

Regular

Name MouAbba's Acres, LLC
Delbert Strubhar
Address 14407 Whiskey Hill Rd
Hubbard, OR 97032

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Brandy Creek
Trib. of Pudding River
Use Irrigation County Marion, Clackamas
Quantity of water (CFS) _____ No. of Acres _____
Name of ditch _____
App# 513620 Per # 59770 Cert # 10970 PR Date 8-5-1930
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID
Date 11-29-23 Amount \$2450.00 Receipt # 112002

Change in POU, APOD
Date Filed 11/29/2023
Initial notice date 12/5/2023
DPD issued date _____
PD issued date 7-21-2025
PD notice date 7-22-2025
Date of FO 9/18/2025 Vol 135 Page 664-668

FEES REFUNDED
Date _____ Amount _____ Receipt # _____

C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: _____

Irrigation District _____

Agent BK Water Right Consulting, LLC
Bill Ferber → bill@bkwrc.com

CWRE _____
CC's list _____

- 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 # **142002**

INVOICE # _____

RECEIVED FROM: Mac Abba's Acres LLC
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14358</u>

CASH: CHECK:# 1160 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 2450.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
0243	I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	<u>46110</u>	\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$ <u>2450.00</u>	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	0220		\$
	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

**RECEIVED
 OVER THE COUNTER**

RECEIPT: **142002**

DATED: 11-29-23 BY: mmj

**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 # **145381**

INVOICE # _____

RECEIVED FROM: <u>Delbert Strubhar</u>	APPLICATION	
BY: <u>Ann L. Strubhar</u>	PERMIT	
	TRANSFER	<u>T-14358</u>
CASH: <input type="checkbox"/>	CHECK:# <input checked="" type="checkbox"/> <u>2254</u>	OTHER: (IDENTIFY) _____
		TOTAL REC'D \$ <u>80.33</u>

1083 TREASURY 4170 WRD MISC CASH ACCT	
0407 COPIES <u>46118</u>	\$ _____
<u>0207</u> OTHER: (IDENTIFY) <u>Newspaper Notice</u>	\$ <u>80.33</u>
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

4270 WRD OPERATING ACCT			
MISCELLANEOUS			
0407	COPY & TAPE FEES		\$ _____
0410	RESEARCH FEES		\$ _____
0408	MISC REVENUE: (IDENTIFY) _____		\$ _____
TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$ _____
0240	EXTENSION OF TIME		\$ _____
WATER RIGHTS:			
		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ _____	
WELL CONSTRUCTION			
		EXAM FEE	LICENSE FEE
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	RECEIVED
FUND _____	TITLE _____	OVER THE COUNTER	
OBJ. CODE _____	VENDOR # _____		
DESCRIPTION _____			\$ _____

RECEIPT: **145381** DATED: 6/10/25 BY: [Signature]



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

September 18, 2025

Delbert Strubhar
14407 Whiskey Hill Rd
Hubbard, OR 97032

REFERENCE: Transfer Application T-14358

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

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

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)
Bill Ferber, Agent

Enclosure

5. On July 21, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14358 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on July 22, 2025, and in the Molalla Pioneer newspaper on July 30 and August 6, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 10970 in the name of J. H. DRINNON (perfected under Permit S-9770)
Use: IRRIGATION OF 4.2 ACRES
Priority Date: AUGUST 5, 1930
Rate: 0.06 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre.
Source: UNNAMED CREEK, a tributary of PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	35	SW SE	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	35	SW SE	3.0
4 S	1 W	WM	35	SE SE	0.2
5 S	1 W	WM	2	NW NE	1.0
Total					4.2

7. Transfer Application T-14358 proposes an additional point of diversion approximately 0.85 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	36	SW NW	53	DS POD - 940 FEET NORTH AND 1000 FEET EAST FROM THE W1/4 CORNER OF SECTION 36

8. Transfer Application T-14358 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	35	SE NE	4.2

9. 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), OAR 690-380-2200 and OAR 690-380-2110(2)]

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. 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-14358.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed additional point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed changes, as conditioned, would not result in enlargement of the right.
15. The proposed changes, as conditioned, would not result in injury to other existing water rights.
16. All other application requirements are met.

Conclusions of Law

The additional point of diversion and change in place of use proposed in Transfer Application T-14358 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of diversion and change in place of proposed in Transfer Application T-14358 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 10970 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 or the new place of use.
4. Water right Certificate 10970 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

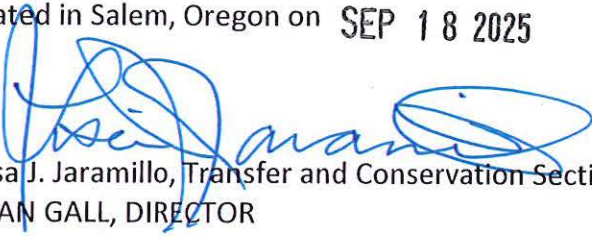
5. The quantity of water diverted at the new additional point of diversion (DS POD), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. 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.

10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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

Dated in Salem, Oregon on SEP 18 2025

A handwritten signature in blue ink, appearing to read "Lisa J. Jaramillo", is written over the typed name and title.

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

Mailing date: SEP 19 2025

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. H. DRINNON
HUBBARD, OR 97032

confirms the right to use the waters of UNNAMED CREEK, a tributary of PUDDING RIVER for IRRIGATION of 0.8 ACRE.

This right was perfected under Permit S-9770. The date of priority is AUGUST 5, 1930. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
4 S	1 W	WM	35	SW SE

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

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acre
4 S	1 W	WM	35	SE SE	0.8

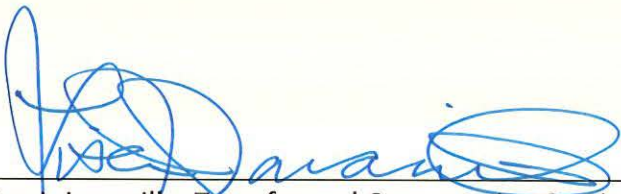
This certificate describes that portion of water right Certificate 10970, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 18 2025, approving Transfer Application T-14358.

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.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years' notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 17-508, Oregon Code 1930.

WITNESS the signature of the Water Resources Director, affixed SEP 18 2025.

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

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14358

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Reimbursement Authority?

Applicant: Delbert Strubhar 14407 Whiskey Hill Rd Hubbard, OR 97302	Agent: Bill Ferber PO Box 13 Brush Prairie, WA 98606	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	5-13620	5-9770	10970	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions (Support Staff)

Rec'd: November 29, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 2450.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 12/5/2023	County sent cc: of Ack Letter <input type="checkbox"/>	County: CLACKAMAS, MARION
WM District: 16 Gregory J. Wacker	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input type="checkbox"/>	Name of Newspaper: <i>Mollala Pioneer</i>
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1): <i>6/3/25</i>
Request for news \$ sent: <i>6/4/25</i>	News \$ received: <i>6/10/25</i>
Affidavit of publication received: <i>8/28/25</i>	Last day of publication: <i>8/6/25</i>

Peer Review:

Mollala Pioneer

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>4/3/25</i> Initials: <i>Scott</i>	Date: <i>4/10/25</i> Initials: <i>Joan</i>	Date: <i>4/22/25</i> Initials: <i>Scott</i>	Date: <i>5/5/25</i> Initials: <i>Scott</i>	CW Sent: <i>5/6/25</i> WM Sheet <input checked="" type="checkbox"/> ODFW Sheet: <input checked="" type="checkbox"/>	N/A
PD	Date: <i>5/27/25</i> Initials: <i>Scott</i>	Date: <i>5/27/25</i> Initials: <i>Joan</i>	Date: <i>6/2/25</i> Initials: <i>Imore</i>	Date: <i>6/3/25</i> Initials: <i>Scott</i> Data Review Date: <i>6/5/25</i>	Date: <i>7-11</i>	Date: <i>7-21-25</i>
FO	Date: <i>7/22/25</i> Initials: <i>Scott</i>	Date: <i>7/29/25</i> Initials: <i>Joan</i>	Date: <i>7/29/25</i> Initials: <i>Imore</i>	Date: <i>9/9/25</i> Initials: <i>Scott</i>	Date: <i>9/9/25</i> No. of docs for sig: <i>2</i>	Date: <i>9/18/2025</i>

Special Issues: *Sent to DATA 6-3-25 & 6-5-25 AFTER SETS.*

Special Order Volume: Vol. *135* Pages *664-668*

NEED AFFIDAVIT OF PUBLICATION Last Revised 1/26/2023 *8/28/25*

PO Box 310 Gresham, OR 97030
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com


AFFIDAVIT OF PUBLICATION

SEE EXHIBIT A

State of Oregon, County of Clackamas, ss I, Kristine Humphries, being first duly sworn, depose and say that I am the Principal Clerk of the Molalla Herald/Pioneer, a newspaper of general circulation, published in Clackamas County, Oregon, as defined by ORS 193.010 and 193.020, that

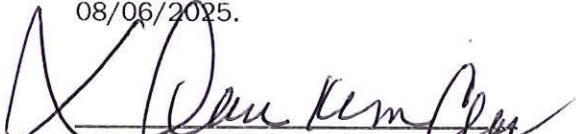
Ad#: 361496
Owner: Oregon Water Resources Department
Description: Notice of Preliminary Determination for Water Right Transfer T-14358

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:
07/30/2025, 08/06/2025



Kristine Humphries (Principal Clerk)

Subscribed and sworn to before me this 08/06/2025.



NOTARY PUBLIC FOR OREGON

Acct #: 150076
Attn: DAVID JONES JR
OREGON WATER RESOURCES DEPARTMENT
725 SUMMER ST. NE, SUITE A
SALEM, OR 97301

Received by OWRD
AUG 28 2025
Salem, OR

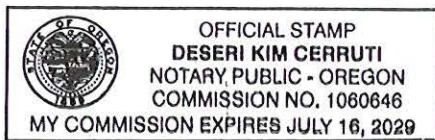


EXHIBIT A

Notice of Preliminary Determination for Water Right Transfer T-14358

T-14358 filed by Delbert Strubhar/MouAbba's Acres LLC, 14407 Whiskey Hill Rd, Hubbard, OR 97032, proposes an additional point of diversion and a change in place of use under Certificate 10970. The right allows the use of 0.06 cubic foot per second from an Unnamed Creek in Sec. 35, T4S, R1W, WM for irrigation in Sec. 35, T4S, R1W, WM and Sec. 2, T5S, R1W, WM. The applicant proposes an additional point of diversion in Sec. 36, T4S, R1W, WM, and to change the place of use to Sec. 35, T4S, R1W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, August 6, 2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published July 30 & Aug. 6, 2025.

MOP361496

Received by OWRD

AUG 28 2025

Salem, OR

GREW Scott A * WRD

From: JONES JR David * WRD
Sent: Tuesday, July 22, 2025 10:37 AM
To: GREW Scott A * WRD
Subject: RE: T-14358 Newspaper Fee Estimate requested

The publication dates for this notice are 7/30 and 8/6.

Dave Jones Jr

Transfer and Conservation Section Support

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, June 4, 2025 12:34 PM
To: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Subject: RE: T-14358 Newspaper Fee Estimate requested

Got it, thanks!

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

From: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Sent: Wednesday, June 4, 2025 9:26 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: T-14358 Newspaper Fee Estimate requested

The amount due from the applicant is \$80.33.

Dave Jones Jr

Transfer and Conservation Section Support

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, June 3, 2025 11:05 AM
To: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: T-14358 Newspaper Fee Estimate requested

Dave,



Oregon

Tina Kotek, Governor

July 21, 2025

VIA CERTIFIED MAIL AND E-MAIL

DELBERT STRUBHAR
MOUABBA'S ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

SUBJECT: Water Right Transfer Application T-14358

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14358. 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 Mollala Pioneer newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

Please contact me at scott.a.grew@water.oregon.gov or 5

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14358
Gregory J. Wacker, District 16 Watermaster (via e-mail)
Bill Ferber, Agent for the applicant (via e-mail)

encs

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

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only																															
For delivery information, visit our website at www.usps.com ®.																															
OFFICIAL USE																															
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7020 3160 0000 6754 3101

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

In the Matter of Transfer Application)
T-14358, Marion County)
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) ADDITIONAL POINT OF DIVERSION AND A
) CHANGE IN PLACE OF USE

Authority

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

Applicant

DELBERT STRUBHAR
MOUABBA’S ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

Findings of Fact

1. On November 29, 2023, Delbert Strubhar/MouAbba’s Acres LLC filed an application to add an additional point of diversion and to change the place of use under Certificate 10970. The Department assigned the application number T-14358.
2. Notice of the application for transfer was published on December 5, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 27, 2025, the applicant submitted amended application pages and map.
4. On May 6, 2025, the Department sent a copy of the draft Preliminary Determination to the applicants, proposing to approve Transfer Application T-14358. The draft Preliminary Determination cover letter provided a deadline of June 5, 2025, for the applicant to respond and submit the required information. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department’s weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

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

Certificate: 10970 in the name of J. H. DRINNON (perfected under Permit S-9770)
Use: IRRIGATION OF 4.2 ACRES
Priority Date: AUGUST 5, 1930
Rate: 0.06 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre.
Source: UNNAMED CREEK, a tributary of PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	35	SW SE	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	35	SW SE	3.0
4 S	1 W	WM	35	SE SE	0.2
5 S	1 W	WM	2	NW NE	1.0
				Total	4.2

6. Transfer Application T-14358 proposes an additional point of diversion approximately 0.85 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	36	SW NW	53	DS POD - 940 FEET NORTH AND 1000 FEET EAST FROM THE W1/4 CORNER OF SECTION 36

7. Transfer Application T-14358 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	35	SE NE	4.2

8. 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), OAR 690-380-2200 and OAR 690-380-2110(2)]

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

10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14358.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed additional point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
13. The proposed changes, as conditioned, would not result in enlargement of the right.
14. The proposed changes, as conditioned, would not result in injury to other existing water rights.
15. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion and change in place of use proposed in Transfer Application T-14358 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-14358 is approved, the final order will include the following:

1. *The additional point of diversion and change in place of proposed in Transfer Application T-14358 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 10970 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 or the new place of use.*
4. *Water right Certificate 10970 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 (DS POD), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*

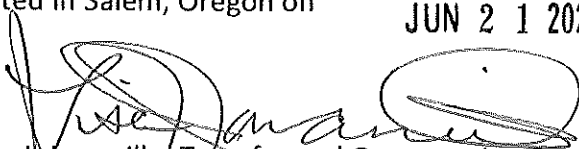
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
9. *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.

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

Dated in Salem, Oregon on

JUN 21 2025


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

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

Protests

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

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

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

Requests for Standing

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

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

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

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

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

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

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

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

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



Received by OWRD
JUN 10 2025
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mouabbas Aerus LLC
14407 Whiskey Hill Rd, Hubbard OR 97032

Transaction Type: Newspaper Notice

Fees Received: \$ 80.33

Cash Check: Check No. 2254
Name(s) on Check: Nilbert & Ann Strubhar

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

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

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

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

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Lovrien
(Name of OWRD staff)

Instructions for OWRD staff:

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

GREW Scott A * WRD

From: ELLIOTT Chloe * WRD
Sent: Thursday, June 5, 2025 2:15 PM
To: GREW Scott A * WRD; WRD_DL_is_data_techs
Subject: Re: PD review request for Transfer Application T-14358

Good Afternoon, Scott,

Data has completed work on T-14358 without issue.

Have a great day!

Chloe Elliott

(She/Her/Hers)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301



OREGON
WATER
RESOURCES
DEPARTMENT

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

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, June 3, 2025 1:29 PM
To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: PD review request for Transfer Application T-14358

Hello Datafriends,

Please review the PD for Transfer Application T-14358. One remaining right.

Thank you so much!

Scott

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



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

June 4, 2025

DELBERT STRUBHAR
MOUABBA'S ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

SUBJECT: Water Right Transfer Application T-14358

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

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$ 80.33 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14358 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than July 7, 2025.**

What happens next...

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

If we do not receive payment for newspaper notice by July 7, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

✂

Attached is a check in the amount of \$ 80.33 (PCA #46118) for Newspaper Notice for T-14358 made out to Oregon Water Resources Department (or WRD)

- "for T-14358 NOTICE" written on front of check

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

Caseworker: Scott Grew

GREW Scott A * WRD

From: JONES JR David * WRD
Sent: Wednesday, June 4, 2025 9:26 AM
To: GREW Scott A * WRD
Subject: RE: T-14358 Newspaper Fee Estimate requested

The amount due from the applicant is \$80.33.

Dave Jones Jr

Transfer and Conservation Section Support

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, June 3, 2025 11:05 AM
To: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: T-14358 Newspaper Fee Estimate requested

Dave,

Please request an estimate for a two week run for T-14358 in the Mollala Pioneer.

Thank you!

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

GREW Scott A * WRD

From: SMITH Tamera L * WRD
Sent: Monday, June 2, 2025 8:18 AM
To: GREW Scott A * WRD
Subject: Policy review complete: T-14358

Good morning Scott,

Policy review for T-14358 is complete.

Thank you,
Tamera

TO: OWRD
May 23, 2025

This acknowledges that I agree with the proposed conditions of the Draft Preliminary Determination of Water Right Transfer Application T-14358.

Signed - Delbert Strubhar

Received by OWRD

MAY 23 2025

Salem, OR

Delbert Strubhar
Mou Abbas Acres LLC



First American Title™

First American Title Insurance Company

777 Commercial Street SE, Suite 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

LIMITED LOT BOOK REPORT

Delbert Strubhar
14407 Whiskey Hill Rd
Hubbard, OR 97032

May 23, 2025
File Number: 7089-4271143

Received by OWRD

Attn:

MAY 23 2025

Re: APN [546990, 546992], Marion County, OR

Salem, OR

Fee \$150.00

According to a search of our tract indices for the following described property, First American Title Insurance Company (hereinafter referred to as "The Company" certifies as follows):

Legal Description of the property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of May 09, 2025 at 8:00 a.m.

We find that the last deed of record runs to:

Kurt W Schwalbe and Sarah Schwalbe, as tenants by the entirety

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

-NONE-

Recorded voluntary liens and tax information:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Brandy Creek.

NOTE: Taxes for the year 2024-2025 PAID IN FULL

Tax Amount: \$27.12
Map No.: 041W35D000800
Property ID: 546989
Tax Code No.: 15609

(Affects Taxlot 800)

NOTE: Taxes for the year 2024-2025 PAID IN FULL

Tax Amount: \$1,937.21
Map No.: 041W35D000800
Property ID: 546990
Tax Code No.: 15519
(Affects Taxlot 800)

NOTE: Taxes for the year 2024-2025 PAID IN FULL

Tax Amount: \$54.26
Map No.: 041W35D000700
Property ID: 546991
Tax Code No.: 15609
(Affects Taxlot 700)

NOTE: Taxes for the year 2024-2025 PAID IN FULL

Tax Amount: \$132.19
Map No.: 041W35D000700
Property ID: 546992
Tax Code No.: 15519
(Affects Taxlot 700)

Received by OWRD

MAY 23 2025

Salem, OR

NOTE: The address of the property described herein is:

APN [546990, 546992] , Marion County, OR

NOTE: The 2024-2025 tax assessed value for the herein described property is as follows:

Land: \$ 00.00, 00.00,
00.00 and
00.00
Improvements: \$ 00.00,
287,520.00,
00.00 and
3,000.00
Parcel No.: 546989,
546990, 546991
and 546992

THIS IS NOT a title report since no examination has been made of the title to the above-described property. Our search for apparent encumbrances was limited to our tract Indices and therefore does not include additional matters which might have been disclosed by an examination of the record title, such as pending litigation. The charge for this service will not include supplemental reports, rechecks or other services.

Limitation of Liability for Informational Report

IMPORTANT - READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN TITLE INSURANCE COMPANY'S PRIOR WRITTEN CONSENT. FIRST AMERICAN TITLE INSURANCE COMPANY DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM

ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN TITLE INSURANCE COMPANY'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN TITLE INSURANCE COMPANY WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN TITLE INSURANCE COMPANY MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

Received by OWRD

MAY 23 2025

Salem, OR



*First American Title*TM

First American Title Insurance Company
777 Commercial Street SE, Suite 100
Salem, OR 97301

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

Received by OWRD

MAY 23 2025

Salem, OR



First American Title[™]

First American Title Insurance Company
777 Commercial Street SE, Suite 100
Salem, OR 97301

Exhibit "A"

Real property in the County of Marion, State of Oregon, described as follows:

All of Lots 19, 20 and 21, of DIMICK HOMESTEAD TRACTS, according to the duly recorded plat thereof on file and of record in the Office of the Recorder for Conveyances for Marion County, Oregon, excepting from said lot (Tract 21) the following described parcel:

Beginning at a point on the West line of Tract 22, a distance of 6.77 chains North 1°56' East from the Southwest corner of said Tract 22, as shown on the recorded plat of the DIMICK HOMESTEAD TRACTS, Townships 4 and 5 South, Range 1 West of the Willamette Meridian; thence North 88°4' West 1.37 chains to an iron pipe; thence North 1°56' East 3.25 chains to an iron pipe in the center of the public road; thence South 88°4' East along the center line of said road, 1.37 chains to the Northeast corner of Lot 21; thence South 1°56' West 3.25 chains to the Point of Beginning.

Also: Beginning at the Southwest corner of Lot (also known as Tract) 22, of the DIMICK HOMESTEAD TRACTS; thence North 1°56' East 6.77 chains; thence South 88°4' East 66 links to an iron pipe; thence South 1°56' West 6.77 chains to an iron pipe in the South line of said Lot 22; thence North 88°4' West 66 links to the Point of Beginning, being a part of said Lot (also known as Tract) 22.

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

Received by OWRD

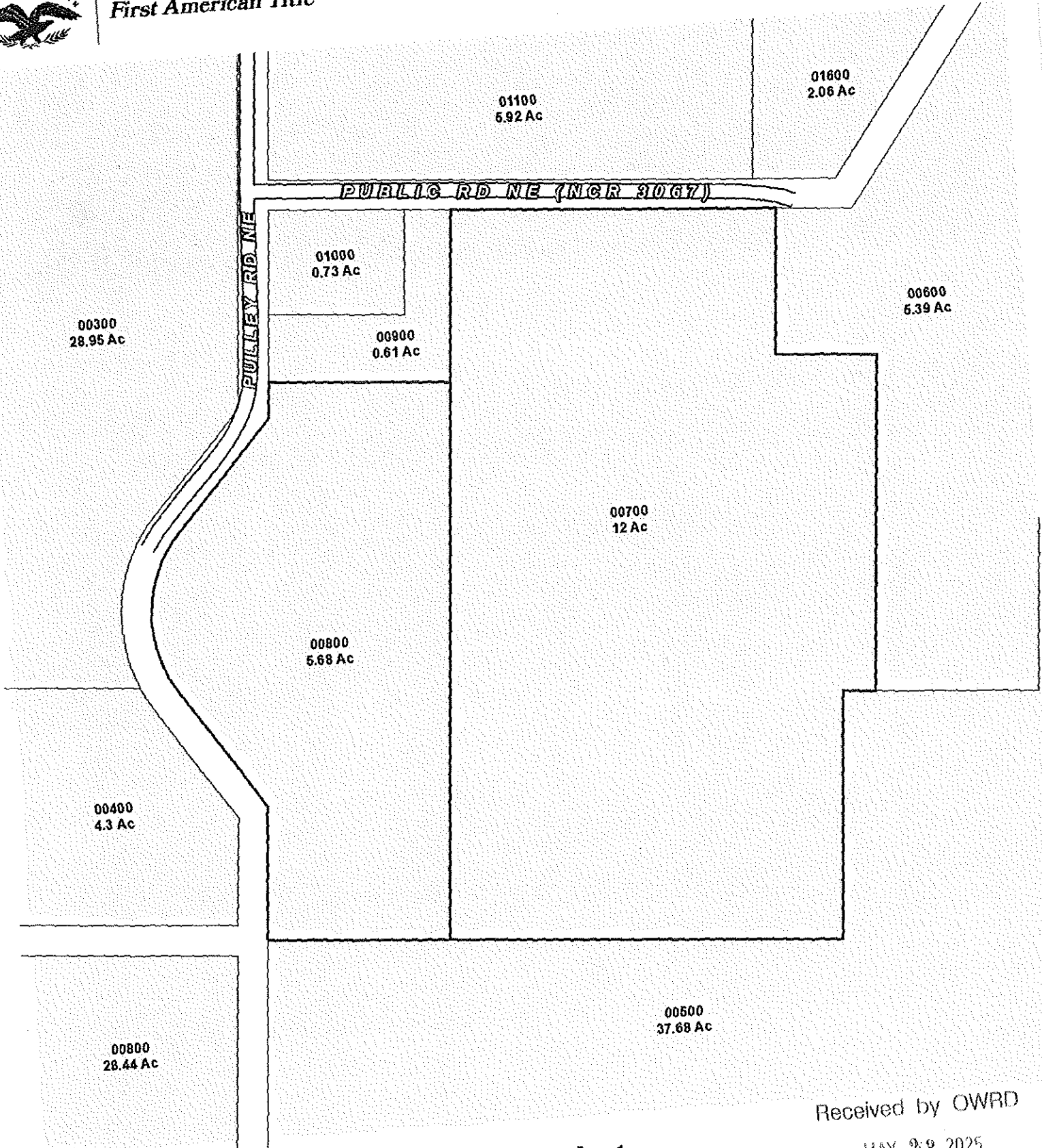
MAY 28 2025

Salem, OR

546990,546992
17533 Pulley Rd NE
Hubbard, OR 97032



First American Title



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MAY 28 2025

Salem, OR

Taxlot



Subject

Taxlot

5/14/2025

First American Title Insurance Company, an Equal Opportunity and Affirmative Action Employer, provides the information on this document as a service to its customers. First American Title Insurance Company is not responsible for the accuracy of the information provided by third parties. Information is provided by the public records of the state of Oregon. Information is not provided and is not intended to be provided by First American Title Insurance Company.

May 23, 2025

Property Identificaton

Account ID:

Tax Account ID:

Tax Roll Type:

Real Property

Situs Address:

17533 PULLEY RD NE HUBBARD OR 97032

Map Tax Lot:

041W35D000800

Owner:

SCHWALBE, KURT W

SCHWALBE, SARAH

17644 PULLEY RD NE

HUBBARD, OR 97032

Manufactured Home Details:

Other Tax Liability:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

Subdivision:

DIMICK HOMESTEAD TRACTS LOT 19

Related Accounts:

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MAY 23 2025

Salem, OR

Owner History

Grantee

Grantor

Sales Info

Deed Info

SCHWALBE, KURT W

SCHWALBE, SARAH

HUBBARD OR 97032

8/12/2024

DEED

SCHWALBE, KURT W

HUBBARD OR 97032

4/12/2024

DECE

MISSING OWNERSHIP INFORMATION

7/1/1998

06480220

DE

546987, 546989, 546990, 546991, 546992

Property Details

Property Class:

551

RMV Property Class:

551

Zoning:

REST (Contact Local Jurisdiction)

AV Exemption(s):

RMV Exemption(s):

Deferral(s):

Notes:

Land/On-Site Developments for Tax Account ID 546989

ID	Type	Acres	Sq Ft	Levy Code Area
6	005 Farm Use - EFU 4BI FOUR BENCH IRR	1.5	65340	15609

Improvements/Structures for Tax Account ID 546989

ID	Type	Stat Class	Make/Model	Class	Area/Count	Year Built	Levy Code Area
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No Improvement Details

Value Information (per most recent certified tax roll)

RMV Land Market:	\$0
RMV Land Spec. Assess.:	\$51,730
RMV Structures:	\$0
RMV Total:	\$51,730
AV:	\$2,366
SAV:	\$6,869
Exception RMV:	\$0
RMV Exemption Value:	\$0
Exemption Description:	None
M5 Taxable:	\$6,869
MAV:	\$0
MSAV:	\$2,366

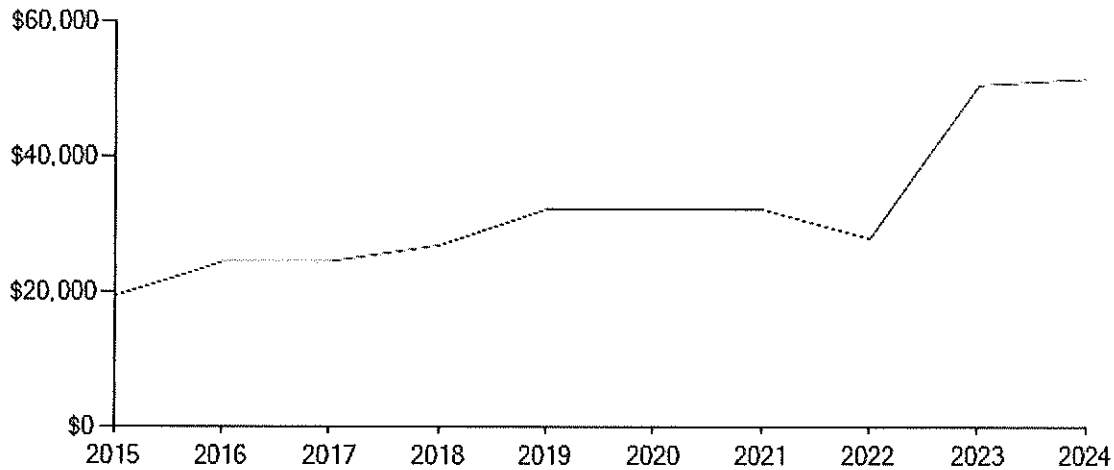
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MAY 23 2025

Salem, OR

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "I").

— Real Market Value — Maximum Assessed Value



Assessment History

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2024	\$0	\$0	\$51,730/\$2,366	None	\$2,366
2023	\$0	\$0	\$50,760/\$2,297	None	\$2,297
2022	\$0	\$0	\$28,060/\$2,231	None	\$2,231
2021	\$0	\$0	\$32,380/\$2,160	None	\$2,160

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2020	\$0	\$0	\$32,380/\$2,100	None	\$2,100
2019	\$0	\$0	\$32,380/\$2,040	None	\$2,040
2018	\$0	\$0	\$26,990/\$1,920	None	\$1,920
2017	\$0	\$0	\$24,530/\$1,920	None	\$1,920
2016	\$0	\$0	\$24,530/\$1,860	None	\$1,860
2015	\$0	\$0	\$19,440/\$1,810	None	\$1,810

Taxes: Levy, Owed

Taxes Levied 2024-25: \$27.12
Tax Rate: 11.4608
Tax Roll Type: R
Current Tax Payoff Amount: \$0.00

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Salem, OR

Year	Total Tax Levied	Tax Paid
2024	\$27.12	\$27.12
2023	\$26.10	\$26.10
2022	\$25.51	\$25.51
2021	\$24.56	\$24.56
2020	\$24.02	\$24.02
2019	\$23.55	\$23.55
2018	\$21.48	\$21.48

Tax Payment History

Year	Receipt ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2024	3929848	-\$27.12	\$0.81	\$0.00	\$26.31	10/28/2024
2023	3918447	-\$26.10	\$0.78	\$0.00	\$25.32	11/22/2023
2022	3895034	-\$25.51	\$0.77	\$0.00	\$24.74	11/4/2022
2021	3881550	-\$24.56	\$0.74	\$0.00	\$23.82	11/22/2021
2020	3856512	-\$24.02	\$0.72	\$0.00	\$23.30	11/9/2020
2019	60943	-\$23.55	\$0.71	\$0.00	\$22.84	11/18/2019
2018	174481	-\$5.31	\$0.00	\$0.00	\$5.31	5/1/2019

Year	Receipt ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2018	195520	-\$16.17	\$0.33	\$0.00	\$15.84	11/21/2018

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MAY 23 2025

Salem, OR

May 23, 2025

Property Identification	
Account ID: [REDACTED]	Manufactured Home Details:
Tax Account ID: [REDACTED]	Other Tax Liability: SPEC - POTENTIAL ADDITIONAL TAX LIABILITY
Tax Roll Type: Real Property	Subdivision: DIMICK HOMESTEAD TRACTS LOT 19
Situs Address: 17533 PULLEY RD NE HUBBARD OR 97032	Related Accounts:
Map Tax Lot: 041W35D000800	
Owner: SCHWALBE, KURT W SCHWALBE, SARAH 17644 PULLEY RD NE HUBBARD, OR 97032	Received by OWRD MAY 23 2025 Salem, OR

Owner History			
Grantee	Grantor	Sales Info	Deed Info
SCHWALBE, KURT W SCHWALBE, SARAH HUBBARD OR 97032			8/12/2024 DEED
SCHWALBE, KURT W HUBBARD OR 97032			4/12/2024 DECE
MISSING OWNERSHIP INFORMATION			7/1/1998 06480220 DE 546987, 546989, 546990, 546991, 546992

Property Details				
Property Class: 551			AV Exemption(s):	
RMV Property Class: 551			RMV Exemption(s):	
Zoning: (Contact Local Jurisdiction)			Deferral(s):	
		Notes:		
Land/On-Site Developments for Tax Account ID 546990				
ID	Type	Acres	Sq Ft	Levy Code Area
0	On Site Development - SA OSD - AVERAGE			15519
2	005 Farm Homesite	1	43560	15519

ID	Type	Acres	Sq Ft	Levy Code Area
3	005 Farm Use - EFU 2BI TWO BENCH IRR	0.6	26136	15519
4	005 WASTE RURAL WST Rural WASTELAND	1.6	69696	15519
5	005 Farm Use - EFU 4BD FOUR BENCH DRY	0.98	42689	15519

Improvements/Structures for Tax Account ID 546990

ID	Type	Stat Class	Make/Model	Class	Area/Count	Year Built	Levy Code Area
1	RESIDENCE	142 Multi Story above grade		4	1512	1972	15519
1.1		YARD IMPROVEMENTS AVERAGE			1	1972	15519
2	RESIDENCE	148 Res other improvements		4	0	1972	15519
3	RESIDENCE	148 Res other improvements		4	0	1986	15519

Value Information (per most recent certified tax roll)

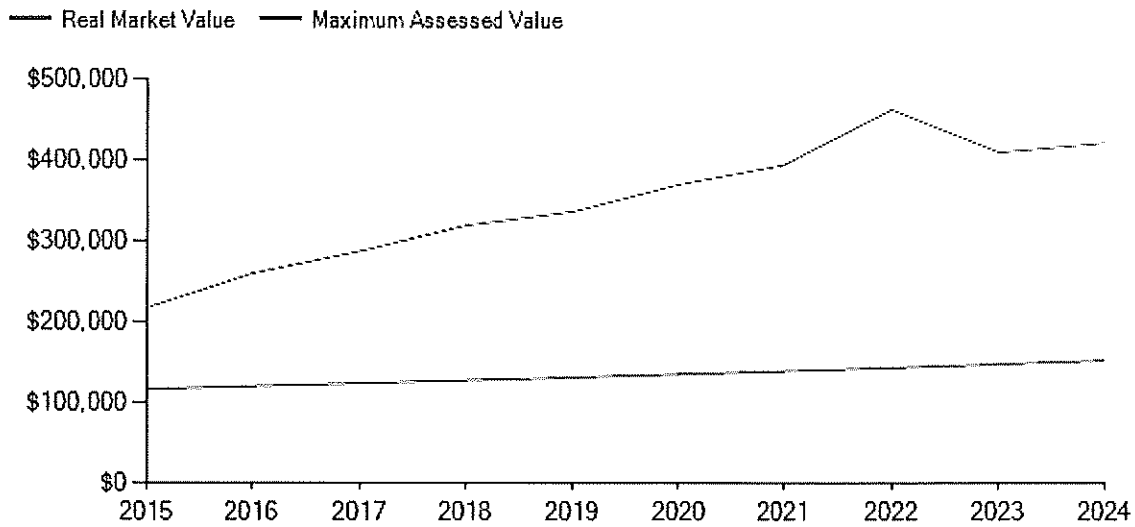
RMV Land Market: \$0
RMV Land Spec. \$134,290
Assess.:
RMV Structures: \$287,520
RMV Total: \$421,810
AV: \$171,650
SAV: \$35,219
Exception RMV: \$0
RMV Exemption Value: \$0
Exemption Description: None
M5 Taxable: \$322,739
MAV: \$152,720
MSAV: \$18,930

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MAY 23 2025

Salem, OR

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Assessment History

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2024	\$287,520	\$0	\$134,290/\$18,930	None	\$171,650
2023	\$277,800	\$0	\$132,600/\$18,499	None	\$166,779
2022	\$322,590	\$0	\$140,680/\$18,081	None	\$162,051
2021	\$269,930	\$0	\$124,990/\$17,670	None	\$157,450
2020	\$245,460	\$0	\$124,990/\$17,270	None	\$152,980
2019	\$211,800	\$0	\$124,990/\$16,880	None	\$148,640
2018	\$208,960	\$0	\$110,820/\$16,450	None	\$144,380
2017	\$183,580	\$0	\$104,380/\$16,150	None	\$140,360
2016	\$155,770	\$0	\$104,380/\$15,810	None	\$136,410
2015	\$127,860	\$0	\$89,960/\$15,460	None	\$132,550

Taxes: Levy, Owed

Taxes Levied 2024-25: \$1,937.21
Tax Rate: 11.2858
Tax Roll Type: R
Current Tax Payoff Amount: \$0.00

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MAY 23 2025

Salem, OR

Year	Total Tax Levied	Tax Paid
2024	\$1,937.21	\$1,937.21

Year	Total Tax Levied	Tax Paid
2023	\$1,867.57	\$1,867.57
2022	\$1,835.14	\$1,836.14
2021	\$1,766.92	\$1,766.92
2020	\$1,736.99	\$1,736.99
2019	\$1,557.00	\$1,557.00
2018	\$1,513.04	\$1,513.04

Tax Payment History

Year	Receipt ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2024	3929848	-\$1,937.21	\$58.12	\$0.00	\$1,879.09	10/28/2024
2023	3918447	-\$1,867.57	\$56.03	\$0.00	\$1,811.54	11/22/2023
2022	3895034	-\$1,836.14	\$55.05	\$0.00	\$1,781.09	11/4/2022
2021	3881550	-\$1,766.92	\$53.01	\$0.00	\$1,713.91	11/22/2021
2020	3856512	-\$1,736.99	\$52.11	\$0.00	\$1,684.88	11/9/2020
2019	60942	-\$1,557.00	\$46.71	\$0.00	\$1,510.29	11/18/2019
2018	195525	-\$1,513.04	\$45.39	\$0.00	\$1,467.65	11/21/2018

Received by OWRD

MAY 23 2025

Salem, OR

May 23, 2025

Property Identificaton

Account ID:

Tax Account ID:

Tax Roll Type:

Real Property

Situs Address:

Map Tax Lot:

041W35D000700

Owner:

SCHWALBE, KURT W
SCHWALBE, SARAH
17644 PULLEY RD NE
HUBBARD, OR 97032

Manufactured Home Details:

Other Tax Liability:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

Subdivision:

DIMICK HOMESTEAD TRACTS LOT 21

Related Accounts:

Received by OWRD

MAY 23 2025

Salem, OR

Owner History

Grantee	Grantor	Sales Info	Deed Info
SCHWALBE, KURT W SCHWALBE, SARAH HUBBARD OR 97032			8/12/2024 DEED
SCHWALBE, KURT W HUBBARD OR 97032			4/12/2024 DECE
MISSING OWNERSHIP INFORMATION			7/1/1998 06480220 DE 546987, 546989, 546990, 546991, 546992

Property Details

Property Class:

551

RMV Property Class:

551

Zoning:

REST (Contact Local Jurisdiction)

AV Exemption(s):

RMV Exemption(s):

Deferral(s):

Notes:

Land/On-Site Developments for Tax Account ID 546991

ID	Type	Acres	Sq Ft	Levy Code Area
4	005 Farm Use - EFU 4BI FOUR BENCH IRR	3	130680	15609

Improvements/Structures for Tax Account ID 546991

ID	Type	Stat Class	Make/Model	Class	Area/Count	Year Built	Levy Code Area
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No Improvement Details

Value Information (per most recent certified tax roll)

RMV Land Market: \$0
RMV Land Spec. Assess.: \$103,480
RMV Structures: \$0
RMV Total: \$103,480
AV: \$4,733
SAV: \$13,739
Exception RMV: \$0
RMV Exemption Value: \$0
Exemption Description: None
M5 Taxable: \$13,739
MAV: \$0
MSAV: \$4,733

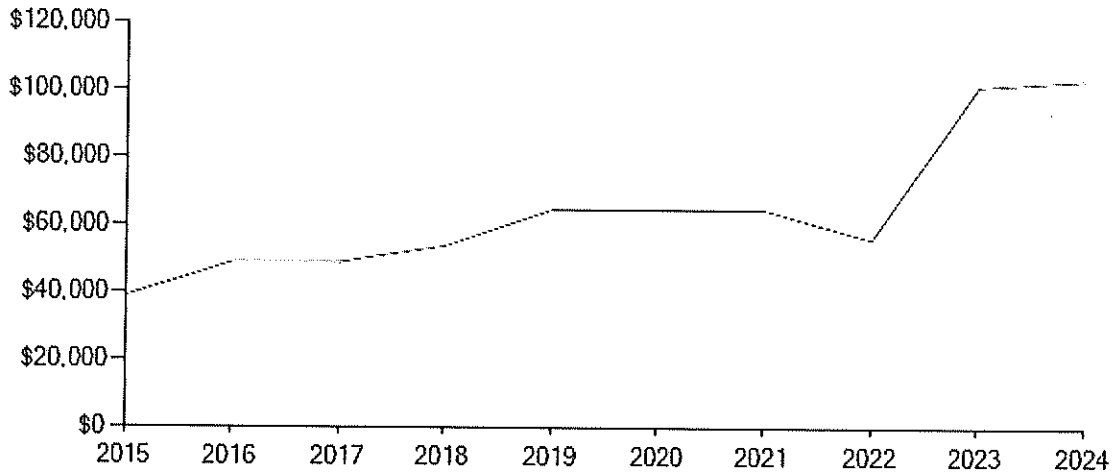
Received by OWRD

MAY 23 2025

Salem, OR

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").

— Real Market Value — Maximum Assessed Value



Assessment History

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2024	\$0	\$0	\$103,480/\$4,733	None	\$4,733
2023	\$0	\$0	\$101,510/\$4,595	None	\$4,595
2022	\$0	\$0	\$56,100/\$4,462	None	\$4,462
2021	\$0	\$0	\$64,770/\$4,330	None	\$4,330
2020	\$0	\$0	\$64,770/\$4,200	None	\$4,200

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2019	\$0	\$0	\$64,770/\$4,080	None	\$4,080
2018	\$0	\$0	\$53,970/\$3,840	None	\$3,840
2017	\$0	\$0	\$49,070/\$3,840	None	\$3,840
2016	\$0	\$0	\$49,070/\$3,730	None	\$3,730
2015	\$0	\$0	\$38,880/\$3,620	None	\$3,620

Taxes: Levy, Owed

Taxes Levied 2024-25: \$54.26
Tax Rate: 11.4608
Tax Roll Type: R
Current Tax Payoff Amount: \$0.00

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MAY 23 2025

Salem, OR

Year	Total Tax Levied	Tax Paid
2024	\$54.26	\$54.26
2023	\$52.22	\$52.22
2022	\$50.98	\$50.98
2021	\$49.21	\$49.21
2020	\$48.04	\$48.04
2019	\$47.04	\$47.04
2018	\$42.96	\$42.96

Tax Payment History

Year	Receipt ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2024	3929848	-\$54.26	\$1.63	\$0.00	\$52.63	10/28/2024
2023	3918447	-\$52.22	\$1.57	\$0.00	\$50.65	11/22/2023
2022	3895034	-\$50.98	\$1.53	\$0.00	\$49.45	11/4/2022
2021	3881550	-\$49.21	\$1.48	\$0.00	\$47.73	11/22/2021
2020	3856512	-\$48.04	\$1.44	\$0.00	\$46.60	11/9/2020
2019	60941	-\$47.04	\$1.41	\$0.00	\$45.63	11/18/2019
2018	195523	-\$42.96	\$1.29	\$0.00	\$41.67	11/21/2018

May 23, 2025

Property Identification	
Account ID: [REDACTED]	Manufactured Home Details:
Tax Account ID: [REDACTED]	Other Tax Liability: SPEC - POTENTIAL ADDITIONAL TAX LIABILITY
Tax Roll Type: Real Property	Subdivision: DIMICK HOMESTEAD TRACTS LOT 21
Situs Address:	Related Accounts:
Map Tax Lot: 041W35D000700	
Owner: SCHWALBE, KURT W SCHWALBE, SARAH 17644 PULLEY RD NE HUBBARD, OR 97032	Received by OWRD MAY 23 2025 Salem, OR

Owner History			
Grantee	Grantor	Sales Info	Deed Info
SCHWALBE, KURT W SCHWALBE, SARAH HUBBARD OR 97032			8/12/2024 DEED
SCHWALBE, KURT W HUBBARD OR 97032			4/12/2024 DECE
MISSING OWNERSHIP INFORMATION			7/1/1998 06480220 DE 546987, 546989, 546990, 546991, 546992

Property Details					
Property Class: 551			AV Exemption(s):		
RMV Property Class: 551			RMV Exemption(s):		
Zoning: REST (Contact Local Jurisdiction)			Deferral(s):		
			Notes:		
Land/On-Site Developments for Tax Account ID 546992					
ID	Type	Acres	Sq Ft	Levy Code Area	
1	005 Farm Use - EFU 2BI TWO BENCH IRR	3.2	139392	15519	
2	005 Farm Use - EFU 4BD FOUR BENCH DRY	2.3	100188	15519	
3	005 WASTE RURAL WST Rural WASTELAND	3.5	152460	15519	

Improvements/Structures for Tax Account ID 546992

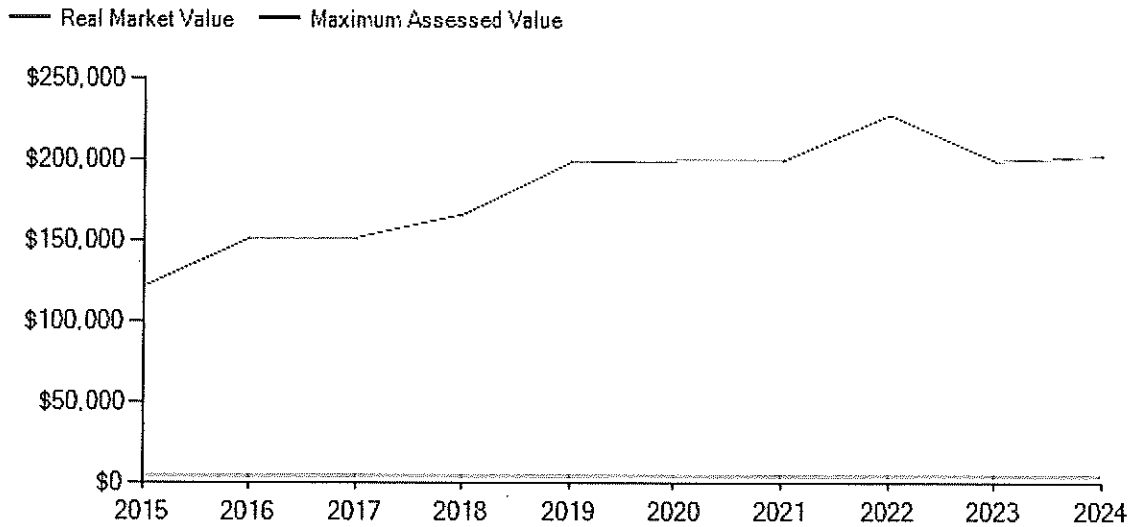
ID	Type	Stat Class	Make/Model	Class	Area/Count	Year Built	Levy Code Area
1	FARM BLDG	312 Loft Barn (LB)		4	864	1978	15519
2	FARM BLDG	354 Lean-to Light (LTL)		4	288	1980	15519
3	FARM BLDG	354 Lean-to Light (LTL)		4	360	1971	15519

Value Information (per most recent certified tax roll)

RMV Land Market:	\$0
RMV Land Spec.	\$199,890
Assess.:	
RMV Structures:	\$3,000
RMV Total:	\$202,890
AV:	\$11,713
SAV:	\$23,855
Exception RMV:	\$0
RMV Exemption Value:	\$0
Exemption Description:	None
M5 Taxable:	\$26,855
MAV:	\$4,540
MSAV:	\$8,713

Received by OWRD
MAY 23 2025
Salem, OR

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Assessment History

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2024	\$3,000	\$0	\$199,890/\$8,713	None	\$11,713

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2023	\$3,490	\$0	\$196,100/\$8,460	None	\$11,950
2022	\$3,470	\$0	\$224,950/\$8,213	None	\$11,683
2021	\$3,430	\$0	\$196,520/\$7,970	None	\$11,400
2020	\$3,300	\$0	\$196,520/\$7,730	None	\$11,030
2019	\$2,560	\$0	\$196,520/\$7,500	None	\$10,060
2018	\$2,780	\$0	\$163,770/\$7,070	None	\$9,850
2017	\$3,100	\$0	\$148,880/\$7,070	None	\$10,170
2016	\$3,190	\$0	\$148,880/\$6,860	None	\$10,050
2015	\$3,090	\$0	\$118,350/\$6,670	None	\$9,760

Taxes: Levy, Owed

Taxes Levied 2024-25:	\$132.19	Received by OWRD MAY 23 2025 Salem, OR
Tax Rate:	11.2858	
Tax Roll Type:	R	
Current Tax Payoff Amount:	\$0.00	

Year	Total Tax Levied	Tax Paid
2024	\$132.19	\$132.19
2023	\$133.82	\$133.82
2022	\$132.31	\$132.31
2021	\$127.94	\$127.94
2020	\$125.23	\$125.23
2019	\$105.36	\$105.36
2018	\$103.23	\$103.23

Tax Payment History

Year	Receipt ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2024	3929848	-\$132.19	\$3.97	\$0.00	\$128.22	10/28/2024
2023	3918447	-\$133.82	\$4.01	\$0.00	\$129.81	11/22/2023
2022	3895034	-\$132.31	\$3.97	\$0.00	\$128.34	11/4/2022
2021	3887880	-\$42.64	\$0.00	\$0.00	\$42.64	5/5/2022

Year	Receipt ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2021	3885758	-\$61.20	\$0.00	\$0.74	\$61.94	2/8/2022
2021	3881550	-\$24.10	\$0.00	\$0.00	\$24.10	11/22/2021
2020	3868090	-\$29.44	\$0.00	\$0.00	\$29.44	5/7/2021
2020	3856512	-\$95.79	\$1.92	\$0.00	\$93.87	11/9/2020
2019	60940	-\$105.36	\$3.16	\$0.00	\$102.20	11/18/2019
2018	195522	-\$103.23	\$3.10	\$0.00	\$100.13	11/21/2018

Received by OWRD

MAY 23 2025

Salem, OR



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

May 6, 2025

VIA MAIL AND E-MAIL

DELBERT STRUBHAR
MOUABBA'S ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

Reference: Water Right Transfer Application T-14358

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14358. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by **June 5, 2025**.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing by June 5, 2025**, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right is currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

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

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2026. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

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

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and

2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by June 5, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14358
Gregory J. Wacker, District 16 Watermaster *(via e-mail)*
Bill Ferber, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Transfer Application
T-14358, Marion County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF AN
ADDITIONAL POINT OF DIVERSION AND A
CHANGE IN PLACE OF USE

Authority

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

Applicant

DELBERT STRUBHAR
MOUABBA'S ACRES LLC
14407 WHISKEY HILL RD
HUBBARD, OR 97032

Findings of Fact

1. On November 29, 2023, Delbert Strubhar/MouAbba's Acres LLC filed an application to add an additional point of diversion and to change the place of use under Certificate 10970. The Department assigned the application number T-14358.
2. Notice of the application for transfer was published on December 5, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 27, 2025, the applicant submitted amended application pages and map.
4. The portion of the right to be transferred is as follows:

Certificate: 10970 in the name of J. H. DRINNON (perfected under Permit S-9770)
Use: IRRIGATION OF 4.2 ACRES
Priority Date: AUGUST 5, 1930
Rate: 0.06 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre.

Source: UNNAMED CREEK, a tributary of PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	35	SW SE	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	35	SW SE	3.0
4 S	1 W	WM	35	SE SE	0.2
5 S	1 W	WM	2	NW NE	1.0
				Total	4.2

5. Transfer Application T-14358 proposes an additional point of diversion approximately 0.85 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	36	SW NW	53	DS POD - 940 FEET NORTH AND 1000 FEET EAST FROM THE W1/4 CORNER OF SECTION 36

6. Transfer Application T-14358 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	35	SE NE	4.2

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), OAR 690-380-2200 and OAR 690-380-2110(2)]

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14358.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed additional point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).

12. The proposed changes, as conditioned, would not result in enlargement of the right.
13. The proposed changes, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion and change in place of use proposed in Transfer Application T-14358 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-14358 is approved, the final order will include the following:

1. *The additional point of diversion and change in place of proposed in Transfer Application T-14358 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 10970 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 or the new place of use.*
4. *Water right Certificate 10970 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 (DS POD), together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*

8. *Water use measurement conditions:*

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
- b. The water user shall maintain the meters or measuring devices in good working order.*
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

9. *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.

10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

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

Dated in Salem, Oregon on

D R A F T

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

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

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14358

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

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

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301

Phone: 971-719-6262

Email: gregory.j.wacker@water.oregon.gov

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

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

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

Watermaster signature	District	Date
-----------------------	----------	------

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

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

Oregon 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-14358

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

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

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

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

ODFW staff name: Toby Schuyler

Address: 3561 Klindt Dr

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

Phone: (541) 967-2162

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

ODFW staff name: Ben Walczak

Address: 17330 SE Evelyn St

City/State/Zip: Clackamas/OR/97015

Phone: (971) 673-6013

GREW Scott A * WRD

From: HENDERSON Sarah A * WRD
Sent: Tuesday, April 22, 2025 9:10 AM
To: GREW Scott A * WRD
Cc: HENDERSON Sarah A * WRD
Subject: PR Done T-14358

Hi Scott,

Finished reviewing T-14358 (DPD, DPD cov, pd notice, rr cert).

GREAT JOB 😊

Sarah

Sarah A. Henderson

Flow Restoration Program Coordinator
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301
Work Cell 503-979-9872
Email: sarah.a.henderson@water.oregon.gov
Work Hours 7:30 AM – 4:00 PM



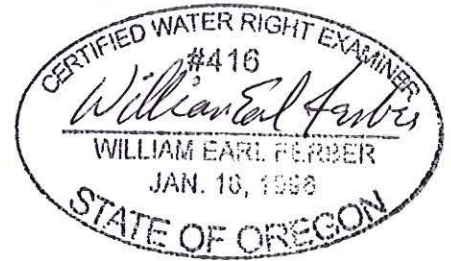
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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

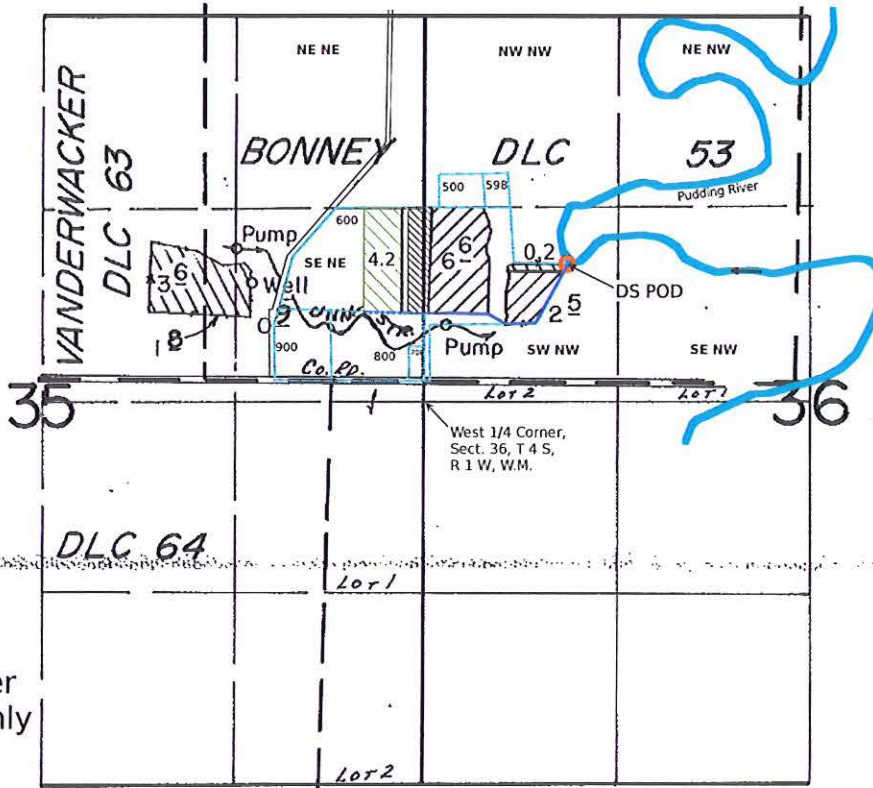
Permanent Transfer of C 10970 for Del Strubhar - 2023

T. 4S., R. 1W., W.M.

TO Lands

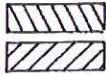


EXPIRES: 2/25/22-31



Legend

Not part of this Transfer
shown for reference only



TO Lands



Tax Lot



MainLine

Buried - 4" Aluminium
Above Ground - 4" Aluminium

Scale: 1" = 1320'

FINAL PROOF SURVEY

UNDER

DS POD Location:

in the SW1/4 NW1/4, as
projected within DLC 53,
Sect. 36, T 4S, R 1W, W.M.
940' N and 1000' E from the
W 1/4 Corner, Sect. 36, T 4S,
R 1 W, W.M.

Application No. G-8357. Permit No. G-7862....

IN NAME OF

.....WILLIAM N. STRUBHAR.....

Surveyed May 8, 1984, by R.W. BISHOP.....

Received

APR 02 2025

OWRD

Application for Water Right Transfer



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

Consent by Deeded Landowner

Received by OWRD

APR 08 2025

Salem, OR

State of Oregon)
)ss
County of Marion)

I Kurt W. Schwalbe, Sarah Schwalbe in ~~my~~ our capacity as owner,

mailing address 17644 Pulley Rd NE, Hubbard, OR 97032,

telephone number 503.951.7818, duly sworn depose and say that ~~I~~We

consent to the proposed change(s) to Water Right Certificate Number 10970

described in a Water Right Transfer Application (T-14358),

(transfer number, if known)

submitted by Mou Abba's Acres LLC

on the property in tax lot number(s) 041W35D000700, 041W35D000800,

Section 35 Township 4 ~~North~~South Range 1 ~~East~~West, W.M.,

located at 17533 Pulley Rd NE, Hubbard, OR, 97032

(site address)

Signature of Affiant

4-4-25

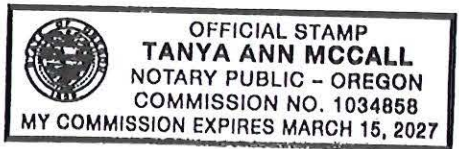
Date

Signature of Affiant

4-4-25

Date

Subscribed and Sworn to before me this 4 day of April, 2025.

Notary Public for Oregon

My commission expires March 15, 2027

RENTAL/ WATER RIGHT SALE AGREEMENT

The land owner Glenn Schwalbe of 17533 Pulley Road NE, Hubbard, OR, agrees to rent pasture/farm ground to Delbert Strubhar dba Country Sundry Farm LLC for the sum of \$ [REDACTED] per year for the two year term of 2023 and 2024. Payment is due on or before the 31st of October each year.

Country Sundry Farm LLC agrees to continue to maintain fences acceptable for the containment of livestock and will also continue to maintain weed control. In addition Country Sundry Farm LLC will at its own expense maintain the ditch on the property to control flooding and provide an irrigation pump site. Ditch dirt will be left in a reasonably level state and care will be taken to preserve wildlife. Irrigation pump will be positioned so as not to be a noise nuisance.

The land owner Glenn Schwalbe agrees to provide Delbert Strubhar with a signed and notarized "Consent by Deeded Land Owner, Water Right Transfer" form, for the full release of Oregon water right certificate #10970.

Delbert Strubhar agrees to compensate Glenn Schwalbe \$ [REDACTED] within 30 days, when and only after Oregon Water Resources Department approves transfer of Oregon water right certificate #10970 to Delbert Strubhar dba Mou Abba's Acres LLC.

Land owner – Glenn Schwalbe Glenn W Schwalbe Date 8-24-2023

Renter – Delbert Strubhar Delbert Strubhar Date Aug 24, 2023

RECEIVED
NOV 29 2023
OWRD

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
County of Marion)ss

I Kurt Schwalbe In my/our capacity as owner

mailing address 17644 Pulley Rd NE Hubbard, OR 97032

telephone number 503-951-7818 duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 10970

described in a Water Right Transfer Application (T. 14358),
(transfer number, if known)

submitted by Mou Abba's Acres LLC

on the property in tax lot number(s) 041W35D00800

Section 35 Township 4 North/South Range 1 East/West, W.M.

located at 17533 Pulley Rd NE Hubbard, OR 97032
(site address)

[Signature]
Signature of Affiant

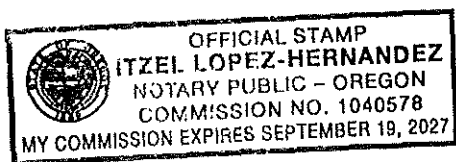
3-19-2025
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 19th day of March, 2025.

[Signature]
Notary Public for Oregon



Commission expires 9/19/2027

Received by OWRD

MAR 20 2025

Revised 7/1/2021

MAR 20 2025

Received by OWRD

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-14358

Date of review: 1/3/24

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-14358

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

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

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

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

ODFW staff name: Toby Schuyler

Address: 3561 Klindt Dr

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

Phone: (541) 967-2162

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

ODFW staff name: BenWalczak

Address: 17330 SE Evelyn St

City/State/Zip: Clackamas/OR/97015

Phone: (971) 673-6013

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14358

Review Due Date: 01/03/2024

Applicant Name: MOUABBA'S ACRES, LLC

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): G. Wacker

Date of Review: 12/12/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

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

N/A

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

N/A

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

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

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

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

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", answer the following:

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

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

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

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

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

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

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

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

Yes No If "Yes", explain:

Water may not be present at original POD during dry years. Pudding River diversion (APOD) can only be used without causing injury if water is available at the original POD.

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

User must verify the amount of water is first available at the original POD before utilizing the APOD.

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- | | |
|---|--|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor |
| <input type="checkbox"/> Other: ___ | |

Oregon Water Resources Department

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

Transfer #: T- 14358

- Checkboxes for flow meter installation conditions: 'at each point of diversion/appropriation' and 'at each new point of diversion/appropriation'.

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

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301

Phone: 971-719-6262

Email: gregory.j.wacker@water.oregon.gov

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

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

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

Two horizontal lines for listing the alternate measurement device.

Watermaster signature District Date

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

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

December 4, 2023

Delbert Strubhar
14407 Whiskey Hill Rd
Hubbard, OR 97302
Reference: Application T-14358

On November 29, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Receipt number 142002 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)
Bill Ferber, Agent

Enclosure

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C 10970**
 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/. 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°).

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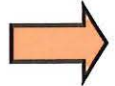
OF THE
WRD

14358 -

By my signature below, I confirm that I understand:

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



Delbert Strubhar
Applicant signature

Delbert Strubhar Nov 29, 2023
Print Name (and Title if applicable) Date

Mou Abbas Acres LLC
Applicant signature

Delbert Strubhar (owner) Nov 29, 2023
Print Name (and Title if applicable) Date

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

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

Check the following boxes that apply:

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

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

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

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Delbert Strubhar/MouAbba's Acres LLC			PHONE NO. 503.710.7579	ADDITIONAL CONTACT NO.
ADDRESS 14407 Whiskey Hill Road				FAX NO.
CITY Hubbard	STATE Oregon	ZIP 97032	E-MAIL N/A	
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 Bill Ferber/BK Water Right Consulting, LLC			PHONE NO. 503.910.9212	ADDITIONAL CONTACT NO.
ADDRESS PO Box 13				FAX NO.
CITY Brush Prairie	STATE WA	ZIP 98606	E-MAIL bill@bkwrc.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
Permanently transfer Water Right Certificate 10970 downstream to irrigate my property.

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.

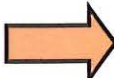
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

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 Marion County Planning & Zoning	ADDRESS 5155 Silverton Rd NE	
CITY Salem	STATE Oregon	ZIP 97305

ENTITY NAME N/A	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 # 10970

Description of Water Delivery System

System capacity: 0.07 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. **A 3" inlet and outlet gas powered pump pulls water from the creek via 3" above ground aluminium pipe and pumps it through 3" above ground aluminium pipe to the POU. Water is applied to the POU at 40 PSI by six sprinklers attached to 3" aluminium pipe. The sprinklers are fitted with 11/64" nozzles.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L. _____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Diversion	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4 S	1 W	35	SW	SE		Not listed on certificate.
DS POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4 S	1 W	36	SW	NW	53	SW 1/4 NW1/4, as projected within DLC 53, Sect. 36, T 4S, R 1W, W.M. 940' N and 1000' E from the W 1/4 Corner Sect 36, T 4S, R 1W, W.M.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

Revised 7/7/2022

Permanent Transfer Application Form – Page 7 of 10

Received by OWRD

MAR 27 2025

TACS

SUPERSEDING

Salem, OR

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

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

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

Table 2. Description of Changes to Water Right Certificate # 10970

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	S	1	W	35	SW	SE	800		0.2	Irrigation	Diversion	1930	POU	4	S	1	W	35	SE	NE	600	53	4.2	N/A	DS POD	1930	
4	S	1	W	35	SW	SE	700		2.8	Irrigation	Diversion	1930	POU														
4	S	1	W	35	SE	SE	700		0.2	Irrigation	Diversion	1930	POU														
5	S	1	W	2	NW	NE	800		0.3	Irrigation	Diversion	1930	POU														
5	S	1	W	2	NW	NE	700		0.7	Irrigation	Diversion	1930	POU														
													APOD	4	S	1	W	36	SW	NW	600	53	N/A	APOD	DS POD	1930	
TOTAL ACRES:							4.2																TOTAL ACRES:	4.2			

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Additional remarks: No Final Proof Map is available so Permit Map was used.

For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Part 5 of 5 – Water Right Information

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 # 10970

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Description of Water Delivery System

System capacity: 0.07 cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

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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. **A 3" inlet and outlet gas powered pump pulls water from the creek via 3" above ground aluminium pipe and pumps it through 3" above ground aluminium pipe to the POU. Water is applied to the POU at 40 PSI by six sprinklers attached to 3" aluminium pipe. The sprinklers are fitted with 11/64" nozzles.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Diversion	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	1	W	35	SW	SE		Not listed on certificate.
DS POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4	S	1	W	36	SW	NW	53	SW 1/4 NW1/4, as projected within DLC 53, Sect. 36, T 4S, R 1W, W.M. 940' N and 980
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

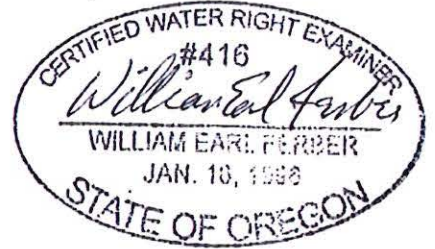
SUPERSEDED

14358 -

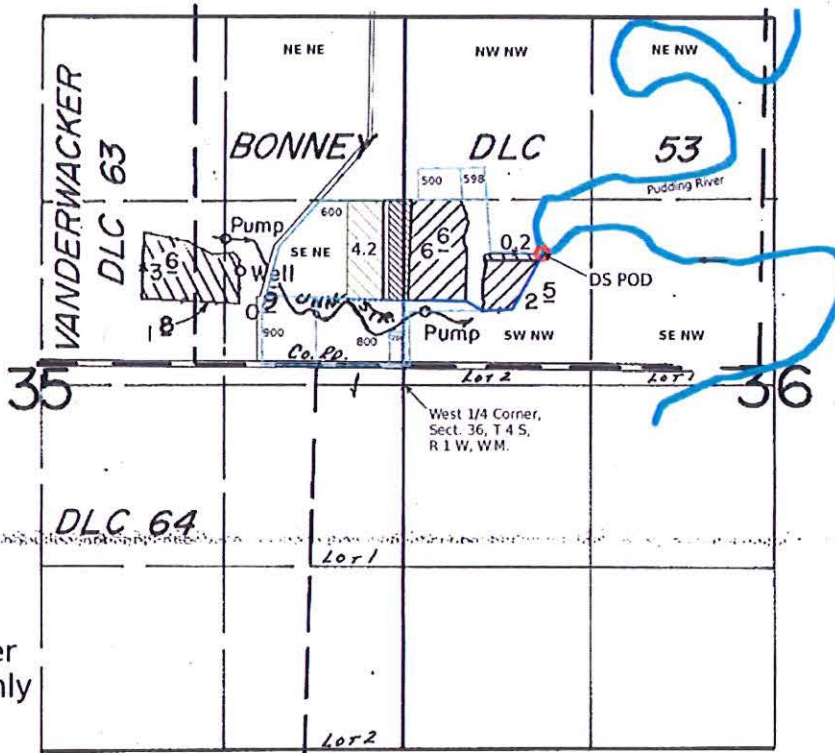
Permanent Transfer of C 10970 for Del Strubhar - 2023

T. 4S., R. 1W., W.M.

TO Lands

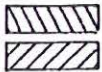


EXPIRES: 2/25/2031



Legend

Not part of this Transfer
shown for reference only



TO Lands

Tax Lot

MainLine — Buried - 4" Aluminium
..... Above Ground - 4" Aluminium

Scale: 1" = 1320'

Received by OWRD

MAR 27 2025

Salem, OR

FINAL PROOF SURVEY

UNDER

DS POD Location:

in the SW1/4 NW1/4, as
projected within DLC 53,
Sect. 36, T 4S, R 1W, W.M.
940' N and 1000' E from the
W 1/4 Corner, Sect. 36, T 4S,
R 1 W, W.M.

Application No. G:8357. Permit No. G:7862....
IN NAME OF

.....WILLIAM N. STRUBHAR.....

Surveyed May 8, 1984, by R.W. BISHOP.....

SUPERSEDING

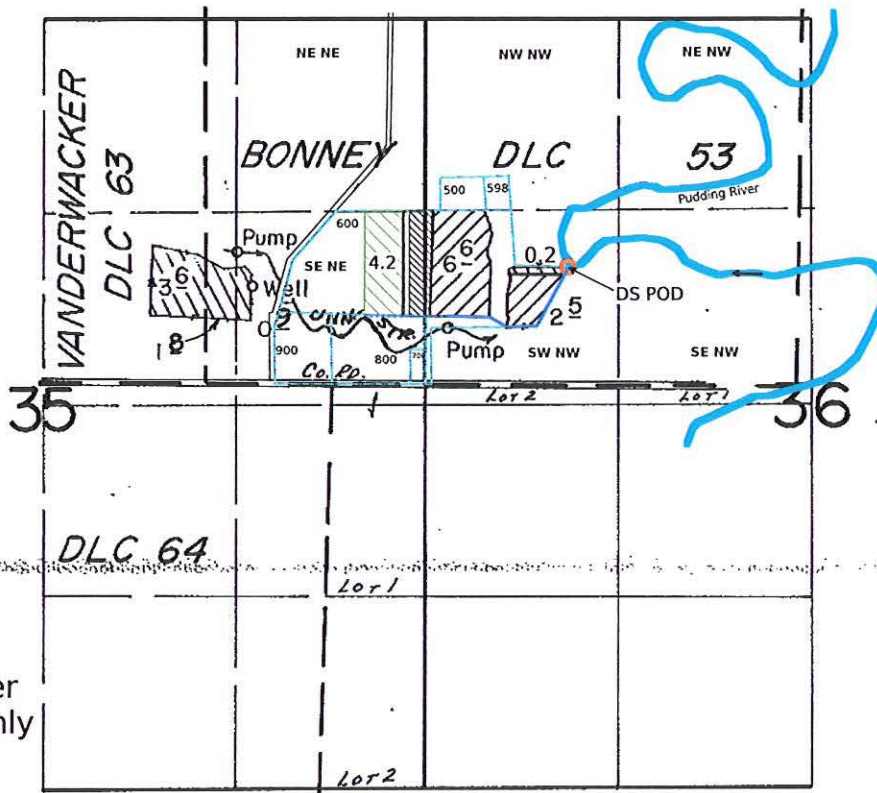
Permanent Transfer of C 10970 for Del Strubhar - 2023

T. 4S., R. 1W., W.M.

TO Lands

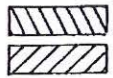


EXPIRES: 2023.12.31



Legend

Not part of this Transfer
shown for reference only



TO Lands

Tax Lot

MainLine

Buried - 4" Aluminium
Above Ground - 4" Aluminium

Scale: 1" = 1320'

FINAL PROOF SURVEY

UNDER

DS POD Location:

in the SW1/4 NW1/4, as
projected within DLC 53,
Sect. 36, T 4S, R 1W, W.M.
940' N and 1000' E from the
W 1/4 Corner, DLC 53.

Application No. G-8357. Permit No. G-7862.....
IN NAME OF

.....WILLIAM N. STRUBHAR.....

Surveyed May 8..... 19.84, by B.W. BISHOP.....

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SUPERSEDED

14358 -

Permanent Transfer - Del Strubhar - of 4.2 acres under C10970

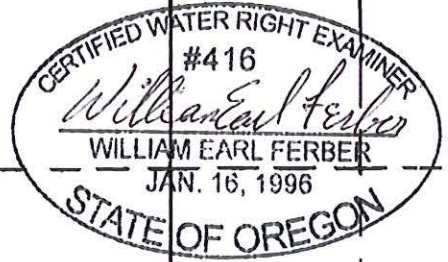
SECTION

45

TOWNSHIP 55, RANGE 1W, W. M.

FROM lands

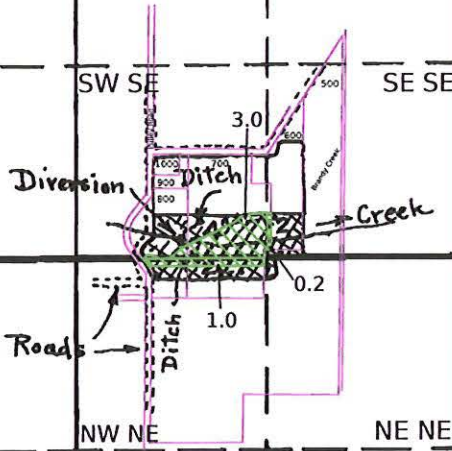
North



EXPIRES: 2023.12.31

35

36



Legend

- Not part of this transfer
- FROM Lands

Scale

1" = 1320'

West

2

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APPLICATION No. 13620

PERMIT No. 9776

14358 -

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
County of Marion)ss

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OWRD

I Glenn Schwalbe In (my) capacity as owner,
mailing address 17533 Pulley Rd NE, Hubbard, OR 97032
telephone number 503-982-9405, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 10970
described in a Water Right Transfer Application (T- N/A),
(transfer number, if known)

submitted by Mou Abba's Acres LLC
on the property in tax lot number(s) 041W35D00800

Section 35 Township 4 North/South Range 1 East/West, W.M.

located at 17533 Pulley Rd NE Hubbard, OR 97032
(site address)

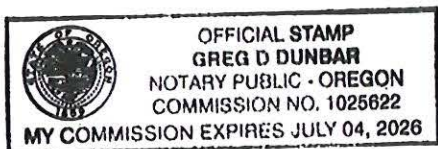
[Signature]
Signature of Affiant

8-29-2023
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 28 day of Aug, 2023.



[Signature]
Notary Public for Oregon

My commission expires July 4, 2026

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 Marion)

I, Delbert Strubhar, in my capacity as tenant farmer,
 mailing address 14407 Whiskey Hill Road NE, Hubbard, OR 97032
 telephone number (503) 710-7579, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

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

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
10970	4 S	1 W	W.M.	35	SWSE		3.0
10970	4 S	1 W	W.M.	35	SESE		0.2
10970	45 S	1 W	W.M.	2	NW NE		1.0

OR

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

(continues on reverse side)

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

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

[Signature]
Signature of Affiant

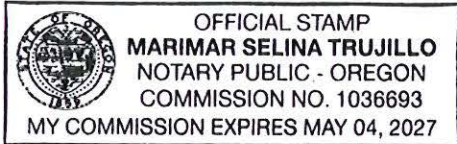
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NOV 29 2023

Nov 15, 2023
Date

OWRD

Signed and sworn to (or affirmed) before me this 15 day of 11, 2023.

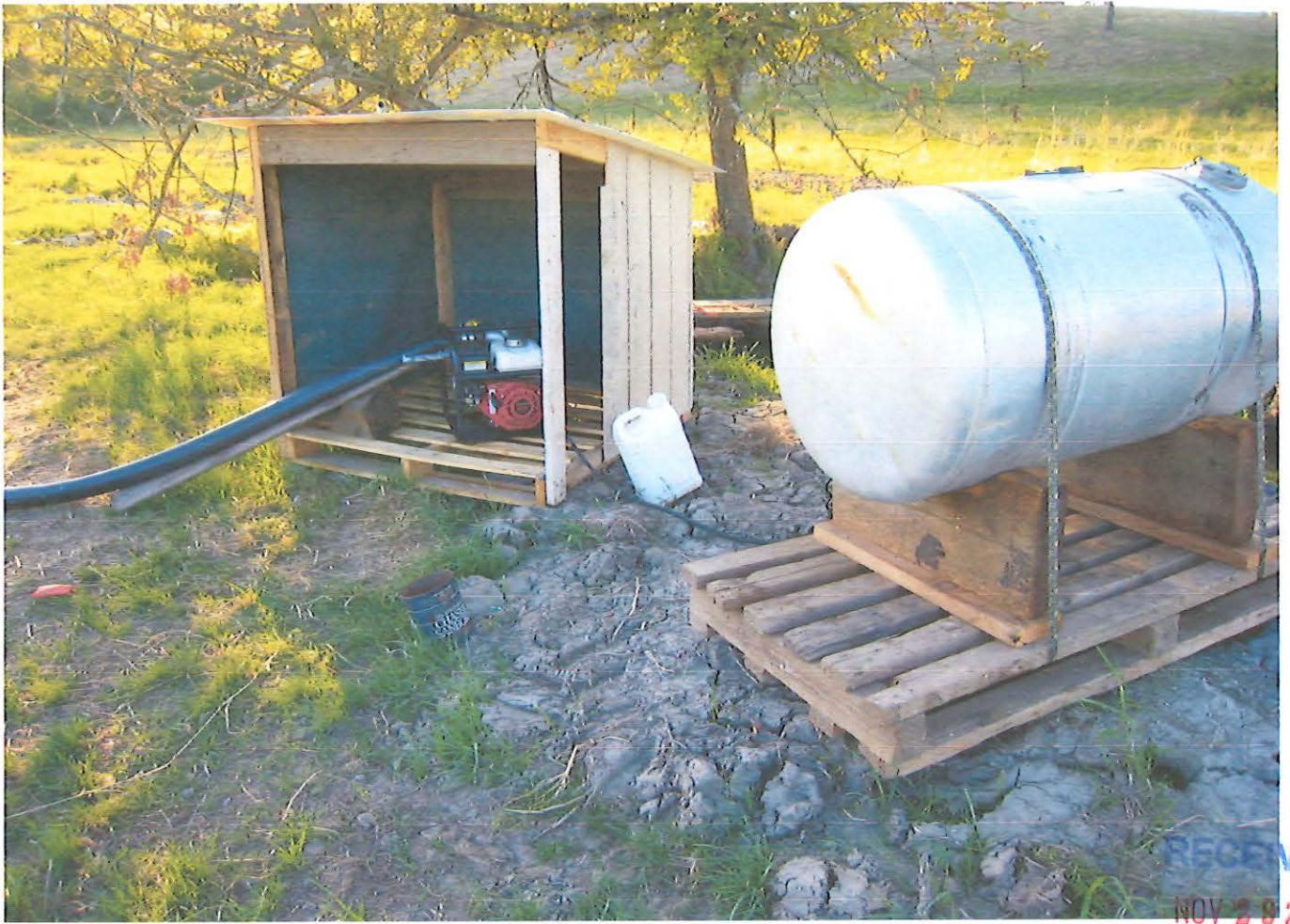


[Signature]
Notary Public for Oregon

My Commission Expires: May 04, 2027

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

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690729

Country Sunday Farm LLC
14407 Whiskey Hill Rd
Hubbard, OR 97032

CUSTOMER'S ORDER NO.	DEPT.	DATE: June 29, 2022
NAME: Guy Price		
ADDRESS: 40440 SE Meadow Song Rd		
CITY, STATE, ZIP: Sandy, OR 97055		

SOLD BY:	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RTD.	PAID OUT
----------	------	--------	--------	----------	-----------	----------

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
15 Tons	Grass Hay	220⁰⁰	3,300 -
3			
4			
5			
6			
7			
8	pd in full		
9			
10	ck # 1973		
11			
12			
13			
14			
15			3,300 -

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14358 -

690735

Country Sundry Farm LLC
14407 Whiskey Hill Rd
Hubbard, OR 97032

CUSTOMER'S ORDER NO.	DEPT.	DATE: May 26, 2023
NAME: Guy Price		
ADDRESS: 40440 SE Meadow Song Rd		
CITY, STATE, ZIP Sandy, OR 97055		

SOLD BY:	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RTD.	PAID OUT
----------	------	--------	--------	----------	-----------	----------

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
16	Bales Grass Hay	\$200/Ton	\$2,050 -
2			
3			
4	Pd in Cash		
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

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14358 -



www.marionag.com

ADMINISTRATIVE OFFICE
7746 St Paul Hwy, NE • St Paul, OR 97137
(503) 633-4561 • Fax (503) 678-2482

RETAIL STORE - Downtown St. Paul
20160 Main Street • St Paul, OR 97137
(503) 633-4281 • Fax (503) 633-4280

Country Sundry Farms
Delbert Strubhar
14407 Whiskey Hill Rd
Hubbard, OR 97032

Invoice

18929

Invoice Date	05/31/2023
Due Date	06/15/2023
Customer ID	StruDe
Shipping Loc.	Main
Ticket(s)	65899

Comments: Picked up 5/22

Quantity	Description	Unit Price	Total \$
10.000 Tons	Perfect Blend Organic 4-4-4 totes (PP)	601.00 /Tons	6,010.00

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Terms: Finance Charge on past due invoices at 1.5% per month(18% annual percentage rate) - In the event of collection action, customer agrees to pay all collection costs and attorney fees, even if no court action is filed.

Sub Total 6,010.00

Amount Due 6,010.00
** PAID IN FULL **

Part of this Fertilizer was used on this hay field, for the purpose of irrigating it in and using it for pasture after the hay was harvested.

MM ip

AA card# 7638

Country Sundry Farms

Invoice 14358 - 18929

HOBART OIL CO., L.L.C.

PETROLEUM PRODUCTS

Phone: 503-829-2122 Fax: 503-829-7089
 P.O. Box 123 112 Dixon Ave. Molalla, OR 97038

SOLD TO

Country Sundry

25569
 INVOICE NO.

ADDRESS _____ DATE *1-30-23*

CITY *Hubbard, Or* TANK CAPACITY GAL.

DELIVERY ADDRESS _____ TRUCK NO.

CUSTOMER NUMBER _____ THIS INVOICE INCLUDES ALL APPLICABLE FEDERAL, STATE AND LOCAL TAXES UNLESS OTHERWISE INDICATED.

PAYMENT RECEIVED BY: *[Signature]* GOODS RECEIVED IN GOOD CONDITION

PRODUCT	GALLONS OR POUNDS	PRICE (INCL. TAX)	AMOUNT
---------	-------------------	-------------------	--------

CT	UN 1203, GASOLINE, 3, PG II Minimum Octane 87 **REGULAR UNLEADED NON-ETHANOL BLENDED GASOLINE FOR EXEMPTED USE ONLY. (ORS 646.913) OAR 603-027-0420	<i>815.9</i>	<i>3.43</i>	<i>2798.53</i>
----	--	--------------	-------------	----------------

CT	UN 1203, GASOLINE, 3, PG II Minimum Octane 87 **SHELL REGULAR UNLEADED			
----	--	--	--	--

CT	NA 1993, FUEL OIL, 3, PG III Non-Taxable Use Only *DYED STOVE OIL			
----	---	--	--	--

CT	NA 1993, FUEL OIL, 3, PG III Non-Taxable Use Only *DYED FURNACE OIL			
----	---	--	--	--

CT	NA 1993, FUEL OIL, 3, PG III Non-Taxable Use Only *DYED OFF-ROAD DIESEL			
----	---	--	--	--

CT	NA 1993, FUEL OIL, 3, PG III Federal Tax Included in Price ON-ROAD DIESEL			
----	---	--	--	--

Paid ck#4991

YOUR SALE NO.	GALLON READING - START	10 lbs
---------------	------------------------	--------

PREVIOUS SALE NO.	GALLON READING - FINISH
-------------------	-------------------------

GALLONS DELIVERED → *815.9*

*Dyed Diesel fuel (Heating oil) Non-taxable use only Penalty for taxable use. Not legal for motor vehicles.	SUB-TOTAL		
	RENT		
	RETURNED	NET CHARGE	
TOTAL AMOUNT DUE			<i>2798.53</i>

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 OWRD

** All gasoline sales include 38 cents Oregon gasoline fuel tax

THIS IS THE ONLY INVOICE UPON WHICH CLAIM CAN BE MADE FOR REFUND OF STATE TAX
 CUSTOMER'S ORIGINAL INVOICE COPY

part of this gasoline was used to fuel the irrigation pump.

Orifice (Inches)	Pressure at Nozzle - Pounds per Square Inch												
	10	20	30	40	50	60	70	80	90	100	110	120	130
1/16	.37	.52	.64	.74	.82	.91	1.00	1.04	1.10	1.16	1.22	1.27	1.33
5/64	.58	.81	1.00	1.15	1.29	1.41	1.52	1.63	1.73	1.82	1.91	1.99	2.07
3/32	.83	1.17	1.44	1.66	1.85	2.03	2.19	2.34	2.49	2.62	2.75	2.87	2.99
7/64	1.13	1.60	1.95	2.26	2.52	2.76	2.99	3.19	3.38	3.57	3.74	3.91	4.07
1/8	1.47	2.08	2.55	2.95	3.29	3.61	3.90	4.17	4.42	4.66	4.89	5.10	4.31
9/64	1.87	2.64	3.23	3.73	4.17	4.57	4.93	5.28	5.60	5.90	6.19	6.46	6.72
5/32	2.30	3.25	3.99	4.60	5.14	5.64	6.09	6.51	6.90	7.28	7.63	7.97	8.30
11/64	2.79	3.94	4.82	5.57	6.23	6.82	7.37	7.88	8.36	8.81	9.24	9.65	10.04
3/16	3.32	4.68	5.74	6.63	7.41	8.12	8.77	9.38	9.95	10.48	11.00	11.48	11.95
13/64	3.89	5.50	6.74	7.78	8.70	9.53	10.29	11.00	11.67	12.30	12.90	13.47	14.02
7/32	4.51	6.38	7.82	9.03	10.09	11.05	11.94	12.76	13.54	14.27	14.97	15.63	16.27
15/64	5.18	7.32	8.97	10.35	11.58	12.68	13.70	14.64	15.53	16.37	17.17	17.93	18.66
1/4	5.89	8.34	10.21	11.79	13.18	14.44	15.59	16.67	17.68	18.64	19.55	20.42	21.25
17/64	6.65	9.41	11.52	13.31	14.88	16.30	17.60	18.82	19.96	21.04	22.07	23.05	23.99
9/32	7.46	10.55	12.92	14.92	16.68	18.27	19.74	21.10	22.38	23.59	24.74	25.84	26.89
5/16	9.21	13.02	15.95	18.42	20.59	22.56	24.36	26.05	27.63	29.12	30.54	31.90	33.20
11/32	11.14	15.76	19.30	22.28	24.92	27.29	29.48	31.52	33.43	35.24	36.95	38.60	40.17
3/8	13.26	18.75	22.97	26.52	29.65	32.48	35.08	37.51	39.78	41.93	43.98	45.94	47.81
13/32	15.56	22.00	26.95	31.12	34.79	38.11	41.17	44.01	46.68	49.20	51.60	53.90	56.10
7/16	18.05	25.52	31.26	36.10	40.36	44.21	47.75	51.05	54.15	57.08	59.86	62.52	65.08
15/32	20.72	29.30	35.88	41.44	46.33	50.75	54.81	58.60	62.15	65.52	68.71	71.77	74.70
1/2	23.57	33.34	40.83	47.15	52.72	57.75	62.37	66.68	70.72	74.55	78.19	81.67	85.00
17/32	26.61	37.63	46.09	53.22	59.50	65.18	70.41	75.27	79.83	84.15	88.26	92.18	95.95
9/16	29.84	42.19	51.68	59.67	66.72	73.08	78.94	84.39	89.51	94.35	98.96	103.36	107.58
19/32	33.24	47.01	57.58	66.48	74.33	81.43	87.95	94.02	99.73	105.12	110.25	115.15	119.86
5/8	36.83	52.09	63.80	73.67	82.36	90.23	97.45	104.18	110.50	116.48	122.17	127.60	132.81
11/16	44.58	63.04	77.21	89.15	99.67	109.19	117.94	126.08	133.73	140.96	147.84	154.41	160.72
3/4	53.04	75.02	91.87	106.09	118.61	129.93	140.34	150.03	159.13	167.74	175.93	183.75	191.25
13/16	62.25	88.04	107.83	124.51	139.21	152.50	164.71	176.09	186.77	196.87	206.48	215.68	224.46
7/8	72.20	102.10	125.05	144.40	161.44	176.85	191.02	204.21	216.59	228.31	239.45	250.10	260.31
15/16	82.88	117.21	143.55	165.76	185.33	203.02	219.28	234.42	248.64	262.09	274.88	287.11	298.83
1	94.30	133.36	163.33	188.60	210.86	230.99	249.50	266.72	282.90	298.20	312.76	326.66	340.00
1- 1/8	119.35	168.78	206.71	238.89	266.86	292.33	315.76	337.56	358.03	377.40	395.82	413.42	430.30
1- 1/4	147.34	208.37	255.20	294.69	329.47	360.92	389.83	416.75	442.03	465.94	488.68	510.41	531.28
1- 3/8	178.28	252.13	308.79	356.57	398.65	436.70	471.69	504.26	534.85	563.78	591.30	617.59	642.81
1- 1/2	212.17	300.06	367.49	424.35	474.44	519.72	561.36	600.12	636.52	670.95	703.70	735.00	765.00
1- 5/8	249.00	352.15	431.29	498.02	556.80	608.94	658.81	704.30	747.02	787.49	825.88	862.59	897.81
1- 3/4	288.79	408.41	500.20	577.69	645.76	707.40	764.07	816.83	866.37	913.24	957.82	1000.41	1041.25

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Land Use Information Form



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

Applicant(s): Del Strubhar

Mailing Address: 14407 Whiskey Hill Road NE

City: Hubbard State: Oregon Zip Code: 97302 Daytime Phone: 503.710.7579

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4S</u>	<u>1W</u>	<u>35</u>	<u>A</u>	<u>600</u>	<u>EF4</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
					<u>Primary Ag</u>	<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:

Marion County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Unnamed Crk trib Pudding River

Estimated quantity of water needed: 0.07 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:

Transfer a certificated water right downstream to my property to irrigate ground without a water right

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



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See bottom of Page 3. →

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

- BK** Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 17.136.020(a)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

RECEIVED

NOV 29 2023

OWRD

Name: Brandon Ketch Title: Plan Dir

Signature: Brandon Ketch Phone: 566-4175 Date: 10-20-23

Government Entity: Mason County

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Permanent Transfer Application Intake Checklist

Transfer # T-14358

Reviewer ARLA Date <u>11/29/2023</u>	Type of Change(s) Proposed: <input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW
Calculated Fee \$ <u>2450</u> Use fee calculator on back of this form	Fee Received \$ <u>2450</u>
Certificate(s): <u>10970</u>	Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes:	

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

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

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

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



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Delbert Strubhar / Mow Abba's Acres LLC
14407 Whiskey Rd. Hubbard, OR 97032

Transaction Type: Transfer

Fees Received: \$ 2450⁰⁰

Cash Check; Check No. 1160

Name(s) on Check: Mow Abba's Acres LLC

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

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

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

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

Sincerely,
OWRD Customer Service Staff

Submission received by: Nick
(Name of OWRD staff)

Instructions for OWRD staff:

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

14358

AFTER RECORDING RETURN TO:
Reif & Hunsaker, P.C.
273 N. Grant Street
Canby, OR 97013-0729

UNTIL OTHERWISE REQUESTED,
SEND TAX STATEMENTS TO:
Kurt W Schwalbe
Sarah Schwalbe
17644 Pulley Rd., NE
Hubbard, OR 97032

MARION COUNTY RECORDS
D-DEED

2024-024745

08/12/2024 09:37 AM

\$10.00 \$11.00 \$10.00 \$60.00

\$91.00



I, Bill Burgess, County Clerk for Marion County, Oregon, certify that the instrument identified herein was recorded in the Official Records.

Pgs=2 SKM

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that **KURT W SCHWALBE**, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **KURT W SCHWALBE and SARAH SCHWALBE**, as tenants by the entirety, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, commonly known as 17533 Pulley Rd., NE, Hubbard, and more particularly described as follows, to wit:

All of Lots 19, 20 and 21, of Dimick Homestead Tracts, according to the duly recorded plat thereof on file and of record in the Office of the Recorder for Conveyances for Marion County, Oregon, excepting from said Lot (tract 21) the following described parcel: Beginning at a point on the West line of Tract 22, a distance of 6.77 chains North 1°56' East from the Southwest corner of said Tract 22, as shown on the recorded plat of the Dimick Homestead Tracts, Townships 4 and 5 South, Range 1 West of the Willamette Meridian; thence North 88°4' West 1.37 chains to an iron pipe; thence North 1°56' East 3.25 chains to an iron pipe in the center of the public road; thence South 88°4' East along the center line of said road, 1.37 chains to the Northeast corner of Lot 21; thence South 1°56' West 3.25 chains to the point of beginning.

ALSO: Beginning at the Southwest corner of Lot (also known as tract) 22, of the Dimick Homestead Tracts; thence North 1°56' East 6.77 chains; thence South 88°4' East 66 links to an iron pipe; thence South 1°56' West 6.77 chains to an iron pipe in the South line of said Lot 22; thence North 88°4' West 66 links to the point of beginning, being a part of said Lot (also known as Tract) 22.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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

Received by OWRD


MAY 23 2025

Salem, OR

92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 AND 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

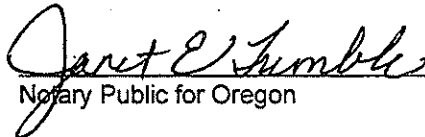
IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 7th day of August, 2024.

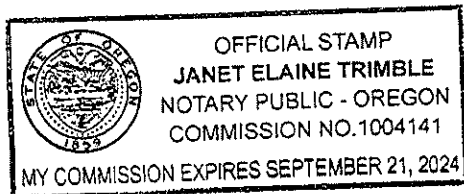

Kurt W Schwalbe - Grantor

STATE OF OREGON)
) ss.
County of Clackamas)

August 7, 2024

Before me personally appeared, the above-named Kurt W Schwalbe and acknowledged the foregoing instrument to be his voluntary act and deed.


Notary Public for Oregon



Received by OWRD
MAY 23 2025
Salem, OR

DIMICK HOMESTEAD TRACTS

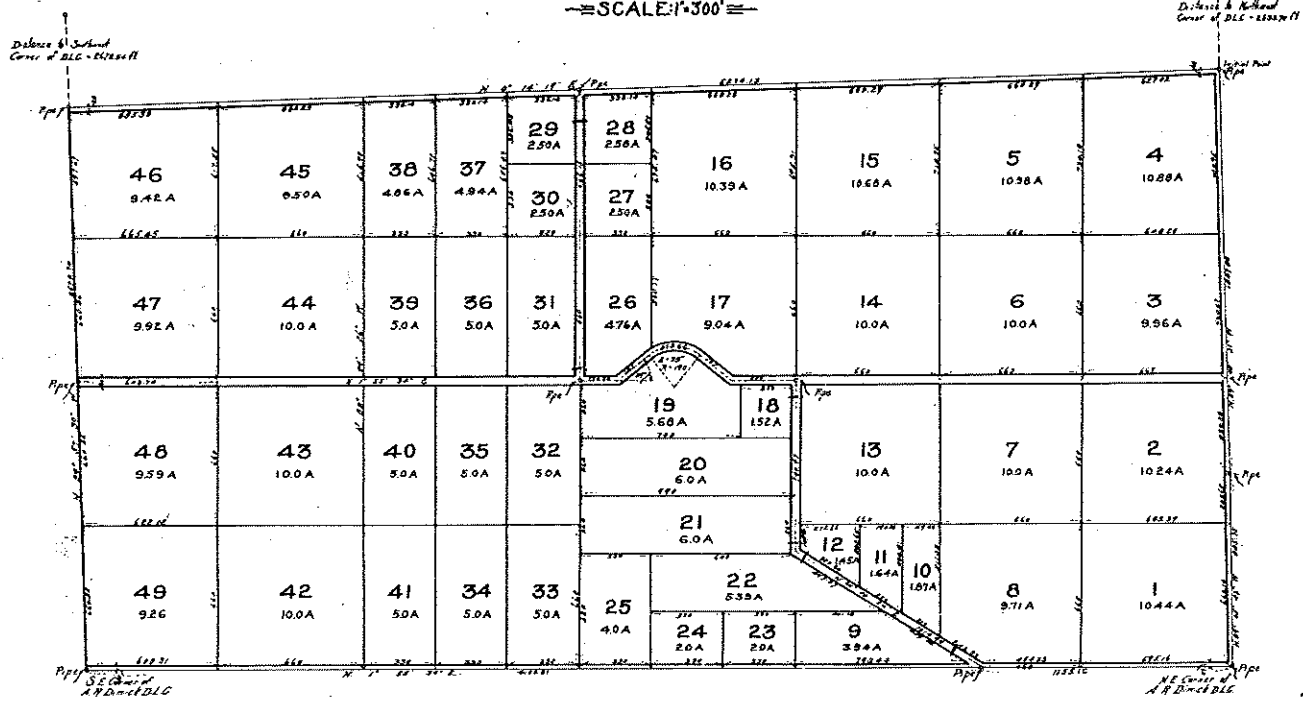
THE HUBBARD INVESTMENT CO, OWNERS

Sec. 34 & 35 - T. 4 S. - R. 1 W. W. M.

Section 2 & 3 - T. 5 S. - R. 1 W. W. M.

Newell, Gossett & Walsh, Engrs. Portland.

SCALE: 1" = 300'



Approved June 9 1910
 W. W. Mansley County Judge
 J. T. Bicknell Commissioner
 W. H. Gault Commissioner

Approved May 19th 1910
 G. J. Rice Assessor
 Deputy

County Surveyor

Attest: R. D. Allen County Clerk
 By S. Z. Adams Deputy

Taxes for the year 1911
 H. P. Smith Sheriff
 J. W. Owen Deputy

Received by OWRD
 MAY 23 2025
 Salem, OR

59753
 STATE OF OREGON
 COUNTY OF MARION
 I Certify that the within was re-
 corded and duly recorded by me in
 Marion County Records
 Book of Final Plat Vol. 5
 Page 29 on the 9
 day of May 1910
W. H. [Signature]
 Notary Public

Know all men by these presents that The Hilliard Investment Company, a corporation, does hereby dedicate to the public for use as highways, the roads, streets and alleys marked on the plat hereinafter shown, which The Hilliard Investment Company has caused to be recorded by the County and Secretary by authority of its Board of Directors and its corporate seal affixed this 19 day of May, 1910.

In the presence of:
[Signature]
[Signature]

The Hilliard Investment Company
[Signature] President
 The Hilliard Investment Company
[Signature] Secretary

State of Oregon
 County of Marion

On this 19 day of May, A.D. 1910, before me appeared W. H. Fullinger and W. H. [Signature], to me personally known, who being duly sworn, did say each for himself that he is W. H. Fullinger, President and W. H. [Signature], Secretary, respectively, of The Hilliard Investment Company, and that the seal affixed to said instrument is the corporate seal of said corporation and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said W. H. Fullinger and W. H. [Signature] acknowledged said instrument to be their free act and deed of said corporation.

In testimony whereof I have set my hand and seal this 19 day of May, 1910.

[Signature]
 Notary Public for Oregon

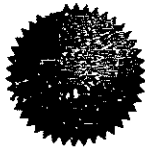
State of Oregon
 County of Multnomah

W. H. [Signature], being duly sworn, say that I am a surveyor, by occupation, that I have surveyed the land embraced in the accompanying plat, that I have correctly surveyed and marked with proper monuments the lands indicated in said plat and as marked thereon that I placed a benchmark iron pipe 2 inches in diameter and 3 feet long, design 6 inches, along the surface of the ground, indicating the initial point of this survey and that the same is South 87° 00' East 26.537 feet along chain line from the Northwest corner of the A. P. Demick D. L. G. land which point is also North 87° 00' East along chain line 20 feet and South 0° 00' East 20 feet from a pipe at the Northwest corner of the East half of the A. P. Demick D. L. G. and that the following is a complete description of the land embraced in this plat to wit:

The East half of the A. P. Demick D. L. G., Section 34 and 35, Township 4 North, Range 1 West, Willamette Meridian, and Sections 2 and 3, Township 5 South, Range 1 West, Willamette Meridian.

Subscribed and sworn to before me this 19 day of May, 1910.

[Signature]
 Notary Public for Oregon



Received by OWRPD
 MAY 23 2025
 Salem, OR

Filed May 18, 1910
 A. D. Allen Clerk
 by S. W. [Signature]

Marion County
Document Separator Page

Instrument # 2024-024745

August 12, 2024 09:37 AM

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

Fee: \$91.00

Bill Burgess
Marion County Clerk

This is not an invoice.

Received by OWRD

MAY 23 2025

Salem, OR