature]
Notary Public for Oregon

My Commission Expires: 10/25/27

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

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STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

GENE E. THORNTON

ROSEMARY THORNTON

of 27840 SEVEN MILE LANE BROWNSVILLE, OR 97327

has a right to the use of the waters of WELL NO.1 in the
CALAPOOIA RIVER basin for the purpose of IRRIGATION.

The right has been perfected under Permit G 6256. The
date of priority is NOVEMBER 12, 1974. The right is limited to not
more than 0.110 CUBIC FOOT PER SECOND or its equivalent in case
of rotation, measured at the well. The well is located as follows:

DLC 37, NE 1/4 NE 1/4, Section 36, T 13 S, R 03 W, WM;
450 FEET SOUTH & 740 FEET EAST FROM THE NW CORNER, KIRK DLC 37

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 under the right, and to
which such right is appurtenant, is as follows:

	ACRES	1/4	1/4	DLC	SECTION	TOWNSHIP	RANGE,	WM
primary	17.30	NE	NE	37	36	13 S	03 W	
primary	14.70	NW	NE	37	36	13 S	03 W	
Total:	32.00	acres.						

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

WITNESS the signature of the Water Resources Director,
affixed this date, APRIL 4, 1988.

/S/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates number 56982
G 6718

BASIN 02 VOL 5 CALAPOOYA R

WELLS DIST 20

OREGON



WATER RESOURCES
DEPARTMENT

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Spirulin Farms
28637 Seven Mile W, Brownsville OR 97327

Transaction Type: Transfer

Fees Received: \$ 1360.00

☐ Cash

☒ Check

Check No. 2214

Name(s) on Check: Will McGill Surveying LLC

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: Coni Corrien

(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 the safe.

14361 -

Permanent Transfer Application Intake Checklist

Transfer # T-14361

Reviewer Corie Date 12/1/23	Type of Change(s) Proposed: <input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW	
Calculated Fee \$1360 Use fee calculator on back of this form		Fee Received \$1360
Certificate(s): 56982		Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes:		

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

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

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

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

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

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Today's Date: Friday, December 1, 2023

Fee Calculation

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

\$1,360.00

Fill in information below-- Check each box that applies.

Types of Change Proposed:

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

\$0.00

Enter total number of water rights included in transfer. 1

\$0.00

Check this box if you propose to add or change a well, or change from a surface water POD to a well.

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

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

Check this box if you propose to change the place of use or character of use for an irrigation right.

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

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

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
56982	32	5	.11		0.017188

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

Subtotal:

\$1,360.00

Check each box that applies.

☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee:

\$1,360.00

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