

T-14585

Regular

RA

T-14585

Name Maley Road Hazelnuts, LLCAddress 3911 SE Maley Road  
Corvallis, OR 97333  
dgodard@msn.comChange in APODDate Filed 12/24/2024Initial notice date 1/7/2025

DPD issued date

PD issued date

PD notice date

Date of FO 8-21-2025 Vol 135 Page 412C-Date 10-1-2026COBU due date 10-1-2027

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Booneville CH, A sloughTrib. of Willamette River, Booneville CHUse Irrigation, Supp. IrrigationCounty Benton

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-34839Per # S-27350Cert # 35901PR Date 4-20-1961

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 # |
|----------|------------|-----------|
| 12-24-24 | \$125.00   | 144460    |
| 12-24-24 | \$1,360.00 | 144462    |
| 1-17-25  | \$1590.79  | 144557    |

## FEES REFUNDED

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

Assignments:

Irrigation District

Agent Ted Resslertressler@summitwr.com

CWRE

CC's list Benton County Planning Department☐ - Oversized map - Location

**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 # **144557**

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

RECEIVED FROM: Donald Gehard

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

CASH: ☐ CHECK: # 156 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>T-14585</u> |

TOTAL REC'D \$ 1,590.79

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R 11536-25 \$ \_\_\_\_\_

0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,590.79

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

|        |                                |    |  |
|--------|--------------------------------|----|--|
| 0407   | COPY & TAPE FEES               | \$ |  |
| 0410   | RESEARCH FEES                  | \$ |  |
| 0408   | MISC REVENUE: (IDENTIFY) _____ | \$ |  |
| TC-162 | DEPOSIT LIAB. (IDENTIFY) _____ | \$ |  |
| 0240   | EXTENSION OF TIME              | \$ |  |

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

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

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

RECEIPT:

**144557**

DATED:

1-17-25

BY:

[Signature]

**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 # **144460**

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

RECEIVED FROM: Donald Godard

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

CASH: ☐ CHECK: # 153 OTHER: (IDENTIFY) \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-14585 |

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R11536-25 \$ \_\_\_\_\_  
0412 OTHER: (IDENTIFY) Transfer RA \$ 125.00

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

|      |               |          |      |          |
|------|---------------|----------|------|----------|
| 0201 | SURFACE WATER | \$ _____ | 0202 | \$ _____ |
| 0203 | GROUND WATER  | \$ _____ | 0204 | \$ _____ |
| 0205 | TRANSFER      | \$ _____ |      |          |

**WELL CONSTRUCTION**

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

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

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

RECEIPT: **144460**

DATED: 12-24-24 BY: [Signature]

# TRANSFER COVER SHEET

Transfer: T-14585

GR Application #: GR-

File Assigned- Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☒

*Dante Luongo*

|                                                                                                                   |                                                                                           |                                                                                               |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>Maley Road Hazelnuts, LLC<br>3911 SE Maley Road<br>Corvallis, OR 97333                       | <b>Receiving Landowner:</b>                                                               | <b>CWRE</b><br><b>Agent:</b> Ted Ressler<br>4784 SE 17th Ave, Suite 111<br>Portland, OR 97202 |
| <b>Interested Parties:</b><br>BOR (date): _____<br>Tribal Gov't: _____<br>Gov'ts: Benton County<br>County: BENTON | <b>Irrigation District:</b><br><br>Check area of interest on map <input type="checkbox"/> | <b>Additional Contact Information:</b><br>_____                                               |

## Key Dates & Initial Actions (Support Staff)

|                                                                                                                                                 |                                                           |                                                        |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------|----------|
| Type of change(s) proposed- attach additional review checklists as necessary                                                                    |                                                           |                                                        |          |
| ADDITIONAL POINT OF DIVERSION                                                                                                                   |                                                           |                                                        |          |
| If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action. |                                                           |                                                        |          |
| Fees Pd:                                                                                                                                        | \$1360.00                                                 | WM Review request date sent - WM District: 22          | 1/6/2025 |
| Received Date:                                                                                                                                  | December 24, 2024                                         | WM Review - date received:                             |          |
| Acknowledgement Letter Sent                                                                                                                     | Date:                                                     | GW Review - date sent:                                 |          |
| County sent cc: of Ack Letter                                                                                                                   | Date:                                                     | GW Review - date received:                             |          |
| Initial Public Notice Date:                                                                                                                     |                                                           | ODFW Review - date sent: ODFW District: Mid-Willamette | 1/6/2025 |
| Comments Received:                                                                                                                              | Yes <input type="checkbox"/> No: <input type="checkbox"/> | ODFW Review - date received:                           |          |

## Water Rights Affected

| File Marked              | No. | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed                                             | RR/CR Nos. |
|--------------------------|-----|----------------------------|---------|-------------|----------------------------------------------------------|------------|
| <input type="checkbox"/> | 1   | S-34839                    | S-27350 | 35901       | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> | 2   |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |
| <input type="checkbox"/> | 3   |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No |            |

I have confirmed that the information on this document is correct (or has been corrected):

## Caseworker Actions:

|                                                                                    |                         |                |
|------------------------------------------------------------------------------------|-------------------------|----------------|
| Assigned in WRIS:                                                                  | DPD Workflow updated:   | WRIS Notes:    |
| PD and RR sent to Data Entry:                                                      | Certified mail date:    |                |
| Newspaper notice needed: Yes <input type="checkbox"/> No: <input type="checkbox"/> | Name of Newspaper:      |                |
| PD notice email coordinator:                                                       | PD notice Request Date: | Amount Due: \$ |
|                                                                                    |                         | Received date: |
| Last day of publication:                                                           | Affidavit received:     |                |

| DOCUMENT        | Drafted |           | Peer Review |           | Policy Review |           | Changes |           | ODFW contact info: <input type="checkbox"/> included NA: <input type="checkbox"/> |                |
|-----------------|---------|-----------|-------------|-----------|---------------|-----------|---------|-----------|-----------------------------------------------------------------------------------|----------------|
|                 | Date    | Initials  | Date        | Initials  | Date          | Initials  | Date    | Initials  | WM contact info: <input type="checkbox"/> included NA: <input type="checkbox"/>   |                |
| DPD             | 4-24-25 | <i>DL</i> | 4-15-25     | <i>RF</i> | 4-30-25       | <i>CC</i> | 4-30-25 | <i>DL</i> | Number of Docs for signature: 2                                                   |                |
| NOTICE          | 4       | <i>DL</i> | 11          | <i>DL</i> | 11            | <i>DL</i> | 11      | <i>DL</i> | Date in Signature bin                                                             | Signature date |
| PD              | 6-5-25  | <i>DL</i> | 6-9-25      | <i>JS</i> | 6-11-25       | <i>RC</i> | 6-12-25 | <i>DL</i> | 7-3-25                                                                            | 7/7/2025       |
| FO              | 7-19-25 | <i>DL</i> | 7-21-25     | <i>SG</i> | 7-21-25       | <i>TS</i> | 8-4-25  | <i>DL</i> | 8-8-25                                                                            |                |
| RR              |         |           |             |           |               |           |         |           |                                                                                   |                |
| Special Issues: |         |           |             |           |               |           |         |           |                                                                                   |                |

# PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

Transfer #: T-1458514585

| CW                       | PR                       | Coord                    |                                                                                                                                                                                                                                                                                                            |
|--------------------------|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph                                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019)<br>If this is a Living Certificate – check with Ann Reece      See Supplemental Language document for language |

## Transfer Application Review and Deficiencies

| CW                                                                         | PR                       | Coord                    |                                                                                             |                              |                             |
|----------------------------------------------------------------------------|--------------------------|--------------------------|---------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/>                                                   | <input type="checkbox"/> | <input type="checkbox"/> | Are all applicants/agents listed in WRIS with email addresses, if available?                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/>                                                   | <input type="checkbox"/> | <input type="checkbox"/> | Have all permit/certificates been entered in WRIS under Transfer #?                         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/>                                                   | <input type="checkbox"/> | <input type="checkbox"/> | Were timely Public Comments received? (if yes, enter commenter names/email on mailing list) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Add finding for any comments received (see Supplemental Language document) |                          |                          |                                                                                             |                              |                             |

## Groundwater Modification Application Review and Deficiencies

| CW                       | PR                       | Coord                    | <input type="checkbox"/> N/A |                                                                                                                                             |                                                          |
|--------------------------|--------------------------|--------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                              | If for a Groundwater Modification, were there any assignments?<br><i>All GR Mod applicants must be the holder of record.</i>                | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                              | Are there any past GR Modifications and/or letters documenting changes to the GR<br><i>These must be accounted for in the GR Mod Order.</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

## Review "From" and "To" Lands and/or POD/POA

| CW                       | PR                       | Coord                    |  |                                                                                                                                                                |                                                          |
|--------------------------|--------------------------|--------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Are only the authorized POD(s)/POA(s)/POU listed on the "from" map?                                                                                            | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Does the "from" map match the certificate map? If No, what is different?                                                                                       | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Compare FROM POU in application (Table 2) with certificate. Mark certificate with acres being xferred, any RR acres and any acres being cancelled.             |                                                          |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Compare TO POU in Table 2 with the TO Lands on map (for accuracy)                                                                                              |                                                          |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Are any of the "from" lands being cancelled/diminished?                                                                                                        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | If Yes, were cancellation/diminution affidavits submitted? (see findings and <u>additional authority</u> in Supplemental Language doc)                         | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  | Are any instream water rights affected? If Yes, Cert #<br>(If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected) | <input type="checkbox"/> Yes <input type="checkbox"/> No |

## Layered/Supplemental Rights

| CW                       | PR                       | Coord                    | <input type="checkbox"/> N/A |                                                                                                                                                               |                                                          |
|--------------------------|--------------------------|--------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                              | Are there any layered irrigation rights?                                                                                                                      | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                              | If Yes, were they included in application? If No, they must move with the primary, to a "like" primary, or they will be cancelled though the transfer process | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                              | Layered right(s) Cert:                                                                                                                                        |                                                          |

|                          |                          |                          |                                                                                                                  |                              |                             |
|--------------------------|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are any supplemental rights being transferred? ( <i>verify that it is <b>actually</b> a supplemental right</i> ) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If Yes, are they being transferred to a "like" primary (i.e. similar reliability)?                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Notes:                                                                                                           |                              |                             |

| Transfer Review Criteria |                          |                          |                                                                                                                                                                                                                                     |                              |                             |
|--------------------------|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| CW                       | PR                       | Coord                    |                                                                                                                                                                                                                                     |                              |                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?                                                                                                                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Evidence of use and supporting documentation <input type="checkbox"/> Confirming (not a remaining right) cert issued within the last 5 years <input type="checkbox"/> Rebuttal to forfeiture (ORS 540.610) |                              |                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Ready, Willing and Able – <input type="checkbox"/> Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?                                                                                                                                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?                                                                                                                                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If injury, has WM or GW provided a list of injured water right holders? <input type="checkbox"/> N/A                                                                                                                                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If POD/POA/APOD/APOA change, will it be from the same source? <i>If No, deny per OAR 690-380-2110(2)</i> <input type="checkbox"/> N/A                                                                                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Notes:                                                                                                                                                                                                                              |                              |                             |

| Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font |                          |                          |                                                                                                                                                             |
|------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                                                                     | PR                       | Coord                    |                                                                                                                                                             |
| <input type="checkbox"/>                                               | <input type="checkbox"/> | <input type="checkbox"/> | Prepare ModPod workareas                                                                                                                                    |
| <input type="checkbox"/>                                               | <input type="checkbox"/> | <input type="checkbox"/> | Prepare DPD ( <i>save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)</i> )                                                                |
| <input type="checkbox"/>                                               | <input type="checkbox"/> | <input type="checkbox"/> | Prepare DPD Cover letter ( <i>save as T-XXXXX-dpd-cov</i> )                                                                                                 |
| <input type="checkbox"/>                                               | <input type="checkbox"/> | <input type="checkbox"/> | Prepare Public Notice <input type="checkbox"/> and/or <input type="checkbox"/> newspaper notice ( <i>if required</i> ) ( <i>save as T-XXXXX-pd-notice</i> ) |
| <input type="checkbox"/>                                               | <input type="checkbox"/> | <input type="checkbox"/> | Prepare Remaining Right(s) ( <i>if applicable</i> ). Send with DPD, cover letter and notice for peer review.                                                |

| Issue Draft Preliminary Determination |                                          |
|---------------------------------------|------------------------------------------|
| CW                                    |                                          |
| <input type="checkbox"/>              | Copy DPD and cover letter for paper file |
| <input type="checkbox"/>              | Save DPD and cover letter as PDF         |
| <input type="checkbox"/>              | Mail/email to applicant/agent/WM         |
| <input type="checkbox"/>              | Add workflow item "Draft PD Issued"      |

| Report of Ownership Information (ROI) |                          |                          |                                                                                                   |                                                          |
|---------------------------------------|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| CW                                    | PR                       | Coord                    |                                                                                                   |                                                          |
| <input type="checkbox"/>              | <input type="checkbox"/> | <input type="checkbox"/> | Does legal description in ROI/Deed match "from" lands?                                            | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/>              | <input type="checkbox"/> | <input type="checkbox"/> | Have all owners on the ROI/Deed signed the application?                                           | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/>              | <input type="checkbox"/> | <input type="checkbox"/> | Has a notarized statement of consent been submitted? (if applicable) <input type="checkbox"/> N/A | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| Newspaper Notice (if required) |                          |                          |                                                                        |                                                          |
|--------------------------------|--------------------------|--------------------------|------------------------------------------------------------------------|----------------------------------------------------------|
| CW                             | PR                       | Coord                    |                                                                        |                                                          |
| <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> N/A                                           |                                                          |
| <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | Prepare/send letter to applicant/agent regarding newspaper notice cost | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/>       | <input type="checkbox"/> | <input type="checkbox"/> | TACS Support delivered receipted funds to caseworker                   | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| Preliminary Determination and Cover Letter Preparation                                                                                   |                                                                                                                                  |                          |                                                                                                                                                                                                                                                                             |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| CW                                                                                                                                       | PR                                                                                                                               | Coord                    | See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions                                                                                                                                                |  |  |
| <input type="checkbox"/>                                                                                                                 | <input type="checkbox"/>                                                                                                         | <input type="checkbox"/> | Was application amended after DPD was issued? - <b>Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDED. Also make findings in PD.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No |  |  |
| <input type="checkbox"/>                                                                                                                 | <input type="checkbox"/>                                                                                                         | <input type="checkbox"/> | If Yes, what was amended?                                                                                                                                                                                                                                                   |  |  |
| <input type="checkbox"/>                                                                                                                 | <input type="checkbox"/>                                                                                                         | <input type="checkbox"/> | Did amendment change outcome from denial to approval? <i>If Yes, make findings in PD.</i> <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                          |  |  |
| <input type="checkbox"/>                                                                                                                 | <input type="checkbox"/>                                                                                                         | <input type="checkbox"/> | <input type="checkbox"/> If POD/POA changes or changes in "from" lands – re-review required from WM<br><input type="checkbox"/> If POA changes – re-review required from GW                                                                                                 |  |  |
| <i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i> |                                                                                                                                  |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Save DPD as a new document (T-XXXXX-pd-approve/deny.doc) – <b>12 pt. Calibri font</b>                                            |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Remove "Draft" from document                                                                                                     |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates                                                |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | If application was amended, add finding including date of amendment                                                              |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Unhide appeal (protest) language at the end of the document                                                                      |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Prepare PD Cover Letter (save as T-XXXXX-pd-cov)                                                                                 |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Check email address(s) for accuracy                                                                                              |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Notes:                                                                                                                           |                          |                                                                                                                                                                                                                                                                             |  |  |
| <input type="checkbox"/>                                                                                                                 | Send to caseworker/coordinator for Peer Review                                                                                   |                          |                                                                                                                                                                                                                                                                             |  |  |

| Data Center Review of PD |                          |                          |                                                                                                                        |
|--------------------------|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------|
| CW                       | PR                       | Coord                    |                                                                                                                        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Email PD and RR(s)(with new cert numbers) to Data* for review – <b>indicate if file is RA *email address is in key</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Data Center will send notification that file is complete                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Make any necessary changes to PD or prepare Revised DPD (if substantive changes)                                       |

| Issue Preliminary Determination |                                                                                                |
|---------------------------------|------------------------------------------------------------------------------------------------|
| CW                              |                                                                                                |
| <input type="checkbox"/>        | Print PD and put in Manager's box for signature and issuance (support will print cover letter) |
| <input type="checkbox"/>        | Add workflow notes                                                                             |

| Protest                  |                          |                          |                                                                                                                                             |
|--------------------------|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| CW                       | PR                       | Coor                     |                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have protests been received? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, STOP! Coordinate with Protest section.</b> |

| Final Order                                                                                                                     |                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                                                                                                                              | See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions                                                                     |
| <b>Do not issue Final Order before this date:</b> (protest period end date or 30 days after date of last newspaper publication) |                                                                                                                                                                                                 |
| <input type="checkbox"/>                                                                                                        | If application had a newspaper notice, verify that Affidavit of Publication was received. Date:                                                                                                 |
| <input type="checkbox"/>                                                                                                        | Save PD as a new document (T-XXXXX-ord-approve (or deny))                                                                                                                                       |
| <input type="checkbox"/>                                                                                                        | Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)                                      |
| <input type="checkbox"/>                                                                                                        | Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING                                                                                                                                   |
| <input type="checkbox"/>                                                                                                        | Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #) |
| <input type="checkbox"/>                                                                                                        | Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)                                                                                      |
| <input type="checkbox"/>                                                                                                        | Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph                                                                                                         |
| <input type="checkbox"/>                                                                                                        | Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"                                                                                                         |
| <input type="checkbox"/>                                                                                                        | Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").                                                                                   |
| <input type="checkbox"/>                                                                                                        | Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"                                                                            |
| <input type="checkbox"/>                                                                                                        | Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria                                                                                                      |

| Remaining Rights         |                          |                          |                                                                                                                                                                            |
|--------------------------|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CW                       | PR                       | Coord                    | <input type="checkbox"/> N/A                                                                                                                                               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR                                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Update left side of footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original cert number and .ini stands for your initials. New certificate should be on the right. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Print RR on certificate paper and include with Final Order for signature                                                                                                   |

| Issue Final Order        |                                                                                                                      |
|--------------------------|----------------------------------------------------------------------------------------------------------------------|
| CW                       |                                                                                                                      |
| <input type="checkbox"/> | Pull "Working Copy" folder from file                                                                                 |
| <input type="checkbox"/> | Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance) |
| Notes:                   |                                                                                                                      |



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 21, 2025

MALEY ROAD HAZELNUTS LLC  
3911 SE MALEY RD  
CORVALLIS, OR 97333

REFERENCE: Transfer Application T-14585

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, Dante Luongo, by telephone at (503) 304-5006 or by e-mail at [Dante.j.luongo@water.oregon.gov](mailto:Dante.j.luongo@water.oregon.gov).

Sincerely,

Stacy H. Phillips

Water Rights Services Support

Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)  
Ted Ressler, Agent

Enclosure

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

|                                       |   |                                  |
|---------------------------------------|---|----------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER                      |
| T-14585, Benton County                | ) | APPROVING AN ADDITIONAL POINT OF |
|                                       | ) | DIVERSION                        |

**Authority**

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

**Applicant**

MALEY ROAD HAZELNUTS LLC  
3911 SE MALEY ROAD  
CORVALLIS, OR 97333

**Findings of Fact**

1. On December 24, 2024, Maley Road Hazelnuts, LLC filed an application for an additional point of diversion under Certificate 35901. The Department assigned the application number T-14585.
2. Notice of the application for transfer was published on January 7, 2025, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 6, 2025, the Department sent the applicant a draft Preliminary Determination, proposing approval of Transfer Application T-14585. The accompanying cover letter set a deadline of June 5, 2025, for the applicant to respond and provide the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and submitted the necessary documentation to confirm authorization to pursue the transfer.
4. On July 7, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14585 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's

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.

weekly notice on July 8, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 35901 in the name of C. E. JONES (perfected under Permit S-27350)  
**Use:** IRRIGATION OF 93.1 ACRES  
**Priority Date:** APRIL 20, 1961  
**Rate:** 0.99 CUBIC FOOT PER SECOND (cfs); being 0.51 cfs from Willamette River and 0.48 cfs from unnamed slough, water to be diverted from unnamed slough when available and any deficiency in the available supply in unnamed slough is to be made up by diversion from Willamette River, providing that the total quantity diverted from both sources shall not exceed 0.99 cfs.

**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:** WILLAMETTE RIVER and UNNAMED SLOUGH, a tributary of COLUMBIA RIVER

**Authorized Points of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | DLC | Measured Distances                                                            |
|------|-----|-----|-----|-------|------|-----|-------------------------------------------------------------------------------|
| 12 S | 5 W | WM  | 23  | NE SW |      | 57  | POD 7 - 4340 FEET NORTH AND 50 FEET WEST FROM THE C1/4 CORNER OF SECTION 26   |
| 12 S | 5 W | WM  | 26  | NE NE | 12   |     | POD 2 - 1830 FEET NORTH AND 2080 FEET EAST FROM THE C1/4 CORNER OF SECTION 26 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |     |       |                |
|------------|-----|-----|-----|-------|------|-----|-------|----------------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres | Source         |
| 12 S       | 5 W | WM  | 23  | SW NE |      | 57  | 2.0   | Slough         |
| 12 S       | 5 W | WM  | 23  | NE SW |      | 57  | 1.2   | Slough         |
| 12 S       | 5 W | WM  | 23  | SE SW |      | 57  | 4.4   | Slough         |
| 12 S       | 5 W | WM  | 23  | SE SW |      | 57  | 4.4   | River          |
| 12 S       | 5 W | WM  | 23  | NW SE | 6    |     | 1.2   | Slough         |
| 12 S       | 5 W | WM  | 23  | NW SE |      | 57  | 35.2  | Slough         |
| 12 S       | 5 W | WM  | 23  | SW SE |      | 57  | 13.2  | Slough         |
| 12 S       | 5 W | WM  | 23  | SW SE |      | 57  | 10.2  | Slough & River |
| 12 S       | 5 W | WM  | 23  | SW SE | 5    |     | 1.7   | Slough & River |
| 12 S       | 5 W | WM  | 23  | SW SE |      | 57  | 13.5  | River          |
| 12 S       | 5 W | WM  | 23  | SW SE | 5    |     | 0.9   | River          |
| 12 S       | 5 W | WM  | 23  | SE SE | 5    |     | 3.1   | River          |
| 12 S       | 5 W | WM  | 23  | SE SE | 5    |     | 2.1   | Slough & River |
| TOTAL      |     |     |     |       |      |     | 93.1  |                |

6. Transfer Application T-14585 proposes an additional point of diversion located:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Measured Distances                                                        | Approximate Distance from Authorized Point of Diversion in Feet (FT) |
|------|-----|-----|-----|-------|------|---------------------------------------------------------------------------|----------------------------------------------------------------------|
| 12 S | 5 W | WM  | 23  | SE SE | 5    | POD 8 - 55 FEET NORTH AND 1075 FEET WEST FROM THE SE CORNER OF SECTION 23 | POD 2 - 1020 FT DOWNSTREAM                                           |

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

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

8. Water has been used within the five-year period prior to submittal of Transfer Application T-14585 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-14585.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
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.

**Conclusions of Law**

The additional point of diversion proposed in Transfer Application T-14585 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

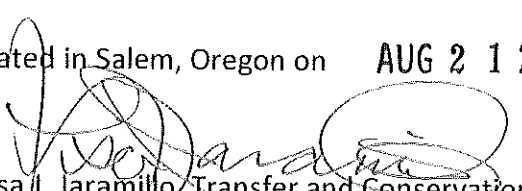
1. The additional point of diversion proposed in Transfer Application T-14585 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 35901 and any related decree.

3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.
4. Water right Certificate 35901 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the new additional point of diversion (POD 8), together with that diverted at the original points of diversion (POD 2 and POD 7), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 2 and POD 7).
6. Water shall be acquired from the same source of surface water as the original points of diversion.
7. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

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

Dated in Salem, Oregon on **AUG 21 2025**

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

Mailing Date: **AUG 22 2025**

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C. E. JONES  
RT 3 BOX 526  
CORVALLIS, OR 97330

confirms the right to use the waters of WILLAMETTE RIVER and UNNAMED SLOUGH, a tributary of COLUMBIA RIVER for the purpose of IRRIGATION of 357.0 ACRES and SUPPLEMENTAL IRRIGATION of 34.4 ACRES.

This right was perfected under Permit S-27350. The date of priority is APRIL 20, 1961.

The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 4.17 cubic feet per second (cfs), being 2.15 cfs from Willamette River and 2.02 cfs from unnamed slough, water to be diverted from unnamed slough when available and any deficiency in the available supply in unnamed slough is to be made up by diversion from Willamette River, providing that the total quantity diverted from both sources shall not exceed 4.17 cfs, or its equivalent in case of rotation, measured at the points of diversion from the stream.

The points of diversion are located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | DLC | Measured Distances                                                            |
|------|-----|-----|-----|-------|------|-----|-------------------------------------------------------------------------------|
| 12 S | 5 W | WM  | 26  | NE SE | 3    |     | 1170 FEET SOUTH AND 1360 FEET EAST FROM C1/4 CORNER, SECTION 26               |
| 12 S | 5 W | WM  | 26  | NE NE | 12   |     | 1830 FEET NORTH AND 2080 FEET EAST FROM C1/4 CORNER, SECTION 26               |
| 12 S | 5 W | WM  | 36  | SW NW |      | 59  | 1210 FEET SOUTH AND 4950 FEET EAST FROM NW CORNER, BAKER DLC 59               |
| 12 S | 5 W | WM  | 26  | SE SW | 7    |     | 2550 FEET SOUTH AND 550 FEET WEST FROM C1/4 CORNER, SECTION 26                |
| 12 S | 5 W | WM  | 26  | SW NW |      | 58  | 540 FEET NORTH AND 1590 FEET WEST FROM C1/4 CORNER, SECTION 26; NORRIS DLC 58 |
| 12 S | 5 W | WM  | 23  | SW SW |      | 57  | 2670 FEET NORTH AND 1740 FEET WEST FROM C1/4 CORNER, SECTION 26; GAGE DLC 57  |
| 12 S | 5 W | WM  | 23  | NE SW |      | 57  | 4340 FEET NORTH AND 50 FEET WEST FROM C1/4 CORNER, SECTION 26; GAGE DLC 57    |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

| IRRIGATION FROM SLOUGH AND RIVER |     |     |     |       |      |     |       |
|----------------------------------|-----|-----|-----|-------|------|-----|-------|
| Twp                              | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 12 S                             | 5 W | WM  | 23  | SW SW |      | 57  | 2.4   |
| 12 S                             | 5 W | WM  | 23  | SE SW |      |     | 4.6   |
| 12 S                             | 5 W | WM  | 26  | NW NE |      | 57  | 15.6  |
| 12 S                             | 5 W | WM  | 26  | SW NE |      | 57  | 3.4   |
| 12 S                             | 5 W | WM  | 26  | SW NE | 10   |     | 3.7   |
| 12 S                             | 5 W | WM  | 26  | NE NW |      | 57  | 34.7  |
| 12 S                             | 5 W | WM  | 26  | NW NW |      | 57  | 20.5  |
| 12 S                             | 5 W | WM  | 26  | SW NW |      | 57  | 3.0   |
| 12 S                             | 5 W | WM  | 26  | SW NW |      | 58  | 7.7   |
| 12 S                             | 5 W | WM  | 26  | SE NW |      | 58  | 2.3   |
| 12 S                             | 5 W | WM  | 26  | SE NW |      | 57  | 6.6   |
| 12 S                             | 5 W | WM  | 26  | SE NW | 14   |     | 27.8  |
| 12 S                             | 5 W | WM  | 26  | NE SW | 6    |     | 22.7  |
| 12 S                             | 5 W | WM  | 26  | SE SW | 7    |     | 14.0  |
| 12 S                             | 5 W | WM  | 26  | NW SE | 5    |     | 8.7   |
| 12 S                             | 5 W | WM  | 26  | SW SE |      |     | 4.4   |
| TOTAL                            |     |     |     |       |      |     | 182.1 |

| IRRIGATION FROM SLOUGH |     |     |     |       |      |     |       |
|------------------------|-----|-----|-----|-------|------|-----|-------|
| Twp                    | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 12 S                   | 5 W | WM  | 23  | SE SW |      | 57  | 9.4   |
| 12 S                   | 5 W | WM  | 26  | SE SW | 7    |     | 2.3   |
| 12 S                   | 5 W | WM  | 26  | SW SE |      |     | 2.4   |
| 12 S                   | 5 W | WM  | 35  | NW NE | 1    |     | 2.8   |
| 12 S                   | 5 W | WM  | 35  | NE NW | 1    |     | 1.9   |
| TOTAL                  |     |     |     |       |      |     | 18.8  |

| IRRIGATION FROM RIVER |     |     |     |       |      |     |       |
|-----------------------|-----|-----|-----|-------|------|-----|-------|
| Twp                   | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 12 S                  | 5 W | WM  | 26  | NE NE | 12   |     | 16.0  |
| 12 S                  | 5 W | WM  | 26  | NW NE | 12   |     | 2.4   |
| 12 S                  | 5 W | WM  | 26  | NW NE |      | 57  | 22.0  |
| 12 S                  | 5 W | WM  | 26  | SW NE |      | 57  | 3.0   |
| 12 S                  | 5 W | WM  | 26  | SW NE | 10   |     | 24.4  |
| 12 S                  | 5 W | WM  | 26  | SE NE | 11   |     | 6.0   |
| 12 S                  | 5 W | WM  | 26  | NE NW |      | 57  | 5.3   |
| 12 S                  | 5 W | WM  | 26  | SE NW | 14   |     | 2.9   |
| 12 S                  | 5 W | WM  | 26  | NE SW | 6    |     | 0.7   |

| IRRIGATION FROM RIVER |     |     |     |       |      |     |       |
|-----------------------|-----|-----|-----|-------|------|-----|-------|
| Twsp                  | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 12 S                  | 5 W | WM  | 26  | NW SE | 5    |     | 26.6  |
| 12 S                  | 5 W | WM  | 26  | SW SE |      |     | 20.4  |
| 12 S                  | 5 W | WM  | 26  | SE SE | 4    |     | 18.9  |
| 12 S                  | 5 W | WM  | 35  | NE NE | 1    |     | 4.6   |
| 12 S                  | 5 W | WM  | 35  | NW NE | 1    |     | 2.9   |
| TOTAL                 |     |     |     |       |      |     | 156.1 |

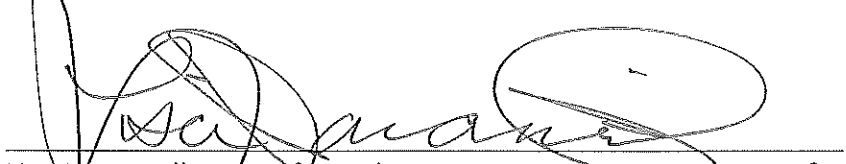
| SUPPLEMENTAL IRRIGATION FROM RIVER |     |     |     |       |      |     |       |
|------------------------------------|-----|-----|-----|-------|------|-----|-------|
| Twsp                               | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres |
| 12 S                               | 5 W | WM  | 35  | NE NE |      | 59  | 7.2   |
| 12 S                               | 5 W | WM  | 35  | SE NE |      | 59  | 19.8  |
| 12 S                               | 5 W | WM  | 35  | NE SE |      | 59  | 0.5   |
| 12 S                               | 5 W | WM  | 36  | SW NW | 12   |     | 0.3   |
| 12 S                               | 5 W | WM  | 36  | SW NW |      | 59  | 6.4   |
| 12 S                               | 5 W | WM  | 36  | NW SW | 11   |     | 0.1   |
| 12 S                               | 5 W | WM  | 36  | NW SW |      | 59  | 0.1   |
| TOTAL                              |     |     |     |       |      |     | 34.4  |

This certificate describes that portion of water right Certificate 35901 State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 21 2025, approving Transfer Application T-14585.

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 AUG 21 2025.

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



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

July 7, 2025

VIA CERTIFIED MAIL AND E-MAIL

MALEY ROAD HAZELNUTS

LLC 3911 SE MALEY RD

CORVALLIS, OR 97333

SUBJECT: Water Right Transfer Application T-14585

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14585. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971 304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov), if I may be of assistance.

Sincerely,

Dante Luongo

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14585  
Joel M. Plahn, District 22 Watermaster (*via e-mail*)  
Ted Ressler, Agent for the applicant (*via e-mail*)

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

|                                       |   |                               |
|---------------------------------------|---|-------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION     |
| T-14585, Benton County                | ) | PROPOSING APPROVAL FOR AN     |
|                                       | ) | ADDITIONAL POINT OF DIVERSION |

**Authority**

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

**Applicant**

MALEY ROAD HAZELNUTS LLC  
3911 SE MALEY ROAD  
CORVALLIS, OR 97333

**Findings of Fact**

1. On December 24, 2024, Maley Road Hazelnuts, LLC filed an application for an additional point of diversion under Certificate 35901. The Department assigned the application number T-14585.
2. Notice of the application for transfer was published on January 7, 2025, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 6, 2025, the Department sent the applicant a draft Preliminary Determination, proposing approval of Transfer Application T-14585. The accompanying cover letter set a deadline of June 5, 2025, for the applicant to respond and provide the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and submitted the necessary documentation to confirm authorization to pursue the transfer.
4. The portion of the right to be transferred is as follows:  

**Certificate:** 35901 in the name of C. E. JONES (perfected under Permit S-27350)  
**Use:** IRRIGATION OF 93.1 ACRES  
**Priority Date:** APRIL 20, 1961

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.

**Rate:** 0.99 CUBIC FOOT PER SECOND (cfs); being 0.51 cfs from Willamette River and 0.48 cfs from unnamed slough, water to be diverted from unnamed slough when available and any deficiency in the available supply in unnamed slough is to be made up by diversion from Willamette River, providing that the total quantity diverted from both sources shall not exceed 0.99 cfs.

**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:** WILLAMETTE RIVER and UNNAMED SLOUGH, a tributary of COLUMBIA RIVER

**Authorized Points of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | DLC | Measured Distances                                                            |
|------|-----|-----|-----|-------|------|-----|-------------------------------------------------------------------------------|
| 12 S | 5 W | WM  | 23  | NE SW |      | 57  | POD 7 - 4340 FEET NORTH AND 50 FEET WEST FROM THE C1/4 CORNER OF SECTION 26   |
| 12 S | 5 W | WM  | 26  | NE NE | 12   |     | POD 2 - 1830 FEET NORTH AND 2080 FEET EAST FROM THE C1/4 CORNER OF SECTION 26 |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |     |       |                |
|------------|-----|-----|-----|-------|------|-----|-------|----------------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | DLC | Acres | Source         |
| 12 S       | 5 W | WM  | 23  | SW NE |      | 57  | 2.0   | Slough         |
| 12 S       | 5 W | WM  | 23  | NE SW |      | 57  | 1.2   | Slough         |
| 12 S       | 5 W | WM  | 23  | SE SW |      | 57  | 4.4   | Slough         |
| 12 S       | 5 W | WM  | 23  | SE SW |      | 57  | 4.4   | River          |
| 12 S       | 5 W | WM  | 23  | NW SE | 6    |     | 1.2   | Slough         |
| 12 S       | 5 W | WM  | 23  | NW SE |      | 57  | 35.2  | Slough         |
| 12 S       | 5 W | WM  | 23  | SW SE |      | 57  | 13.2  | Slough         |
| 12 S       | 5 W | WM  | 23  | SW SE | 5    |     | 10.2  | Slough & River |
| 12 S       | 5 W | WM  | 23  | SW SE | 5    |     | 1.7   | Slough & River |
| 12 S       | 5 W | WM  | 23  | SW SE |      | 57  | 13.5  | River          |
| 12 S       | 5 W | WM  | 23  | SW SE | 5    |     | 0.9   | River          |
| 12 S       | 5 W | WM  | 23  | SE SE | 5    |     | 3.1   | River          |
| 12 S       | 5 W | WM  | 23  | SE SE | 5    |     | 2.1   | Slough & River |
| TOTAL      |     |     |     |       |      |     | 93.1  |                |

5. Transfer Application T-14585 proposes an additional point of diversion located:

| Twp  | Rng | Mer | Sec | Q-Q   | GLot | Measured Distances                                                        | Approximate Distance from Authorized Point of Diversion in Feet (FT) |
|------|-----|-----|-----|-------|------|---------------------------------------------------------------------------|----------------------------------------------------------------------|
| 12 S | 5 W | WM  | 23  | SE SE | 5    | POD 8 - 55 FEET NORTH AND 1075 FEET WEST FROM THE SE CORNER OF SECTION 23 | POD 2 - 1020 FT DOWNSTREAM                                           |

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

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

7. Water has been used within the five-year period prior to submittal of Transfer Application T-14585 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-14585.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
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.

**Determination and Proposed Action**

The additional point of diversion proposed in Transfer Application T-14585 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14585 is approved, the final order will include the following:*

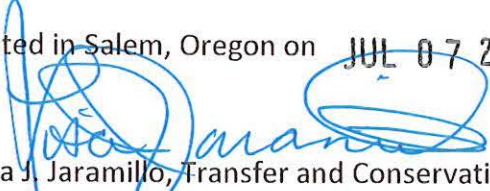
1. *The additional point of diversion proposed in Transfer Application T-14585 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 35901 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion.*

4. *Water right Certificate 35901 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The quantity of water diverted at the new additional point of diversion (POD 8), together with that diverted at the original points of diversion (POD 2 and POD 7), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 2 and POD 7).*
6. *Water shall be acquired from the same source of surface water as the original points of diversion.*
7. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

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

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

Dated in Salem, Oregon on **JUL 07 2025**

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

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971-304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@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.

STATE OF OREGON  
COUNTY OF BENTON

## CERTIFICATE OF WATER RIGHT

**This Is To Certify, That** C. E. JONES

of Route 3, Box 526, Corvallis, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamette River and unnamed slough, a tributary of Columbia River for the purpose of irrigation of 450.1 acres and supplemental irrigation of 34.4 acres under Permit No. 27350 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 20, 1961

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 5.16 cubic feet per second; being 2.66 c.f.s. from Willamette River and 2.5 c.f.s. from unnamed slough, water to be diverted from unnamed slough when available and any deficiency in the available supply in unnamed slough is to be made up by diversion from Willamette River, providing that the total quantity diverted from both sources shall not exceed 5.16 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , both as projected within Gage DLC 57, Section 23; Lot 12 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Norris DLC 58, Lot 7 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Lot 3 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 26; SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Baker DLC 59, Section 36, T. 12 S., R. 5 W., W. M. Diversion points located below: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.  
A description of the place of use under the right hereby confirmed; and to which such right is appurtenant, is as follows:

|  | 71.6   | 200.5          | Primary Irrigation |
|--|--------|----------------|--------------------|
|  |        |                | 178.0              |
|  | Slough | Slough & River | River              |

2.0 acres  
1.2 acres

9.4 acres  
1.2 acres  
35.2 acres  
13.2 acres

4.2

52.8

2.4 acres  
9.0 acres

10.2 acres  
1.7 acres  
2.1 acres

4.4

4.4 acres

13.5 acres  
0.9 acre  
3.1 acres

Section 23

16.0 acres  
2.4 acres

15.6 acres  
3.4 acres  
3.7 acres  
34.7 acres

22.0 acres  
3.0 acres  
24.4 acres  
6.0 acres  
5.3 acres

Section 26

SW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Gage DLC 57  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Gage DLC 57  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Gage DLC 57  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Gage DLC 57  
Lot 6 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Gage DLC 57  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Gage DLC 57  
Lot 5 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
Lot 5 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )

Lot 12 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Lot 12 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Gage DLC 57  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Gage DLC 57  
Lot 10 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ )  
Lot 11 (SE $\frac{1}{4}$  NE $\frac{1}{4}$ )  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Gage DLC 57

Odd situation where rate identifies ANY deficiency is to be made up by Willamette River, but primary irrigation breaks out some acres irrigated by slough, river or the slough and river?

4.4 Slough/River

# Primary Irrigation

| Slough    | Slough & River | River      |                                                                     |
|-----------|----------------|------------|---------------------------------------------------------------------|
|           | 20.5 acres     |            | NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57   |
|           | 3.0 acres      |            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57   |
|           | 7.7 acres      |            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Norris DLC 58 |
|           | 2.3 acres      |            | SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Norris DLC 58 |
|           | 6.6 acres      |            | SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57   |
|           | 27.8 acres     | 2.9 acres  | Lot 14 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ )                         |
|           | 22.7 acres     | 0.7 acre   | Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ )                          |
| 2.3 acres | 14.0 acres     |            | Lot 7 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )                          |
|           | 8.7 acres      | 26.6 acres | Lot 5 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )                          |
| 2.4 acres | 4.4 acres      | 20.4 acres | SW $\frac{1}{4}$ SE $\frac{1}{4}$                                   |
|           |                | 18.9 acres | Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )                          |
|           |                |            | Section 26                                                          |
|           |                | 4.6 acres  | Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )                          |
| 2.8 acres |                | 2.9 acres  | Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )                          |
| 1.9 acres |                |            | Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ )                          |
|           |                |            | Section 35                                                          |
|           |                |            | T. 12 S., R. 5 W., W. M.                                            |

## Supplemental Irrigation

|            |                                   |                                      |
|------------|-----------------------------------|--------------------------------------|
| 7.2 acres  | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | as projected within Baker DLC 59     |
| 19.8 acres | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | as projected within Baker DLC 59     |
| 0.5 acre   | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | as projected within Baker DLC 59     |
|            |                                   | Section 35                           |
| 6.4 acres  | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | as projected within Baker DLC 59     |
| 0.3 acre   | Lot 12                            | (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) |
| 0.1 acre   | Lot 11                            | (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) |
| 0.1 acre   | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | as projected within Baker DLC 59     |
|            |                                   | Section 36                           |
|            |                                   | T. 12 S., R. 5 W., W. M.             |

Diversion points located: Slough - 2550 feet South and 550 feet West; 540 feet North and 1590 feet West; 2670 feet North and 1740 feet West; 4340 feet North and 50 feet West; River - 1170 feet South and 1360 feet East; 1830 feet North and 2080 feet East; all from Center, Section 26; River - 1210 feet South and 4950 feet East from the NW Corner, Baker DLC 59.

This certificate is issued to correct and supersede the certificate of water right issued to C. E. Jones and recorded at page 35290, Volume 27, State Record of Water Right Certificates, so as to correctly show the location of point of diversion.

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

WITNESS the signature of the State Engineer, affixed

this 18 day of April, 1969.

CHRIS L. WHEELER

State Engineer

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 # 35901**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |    |         |                   |      |                                         |                                                         | Proposed<br>Changes (see<br>"CODES"<br>from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |           |      |     |     |   |         |                   |      |                    |                                                |                  |      |            |                     |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|----|---------|-------------------|------|-----------------------------------------|---------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------|------|-----|-----|---|---------|-------------------|------|--------------------|------------------------------------------------|------------------|------|------------|---------------------|-----------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ |    | Tax Lot | Gvt Lot<br>or DLC | Acre | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) |                                                                  | Priority Date                                                                                           | Twp       | Rng  | Sec | ¼ ¼ |   | Tax Lot | Gvt Lot<br>or DLC | Acre | New Type<br>of USE | POD(s)/<br>POA(s) to be used<br>(from Table 1) | Priority<br>Date |      |            |                     |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | NE                | 700  | DLC 57                                  | 2.0                                                     | Irrigation                                                       | POD 7, POD 2                                                                                            | 4/20/1961 | APOD | 12  | S   | 5 | W       | 23                | SW   | NE                 | 700                                            | DLC 57           | 2.0  | Irrigation | POD 6, POD 8, POD 2 | 4/20/1961 |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | NE      | SW                | 700  | DLC 57                                  | 1.2                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | NE   | SW                 | 700                                            | DLC 57           | 1.2  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SW                | 700  | DLC 57                                  | 4.4                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | SE   | SW                 | 700                                            | DLC 57           | 4.4  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SW                | 700  | DLC 57                                  | 4.4                                                     |                                                                  | POD 2                                                                                                   |           |      | 12  | S   | 5 | W       | 23                | SE   | SW                 | 700                                            | DLC 57           | 4.4  |            | POD 8, POD 2        |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | NW      | SE                | 700  | DLC 57                                  | 35.2                                                    |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | NW   | SE                 | 700                                            | DLC 57           | 35.2 |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | NW      | SE                | 700  | GL 6                                    | 1.2                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | NW   | SE                 | 700                                            | GL 6             | 1.2  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700  | DLC 57                                  | 13.2                                                    |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | SW   | SE                 | 700                                            | DLC 57           | 36.9 |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700  | DLC 57                                  | 10.2                                                    |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | SW   | SE                 | 700                                            | DLC 57           | 10.2 |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700  | DLC 57                                  | 13.5                                                    |                                                                  | POD 2                                                                                                   |           |      | 12  | S   | 5 | W       | 23                | SW   | SE                 | 700                                            | DLC 57           | 13.5 |            | POD 8, POD 2        |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700  | GL 5                                    | 1.7                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | SW   | SE                 | 700                                            | GL 5             | 2.6  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700  | GL 5                                    | 0.9                                                     |                                                                  | POD 2                                                                                                   |           |      | 12  | S   | 5 | W       | 23                | SW   | SE                 | 700                                            | GL 5             | 0.9  |            | POD 8, POD 2        |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SE                | 700  | GL 5                                    | 2.1                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12  | S   | 5 | W       | 23                | SE   | SE                 | 700                                            | GL 5             | 5.2  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SE                | 700  | GL 5                                    | 3.1                                                     |                                                                  | POD 2                                                                                                   |           |      | 12  | S   | 5 | W       | 23                | SE   | SE                 | 700                                            | GL 5             | 3.1  |            | POD 8, POD 2        |           |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |    |         |                   |      | 93.1                                    | TOTAL ACRES:                                            |                                                                  |                                                                                                         |           |      |     |     |   |         |                   |      |                    |                                                |                  | 93.1 |            |                     |           |

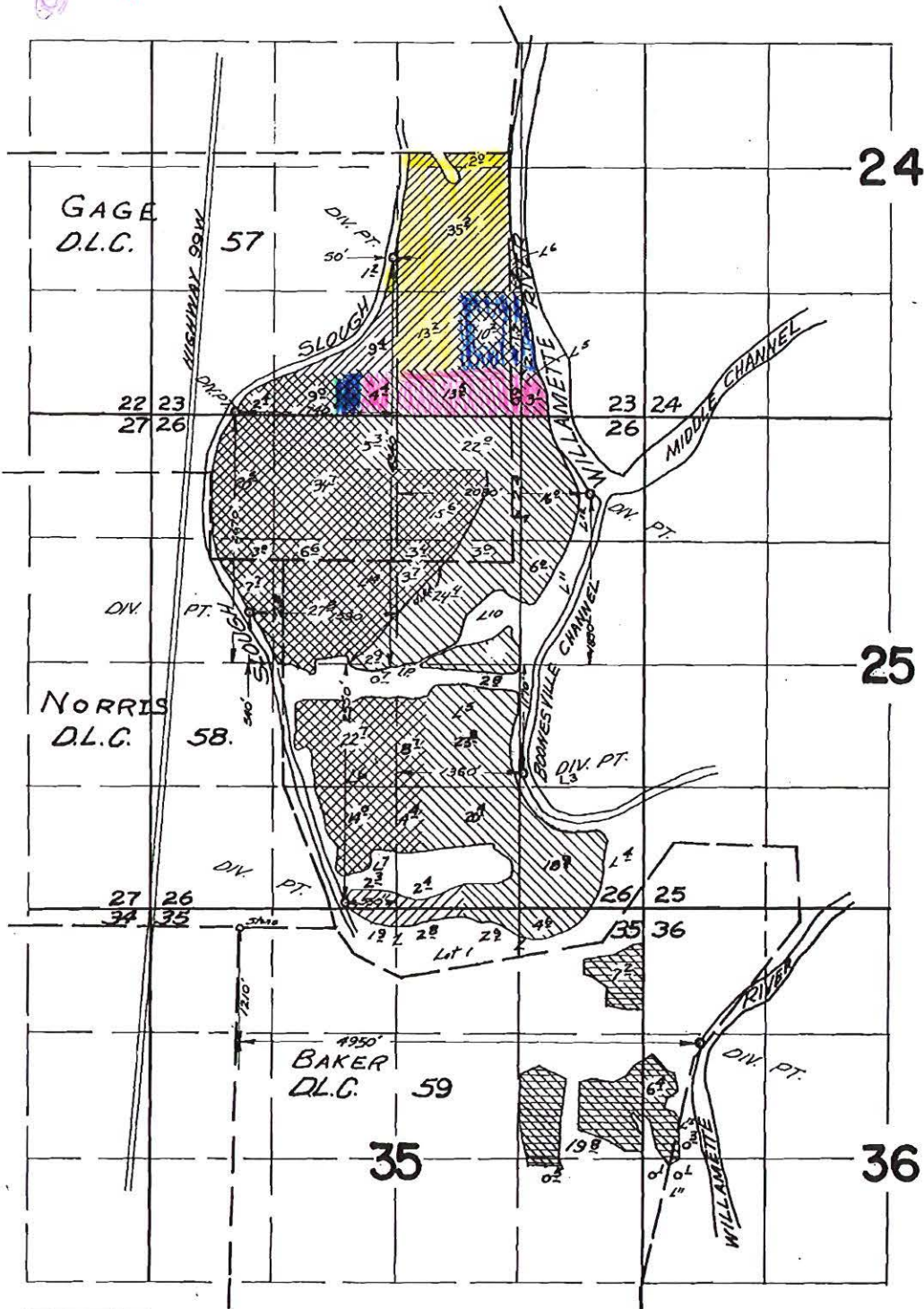
Additional remarks: The table above only includes information associated with the portion of the water right involved in the transfer (i.e., the portion of authorized place of use located on tax lot 700).

The rate of use associated with portion of the water right involved in the transfer is 0.991 cfs for irrigation of 93.1 acres, being 0.609 cfs from the Slough (POD 7) when available with deficiency from the Middle Channel Willamette River (POD 2) for irrigation of 57.2 acres, 0.149 cfs from the Slough (POD 7) and Middle Channel Willamette River (POD 2) for irrigation of 14 acres, and 0.233 cfs from the Middle Channel Willamette River (POD 2) for irrigation of 21.9 acres.

It is the applicant's expectation that the changes proposed by the transfer will allow the following diversions of water: 0.609 cfs from the Slough (POD 7) when available with deficiency from the Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 57.2 acres, 0.149 cfs from the Slough (POD 7) and Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 14 acres, and 0.233 cfs from the Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 21.9 acres.

Received  
DEC 24 2024  
OWRD

T.12 S. R.5 W. W.M.



WILLAMETTE  
SLOUGH

Willamette supplemental to slough

Willamette supplemental to well

# FINAL PROOF SURVEY UNDER

Application No. 34839 Permit No. 27350

IN NAME OF  
C. E. JONES

Surveyed April 27, 1966 by V. Garner

OKJ-3P-52  
1966-A

JAN 17 2025

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT**  
Contract Number: R11-536-25

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Maley Road Hazelnuts LLC, hereafter Applicant, hereafter known together as the parties.

| OWRD Information                                                                                | Applicant's Information                                     | Applicant's Representative                                              |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------|
| Contact: Lisa Jaramillo                                                                         | Name: Maley Road Hazelnuts LLC                              | Name: Summit Water Resources, LLC                                       |
| Title: Transfer Advisor/Manager                                                                 | Contact:                                                    | Contact: Ted Ressler, RG, CWRE                                          |
| Address: 725 Summer Street, NE, Suite A<br>Salem, OR 97301-1266                                 | Address: 3911 SE Maley Rd<br>Corvallis, OR 97333            | Address: 4784 SE 17 <sup>th</sup> Ave., Ste 111<br>Portland, OR 97202   |
| Phone: (503) 871-1889                                                                           | Phone: (503) 975-3956                                       | Phone: (503) 701-4535                                                   |
| Fax: (503) 986-0901                                                                             | Fax:                                                        | Fax:                                                                    |
| Email: <a href="mailto:lisa.j.jaramillo@water.oregon.gov">lisa.j.jaramillo@water.oregon.gov</a> | Email: <a href="mailto:dgodard@msn.com">dgodard@msn.com</a> | Email: <a href="mailto:tressler@summitwr.com">tressler@summitwr.com</a> |

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14585)

- Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- Consideration.**
  - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,590.79**. Applicant agrees to pay the full amount of **\$1,590.79** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination by Applicant.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Termination by OWRD.** OWRD may terminate this Agreement if the applicant fails to provide any requested items necessary to complete the application and/or comply with applicable rule requirements within the specified timeframe outlined in the request letter, being a period of not less than 30 days.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Don Norland MRH LLC AGENT  
Name/Title:

1/15/25  
Date

For OWRD: Dwight French  
Dwight French – Administrator

1-22-25  
Date

Mail signed Agreement to:

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

Received by OWRD

JAN 17 2025

Salem, OR

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

Reference Transfer #: T-14585

Date of review: 1/13/25

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

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ *[stream]*, tributary to \_\_\_\_\_, because \_\_\_\_\_.  
(Please attach any available supporting information.)

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

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

☐ **1. Screen Maintain**

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

**Note:** This option will yield the following:

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

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

☒ **2. Screen Now**

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

**Note:** This option will yield the following:

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

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

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

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

☐ **3. Screen 2 Year**

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

**Note:** This option will yield the following:

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

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

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

☐ **4. Screen Future**

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

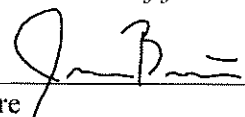
**Note:** This option will yield the following:

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

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

☐ **5. No Screen Needed**

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

  
\_\_\_\_\_  
Signature

Jason Brandt  
Printed Name

(541) 315-6222  
Phone

SW Hydro Coordinator  
Title

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

Transfer #: T-14585

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

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

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

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

ODFW staff name: Toby Shuyler

Address: 3561 Klindt Dr

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

Phone: (541) 967-2162

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

ODFW staff name: Elise Kelley

Address: 7118 NE Vandenberg Ave

City/State/Zip: Corvallis/OR/97330

Phone: (541) 757-5249



OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Staff before submitting this request, as the application fee of \$125.00 per request is non-refundable.**

**Checks submitted for this application must be separate from Transfer fees.**

**The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.**

| REQUEST                             | TYPE                 | FILE NUMBER             |
|-------------------------------------|----------------------|-------------------------|
| <input checked="" type="checkbox"/> | Transfer Application | Transfer Number T-14585 |

|                 | Applicant Information    | Applicant's Representative/Contact                  |
|-----------------|--------------------------|-----------------------------------------------------|
| Name:           | Maley Road Hazelnuts LLC | Ted Ressler, RG, CWRE / Summit Water Resources, LLC |
| Address:        | 3911 SE Maley Road       | 4784 SE 17 <sup>th</sup> Avenue Suite 111           |
|                 | Corvallis, OR 97333      | Portland, OR 97202                                  |
| Phone:          | 503-975-3956             | 503-701-4535                                        |
| Fax:            | -                        | -                                                   |
| E-Mail Address: | dgodard@msn.com          | tressler@summitwr.com                               |

By signing this application, I understand:

- That upon receipt of my non-refundable application fee of **\$125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate, I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- That an incomplete or inaccurate application may delay the process and increase the cost to process my request.
- That expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Don Godard, agent - Maley Road Hazelnuts LLC

Signature: Don Godard

Received

DEC 24 2024

OWRD

Send completed Application and payment to:

Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

OWRD USE ONLY: Reimbursement Authority Number: R11-536 -25



# 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

January 6, 2025

Maley Road Hazelnuts, LLC  
3911 SE Maley Road  
Corvallis, OR 97333  
Reference: Application T-14585

On December 24, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Receipt number 144462 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

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

Cc: Watermaster Dist. #22, Joel M. Plahn (*via email*)  
Ted Ressler, Agent  
Benton County Planning Department, Local Government

Enclosure

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **144462**

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

RECEIVED FROM: Donald Godard  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION |         |
| PERMIT      |         |
| TRANSFER    | T-14585 |

CASH: ☐ CHECK: # X 154 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**

|                                      |                    |      |
|--------------------------------------|--------------------|------|
| <b>MISCELLANEOUS</b>                 |                    |      |
| 0407 COPY & TAPE FEES                | \$                 |      |
| 0410 RESEARCH FEES                   | \$                 |      |
| 0408 MISC REVENUE: (IDENTIFY) _____  | \$                 |      |
| TC162 DEPOSIT LIAB. (IDENTIFY) _____ | \$                 |      |
| 0240 EXTENSION OF TIME               | \$                 |      |
| <b>WATER RIGHTS:</b>                 |                    |      |
| 0201 SURFACE WATER                   | \$                 | 0202 |
| 0203 GROUND WATER                    | \$                 | 0204 |
| 0205 TRANSFER                        | \$ <u>1,360.00</u> |      |
| <b>WELL CONSTRUCTION</b>             |                    |      |
| 0218 WELL DRILL CONSTRUCTOR          | \$                 | 0219 |
| LANDOWNER'S PERMIT                   |                    | 0220 |
| OTHER (IDENTIFY) _____               |                    |      |

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

|                   |                |
|-------------------|----------------|
| FUND _____        | TITLE _____    |
| OBJ CODE _____    | VENDOR # _____ |
| DESCRIPTION _____ | \$ _____       |

RECEIPT: **144462**

DATED: 12-24-24 BY: Leslie D Miller

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

**Received**

**DEC 24 2024**

**OWRD**

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ 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: Certificate 35901**  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

### Attachments:

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

### (For Staff Use Only)

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

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

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

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

### 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:<br><input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = <u>1 (2a)</u><br>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><br>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?<br><input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed _____ (4a)<br><br>Do you propose to add or change additional wells?<br><input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)                                                                                                                                            |   |         |
| 4 | Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 4 | \$0     |
|   | Do you propose to change the place of use or character of use?<br><input checked="" type="checkbox"/> No: enter 0 on line 5<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a)<br>Subtract 1.0 from the number in 5a above: _____ (5b)<br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply<br>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:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br><br>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 » » » » » » » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 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)<br>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 » » » » » » <b>Fee for Substitution:</b>                                                                  | 3 | N/A      |

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                             |                    |                                  |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------|----------------------------------|
| APPLICANT/BUSINESS NAME<br><b>Maley Road Hazelnuts LLC</b>                                                                                                                  |                    | PHONE NO.<br><b>503-975-3956</b> | ADDITIONAL CONTACT NO.<br>-      |
| ADDRESS<br><b>3911 SE Maley Road</b>                                                                                                                                        |                    | FAX NO.<br>-                     |                                  |
| CITY<br><b>Corvallis</b>                                                                                                                                                    | STATE<br><b>OR</b> | ZIP<br><b>97333</b>              | E-MAIL<br><b>dgodard@msn.com</b> |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                                  |                                  |

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

|                                                                                                                                                                             |                    |                                  |                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------|----------------------------------------|
| AGENT/BUSINESS NAME<br><b>Ted Ressler, RG, CWRE / Summit Water Resources, LLC</b>                                                                                           |                    | PHONE NO.<br><b>503-701-4535</b> | ADDITIONAL CONTACT NO.<br>-            |
| ADDRESS<br><b>4784 SE 17<sup>th</sup> Avenue Suite 111</b>                                                                                                                  |                    | FAX NO.<br>-                     |                                        |
| CITY<br><b>Portland</b>                                                                                                                                                     | STATE<br><b>OR</b> | ZIP<br><b>97202</b>              | E-MAIL<br><b>tressler@summitwr.com</b> |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                                  |                                        |

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The applicant (Maley Road Hazelnuts LLC) is submitting an application for a permanent water right transfer to add an additional point of diversion (POD) to the portion of Certificate 35901 owned by the applicant (tax lot 700) to more efficiently use the authorized capacity of Certificate 35901 for irrigation.**  
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

### Check One Box

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

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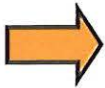
DEC 24 2024

By my signature below, I confirm that I understand:

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- 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: Corvallis Gazette-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.



Don Godard  
Applicant signature

Don Godard, agent - Maley Road Hazelnuts, LLC  
Print Name (and Title if applicable)

12/11/24  
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\* The applicant owns the portion of Certificate 35901 associated with this transfer application (tax lot 700)

*\*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](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

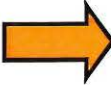
|                                                                                                                                            |       |     |           |                        |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|-----------|--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

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

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

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

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

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

|                                     |                                        |                     |
|-------------------------------------|----------------------------------------|---------------------|
| ENTITY NAME<br><b>Benton County</b> | ADDRESS<br><b>4500 SW Research Way</b> |                     |
| CITY<br><b>Corvallis</b>            | STATE<br><b>OR</b>                     | ZIP<br><b>97333</b> |

|             |         |     |
|-------------|---------|-----|
| 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 # 35901

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### Description of Water Delivery System

System capacity: 1 cubic feet per second (cfs) OR

       gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The applicant uses water from either the slough (POD 7, Unnamed Slough [West Fork Booneville Channel]) or river (POD 2, Middle Channel Willamette River) for irrigation use. The pump system used to divert water includes a 15 horsepower pump to divert and transmit water to the authorized place of use (POU) for irrigation.

**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?                    | Well Log ID# | Twp  | Rng | Sec | ¼ ¼   | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner)                          |
|------------------------|-------------------------------------------------------------------------------------|--------------|------|-----|-----|-------|---------------------------|-------------------------------------------------------------------------------|
| POD 8                  | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed | NA           | 12 S | 5 W | 23  | SE SE | GL5                       | 55 feet north and 1,075 feet west from the SE corner of Section 23            |
| POD 2                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | NA           | 12 S | 5 W | 23  | NE NE | GL 12                     | 1,830 feet north and 2,080 feet east from center quarter corner of Section 26 |
| POD 7                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | NA           | 12 S | 5 W | 23  | NE SW | DLC 57                    | 4,430 feet north and 50 feet west from center quarter corner of Section 26    |

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

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

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

- ☐ 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.

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 # 35901**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |    |         |                   |       |                                         |                                                         | Proposed<br>Changes (see<br>“CODES”<br>from<br>previous<br>page) | PROPOSED (the “to” or “on” lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |           |      |              |     |   |         |                   |       |                    |                                                |                  |      |            |                     |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|----|---------|-------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------|------|--------------|-----|---|---------|-------------------|-------|--------------------|------------------------------------------------|------------------|------|------------|---------------------|-----------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ |    | Tax Lot | Gvt Lot<br>or DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) |                                                                  | Priority Date                                                                                           | Twp       | Rng  | Sec          | ¼ ¼ |   | Tax Lot | Gvt Lot<br>or DLC | Acres | New Type<br>of USE | POD(s)/<br>POA(s) to be used<br>(from Table 1) | Priority<br>Date |      |            |                     |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | NE                | 700   | DLC 57                                  | 2.0                                                     | Irrigation                                                       | POD 7, POD 2                                                                                            | 4/20/1961 | APOD | 12           | S   | 5 | W       | 23                | SW    | NE                 | 700                                            | DLC 57           | 2.0  | Irrigation | POD6, POD 8, POD 2  | 4/20/1961 |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | NE      | SW                | 700   | DLC 57                                  | 1.2                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | NE    | SW                 | 700                                            | DLC 57           | 1.2  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SW                | 700   | DLC 57                                  | 4.4                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | SE    | SW                 | 700                                            | DLC 57           | 4.4  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SW                | 700   | DLC 57                                  | 4.4                                                     |                                                                  | POD 2                                                                                                   |           |      | 12           | S   | 5 | W       | 23                | SE    | SW                 | 700                                            | DLC 57           | 4.4  |            | POD 8, POD 2        |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | NW      | SE                | 700   | DLC 57                                  | 35.2                                                    |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | NW    | SE                 | 700                                            | DLC 57           | 35.2 |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | NW      | SE                | 700   | GL 6                                    | 1.2                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | NW    | SE                 | 700                                            | GL 6             | 1.2  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700   | DLC 57                                  | 13.2                                                    |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | SW    | SE                 | 700                                            | DLC 57           | 36.9 |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700   | DLC 57                                  | 10.2                                                    |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | SW    | SE                 | 700                                            | DLC 57           | 10.2 |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700   | DLC 57                                  | 13.5                                                    |                                                                  | POD 2                                                                                                   |           |      | 12           | S   | 5 | W       | 23                | SW    | SE                 | 700                                            | DLC 57           | 13.5 |            | POD 8, POD 2        |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700   | GL 5                                    | 1.7                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | SW    | SE                 | 700                                            | GL 5             | 2.6  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SW      | SE                | 700   | GL 5                                    | 0.9                                                     |                                                                  | POD 2                                                                                                   |           |      | 12           | S   | 5 | W       | 23                | SW    | SE                 | 700                                            | GL 5             | 0.9  |            | POD 8, POD 2        |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SE                | 700   | GL 5                                    | 2.1                                                     |                                                                  | POD 7, POD 2                                                                                            |           |      | 12           | S   | 5 | W       | 23                | SE    | SE                 | 700                                            | GL 5             | 5.2  |            | POD 7, POD 8, POD 2 |           |
| 12                                                                                                                                                                                       | S   | 5   | W   | 23 | SE      | SE                | 700   | GL 5                                    | 3.1                                                     |                                                                  | POD 2                                                                                                   |           |      | 12           | S   | 5 | W       | 23                | SE    | SE                 | 700                                            | GL 5             | 3.1  |            | POD 8, POD 2        |           |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |    |         |                   |       | 93.1                                    |                                                         |                                                                  |                                                                                                         |           |      | TOTAL ACRES: |     |   |         |                   |       |                    |                                                | 93.1             |      |            |                     |           |

Additional remarks: The table above only includes information associated with the portion of the water right involved in the transfer (i.e., the portion of authorized place of use located on tax lot 700).

The rate of use associated with portion of the water right involved in the transfer is 0.991 cfs for irrigation of 93.1 acres, being 0.609 cfs from the Slough (POD 7) when available with deficiency from the Middle Channel Willamette River (POD 2) for irrigation of 57.2 acres, 0.149 cfs from the Slough (POD 7) and Middle Channel Willamette River (POD 2) for irrigation of 14 acres, and 0.233 cfs from the Middle Channel Willamette River (POD 2) for irrigation of 21.9 acres.

It is the applicant's expectation that the changes proposed by the transfer will allow the following diversions of water: 0.609 cfs from the Slough (POD 7) when available with deficiency from the Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 57.2 acres, 0.149 cfs from the Slough (POD 7) and Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 14 acres, and 0.233 cfs from the Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 21.9 acres.

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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: NA.

 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](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 |
|-------------------------------------------|------------------------------------|----------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------|
| NA                                        |                                    |                                                    |                  |                 |                         |                           |                                            |                                                |                                             |                                                                         |

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# STATE OF OREGON

## COUNTY OF BENTON

### CERTIFICATE OF WATER RIGHT

This Is To Certify, That C. E. JONES

of Route 3, Box 526, Corvallis, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamette River and unnamed slough a tributary of Columbia River for the purpose of irrigation of 450.1 acres and supplemental irrigation of 34.4 acres under Permit No. 27350 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 20, 1961

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 5.16 cubic feet per second; being 2.66 c.f.s. from Willamette River and 2.5 c.f.s. from unnamed slough, water to be diverted from unnamed slough when available and any deficiency in the available supply in unnamed slough is to be made up by diversion from Willamette River, providing that the total quantity diverted from both sources shall not exceed 5.16 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , both as projected within Gage DLC 57, Section 23; Lot 12 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Norris DLC 58, Lot 7 (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Lot 3 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 26; SW $\frac{1}{4}$  NW $\frac{1}{4}$ , as projected within Baker DLC 59, Section 36, T. 12 S., R. 5 W., W. M. Diversion points located below: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall

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

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

#### Primary Irrigation

| Slough     | Slough & River | River      |                                                                   |
|------------|----------------|------------|-------------------------------------------------------------------|
| 2.0 acres  |                |            | SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Gage DLC 57 |
| 1.2 acres  |                |            | NE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Gage DLC 57 |
|            | 2.4 acres      |            | SW $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Gage DLC 57 |
| 9.4 acres  | 9.0 acres      | 4.4 acres  | SE $\frac{1}{4}$ SW $\frac{1}{4}$ as projected within Gage DLC 57 |
| 1.2 acres  |                |            | Lot 6 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )                        |
| 35.2 acres |                |            | NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Gage DLC 57 |
| 13.2 acres | 10.2 acres     | 13.5 acres | SW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Gage DLC 57 |
|            | 1.7 acres      | 0.9 acre   | Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ )                        |
|            | 2.1 acres      | 3.1 acres  | Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )                        |
|            |                |            | Section 23                                                        |
|            |                | 16.0 acres | Lot 12 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )                       |
|            |                | 2.4 acres  | Lot 12 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )                       |
|            | 15.6 acres     | 22.0 acres | NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Gage DLC 57 |
|            | 3.4 acres      | 3.0 acres  | SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Gage DLC 57 |
|            | 3.7 acres      | 24.4 acres | Lot 10 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )                       |
|            |                | 6.0 acres  | Lot 11 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ )                       |
|            | 34.7 acres     | 5.3 acres  | NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57 |
|            |                |            | Section 26                                                        |

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# Primary Irrigation

| Slough    | Slough & River | River      |                                                                     |
|-----------|----------------|------------|---------------------------------------------------------------------|
|           | 20.5 acres     |            | NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57   |
|           | 3.0 acres      |            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57   |
|           | 7.7 acres      |            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Norris DLC 58 |
|           | 2.3 acres      |            | SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Norris DLC 58 |
|           | 6.6 acres      |            | SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57   |
|           | 27.8 acres     | 2.9 acres  | Lot 14 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ )                         |
|           | 22.7 acres     | 0.7 acre   | Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ )                          |
| 2.3 acres | 14.0 acres     |            | Lot 7 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )                          |
|           | 8.7 acres      | 26.6 acres | Lot 5 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )                          |
| 2.4 acres | 4.4 acres      | 20.4 acres | SW $\frac{1}{4}$ SE $\frac{1}{4}$                                   |
|           |                | 18.9 acres | Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )                          |
|           |                |            | Section 26                                                          |
|           |                | 4.6 acres  | Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )                          |
| 2.8 acres |                | 2.9 acres  | Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )                          |
| 1.9 acres |                |            | Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ )                          |

## Section 35

T. 12 S., R. 5 W., W. M.

## Supplemental Irrigation

7.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Baker DLC 59  
 19.8 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Baker DLC 59  
 0.5 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$  as projected within Baker DLC 59

## Section 35

6.4 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$  as projected within Baker DLC 59  
 0.3 acre Lot 12 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
 0.1 acre Lot 11 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 0.1 acre NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Baker DLC 59

## Section 36

T. 12 S., R. 5 W., W. M.

Diversion points located: Slough - 2550 feet South and 550 feet West; 540 feet North and 1590 feet West; 2670 feet North and 1740 feet West; 4340 feet North and 50 feet West; River - 1170 feet South and 1360 feet East; 1830 feet North and 2080 feet East; all from Center, Section 26; River - 1210 feet South and 4950 feet East from the NW Corner, Baker DLC 59.

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This certificate is issued to correct and supersede the certificate of water right issued to C. E. Jones and recorded at page 35290, Volume 27, State Record of Water Right Certificates, so as to correctly show the location of point of diversion.

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

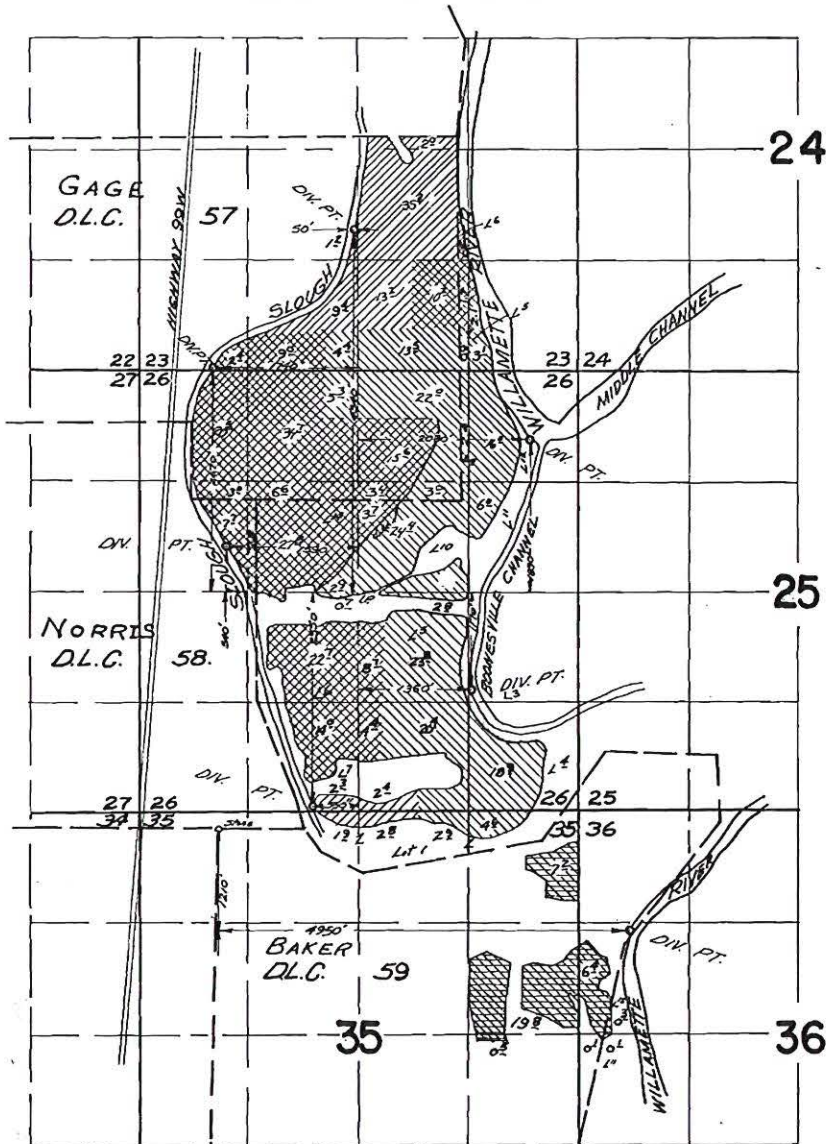
WITNESS the signature of the State Engineer, affixed

this 18 day of April, 1969.

CHRIS L. WHEELER

State Engineer

T.12 S. R.5 W. W.M.



WILLAMETTE  
SLOUGH  
Willamette supplemental to slough  
Willamette supplemental to Will

**FINAL PROOF SURVEY  
UNDER**

Application No. 34839 Permit No. 27350

IN NAME OF  
**C. E. JONES**

Surveyed April 27, 1966 by V. Garner

OKI-3P-52  
1966-A

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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 BENTON)

I, DANIEL JACKSON GODARD, in my capacity as OWNER (MALEY ROAD HAZELNUTS, LLC) OF TAX LOT 700 (PORTION OF CERTIFICATE 35901),

mailing address 3911 SE MALEY ROAD CORVALLIS, OR 97333

telephone number (503)975-3956, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

| Certificate # | Township |   | Range |   | Mer | Sec | ¼ ¼ |    | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 95301         | 12       | S | 5     | W | WM  | 23  | SW  | NE | DLC 57              | 2.0                      |
| 95301         | 12       | S | 5     | W | WM  | 23  | NW  | SE | DLC 57 /<br>GL 6    | 36.4                     |
| 95301         | 12       | S | 5     | W | WM  | 23  | SW  | SE | DLC 57 /<br>GL 5    | 39.5                     |
| 95301         | 12       | S | 5     | W | WM  | 23  | SE  | SE | GL 5                | 5.2                      |
| 95301         | 12       | S | 5     | W | WM  | 23  | NE  | SW | DLC 57              | 1.2                      |
| 95301         | 12       | S | 5     | W | WM  | 23  | SE  | SW | DLC 57              | 8.8                      |
| <b>TOTAL</b>  |          |   |       |   |     |     |     |    |                     | <b>93.1</b>              |

**OR**

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

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(continues on reverse side)

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

11/26/2024  
Date

Signed and sworn to (or affirmed) before me this 26<sup>th</sup> day of November, 2024.



[Signature]

Notary Public for Oregon

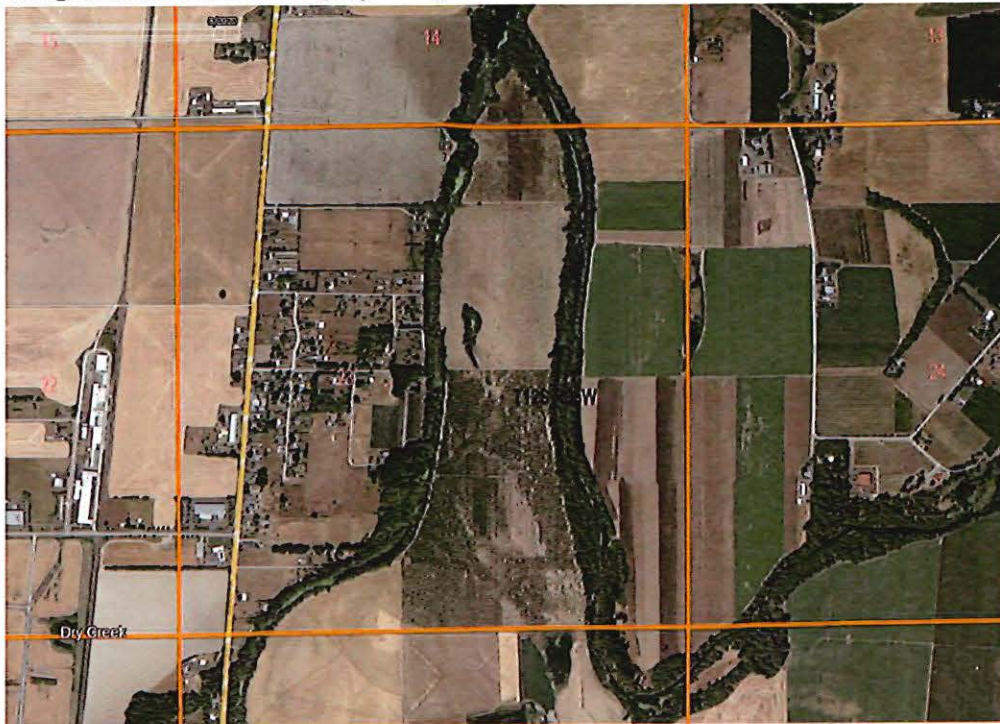
My Commission Expires: 10-12-2026

| Supporting Documents                                                                                                                                   | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)        | Copy of <b>confirming</b> 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"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>                                                                                                                                                                                                                                                                                                                                                                                   |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers | <ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>                                                                                                                                                                                                                                                                           |
| <input 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.<br>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.<br><br>Sources for aerial photos:<br>OSU - <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD - <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a><br>Google Earth - <a href="http://earth.google.com">earth.google.com</a><br>TerraServer - <a href="http://www.terra-server.com">www.terra-server.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years                                                            | Copy of instream lease or lease number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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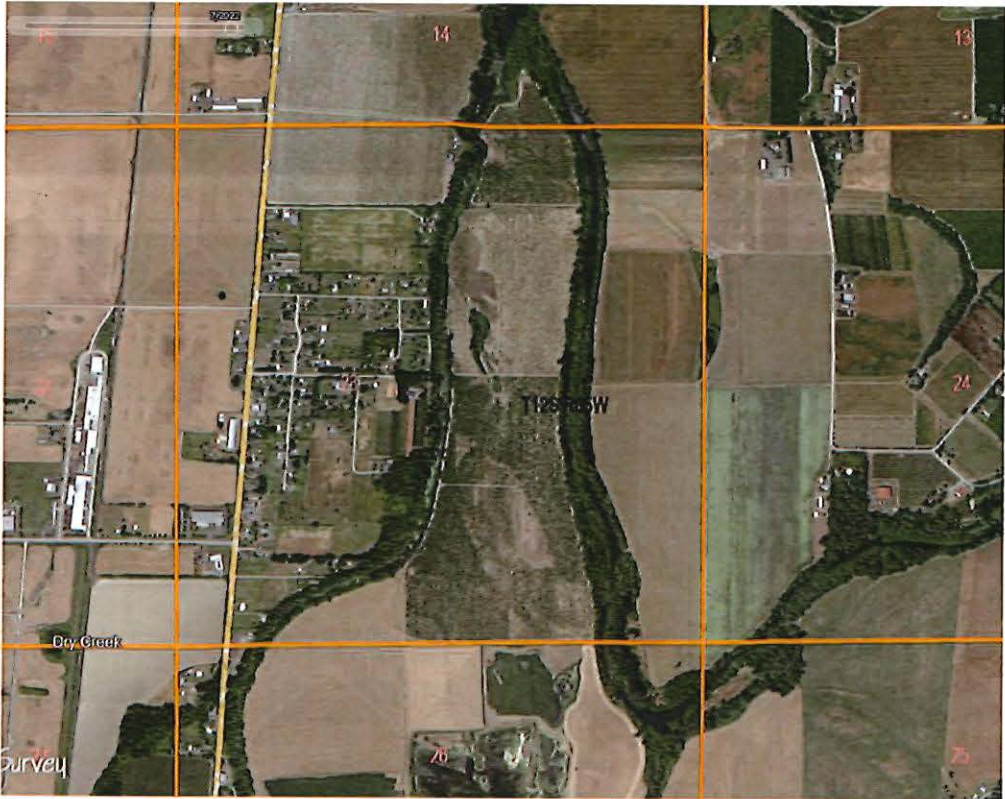
Google Earth Satellite Imagery – August 2020



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Google Earth Satellite Imagery - July 2022



Google Earth Satellite Imagery – June 2021



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Land Use  
Information Form

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OREGON



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

|                                       |  |             |                       |                                                               |  |
|---------------------------------------|--|-------------|-----------------------|---------------------------------------------------------------|--|
| NAME<br>Don Godard                    |  |             | PHONE<br>503-975-3956 |                                                               |  |
| MAILING ADDRESS<br>3911 SE Maley Road |  |             |                       |                                                               |  |
| CITY<br>Corvallis                     |  | STATE<br>OR | ZIP<br>97333          | EMAIL<br><a href="mailto:dgodard@msn.com">dgodard@msn.com</a> |  |

**A. Land and Location**

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

| POD          | Township | Range | Section | ¼ ¼  | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |                                              |                                          | Proposed Land Use: |
|--------------|----------|-------|---------|------|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| Proposed POD | 12S      | 5W    | 23      | SESE | 700       | EFU                                             | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Irrigation         |
|              |          |       |         |      |           |                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |
|              |          |       |         |      |           |                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |
|              |          |       |         |      |           |                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |

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

Benton County

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

**B. Description of Proposed Use**

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

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

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

Estimated quantity of water needed: 0    ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

The applicant is submitting an application for a permanent water right transfer to add an additional point of diversion (POD) to the portion of the existing Certificate 35901 associated with the applicant's property (tax lot 700) to more efficiently use the authorized capacity of Certificate 35901 for irrigation. No additional use of water is associated with this transfer beyond the current authorized capacity of Certificate 35901.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

## For Local Government Use Only

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

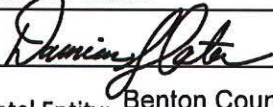
### Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Agricultural Use in Exclusive Farm Use Zone (irrigation), Benton County Code Chapter 55
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

Name: Webster Slater Title: Assistant Planner

Signature:  Date: 12-02-2024

Governmental Entity: Benton County Community Development Phone: 541-766-6819

### Receipt Acknowledging Request for Land Use Information

#### Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

RECORDING REQUESTED BY

GRANTOR:  
MALEY ROAD HAZELNUTS, LLC

GRANTEE:  
Maley Road Hazelnuts LLC  
3391 SE Maley Road  
Cervalls, OR 97333

SEND TAX STATEMENTS TO:  
Maley Road Hazelnuts LLC  
10600 NW Walters Ln  
PORTLAND OR 97229

AFTER RECORDING RETURN TO:  
Maley Road Hazelnuts LLC  
10600 NW Walters Ln  
PORTLAND OR 97229

BENTON COUNTY, OREGON 2015-538974  
DE-95  
CRA-1 STATE COUNTER: 12/04/2015 09:50:18 AM  
\$15.00 \$11.00 \$22.00 \$10.00 \$20.00 \$78.00



JAMES V. MORAYES, County Clerk for Benton  
County, Oregon, hereby certifies that this document  
has been recorded in the Clerk's  
Office.  
James V. Morayes - County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Maley Road Hazelnuts LLC, an Oregon limited liability company, Grantor, conveys to Maley Road Hazelnuts LLC, an Oregon limited liability company, Grantee, the following described real property, situated in the County of Benton, State of Oregon,

SEE ATTACHED LEGAL DESCRIPTION

The true consideration for this conveyance is \$0.00 lot line adjustment deed. (See ORS 93.030)  
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 6 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 30.030, 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.

Date: 11/29/15

Maley Road Hazelnuts LLC, an Oregon limited liability company

BY: Daniel Jackson Godard, Member

BY: Michelle McGettigan, Member

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471815038293-TTMIDWIL10  
Deed (Bargain and Sale - Statutory Form)

14585 -



BY: Ryan Arthur Mackey-Demaray, aka Ryan A.  
Mackey-Demaray, Member

  
BY: Lindsay Yates-Demaray, aka Lindsay Y  
(Godard) Demaray, Member

  
BY: Wesley Beach Godard, aka Wesley B.  
Godard, Member

  
BY: Chance Filton-Godard, Member

State of OREGON  
COUNTY of Benton

270  
This instrument was acknowledged before me on November 26, 2015, by Daniel Jackson Godard,  
Michelle McGeltigan, Ryan Arthur Mackey-Demaray, Lindsay Yates-Demaray, aka Lindsay Y. (Godard)  
Demaray, Wesley Beach Godard, aka Wesley B. Godard, Chance Filton-Godard, all as Member(s) of  
Maley Road Hazelnuts LLC, an Oregon limited liability company

  
My commission expires 4/27/2019 Notary Public, State of Oregon



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RESULTANT PROPERTY  
(MALEY ROAD HAZELNUTS LLC)

Parcel One Partition Plat 2010-06, Benton County Partition Plat Records, Benton County, Oregon

AND ALSO

Beginning at the Northeast Corner of the Samuel Gage Donation Land Claim Number 57 in Section 23, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon; thence N 89°38'45" W, along the North line of said Donation Land Claim Number 57, a distance of 1358.68 feet to ¼ inch iron pipe; thence continuing along said North line, N 89°37'27"W, a distance of 365.34 feet to a 1 inch shaft on the Easterly right of way line of Southeast Zedwick Street; thence N 4°29'30" E, along said Easterly right of way line, 40.10 feet to a 5/8 inch iron rod on the Southerly line of the property described in the deed recorded as 2012-486830, Benton County Deed Records; thence S 89°37'27" E, along said Southerly line, a distance of 337.61 feet to the Southeast corner of said property described in the deed recorded as 2012-486830, Benton County Deed Records; thence N 13°44' E 150.48 feet along the Easterly line of said property described in the deed recorded as 2012-486830; thence N 1°03'W 242.00 feet to the Northeast corner of said property described in the deed recorded as 2012-486830, Benton County Deed Records; thence S 89°20' E, along the Southerly line of the property described in the deed recorded, Benton County Deed Records as 2011-485316, Benton County Deed Records, a distance of 20 feet, more or less, to the left bank of a slough; thence Northerly, along said left bank of a slough to a point on the Easterly extension of the North line of the tract described in deed recorded in Book 189, Page 346, Benton County Deed Records; thence S 88°35'E, along said extension, 40 feet, more or less, to the centerline of a slough; thence Northerly, downstream along said centerline of a slough to a point on the North line of the property described as Parcel I in the deed recorded as M-65142-85, Benton County Microfilm Records; thence S 89°56'30"E, along said North line of the property described as Parcel I in the deed recorded as M-65142-85, a distance of 1300 feet, more or less, to the left bank of the Willamette River; thence Southerly, upstream, along said left bank, to the point of beginning.

The above description shall be considered a single approximately 155.98 acre property, no part of which may be conveyed independently except through a land use action approved by Benton County.

This property is shown as Property 2 In Benton County Survey # 10,0745

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14585 -

Oregon Water Resources Department  
Transfer Fee Calculation for Permanent (Non-District) Transfer[Main](#) [Help](#)  
[Return](#) [Contact Us](#)

Today's Date: Thursday, November 14, 2024

## 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

\$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.

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

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

[Return to Edit](#)[Clear](#)Received  
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# Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # 14585

|                                                           |                                                                                                                                                                                            |                                                |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Checked by <u>  Dante  </u><br>Date <u>  12/26/2024  </u> | Type of Change(s) Proposed:<br><b>NO</b> other changes allowed other than those listed                                                                                                     |                                                |
| Fee Received:<br><b>\$1360</b>                            | <input type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE |                                                |
| Calculated Fee:<br><b>\$1360</b>                          |                                                                                                                                                                                            | How many rights to be Transferred?<br><b>1</b> |
| Deficiencies and Observations:                            |                                                                                                                                                                                            | Certificate #(s)<br><b>35901</b>               |

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

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (*compare with OAR 690-380-3220-may need to return*)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☒ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_  
\_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ This application is deficient, and **CANNOT** be accepted.  
It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken:

\_\_\_\_\_ date \_\_\_\_\_

## Permanent Transfer Application Checklist

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |   |         |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------|
| 1                                                          | Base Fee (includes one type of change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1 | \$1,360 |
|                                                            | Types of change proposed:<br><input type="checkbox"/> Place of Use<br><input type="checkbox"/> Character of Use<br><input type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = _____ (2a)<br>Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>                                                                                                                                                                                                                                                                                         |   |         |
| 2                                                          | Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2 | 0       |
|                                                            | Number of water rights included in transfer _____ (3a)<br>Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |   |         |
| 3                                                          | Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3 | 0       |
|                                                            | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter \$410 » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                 |   |         |
| 4                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 4 | 0       |
|                                                            | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a)<br>Subtract 1.0 from the number in 5a above: _____ (5b)<br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » » » » » » » » |   |         |
| 5                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 5 | 0       |
| 6                                                          | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 6 | 0       |
|                                                            | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>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 |         |



December 19, 2024

Lisa Jaramillo  
Transfer Section  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

**Subject:** Application for a permanent transfer for a portion of Certificate 35901

Dear Lisa,

On behalf of the applicant (Maley Road Hazelnuts LLC), please find enclosed an application for a permanent water right transfer for the portion of Certificate 35901 owned by the applicant (tax lot 700). The applicant would like to use Reimbursement Authority processing for the transfer, and a Reimbursement Authority Estimate Application is included with this submittal. Please also find enclosed two separate checks for payment of the Reimbursement Authority Estimate fee (\$125) and payment of the transfer fee (\$1,360).

If you have any questions regarding the enclosed transfer application, please call me at 503-967-7050 x204.

Respectfully submitted,

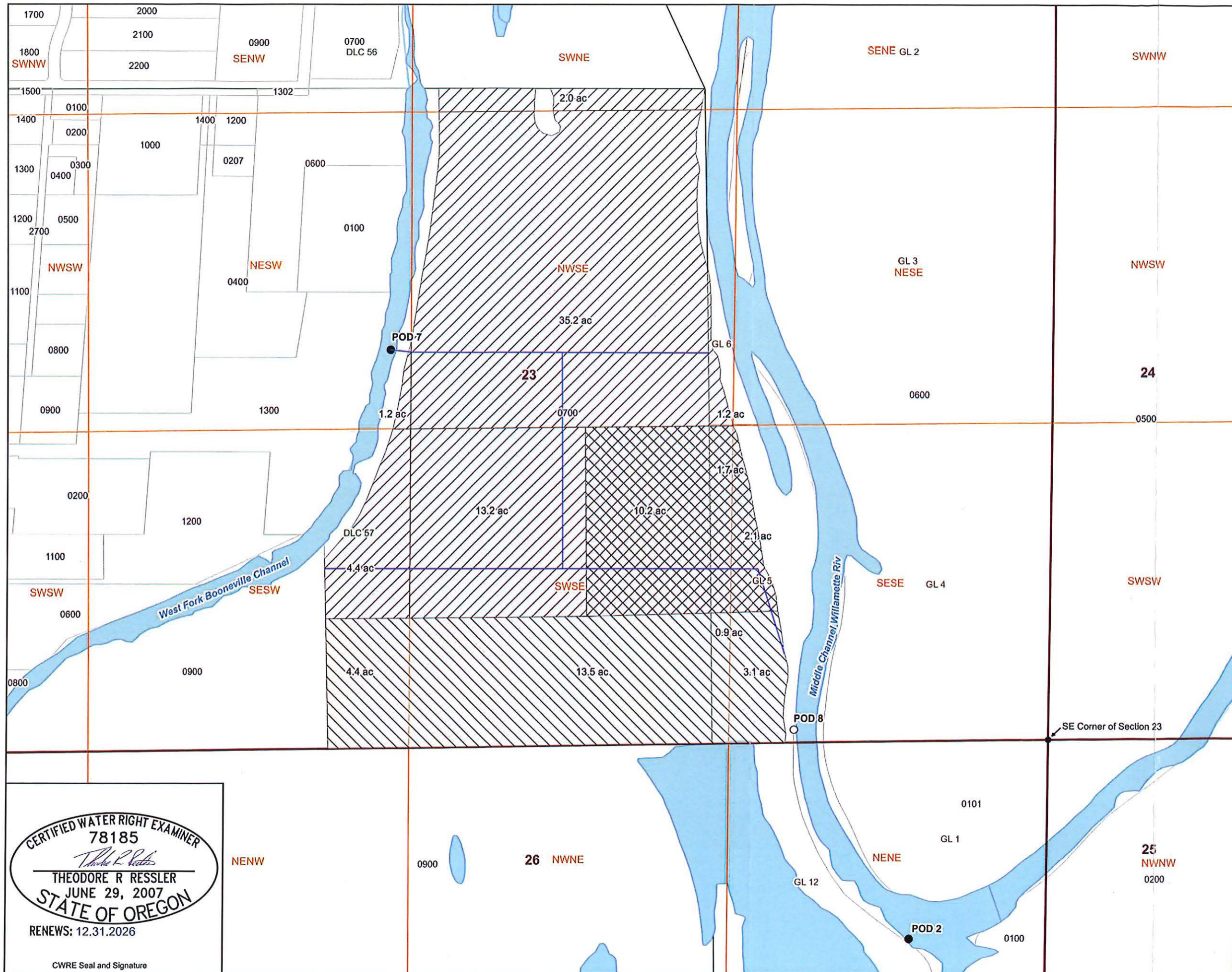
Theodore Ressler, RG, CWRE  
Summit Water Resources LLC.

Enclosures:

Application for a Permanent Water Right Transfer for Certificate 35901  
Transfer Reimbursement Authority Estimate Application  
Check #154 in the amount of \$1,360  
Check #153 in the amount of \$125

Cc: Don Godard, agent – Maley Road Hazelnuts LLC (applicant)

Received  
DEC 24 2024  
OWRD



## LEGEND

### Point of Diversion (POD)

- Proposed APOD
- Authorized POD

### Place of Use (POU)

- ▨ Slough, deficiency from Middle Channel WR (57.2 ac)
- ▨ Middle Channel WR (21.9 ac)
- ▨ Slough and Middle Channel WR (14.0 ac)
- Existing Water Mainlines

### Transportation

- +++ Railroads
- Highways
- Roads

### Public Land Survey System

- ▭ Sections
- ▭ QQs
- ▭ Tax Lots
- ▭ Donation Land Claims
- ▭ Government Lots

### Surface Water

- Waterbody
- Watercourse

Notes:  
ac = acres  
Sough = Unnamed Slough = West Fork Booneville Channel  
WR = Willamette River

### POD Location Descriptions

POD 8: Located 55 feet north and 1,075 feet west from the SE corner of Section 23, (SESE) Section 23, Township 12 South, Range 5 West (WM)  
POD 2: Located 1,830 feet north and 2,080 feet east from center quarter corner of Section 26, (NENE) Section 26, Township 12 South, Range 5 West (WM)  
POD 7: Located 4,430 feet north and 50 feet west from center quarter corner of Section 26, (NESW) Section 23, Township 12 South, Range 5 West (WM)



Scale  
0 200 400 ft  
1-inch = 400 feet

Date: 12/4/2024  
Data Sources: BLM, ESRI, OWRD, USGS, Benton Co.  
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

## Application for a Permanent Water Right Transfer Certificate 35901

A Water Right held by Maley Road Hazelnuts, LLC  
Township 12 S, Range 5 W, Sections 23 (W.M.)  
Benton County

