

T-13534

Regular

T-13534

Name Spies Real Estate Group LLC  
 Address P.O. Box 548  
Corvallis, OR 97339  
spiespaul@gmail.com

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Hammer CreekTrib. of Muddy CreekUse IrrigationCounty Benton

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-25958Per # S-20350Cert # 24311PR Date 5/18/1951

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

## FEES PAID

| Date             | Amount            | Receipt #     |
|------------------|-------------------|---------------|
| <u>9-30-2020</u> | <u>\$1,160.00</u> | <u>133577</u> |
| <u>3-12-2021</u> | <u>\$100.00</u>   | <u>134745</u> |

## FEES REFUNDED

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

Change in POUDate Filed 9-30-2020Initial notice date 10-13-2020

DPD issued date

PD issued date 4/17/2021 / revised 5/5/2021PD notice date 4/13/2021 / 5/11/2021Date of FO 7/14/2021 Vol 121 Page 29-322/8/2022 correcting 122 417-18C-Date 10/01/2020COBU due date 10/01/2021

COBU Received date

Certificate issued

Assignments: 3/22/2021 Joseph Clinton Monfalcone & Esti Slabbert Monfalcone 24704 Alpine Rd.; Monroe, OR. 97456

Irrigation District

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

CWRE

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



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

February 7, 2022

JE LARKIN  
RT 1 BOX 45A  
MONROE, OR

Reference: T-13534 Superseding Correcting Final Order and Superseding Certificate

Enclosed is a correcting final order recorded in Special Order Vol. 122, Page 417, issued to correct a scrivener's error.

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@oregon.gov](mailto:Scott.A.Grew@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Right Support  
Transfers and Conservation Section

cc: Watermaster Dist. #22, Joel M. Plahn *(via email)*  
Benton county Planning

Enclosures

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

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| In the Matter of Special Order Volume | ) | ORDER CORRECTING A    |
| 121, Pages 29-32 approving T-13534    | ) | SCRIVENER'S ERROR IN  |
| Benton County                         | ) | CERTIFICATE 95526 AND |
|                                       | ) | ISSUANCE OF A NEW     |
|                                       | ) | CERTIFICATE           |

**Applicant**

J. E. LARKIN  
RT 1 BOX 45 A  
MONROE, OR

**Findings of Fact**

1. On July 14, 2021, the Department issued an order approving Transfer Application T-13534. The order was recorded at Special Order Volume 121, Pages 29-32. The Department subsequently issued remaining right certificate 95526.
2. The remaining right certificate 95526 contained a scrivener's error in the authorized points of diversion table.

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 14 S | 6 W | WM  | 26  | NE SW | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |

3. The correct authorized points of diversion table is as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 14 S | 6 W | WM  | 26  | NE SW | 48  |
| 14 S | 6 W | WM  | 26  | SE SW | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |

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

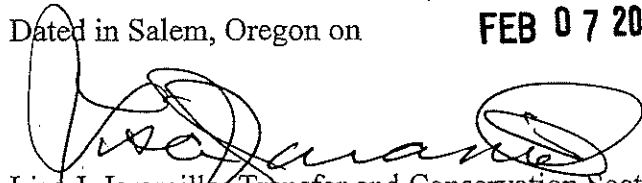
1. Water right Certificate 95526 is cancelled.
2. Water right Certificate 96036 is issued to supersede Certificate 95526 and to correctly describe the authorized points of diversion.

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

3. All other provisions of Special Order Volume 121, Pages 29-32 remain in effect.

Dated in Salem, Oregon on

**FEB 07 2022**

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over the printed name and title.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

*Mailing Date:*

**FEB 08 2022**

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. E. LARKIN  
RT 1 BOX 45 A  
MONROE, OR

confirms the right to use the waters of HAMMER CREEK and an UNNAMED STREAM, a tributary of MARYS RIVER for IRRIGATION of 52.1 ACRES.

This right was perfected under Permit S-20350. The date of priority is MAY 18, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.645 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 14 S | 6 W | WM  | 26  | NE SW | 48  |
| 14 S | 6 W | WM  | 26  | SE SW | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |

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

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

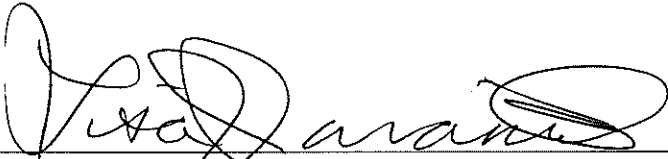
| IRRIGATION |     |     |     |       |     |       |                |
|------------|-----|-----|-----|-------|-----|-------|----------------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres | Source         |
| 14 S       | 6 W | WM  | 26  | NE SW | 48  | 13.2  | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | SE SW | 48  | 0.9   | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | NW SE | 48  | 21.1  | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | SW SE | 48  | 7.1   | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | SE SW | 48  | 8.5   | Unnamed Stream |
| 14 S       | 6 W | WM  | 26  | SW SE | 48  | 1.3   | Unnamed Stream |
| Total      |     |     |     |       |     | 52.1  |                |

This certificate describes that portion of water right Certificate 24311, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 07 2022, approving Transfer Application T-13534.

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

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

WITNESS the signature of the Water Resources Director, affixed FEB 07 2022.

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

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13534

Transfer Specialist: *Scott*

Transfer Type: Regular

|                                                                                                                    |  |                                                                                                                                         |  |
|--------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Applicant:</b><br>SPIES REAL ESTATE GROUP LLC<br>PO BOX 548<br>CORVALLIS, OR 97339<br>Email: _____ Phone: _____ |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>WILLIAM E. MCGILL<br>15333 PLETZER RD SE<br>TURNER, OR 97392<br>Email: _____ Phone: _____ |  |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email: _____                                           |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email: _____                                                                               |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>Benton County<br>Email: _____                        |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: _____                                               |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email: _____                     |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email: _____                                                                |  |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed                                                        | RR/CR Nos.   |
|--------------------------|----------------------------|---------|-------------|---------------------------------------------------------------------|--------------|
| <input type="checkbox"/> | S-25958                    | S-20350 | 24311       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <i>95526</i> |
| <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:

|                                                                   |                                                   |                                              |
|-------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------|
| Rec'd: September 30, 2020                                         | Proposed Action(s): PLACE OF USE                  |                                              |
| Fees Pd: 1160.00                                                  | WM District: 22                                   | ODFW District:                               |
| Initial Public Notice: October 13, 2020                           | WM Review sent:                                   | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/>   |                                                   | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input checked="" type="checkbox"/> | BOR notified (date): <input type="checkbox"/> N/A |                                              |
| Newspaper quote requested:                                        | Request for news \$ sent:                         | News \$ received:                            |
| Request to publish sent:                                          | Affidavit of publication received:                | Last day of publication:                     |

| Document | Drafted                                        | Peer Review                                    | Changes Made                   | Coordinator                                  | Changes Made                                  | Signature Bin          | Signature Date  |
|----------|------------------------------------------------|------------------------------------------------|--------------------------------|----------------------------------------------|-----------------------------------------------|------------------------|-----------------|
| DPD      | Date: <i>4/15/21</i><br>Initials: <i>Scott</i> | Date: <i>1-16-20</i><br>Initials: <i>Scott</i> | Date: _____<br>Initials: _____ | Date: <i>1/29/21</i><br>Initials: <i>PCS</i> | Date: <i>2/5/21</i><br>Initials: <i>Scott</i> | CW Sent: <i>2/5/21</i> | N/A             |
| PD       | Date: <i>4/15/21</i><br>Initials: <i>Scott</i> | Date: <i>3/18/21</i><br>Initials: <i>Scott</i> | Date: _____<br>Initials: _____ | Date: <i>4/6/21</i><br>Initials: <i>PCS</i>  | Date: <i>4/7/21</i><br>Initials: <i>Scott</i> | Date: <i>4/7/21</i>    | <i>4/7/2021</i> |
| FO       | Date: <i>6/14/21</i><br>Initials: <i>Scott</i> | Date: <i>6/15/21</i><br>Initials: <i>Scott</i> | Date: _____<br>Initials: _____ | Date: <i>6/25/21</i><br>Initials: <i>PCS</i> | Date: <i>7/1/21</i><br>Initials: <i>Scott</i> | Date: <i>7/1/21</i>    | <i>7/1/2021</i> |

Special Issues: *Need consent of L.U. approval*

Special Order Volume: Vol. *122* Pages \_\_\_\_\_

|                             |               |                |                |                |                |                       |  |
|-----------------------------|---------------|----------------|----------------|----------------|----------------|-----------------------|--|
| <i>Revised</i>              | <i>4/7/21</i> | <i>4-10-21</i> | <i>4/19/21</i> | <i>4/23/21</i> | <i>4/23/21</i> | Last Revised 10-29-18 |  |
| <i>Transfer Cover Sheet</i> | <i>Scott</i>  | <i>B</i>       | <i>Scott</i>   | <i>Scott</i>   |                |                       |  |

## **GREW Scott A \* WRD**

---

**From:** STARNES Patrick K \* WRD  
**Sent:** Thursday, September 30, 2021 2:44 PM  
**To:** GREW Scott A \* WRD  
**Cc:** ELLIOTT Chloe \* WRD; JARAMILLO Lisa J \* WRD  
**Subject:** Fwd: Error on T 13534, RR Cert 95526; correction needed

Hi Scott,

Looks like this transfer was one of yours. We have a scrivener's error in the remaining right, Cert 95526 (see Chloe's description below).

Please put together a correcting order that describes the error and the correct information, cancels Cert 95526, and issues a new correct remaining right. Run it through peer review when you get it done.

Thank you!

Kelly

Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cellphone: 503-979-3511 Fax: 503-986-0903  
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

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**From:** ELLIOTT Chloe \* WRD <Chloe.Elliott@oregon.gov>  
**Sent:** Tuesday, September 28, 2021 8:03 AM  
**To:** JARAMILLO Lisa J \* WRD; STARNES Patrick K \* WRD  
**Subject:** Error on T 13534, RR Cert 95526; correction needed

Good Morning,

I wanted to let you know of an error in one of the pod's for T 13534, RR Cert 95526. Original Cert 24311, as seen below, describes a POD for unnamed stream in the SESW, Section 22. RR Cert 95526 is missing POD QQ for the unnamed stream, but mentions the source on document. It appears that the error is POD 3 in the NWSE. It should be updated to SESW, Section 2.

that the amount of water to which such right is entitled and hereby confirmed, for the aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.67 cubic foot per second, being 0.55 cubic foot per second from Hammer Creek and 0.12 cubic foot per second from unnamed stream,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$  and NW $\frac{1}{4}$  SE $\frac{1}{4}$  all as projected within Hammer DLC #48, Section 26, Township 14 South, Range 6 West, W.M.

confirms the right to use the waters of HAMMER CREEK and an UNNAMED CREEK for IRRIGATION of 52.1 ACRES.

The points of diversion are located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 14 S | 6 W | WM  | 26  | NE SW | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |

THE AMOUNT OF WATER TO WHICH THIS RIGHT IS APPURTENANT IS:

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

| IRRIGATION |     |     |     |       |       |       |              |
|------------|-----|-----|-----|-------|-------|-------|--------------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC   | Acres | Source       |
| 14 S       | 6 W | WM  | 26  | NE SW | 48    | 13.2  | Hammer Cre   |
| 14 S       | 6 W | WM  | 26  | SE SW | 48    | 0.9   | Hammer Cre   |
| 14 S       | 6 W | WM  | 26  | NW SE | 48    | 21.1  | Hammer Cre   |
| 14 S       | 6 W | WM  | 26  | SW SE | 48    | 7.1   | Hammer Cre   |
| 14 S       | 6 W | WM  | 26  | SE SW | 48    | 8.5   | Unnamed Stre |
| 14 S       | 6 W | WM  | 26  | SW SE | 48    | 1.3   | Unnamed Stre |
|            |     |     |     |       | Total | 52.1  |              |

## GREW Scott A \* WRD

---

**From:** ELLIOTT Chloe \* WRD  
**Sent:** Thursday, September 30, 2021 4:09 PM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: Error on T 13534, RR Cert 95526; correction needed

Hi Scott,

Apologies on adding an error to another error, but I meant SESW, Section 26, not 22.

"Original cert describes a POD for unnamed stream in the SESW, Section 26. RR Cert 95526 is missing POD QQ for the unnamed stream, but mentions the source on document. It appears that the error is POD 3 in the NWSE. It should be updated to SESW, Section 26."

Sorry for adding any additional confusion.

Miss seeing your face!

Best Wishes,

Chloe Elliott  
Data Tech 1  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, Oregon 97301



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

---

**From:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Sent:** Thursday, September 30, 2021 3:47 PM  
**To:** STARNES Patrick K \* WRD <Patrick.K.Starnes@oregon.gov>  
**Cc:** ELLIOTT Chloe \* WRD <Chloe.Elliott@oregon.gov>; JARAMILLO Lisa J \* WRD <Lisa.J.Jaramillo@oregon.gov>  
**Subject:** RE: Error on T 13534, RR Cert 95526; correction needed

Ok.

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

---

**From:** STARNES Patrick K \* WRD <Patrick.K.Starnes@oregon.gov>  
**Sent:** Thursday, September 30, 2021 2:44 PM  
**To:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 14, 2021

JOSEPH & ESTI SLABBERT MONFALCONE  
24704 ALPINE RD  
MONROE, OR 97456

REFERENCE: Transfer Application T-13534

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@oregon.gov](mailto:Scott.A.Grew@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Right Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. #22 (via email)  
Benton County Planning Department  
William E. McGill, Agent

Enclosure

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

|                                       |   |                         |
|---------------------------------------|---|-------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A |
| T-13534, Benton County                | ) | 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**

JOSEPH CLINTON MONFALCONE  
ESTI SLABBERT MONFALCONE  
24704 ALPINE RD  
MONROE, OR 97456

**Findings of Fact**

1. On September 30, 2020, SPIES REAL ESTATE GROUP LLC filed an application for a change in place of use under Certificate 24311. The Department assigned the application number T-13534.
2. Notice of the application for transfer was published on October 13, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 5, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13534 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 7, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On February 8, 2021 the agent for the applicant requested the completion date of October 1, 2026, to allow for the completion of concurrent application R-88888 that would affect this transfer. The Department granted the longer time for completion per OAR 690-380-5140 (3).

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

5. On March 22, 2021, the Department approved an assignment of transfer application T-13534 to Joseph Clinton Monfalcone and Esti Slabbert Monfalcone. The assignment was recorded in the records of the Water Resources Department in Salem.
6. On April 7, 2021 the Department issued a Preliminary Determination proposing to approve Transfer Application T-13534 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 April 13, 2021, pursuant to ORS 540.520 and OAR 690-380-4020.
7. On April 9, 2021, the Department identified a scrivener's error in the completion date of the Preliminary Determination. The agent had requested a longer completion date in Finding of Fact (FOF) # 4. Consequently, the Department determined a revised Preliminary Determination shall be issued to identify the correct transfer completion date.
8. On May 5, 2021, the Department issued a Revised Preliminary Determination proposing to approve Transfer Application T-13534 and sent a copy to the applicant. Additionally, notice of the Revised Preliminary Determination for the transfer application was published in the Department's weekly notice on May 11, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The portion of the right to be transferred is as follows:

**Certificate:** 24311 in the name of J. E. LARKIN (perfected under Permit S-20350)  
**Use:** IRRIGATION of 2.0 ACRES  
**Priority Date:** MAY 18, 1951  
**Rate:** 0.025 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** HAMMER CREEK, a tributary of MARYS RIVER

**Authorized Points of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 14 S | 6 W | WM  | 26  | NE SW |
| 14 S | 6 W | WM  | 26  | NW SE |

**Authorized Place of Use:**

| IRRIGATION HAMMER CREEK |     |     |     |       |       |       |
|-------------------------|-----|-----|-----|-------|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC   | Acres |
| 14 S                    | 6 W | WM  | 26  | NE SW | 48    | 0.3   |
| 14 S                    | 6 W | WM  | 26  | NW SE | 48    | 1.7   |
|                         |     |     |     |       | Total | 2.0   |

10. Transfer Application T-13534 proposes to change the place of use of the right to:

| IRRIGATION HAMMER CREEK |     |     |     |       |     |       |
|-------------------------|-----|-----|-----|-------|-----|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S                    | 6 W | WM  | 26  | SW NE | 48  | 2.0   |

***Transfer Review Criteria [OAR 690-380-4010(2)]***

11. 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.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13534.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

**Conclusions of Law**

The change in place of use proposed in Transfer Application T-13534 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

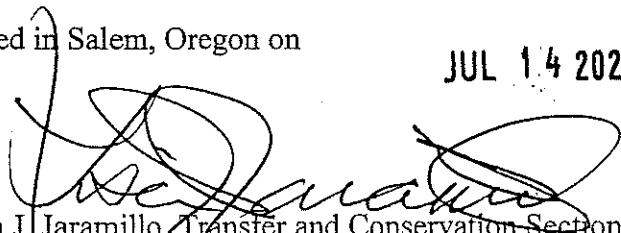
**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in Transfer Application T-13534 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 24311 and any related decree.
3. Water right Certificate 24311 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

5. The former place of use of the transferred right shall no longer receive water under the right.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**JUL 14 2021**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date: **JUL 15 2021**

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. E. LARKIN  
RT 1 BOX 45 A  
MONROE, OR

confirms the right to use the waters of HAMMER CREEK and an UNNAMED STREAM, a tributary of MARYS RIVER for IRRIGATION of 52.1 ACRES.

This right was perfected under Permit S-20350. The date of priority is MAY 18, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.645 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

| Twp  | Rng | Mer | Sec | Q-Q   | DLC |
|------|-----|-----|-----|-------|-----|
| 14 S | 6 W | WM  | 26  | NE SW | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |
| 14 S | 6 W | WM  | 26  | NW SE | 48  |

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

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

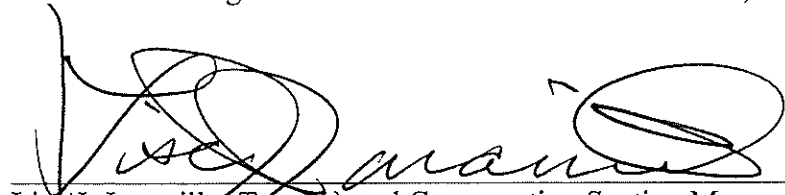
| IRRIGATION |     |     |     |       |     |       |                |
|------------|-----|-----|-----|-------|-----|-------|----------------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres | Source         |
| 14 S       | 6 W | WM  | 26  | NE SW | 48  | 13.2  | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | SE SW | 48  | 0.9   | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | NW SE | 48  | 21.1  | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | SW SE | 48  | 7.1   | Hammer Creek   |
| 14 S       | 6 W | WM  | 26  | SE SW | 48  | 8.5   | Unnamed Stream |
| 14 S       | 6 W | WM  | 26  | SW SE | 48  | 1.3   | Unnamed Stream |
| Total      |     |     |     |       |     | 52.1  |                |

This certificate describes that portion of water right Certificate 24311, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 14 2021, approving Transfer Application T-13534.

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

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

WITNESS the signature of the Water Resources Director, affixed JUL 14 2021.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line. The signature is stylized with large loops and a circular flourish at the end.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

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

In the Matter of Transfer Application  
T-13534, Benton County

)  
)  
)  
)  
)  
**R E V I S E D**  
PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF 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**

JOSEPH CLINTON MONFALCONE  
ESTI SLABBERT MONFALCONE  
24704 ALPINE RD  
MONROE, OR 97456

**Findings of Fact**

1. On September 30, 2020, SPIES REAL ESTATE GROUP LLC filed an application for a change in place of use under Certificate 24311. The Department assigned the application number T-13534.
2. Notice of the application for transfer was published on October 13, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 5, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13534 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 7, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On February 8, 2021 the agent for the applicant requested the completion date of October 1, 2026 to allow for the completion of concurrent application R-88888 that would affect this transfer. The Department granted the longer time for completion per OAR 690-380-5140 (3).

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 notice of this preliminary determination. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

5. On March 22, 2021, the Department approved an assignment of transfer application T-13534 to Joseph Clinton Monfalcone and Esti Slabbert Monfalcone. The assignment was recorded in the records of the Water Resources Department in Salem.
6. On April 7, 2021 the Department issued a Preliminary Determination proposing to approve Transfer Application T-13534 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 April 13, 2021, pursuant to ORS 540.520 and OAR 690-380-4020.
7. On April 9, 2021, the Department identified a scrivener's error in the completion date of the Preliminary Determination. The agent had requested a longer completion date in FOF # 4. Consequently, the Department determined a revised Preliminary Determination shall be issued to identify the correct transfer completion date.
8. The portion of the right to be transferred is as follows:

**Certificate:** 24311 in the name of J. E. LARKIN (perfected under Permit S-20350)  
**Use:** IRRIGATION of 2.0 ACRES  
**Priority Date:** MAY 18, 1951  
**Rate:** 0.025 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** HAMMER CREEK, a tributary of MARYS RIVER

**Authorized Points of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 14 S | 6 W | WM  | 26  | NE SW |
| 14 S | 6 W | WM  | 26  | NW SE |

**Authorized Place of Use:**

| IRRIGATION HAMMER CREEK |     |     |     |       |       |       |
|-------------------------|-----|-----|-----|-------|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC   | Acres |
| 14 S                    | 6 W | WM  | 26  | NE SW | 48    | 0.3   |
| 14 S                    | 6 W | WM  | 26  | NW SE | 48    | 1.7   |
|                         |     |     |     |       | Total | 2.0   |

9. Transfer Application T-13534 proposes to change the place of use of the right to:

| IRRIGATION HAMMER CREEK |     |     |     |       |     |       |
|-------------------------|-----|-----|-----|-------|-----|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S                    | 6 W | WM  | 26  | SW NE | 48  | 2.0   |

***Transfer Review Criteria [OAR 690-380-4010(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 pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13534.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

**Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-13534 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.

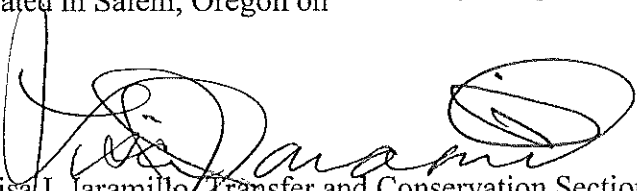
*If Transfer Application T-13534 is approved, the final order will include the following:*

1. *The change in place of use proposed in Transfer Application T-13534 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 24311 and any related decree.*
3. *Water right Certificate 24311 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*

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

Dated in Salem, Oregon on

**MAY 05 2021**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This revised 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@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



Oregon  
Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

April 1, 2021

**Applicant**

JOSEPH CLINTON MONFALCONE  
ESTI SLABBERT MONFALCONE  
24704 ALPINE RD  
MONROE, OR 97456

SUBJECT: Water Right Transfer Application T-13534

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13534. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890 should you have questions.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: T-13534  
Joel M. Plahn, District 22 Watermaster (*via e-mail*)  
William E. McGill, Agent for the applicant (*via e-mail*)

encs

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

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION |
| T-13534, Benton County                | ) | PROPOSING APPROVAL OF 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**

JOSEPH CLINTON MONFALCONE  
ESTI SLABBERT MONFALCONE  
24704 ALPINE RD  
MONROE, OR 97456

**Findings of Fact**

1. On September 30, 2020, SPIES REAL ESTATE GROUP LLC filed an application for a change in place of use under Certificate 24311. The Department assigned the application number T-13534.
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3. On February 5, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13534 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 7, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On March 22, 2021, the Department approved an assignment of transfer application T-13534 to Joseph Clinton Monfalcone and Esti Slabbert Monfalcone. The assignment was recorded in the records of the Water Resources Department in Salem.

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 notice of this preliminary determination.

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

**Certificate:** 24311 in the name of J. E. LARKIN (perfected under Permit S-20350)  
**Use:** IRRIGATION of 2.0 ACRES  
**Priority Date:** MAY 18, 1951  
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|------|-----|-----|-----|-------|
| 14 S | 6 W | WM  | 26  | NE SW |
| 14 S | 6 W | WM  | 26  | NW SE |

**Authorized Place of Use:**

| IRRIGATION HAMMER CREEK |     |     |     |       |       |       |
|-------------------------|-----|-----|-----|-------|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC   | Acres |
| 14 S                    | 6 W | WM  | 26  | NE SW | 48    | 0.3   |
| 14 S                    | 6 W | WM  | 26  | NW SE | 48    | 1.7   |
|                         |     |     |     |       | Total | 2.0   |

6. Transfer Application T-13534 proposes to change the place of use of the right to:

| IRRIGATION HAMMER CREEK |     |     |     |       |     |       |
|-------------------------|-----|-----|-----|-------|-----|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S                    | 6 W | WM  | 26  | SW NE | 48  | 2.0   |

***Transfer Review Criteria [OAR 690-380-4010(2)]***

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
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9. The proposed change would not result in enlargement of the right.
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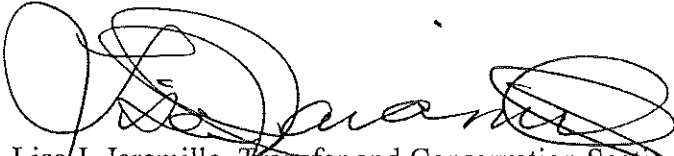
*If Transfer Application T-13534 is approved, the final order will include the following:*

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- 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 24311 and any related decree.*
- 3. Water right Certificate 24311 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. Water use measurement conditions:*
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7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

APR 07 2021



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, 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@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

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## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Tuesday, March 2, 2021 5:04 PM  
**To:** willmcgill.surveying@gmail.com  
**Cc:** GREW Scott A \* WRD  
**Subject:** FW: transfer T-13534 / APN 190730 / 146260000802 (BENTON)  
**Attachments:** APN 190730\_146260000802 (BENTON) - Trio.pdf

Hey Will,

I am just getting to this application. A couple of items I wanted to check in on:

1. The Land Use form listed that Land Use Approval was "Being Pursued". Have you received approval yet?
2. The List Pack lists Monfalcone, Joseph C and Monfalcone, Esti S as owners not Spies Real Estate Group LLC. We would need consent form signed by Monfalcone, Joseph C and Monfalcone, Esti S.

Thank you,

*Scott*

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

---

**From:** Chelsey Bunn <cbunn@firstam.com>  
**Sent:** Wednesday, February 24, 2021 9:07 AM  
**To:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Cc:** willmcgill.surveying@gmail.com  
**Subject:** transfer T-13534 / APN 190730 / 146260000802 (BENTON)

Hello Scott,

Attached is the information you requested.

Have a wonderful day.

---

### Chelsey Bunn

Customer Service Representative  
Direct: 503-476-8735 | Email: [cbunn@firstam.com](mailto:cbunn@firstam.com)  
Contact Customer Service at 503.219.TRIO (8746) or by email [cs.oregon@firstam.com](mailto:cs.oregon@firstam.com)



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**TERMS AND CONDITIONS OF INFORMATION REPORTS**

**IMPORTANT – READ CAREFULLY:** AN INFORMATION 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. THE INFORMATION REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF

## **GREW Scott A \* WRD**

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**From:** GREW Scott A \* WRD  
**Sent:** Tuesday, February 9, 2021 9:12 AM  
**To:** Will McGill  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: T-13534 - Issuance of Draft Preliminary Determination - Action Required!

Hello Will,

I wanted to explain my math on the rate.

Hammer Cr. is authorized for 0.55 cfs for 44.3 acres, which is 0.01241553 cfs/ac.

$2.0 \text{ ac} \times 0.01241553 \text{ cfs/ac} = 0.02483106 \text{ cfs}$ .

Typically I round to the certificated decimal, so rounding to the hundredth in the case of 0.02483106 cfs is 0.02.

That said we can round to the thousandths. This will get you to the 0.025 cfs.

Thank you for bringing that to my attention.

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

**From:** Will McGill <willmcgill.surveying@gmail.com>  
**Sent:** Monday, February 8, 2021 1:19 PM  
**To:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Subject:** Re: T-13534 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

I have reviewed the draft and have the following three requests for your considerations:

1. On page 1 of 3, the rate is rounded down to 0.02 cfs. 1/80th of 2 acres would be 0.025 cfs. Showing the third decimal on the rate would allow an additional 2 gpm which is significant due to the rate being so small to begin with.
2. On page 2 of 3, under item 4, 13.5 acres is shown. I am thinking it should just be the 2.0 acres.
3. On page 3 of 3, under item 6, the C date is Oct. 1, 2022. On Oct. 19, 2020, we submitted application R-88888 for our client to improve an existing pond which will also be used as a bulge for pumping the 2 acres of transferred water rights approved under T-13534; therefore, I am requesting a C date of Oct. 1, 2026.

If the above three changes are acceptable, then I agree with the draft and request you to proceed with processing T-13534.

We will soon order the List Pack from First American Title Company. Please note that the property has recently sold and the new owner may show on the title report. We are in the process of preparing an assignment for T-13534 and will soon be submitting it to the department.

**From:** STARNES Patrick K \* WRD  
**Sent:** Monday, February 8, 2021 4:55 PM  
**To:** GREW Scott A \* WRD  
**Subject:** Re: T-13534 - Issuance of Draft Preliminary Determination - Action Required!

**From:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Sent:** Monday, February 8, 2021 4:09:54 PM  
**To:** STARNES Patrick K \* WRD <Patrick.K.Starnes@oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Subject:** RE: T-13534 - Issuance of Draft Preliminary Determination - Action Required!

$$0.67 \text{ cfs} / 54.1 \text{ acres} = 0.012385$$
$$0.012385 \text{ cfs} \times 2.0 \text{ acres} = 0.02476$$

The remaining right still gets the rest.

**Sent:** Monday, February 8, 2021 1:19 PM

**To:** GREW Scott A \* WRD <Scott.A.Grew@

**Subject:** Re: T-13534 - Issuance of Draft Preliminary De

1. On page 1 of 3, the rate is rounded down to 0.02 cfs. 1/80th of 2 acres would be

- third decimal on the rate would allow an additional 2 gpm which is significant due to the rate being so small to begin with.
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Will McGill, PLS, CWRE  
15333 Pletzer Rd SE  
Turner, OR 97392  
503-510-3026  
[mcgillwaterrights.com](http://mcgillwaterrights.com)

## GREW Scott A \* WRD

---

**From:** Will McGill <willmcgill.surveying@gmail.com>  
**Sent:** Monday, February 8, 2021 1:19 PM  
**To:** GREW Scott A \* WRD  
**Subject:** Re: T-13534 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott,

I have reviewed the draft and have the following three requests for your considerations:

1. On page 1 of 3, the rate is rounded down to 0.02 cfs. 1/80th of 2 acres would be 0.025 cfs. Showing the third decimal on the rate would allow an additional 2 gpm which is significant due to the rate being so small to begin with.
2. On page 2 of 3, under item 4, 13.5 acres is shown. I am thinking it should just be the 2.0 acres.
3. On page 3 of 3, under item 6, the C date is Oct. 1, 2022. On Oct. 19, 2020, we submitted application R-88888 for our client to improve an existing pond which will also be used as a bulge for pumping the 2 acres of transferred water rights approved under T-13534; therefore, I am requesting a C date of Oct. 1, 2026.

If the above three changes are acceptable, then I agree with the draft and request you to proceed with processing T-13534.

We will soon order the List Pack from First American Title Company. Please note that the property has recently sold and the new owner may show on the title report. We are in the process of preparing an assignment for T-13534 and will soon be submitting it to the department.

Thanks so much. Please contact me if you have any questions.

--

Will McGill, PLS, CWRE  
15333 Pletzer Rd SE  
Turner, OR 97392  
503-510-3026  
[mcgillwaterrights.com](http://mcgillwaterrights.com)



WILL MCGILL SURVEYING, LLC

On Fri, Feb 5, 2021 at 4:49 PM GREW Scott A \* WRD <[Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov)> wrote:



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite  
Salem, OR 9730  
(503) 986-090  
Fax (503) 986-090

February 5, 2021

## **Applicant**

SPIES REAL ESTATE GROUP LLC

PO BOX 548

CORVALLIS, OR 97339

Reference: Water Right Transfer Application T-13534

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-13534. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

### **Items needed before the next phase of processing...**

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
  - a) The title company's report must either be:
    - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
    - ii) prepared within 3 months of recording of a water right conveyance agreement, or
    - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
  - b) The ownership report shall include:
    - i) Date the ownership report was generated or prepared; and
    - ii) List of owners at that time; and
    - iii) Legal description of the property where the water right to be transferred is currently located.



# FIRST AMERICAN TITLE Property Research Report

## SUBJECT PROPERTY

24704 Alpine Rd  
190730  
146260000802  
Benton

## OWNER

Monfalcone, Joseph C  
Monfalcone, Esti S

## DATE PREPARED

02/24/2021

## PREPARED BY

cbunn@firstam.com



*First American Title*

Customer Service 503.219.8746

cs.oregon@firstam.com

©2019 First American Financial Corporation and/or its affiliates.

All rights reserved. | NYSE: FAF | 39203000419

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'S PRIOR WRITTEN CONSENT. FIRST AMERICAN 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'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, IF ANY. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRITY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.



***First American Title***

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: [cs.oregon@firstam.com](mailto:cs.oregon@firstam.com)

Date: 2/24/2021

### OWNERSHIP INFORMATION

Owner: Monfalcone, Joseph C  
CoOwner: Monfalcone, Esti S  
Site: 24704 Alpine Rd Monroe OR 97456  
Mail: 24704 Alpine Rd Monroe OR 97456

Parcel #: 190730  
Ref Parcel #: 146260000802  
TRS: 14S / 06W / 26  
County: Benton

### PROPERTY DESCRIPTION

Map Grid:  
Census Tract: 010400 Block: 2081  
Neighborhood:  
School Dist: 1J Monroe School 1j  
Impr Type:  
Subdiv/Plat:  
Land Use: 551 - EFU Farm/Range land Imprd  
Std Land Use: AORC - Orchards Groves  
Zoning: County-EFU - Exclusive Farm Use  
Lat/Lon: 44.324468 / -123.379625  
Watershed: Marys River  
Legal:

### ASSESSMENT AND TAXATION

Market Land: \$405,981.00  
Market Impr: \$389,750.00  
Market Total: \$795,731.00 (2020)  
% Improved: 49.00%  
Assessed Total: \$406,937.00 (2020)  
Levy Code: 2506  
Tax: \$5,207.49 (2020)  
Millage Rate: 12.7968  
Exemption:  
Exemption Type:

## PROPERTY CHARACTERISTICS

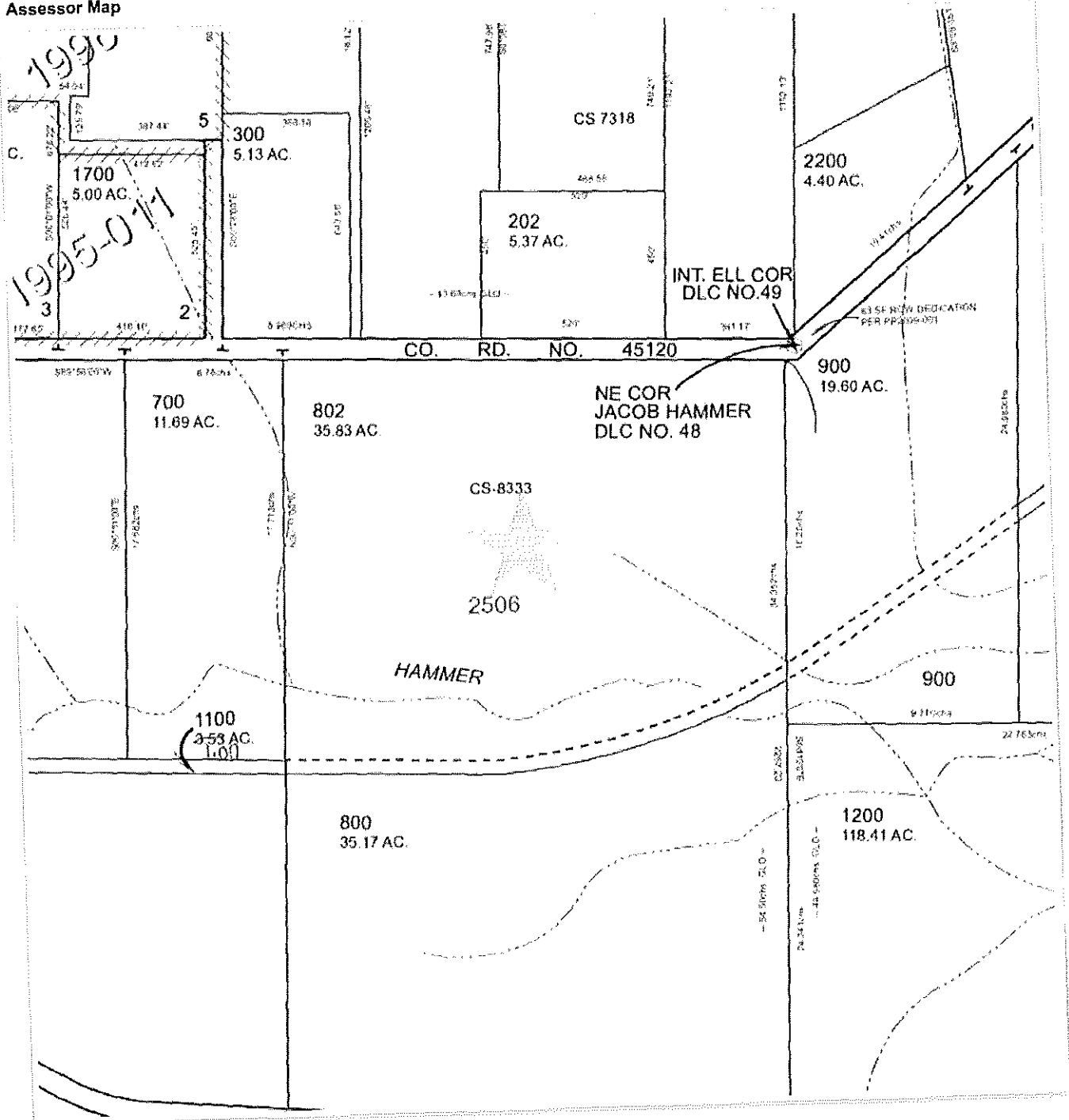
|                                   |                            |                             |
|-----------------------------------|----------------------------|-----------------------------|
| Bedrooms: 5                       | Total SqFt: 4,896 SqFt     | Year Built: 1992            |
| Baths, Total: 3                   | First Floor: 3,486 SqFt    | Eff Year Built:             |
| Baths, Full: 3                    | Second Floor:              | Lot Size Ac: 35.83 Acres    |
| Baths, Half:                      | Basement Fin: 2,820 SqFt   | Lot Size SF: 1,560,755 SqFt |
| Total Units:                      | Basement Unfin:            | Lot Width:                  |
| # Stories: 1                      | Basement Total: 2,820 SqFt | Lot Depth:                  |
| # Fireplaces:                     | Attic Fin:                 | Roof Material: Enamel       |
| Cooling:                          | Attic Unfin:               | Roof Shape:                 |
| Heating: Forced Air               | Attic Total:               | Ext Walls:                  |
| Building Style: R00 - Residential | Garage: Attached 936 SqFt  | Const Type:                 |

## SALES AND LOAN INFORMATION

| Owner                       | Date       | Doc #  | Sale Price   | Deed Type            | Loan Amt     | Loan Type    |
|-----------------------------|------------|--------|--------------|----------------------|--------------|--------------|
| JOSEPH C MONFALCONE         | 11/20/2020 | 603762 | \$799,900.00 | Deed                 | \$510,400.00 | Conventional |
| SPIES REAL ESTATE GROUP LLC | 08/28/2019 | 585423 | \$340,000.00 | Foreclosure          |              | Conv/Unk     |
| SPIES REAL ESTATE GROUP LLC | 05/21/2019 | 581641 | \$1,000.00   | Deed                 |              | Conv/Unk     |
| DOUGLAS A LEWIS             | 03/06/2015 | 528365 |              | Release/Reci<br>sion | \$210,000.00 | Conventional |
| DOUGLAS A LEWIS             | 01/15/2015 | 526973 |              | Notice Of<br>Default | \$210,000.00 | Conventional |
| DOUGLASE A LEWIS            | 01/15/2015 | 526973 |              | Notice Of<br>Default | \$210,000.00 | Conventional |
| DOUGLAS A LEWIS             | 10/21/2014 | 524539 |              | Notice Of<br>Default | \$210,000.00 | Conventional |
| DOUGLAS A LEWIS             | 02/20/2008 | 433677 |              | Release/Reci<br>sion | \$210,000.00 | Conventional |
| DOUGLAS A LEWIS             | 12/12/2007 | 431196 |              | Notice Of<br>Default | \$210,000.00 | Conventional |
| DOUGLAS A LEWIS             | 04/03/2006 | 401990 |              | Deed Of Trust        | \$210,000.00 | Conventional |
| DOUGLAS A LEWIS             | 06/15/2005 | 386874 |              | Deed                 |              | Conv/Unk     |
| LEWIS ELIZABETH TRUST       | 02/08/2005 | 380875 | \$230,000.00 | Deed                 |              | Conv/Unk     |
| SAM PECORILLA               | 02/09/2000 | 279895 |              | Deed                 | \$98,000.00  | Conventional |

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map



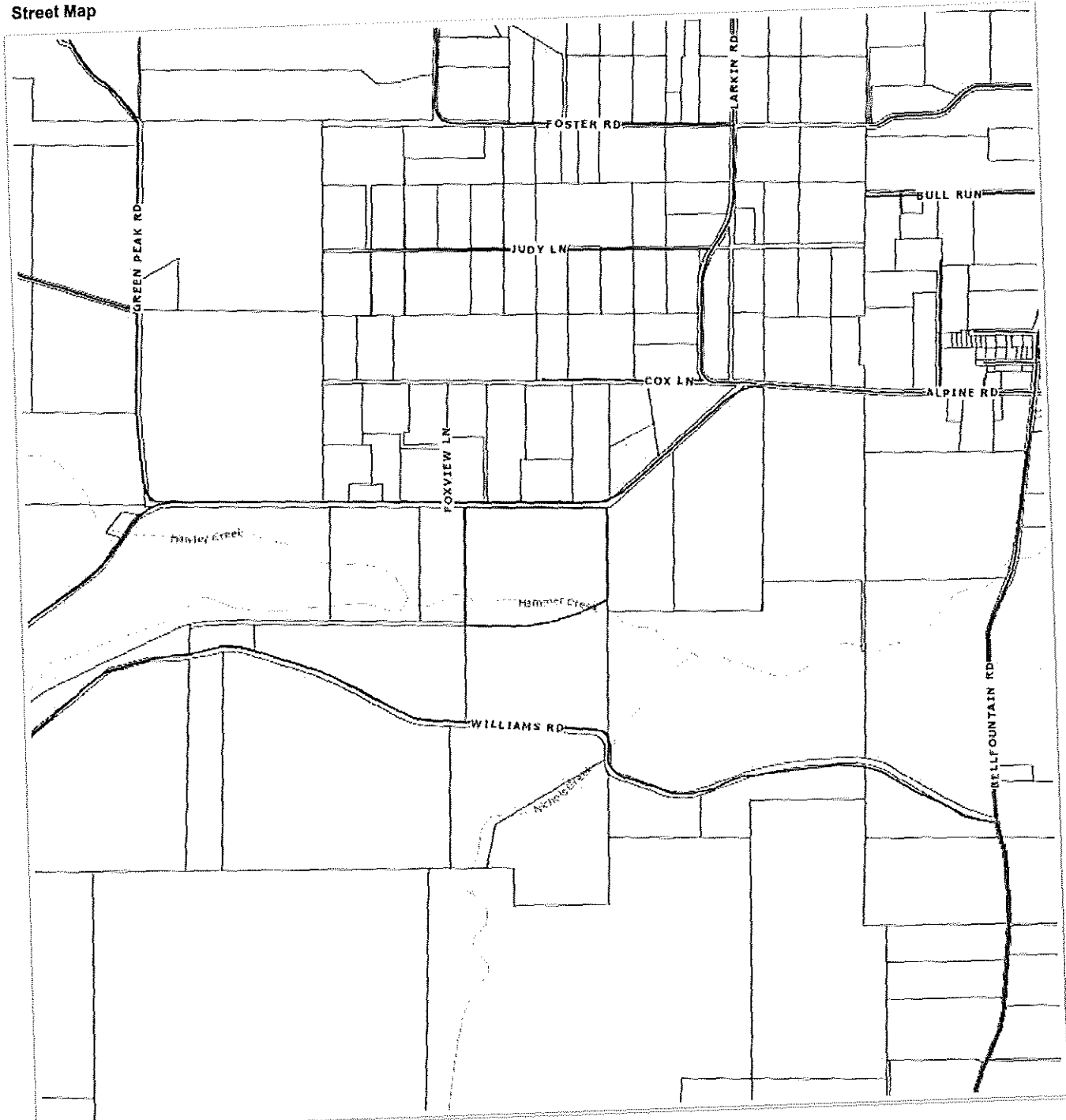
**First American Title**

Parcel ID: 190730

Site Address: 24704 Alpine Rd

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Street Map



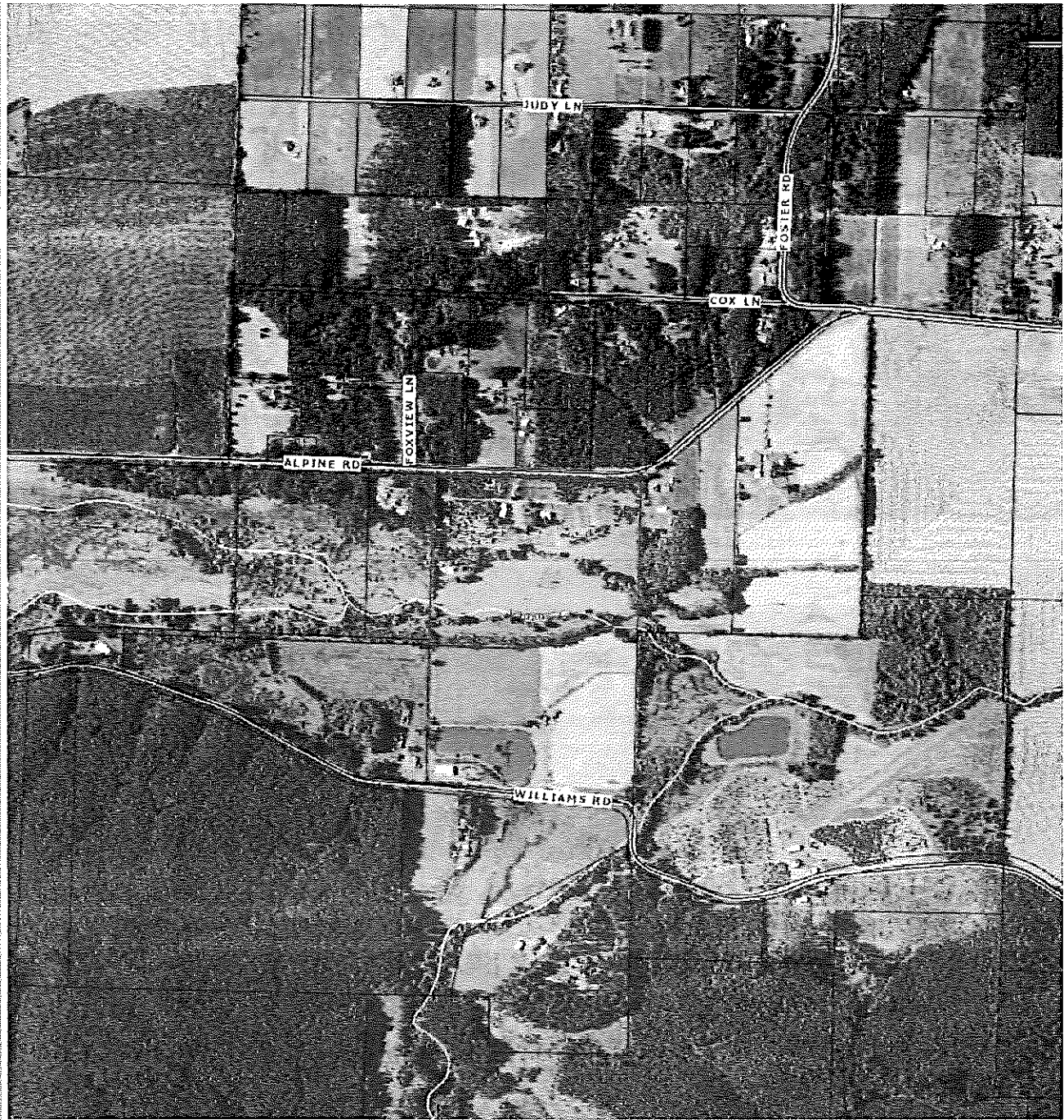
Parcel ID: 190730

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



*First American Title*

Aerial Map

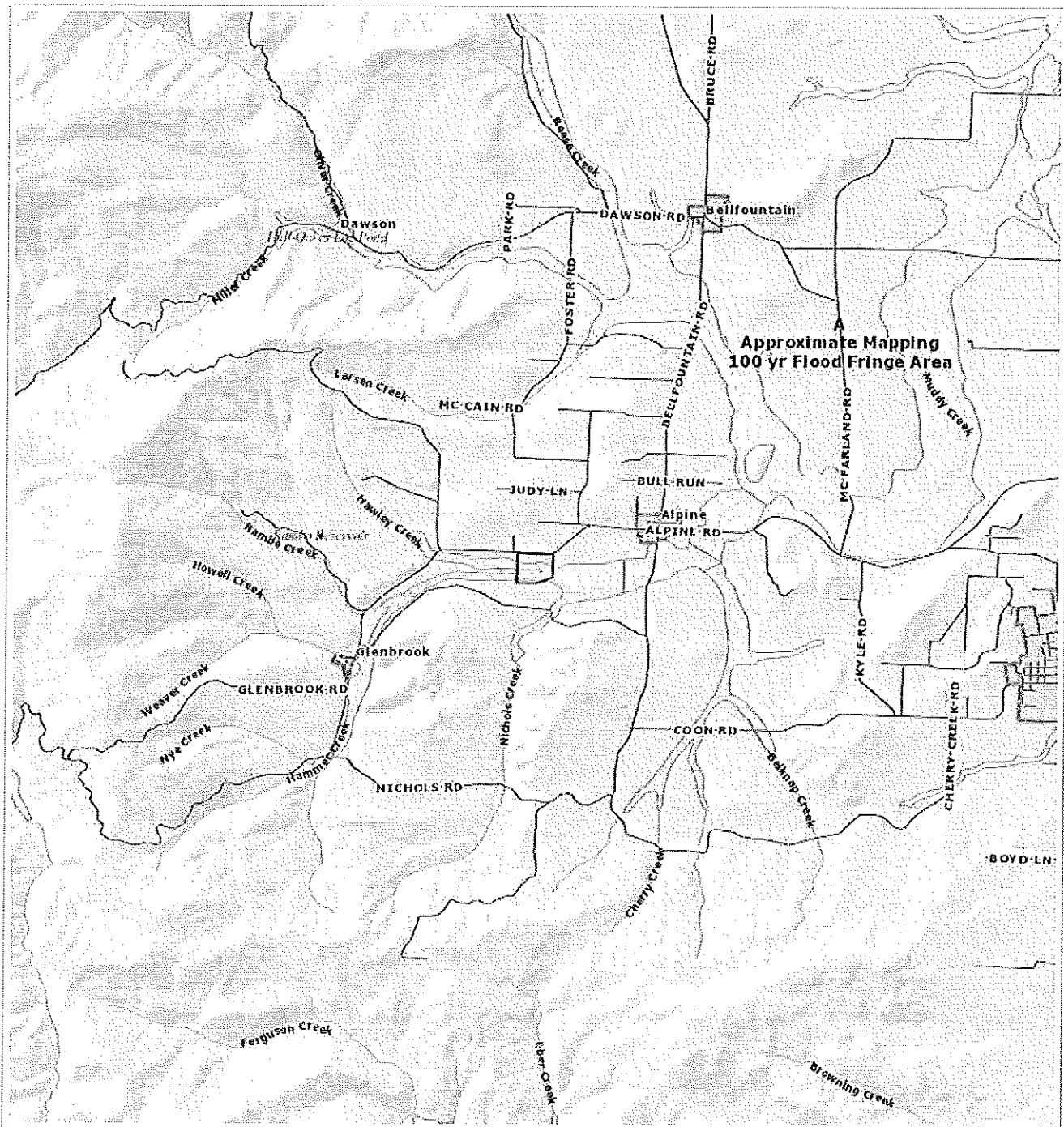


*First American Title*

Parcel ID: 190730

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Flood Map - 100 Year



*First American Title*

Parcel ID: 190730

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

RECORDING REQUESTED BY:



400 SW 4th St, Ste 100  
Corvallis, OR 97333

**GRANTOR'S NAME:**  
Spies Real Estate Group LLC

**GRANTEE'S NAME:**  
Joseph Clinton Monfalcone and Esti Slabbert Monfalcone

**AFTER RECORDING RETURN TO:**

Order No.: 471820096832-DJ  
Joseph Clinton Monfalcone and Esti Slabbert Monfalcone, as  
tenants by the entirety  
24704 Alpine Road  
Monroe, OR 97456

**SEND TAX STATEMENTS TO:**

Joseph Clinton Monfalcone and Esti Slabbert Monfalcone  
24704 Alpine Road  
Monroe, OR 97456

APN: 190730  
Map: 146260000802  
24704 Alpine Road, Monroe, OR 97456

|                                                                                                                                               |                        |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| BENTON COUNTY, OREGON                                                                                                                         |                        | <b>2020-603762</b> |
| DE-WD                                                                                                                                         | 11/20/2020 02:57:09 PM |                    |
| Stn=53 LH                                                                                                                                     |                        |                    |
| \$15.00 \$11.00 \$10.00 \$62.00 \$20.00                                                                                                       | <b>\$118.00</b>        |                    |
| I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records. |                        |                    |
| James V. Morales - County Clerk                                                                                                               |                        |                    |

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

Spies Real Estate Group LLC, an Oregon limited liability company, Grantor, conveys and warrants to

Joseph Clinton Monfalcone and Esti Slabbert Monfalcone, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Benton, State of Oregon:

Beginning at a point .606 chains West of a stone the Northeast corner of the Jacob Hammer Donation Land Claim No. 48 in Township 14 South, Range 6 West of the Willamette Meridian in Benton County, Oregon, and running thence South 89°58' West 21.057 chains to a 1/2 inch pipe; thence South 11° East 18.467 chains to a 1/2 inch pipe on the South side of the P.E. & E. R.R. right-of-way; thence North 89°46' West 31.963 chains, more or less, along the South line of said right-of-way, to a 1/2 inch pipe which is the Northeast corner of a 2 acre tract of land deeded to Lillian R. Bailey, August 14, 1916 and recorded in Book 64 at page 378, Deed Records for Benton County, Oregon; thence South 8° East 4.615 chains to a 1/2 inch pipe in the center of county road; thence South 75°34' East, along the center of said road and the North line of that tract of land conveyed to I.P. Miller Lumber, Inc. by deed recorded in book 186, page 202, Deed Records, 9.031 chains; thence continuing along the center of said road and the North line of said I.P. Miller Lumber Inc. tract, .891 chains to a 1/2 inch pipe; thence South 62°56' East, along the center of said road and the North line of said I.P. Miller Lumber, Inc. tract, 16.46 chains to a 1/2 inch pipe; thence South 87°05' East, along the center of said road and the North line of said I.P. Miller Lumber, Inc. tract and the North line of that tract of land conveyed to J. Ertis Larkin by deed recorded in Book 173, page 583, Deed Records, 29.506 chains to a 1/2 inch pipe in the East line of said claim; thence North 0°10' West, 34.352 chains to the point of beginning.

EXCEPTING THEREFROM, a certain 50 foot right-of-way heretofore deeded to the Corvallis and Alsea River Railroad Company, (now P.E. & E. Railroad Company).

FURTHER EXCEPTING THEREFROM, that portion conveyed to Guy F. Standifer and Stephanie D. Standifer in deed recorded October 25, 1989 as M-116745-89, Microfilm Records for Benton County, Oregon.

FURTHER EXCEPTING THEREFROM, that portion lying Southerly of the Railroad.

TOGETHER WITH that property deeded to Douglas A. Lewis by Union Pacific Railroad Company, a Delaware corporation by Quitclaim Deed recorded July 17, 2006 as 2006-407272, Records for Benton County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SEVEN HUNDRED NINETY-NINE THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$799,900.00). (See ORS 93.030).

Subject to:

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN

# STATUTORY WARRANTY DEED

(continued)

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

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

Dated: 10/14/2020

Spies Real Estate Group LLC

BY: [Signature]  
Paul Spies  
Member

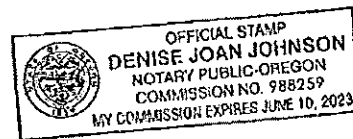
State of Oregon

County of Benton

This instrument was acknowledged before me on 10/14, 2020 by Paul Spies, Member of Spies Real Estate Group LLC.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 6/10/23



## EXHIBIT "A"

### Exceptions

#### Subject to:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.
5. The Land has been classified as forest land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
6. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Hammer Creek.  
  
Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.  
  
Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Hammer Creek.  
  
Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Hammer Creek.
7. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and/or highways.
8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Consumers Power, Inc.  
Purpose: Poles and elevated lines  
Recording Date: July 20, 1982  
Recording No: M-39743
9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Consumers Power, Inc.  
Purpose: Poles and elevated lines  
Recording Date: January 2, 1987  
Recording No: M-85498
10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Consumers Power, Inc.  
Purpose: Poles and elevated lines  
Recording Date: May 4, 1992  
Recording No: M-147848-92
11. Covenant,  
  
Recording Date: June 16, 1995  
Recording No.: M-200218-95
12. Reservation, exception or other severance of minerals, contained in or disclosed by instrument,  
  
In favor of: Union Pacific Railroad Company  
Reservation of: Reference is hereby made to said document for full particulars  
Recording Date: July 17, 2006  
Recording No.: 2006-407272

The Company makes no representation as to the present ownership of this interest or its encumbrances.



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

March 22, 2021

Will McGill Surveying  
15333 Pletzer Rd. SE  
Turner, OR 97392

Reference: Transfer T-13534

The assignment from Spies Real Estate Group LLC to Joseph Clinton Monfalcone and Esti Slabbert Monfalcone has been recorded in the records of the Water Resources Department.

The Departments records will now show Joseph Clinton Monfalcone and Esti Slabbert Monfalcone as the transfer holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 134745 covering the recording fee is also enclosed.

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Original Request and Receipt #134745

cc: Spies Real Estate Group LLC – PO Box 548, Corvallis, OR 97339  
Joseph Clinton Monfalcone & Esti Slabbert Monfalcone – 24704 Alpine Rd., Monroe, OR 97456  
Data Center, OWRD (cover letter & request)  
File



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 # **134745**

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

RECEIVED FROM: Will McGill Surveying, LLC

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

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>1-13534</u> |

CASH: ☐ CHECK: # 1794 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

| MISCELLANEOUS     |                                    |                  |
|-------------------|------------------------------------|------------------|
| 0407              | COPY & TAPE FEES                   | \$               |
| 0410              | RESEARCH FEES                      | \$               |
| 0408              | MISC REVENUE: (IDENTIFY)           | \$               |
| TC162             | DEPOSIT LIAB. (IDENTIFY)           | \$               |
| 0240              | EXTENSION OF TIME                  | \$               |
| WATER RIGHTS:     |                                    |                  |
| 0201              | SURFACE WATER                      | \$               |
| 0203              | GROUND WATER                       | \$               |
| 0205              | TRANSFER                           | \$               |
| WELL CONSTRUCTION |                                    |                  |
| 0218              | WELL DRILL CONSTRUCTOR             | \$               |
|                   | LANDOWNER'S PERMIT                 | \$               |
| 0250              | OTHER (IDENTIFY) <u>Assignment</u> | \$ <u>100.00</u> |

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY** LIC NUMBER

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

**TREASURY OTHER / RDX**

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

RECEIPT: **134745**

DATED: 3-12-0021 BY: Mindy Carlson

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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

## Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Spies Real Estate Group LLC  
(Name of Current Holder of Record)  
PO Box 548 Corvallis OR 97339 5412312928  
(Mailing Address) (City) (State) (Zip) (Phone #)

☒ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)

☐ hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # \_\_\_\_\_; Permit # \_\_\_\_\_; Transfer # T-13584;

Limited License # \_\_\_\_\_; Groundwater Statement # \_\_\_\_\_;

as filed in the office of the Water Resources Director, to:

Joseph Clinton and Esti Slabbert Manfalcone  
(Name of New Owner)  
24704 Alpine Rd. Marroe OR 97456 (541) 974-5528  
(Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below \_\_\_\_\_.

B I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request for Assignment.

Witness my hand this 24th day of Feb, 20 21.  
(Day) (Month) (Year)

Signature of Current Holder of Record [Signature]

**Failure to provide any of the required information will result in the return of your application.**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 134745

For Director by Mary Bjork, Program Analyst in Water Rights Division. MJB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

**RECEIVED**

**MAR 12 2021**

**OWRD**

Assign - Approve  
3-23-2021 MJB

T-13534

**BJORK Mary F \* WRD**

---

**From:** BJORK Mary F \* WRD  
**Sent:** Wednesday, March 10, 2021 7:48 AM  
**To:** GREW Scott A \* WRD  
**Cc:** BJORK Mary F \* WRD  
**Subject:** RE: FW: transfer T-13534 / APN 190730 / 146260000802 (BENTON)

Thanks Scott, I'll keep an eye out for it. Have a great day!

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



OREGON  
WATER  
RESOURCES  
DEPARTMENT



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

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**From:** GREW Scott A \* WRD <Scott.A.Grew@oregon.gov>  
**Sent:** Tuesday, March 9, 2021 12:10 PM  
**To:** BJORK Mary F \* WRD <Mary.F.Bjork@oregon.gov>  
**Subject:** FW: FW: transfer T-13534 / APN 190730 / 146260000802 (BENTON)

Hello Mary,

I have a file that Will McGill will be sending in an assignment for. Just a heads up to you.

Thank you,

Scott

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

**From:** Will McGill <[willmcgill.surveying@gmail.com](mailto:willmcgill.surveying@gmail.com)>  
**Sent:** Tuesday, March 9, 2021 11:25 AM  
**To:** GREW Scott A \* WRD <[Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov)>  
**Subject:** Re: FW: transfer T-13534 / APN 190730 / 146260000802 (BENTON)

Hi Scott,

Here is a copy of the transfer assignment, but we will be sending the original in the mail today.

--

Will McGill, PLS, CWRE  
15333 Pletzer Rd SE  
Turner, OR 97392  
503-510-3026  
[mcgillwaterrights.com](http://mcgillwaterrights.com)

On Mon, Mar 8, 2021 at 2:47 PM GREW Scott A \* WRD <[Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov)> wrote:

Thank you Will.

Yes an assignment will work as well. Keep me in the loop on when you will submit the assignment.

Thank you,

Scott Grew

Transfer Specialist

Oregon Water Resources Department

503-986-0890

**From:** Will McGill <[willmcgill.surveying@gmail.com](mailto:willmcgill.surveying@gmail.com)>

**Sent:** Friday, March 5, 2021 2:05 PM

**To:** GREW Scott A \* WRD <[Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov)>

**Subject:** Re: FW: transfer T-13534 / APN 190730 / 146260000802 (BENTON)

Hi Scott,

In response to your items:

1. We had the same issue arise on the alternate reservoir application that Kim French is working on. This was a mistake on Benton County's part, no conditional use was being pursued. We had them re-sign the land use form recently, attached is a copy.
2. Spies recently sold the property to Monfalcones. We are working with both parties to get the assignment taken care of, but Paul Spies has been out of town. Would an assignment work the same as a consent form? What is the deadline you would need that submitted by in order to process the approval?

Thanks for the heads up!

--

Will McGill, PLS, CWRE

15333 Pletzer Rd SE

Turner, OR 97392

503-510-3026

[mcgillwaterrights.com](http://mcgillwaterrights.com)



On Tue, Mar 2, 2021 at 5:04 PM GREW Scott A \* WRD <[Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov)> wrote:

Hey Will,

I am just getting to this application. A couple of items I wanted to check in on:

1. The Land Use form listed that Land Use Approval was "Being Pursued". Have you received approval yet?
2. The List Pack lists Monfalcone, Joseph C and Monfalcone, Esti S as owners not Spies Real Estate Group LLC. We would need consent form signed by Monfalcone, Joseph C and Monfalcone, Esti S.

Thank you,

Scott

[Scott Grew](#)

[Transfer Specialist](#)

[Oregon Water Resources Department](#)

[503-986-0890](#)

**From:** Chelsey Bunn <[cbunn@firstam.com](mailto:cbunn@firstam.com)>  
**Sent:** Wednesday, February 24, 2021 9:07 AM  
**To:** GREW Scott A \* WRD <[Scott.A.Grew@oregon.gov](mailto:Scott.A.Grew@oregon.gov)>  
**Cc:** [willmcgill.surveying@gmail.com](mailto:willmcgill.surveying@gmail.com)  
**Subject:** transfer T-13534 / APN 190730 / 146260000802 (BENTON)

Hello Scott,

Attached is the information you requested.

Have a wonderful day.

---

## Chelsey Bunn

Customer Service Representative

Direct: 503-476-8735 | Email: [cbunn@firstam.com](mailto:cbunn@firstam.com)

Contact Customer Service at 503.219.TRIO (8746) or by email [cs.oregon@firstam.com](mailto:cs.oregon@firstam.com)



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# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266503-986-0900  
www.oregon.gov/OWRD

|                                     |  |                        |              |                                |  |
|-------------------------------------|--|------------------------|--------------|--------------------------------|--|
| NAME<br>SPIES REAL ESTATE GROUP LLC |  |                        | PHONE (HM)   |                                |  |
| PHONE (WK)<br>(541) 231-1321        |  | CELL<br>(541) 231-2828 |              | FAX                            |  |
| ADDRESS<br>PO BOX 548               |  |                        |              |                                |  |
| CITY<br>CORVALLIS                   |  | STATE<br>OR            | ZIP<br>97339 | E-MAIL*<br>SPIESPAUL@GMAIL.COM |  |

Received by OWRD

MAR 05 2021

## 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<br>(e.g., Rural<br>Residential/RR-5) | Water to be:                                 |                                   |                                          | Proposed Land<br>Use: |
|----------|-------|---------|-------|-----------|-------------------------------------------------------|----------------------------------------------|-----------------------------------|------------------------------------------|-----------------------|
| 14S      | 6W    | 26      | SWNE  | 802       | EFU                                                   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Farming               |
| 14S      | 6W    | 26      | NWSE  | 802       | EFU                                                   | <input checked="" type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Farming/<br>Reservoir |
| 14S      | 6W    | 26      | NESW  | 802       | EFU                                                   | <input checked="" type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | Farming               |
| _____    | _____ | _____   | _____ | _____     | _____                                                 | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | _____                 |

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

Benton

## 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) Hammer Creek

Estimated quantity of water needed: 20    ☐ 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 Multipurpose reservoir

Briefly describe:

It is proposed to move a 2.0 acre portion of water right certificate 24311 to cover the irrigated area of the property. It is also proposed to authorize a 15.0 acre-foot reservoir on the property. No development will occur in the floodplain.

**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.

## For Local Government Use Only

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

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

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Benton County Code Chapter 55
- ☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

Use of The reservoir is limited to primarily agricultural purposes with incidental and subordinate use for personal recreation by The property owner.

Name: Inga Williams Title: Associate Planner

Signature: [Signature] Phone: 541-766-6029 Date: 2/2/21

Government Entity: Benton 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.



Received by OWRD

### Receipt for Request for Land Use Information

MAR 05 2021

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Salem, OR

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



February 5, 2021

**Applicant**

SPIES REAL ESTATE GROUP LLC  
PO BOX 548  
CORVALLIS, OR 97339

Reference: Water Right Transfer Application T-13534

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-13534. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

**Items needed before the next phase of processing...**

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
  - a) The title company's report must either be:
    - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
    - ii) prepared within 3 months of recording of a water right conveyance agreement, or
    - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
  - b) The ownership report shall include:
    - i) Date the ownership report was generated or prepared; and
    - ii) List of owners at that time; and
    - iii) Legal description of the property where the water right to be transferred is currently located.
  - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

**Conditions to your water right...**

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

**Please note the proposed date by which all conditions must be met: October 1, 2022.** If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

**What happens next...**

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

**If we do not receive the items listed above by March 7, 2021, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890 should you have questions.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: Transfer Application file T-13534  
Joel M. Plahn, District 22 Watermaster (*via e-mail*)  
William E. McGill, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application  
T-13534, Benton County

)  
)  
)  
)  
)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF 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**

SPIES REAL ESTATE GROUP LLC  
PO BOX 548  
CORVALLIS, OR 97339

**Findings of Fact**

1. On September 30, 2020, SPIES REAL ESTATE GROUP LLC filed an application for a change in place of use under Certificate 24311. The Department assigned the application number T-13534.
2. Notice of the application for transfer was published on October 13, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

|                       |                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Certificate:</b>   | 24311 in the name of J. E. LARKIN (perfected under Permit S-20350)                                                                                                                                                                                                                                                                                                                                     |
| <b>Use:</b>           | IRRIGATION of 2.0 ACRES                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Priority Date:</b> | MAY 18, 1951                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Rate:</b>          | 0.02 CUBIC FOOT PER SECOND                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Limit/Duty:</b>    | The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. |
| <b>Source:</b>        | HAMMER CREEK, a tributary of MARYS RIVER                                                                                                                                                                                                                                                                                                                                                               |

**Authorized Points of Diversion:**

| Twp  | Rng | Mer | Sec | Q-Q   |
|------|-----|-----|-----|-------|
| 14 S | 6 W | WM  | 26  | NE SW |
| 14 S | 6 W | WM  | 26  | NW SE |

**Authorized Place of Use:**

| IRRIGATION HAMMER CREEK |     |     |     |       |       |       |
|-------------------------|-----|-----|-----|-------|-------|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC   | Acres |
| 14 S                    | 6 W | WM  | 26  | NE SW | 48    | 0.3   |
| 14 S                    | 6 W | WM  | 26  | NW SE | 48    | 1.7   |
|                         |     |     |     |       | Total | 2.0   |

4. Transfer Application T-13534 proposes to change the place of use of the right to:

| IRRIGATION HAMMER CREEK |     |     |     |       |     |       |
|-------------------------|-----|-----|-----|-------|-----|-------|
| Twp                     | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 14 S                    | 6 W | WM  | 26  | SW NE | 48  | 13.5  |

***Transfer Review Criteria [OAR 690-380-4010(2)]***

5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13534.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.
9. All other application requirements are met.

*If Transfer Application T-13534 is approved, the final order will include the following:*

1. *The change in place of use proposed in Transfer Application T-13534 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 24311 and any related decree.*
3. *Water right Certificate 24311 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *Water use measurement conditions:*

- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
7. *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  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

|                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at <a href="mailto:scott.a.grew@oregon.gov">scott.a.grew@oregon.gov</a> or 503-986-0890.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Oregon Water Resources Department

### Measurement Condition Information for the Applicant

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

Transfer #: T- 13534



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: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@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

**Notice of Preliminary Determination for  
Water Right Transfer T-13534**

T-13534 filed by Spies Real Estate Group LLC, PO Box 548, Corvallis OR 97339, proposes a change in place of use under Certificate 24311. The right allow the use of 0.02 cubic foot per second from Hammer Creek in Sec. 26, T14S, R6W, WM for irrigation in Sec. 26, T14S, R6W, WM. The applicant proposes to change the place of use to Sec. 26, T14S, R6W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$810 protest fee for non-applicant, or \$410 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

STATE OF OREGON  
COUNTY OF BENTON  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. E. LARKIN

of Rt. 1, Box 45-A, Monroe, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Hammer Creek and an unnamed stream a tributary of Marys River for the purpose of irrigation of 54.1 acres under Permit No. 20350 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 18, 1951,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.67 cubic foot per second, being 0.55 cubic foot per second from Hammer Creek and 0.12 cubic foot per second from unnamed stream,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$  and NW $\frac{1}{4}$  SE $\frac{1}{4}$  all as projected within Hammer DLC #48, Section 26, Township 14 South, Range 6 West, W.M.

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

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

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

Hammer Creek

|                                                                                   |     |
|-----------------------------------------------------------------------------------|-----|
| 13.5 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Hammer DLC #48 | 0.3 |
| 0.9 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Hammer DLC #48  | 1.7 |
| 22.8 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected within Hammer DLC #48 |     |
| 7.1 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected within Hammer DLC #48  |     |

Unnamed Creek

|                                                                                  |
|----------------------------------------------------------------------------------|
| 8.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ , as projected within Hammer DLC #48 |
| 1.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ , as projected within Hammer DLC #48 |

Section 26  
Township 14 South, Range 6 West, W.M.

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

WITNESS the signature of the State Engineer, affixed

this 10th day of October, 1958.

LEWIS A. STANLEY

State Engineer

0.67 =  
54.1 0.112385

0.012385  
x 2.0 =

0.0247685

0.012385 x 52.1

remain

6.6452585

and shall

$\Delta$

Remain

13.2

21.1

2.0 acres

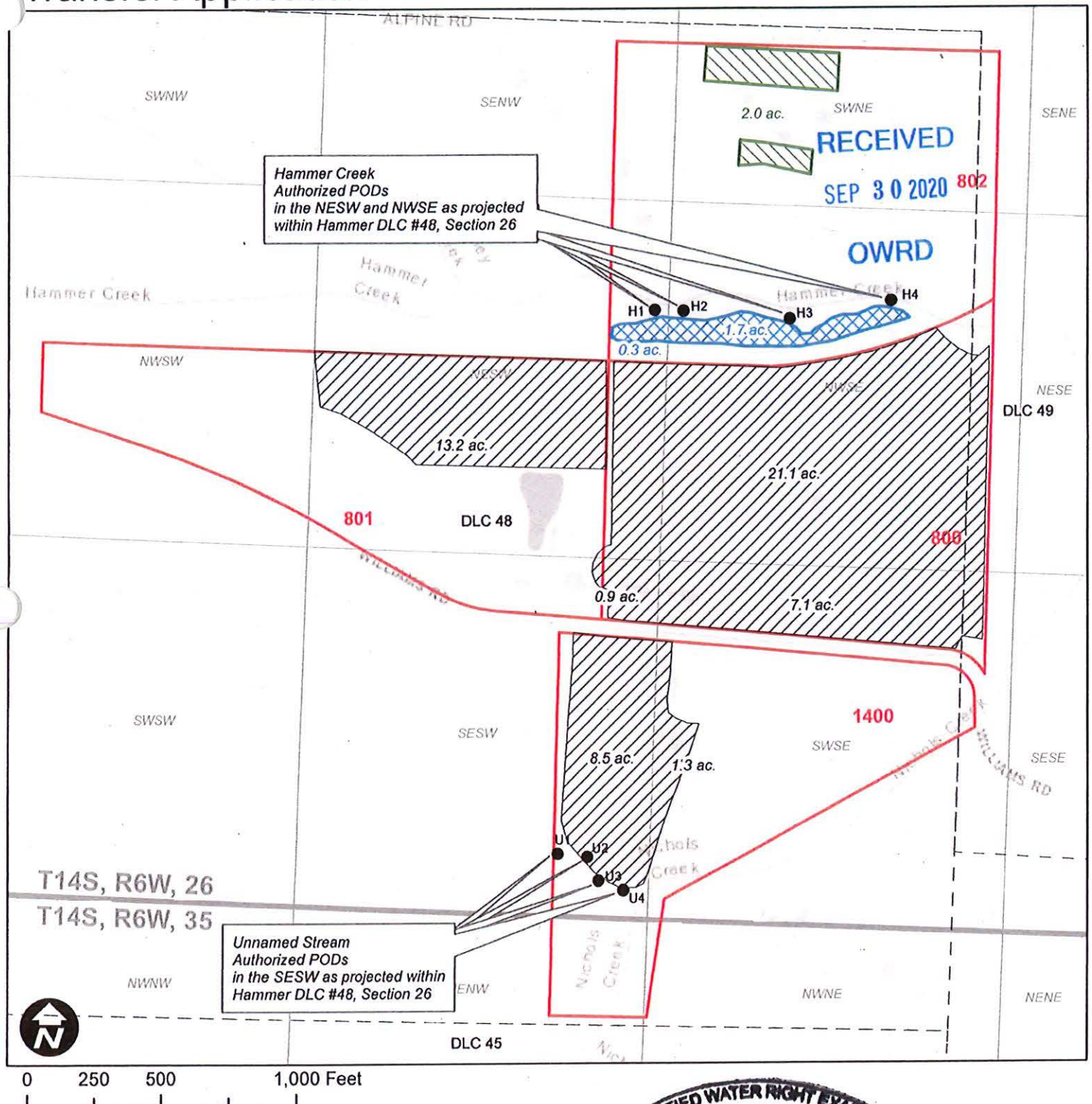
52.1 acres

0.02

0.65

# Alpine Farm - Spies Real Estate Group LLC

## Transfer Application



EXPIRES: 12/31/2020



Imagery Date: 7/3/2017 44°19'20.93" N 123°21'54.02" W elev 326 ft eye alt 1882 ft

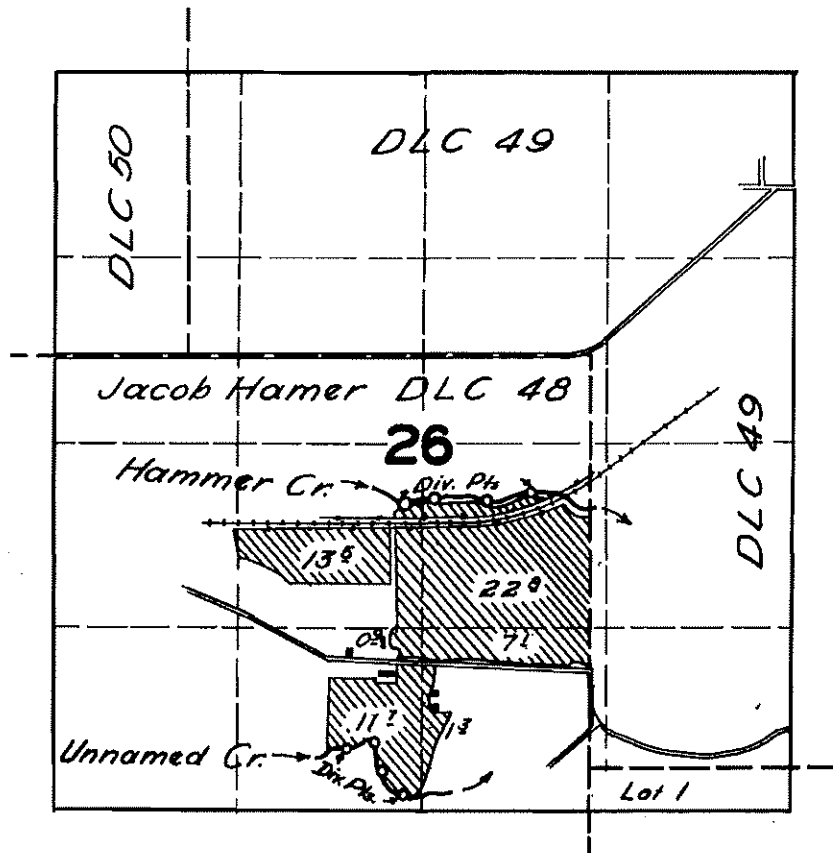
RECEIVED

SEP 30 2020

OWDD

13534

T.14S. R.6W. W.M.



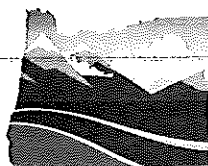
**FINAL PROOF SURVEY**  
UNDER

Application No. 25958 Permit No. 20350

IN NAME OF

J. E. LARKIN

Surveyed 22 Apr. 1957, by [Signature]

**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](http://www.oregon.gov/OWRD)

Transfer Application: T-13534

Review Due Date:

Applicant Name: Spies Real Estate

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

Reviewer(s): Joel Plahn

Date of Review: 10/15/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

|                                         |                                            |
|-----------------------------------------|--------------------------------------------|
| <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- 13534



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: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@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 Water Resources Department

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

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---



---



---

 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 Water Resources Department

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

Transfer #: T- 13534



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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
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

# 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-13534

Review Due Date:

Applicant Name: Spies Real Estate

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

Reviewer(s): Joel Plahn

Date of Review: 10/15/2020

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"?

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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:

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☐ A Headgate should be required prior to diverting water.

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*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.*

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*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- 13534



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: Joel Plahn

District: 22

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-508-2394

Email: joel.m.plahn@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

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

October 8, 2020

SPIES REAL ESTATE GROUP LLC  
PO BOX 548  
CORVALLIS, OR 97339

Reference: Application T-13534

On September 30, 2020, we received your water right Transfer application. The application was accompanied by \$1160.00. Our receipt number 133577 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use 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) 986-0815.

Cc: Watermaster Dist. #22 (*via email*)  
William E. McGill, Agent  
Benton County

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **133577** INVOICE # \_\_\_\_\_

RECEIVED FROM: Will McMill Surveying, LLC  
BY: \_\_\_\_\_

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>T-13534</u> |

CASH: ☐ CHECK: # 1705 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 1,160.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

|                         |    |
|-------------------------|----|
| 0407 COPIES             | \$ |
| OTHER: (IDENTIFY) _____ | \$ |

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46110

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

|                      |                    |      |                   |
|----------------------|--------------------|------|-------------------|
| <b>WATER RIGHTS:</b> | <b>EXAM FEE</b>    |      | <b>RECORD FEE</b> |
| 0201 SURFACE WATER   | \$                 | 0202 | \$                |
| 0203 GROUND WATER    | \$                 | 0204 | \$                |
| 0205 TRANSFER        | \$ <u>1,160.00</u> |      |                   |

|                             |                 |      |                    |
|-----------------------------|-----------------|------|--------------------|
| <b>WELL CONSTRUCTION</b>    | <b>EXAM FEE</b> |      | <b>LICENSE FEE</b> |
| 0218 WELL DRILL CONSTRUCTOR | \$              | 0219 | \$                 |
| LANDOWNER'S PERMIT          |                 | 0220 | \$                 |
| OTHER (IDENTIFY) _____      |                 |      |                    |

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

|                                |  |    |
|--------------------------------|--|----|
| 0233 POWER LICENSE FEE (FWWRD) |  | \$ |
| 0231 HYDRO LICENSE FEE (FWWRD) |  | \$ |
| HYDRO APPLICATION              |  | \$ |

**TREASURY OTHER / RDX**

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

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

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

RECEIPT: **133577** DATED: 9-30-2020 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist



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

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

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

RECEIVED

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

SEP 30 2020

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.

OWRD

- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Cert. 24311**

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

### Attachments:

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

### (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: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

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



**Part 4 of 5 – Applicant Information and Signature****Applicant Information**

|                                                                                                                                                                                    |                    |                                    |                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------|-------------------------------------------------|
| APPLICANT/BUSINESS NAME<br><b>Spies Real Estate Group LLC</b>                                                                                                                      |                    | PHONE NO.<br><b>(541) 231-2828</b> | ADDITIONAL CONTACT NO.<br><b>(541) 231-1321</b> |
| ADDRESS<br><b>PO Box 548</b>                                                                                                                                                       |                    | FAX NO.                            |                                                 |
| CITY<br><b>Corvallis</b>                                                                                                                                                           | STATE<br><b>OR</b> | ZIP<br><b>97339</b>                | E-MAIL<br><b>spiespaul@gmail.com</b>            |
| <b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b> |                    |                                    |                                                 |

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:  
*It is proposed to move the portion of Cert. 24311 on Spies Real Estate Group LLC property from the South edge of tax lot 802 to the North edge covering garden area.*

**Check One Box**

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

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**By my signature below, I confirm that I understand:**

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

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

DocuSigned by:  
  
 Applicant signature Paul Spies Print Name (and Title if applicable) Paul Spies Date 9/22/2020

Applicant signature \_\_\_\_\_ Print Name (and Title if applicable) \_\_\_\_\_ Date \_\_\_\_\_

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

|                          |       |     |           |                        |
|--------------------------|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME |       |     | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS                  |       |     |           | FAX NO.                |
| CITY                     | STATE | ZIP | E-MAIL    |                        |

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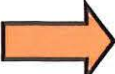
Describe any special ownership circumstances here: \_\_\_\_\_

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

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

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

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

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

|                                     |                                     |                     |  |
|-------------------------------------|-------------------------------------|---------------------|--|
| ENTITY NAME<br><b>Benton County</b> | ADDRESS<br><b>360 SW Avery Ave.</b> |                     |  |
| CITY<br><b>Corvallis</b>            | STATE<br><b>OR</b>                  | ZIP<br><b>97333</b> |  |

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

## Part 5 of 5 – Water Right Information

CERTIFICATE # 24311

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## Description of Water Delivery System

System capacity: 0.21 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. 5 HP gas-powered centrifugal pump conveys water to place of use via 4 inch above ground aluminum mainline. Applied by high-pressure sprinkler and drip irrigation.

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

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

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it Proposed?                    | If POA, OWRD Well Log ID# (or Well ID Tag # L-____) | Twp  | Rng | Sec | ¼ ¼   | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------|------|-----|-----|-------|---------------------------|------------------------------------------------------|
| POD H1                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | NE SW | 802                       | None listed in cert.                                 |
| POD H2                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | NW SE | 802                       | None listed in cert.                                 |
| POD H3                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | NW SE | 802                       | None listed in cert.                                 |
| POD H4                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | NW SE | 802                       | None listed in cert.                                 |
| POD U1                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | SE SW | 1400                      | None listed in cert.                                 |
| POD U2                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | SE SW | 1400                      | None listed in cert.                                 |
| POD U3                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | SE SW | 1400                      | None listed in cert.                                 |
| POD U4                 | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed |                                                     | 14 S | 6 W | 26  | SE SW | 1400                      | None listed in cert.                                 |

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

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

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

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

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 # 24311**

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

| AUTHORIZED (the "from" or "off" lands)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |         |                      |       |                                         |                                                         |                  |            | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |     |     |         |                      |       |                    |                                                      |                  |             |      |      |            |      |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----|-----|---------|----------------------|-------|--------------------|------------------------------------------------------|------------------|-------------|------|------|------------|------|------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp        |                                                               | Rng                                                                                                     | Sec | ¼ ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |             |      |      |            |      |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  | POU        | 14                                                            | S                                                                                                       | 6   | W   | 26      | SW                   | NE    | 802                | 48                                                   | 2.0              | Irrigation  | H1-4 | 1951 |            |      |      |
| 14                                                                                                                                                                                       | S   | 6   | W   | 26      | NE                   | SW    | 800/<br>801/<br>802                     | 48                                                      | 13.5             | Irrigation | H1-4                                                          | 1951                                                                                                    |     | 14  | S       | 6                    | W     | 26                 | NE                                                   | SW               | 800/<br>801 | 48   | 13.2 | Irrigation | H1-4 | 1951 |
| 14                                                                                                                                                                                       | S   | 6   | W   | 26      | SE                   | SW    | 800/<br>801                             | 48                                                      | 0.9              | Irrigation | H1-4                                                          | 1951                                                                                                    |     | 14  | S       | 6                    | W     | 26                 | SE                                                   | SW               | 800/<br>801 | 48   | 0.9  | Irrigation | H1-4 | 1951 |
| 14                                                                                                                                                                                       | S   | 6   | W   | 26      | NW                   | SE    | 800/<br>802                             | 48                                                      | 22.8             | Irrigation | H1-4                                                          | 1951                                                                                                    |     | 14  | S       | 6                    | W     | 26                 | NW                                                   | SE               | 800         | 48   | 21.1 | Irrigation | H1-4 | 1951 |
| 14                                                                                                                                                                                       | S   | 6   | W   | 26      | SW                   | SE    | 800                                     | 48                                                      | 7.1              | Irrigation | H1-4                                                          | 1951                                                                                                    |     | 14  | S       | 6                    | W     | 26                 | SW                                                   | SE               | 800         | 48   | 7.1  | Irrigation | H1-4 | 1951 |
| 14                                                                                                                                                                                       | S   | 6   | W   | 26      | SE                   | SW    | 1400                                    | 48                                                      | 8.5              | Irrigation | U1-4                                                          | 1951                                                                                                    |     | 14  | S       | 6                    | W     | 26                 | SE                                                   | SW               | 1400        | 48   | 8.5  | Irrigation | U1-4 | 1951 |
| 14                                                                                                                                                                                       | S   | 6   | W   | 26      | SW                   | SE    | 1400                                    | 48                                                      | 1.3              | Irrigation | U1-4                                                          | 1951                                                                                                    |     | 14  | S       | 6                    | W     | 26                 | SW                                                   | SE               | 1400        | 48   | 1.3  | Irrigation | U1-4 | 1951 |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |                                                               |                                                                                                         |     |     |         |                      |       |                    |                                                      |                  |             |      |      |            |      |      |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |            |                                                               |                                                                                                         |     |     |         |                      |       |                    |                                                      |                  |             |      |      |            |      |      |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |         |                      | 54.1  |                                         |                                                         |                  |            |                                                               | TOTAL ACRES:                                                                                            |     |     |         |                      |       | 54.1               |                                                      |                  |             |      |      |            |      |      |

Additional remarks:\_\_\_\_\_.

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**For Place of Use or Character of Use Changes**

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

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

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

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

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

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

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

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
County of BENTON ) ss

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I, PAUL SPIES, in my capacity as OWNER,  
mailing address PO BOX 548, CORVALLIS, OR 97339

telephone number (541)231-2828, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

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

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

| Certificate # | Township |   | Range |   | Mer | Sec | ¼ ¼ |    | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|---|-------|---|-----|-----|-----|----|---------------------|--------------------------|
| 24311         | 14       | S | 6     | W | WM  | 26  | NE  | SW | 48                  | 0.3                      |
| 24311         | 14       | S | 6     | W | WM  | 26  | NW  | SE | 48                  | 1.7                      |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |
|               |          |   |       |   |     |     |     |    |                     |                          |

**OR**

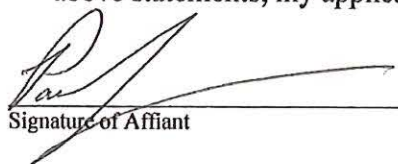
- ☐ Confirming Certificate # \_\_\_\_ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence 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)

13534

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

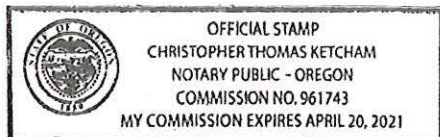
9/23/2020  
Date

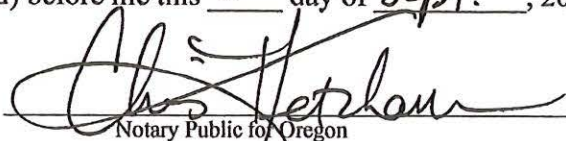
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Signed and sworn to (or affirmed) before me this 23rd day of Sept., 2020.



  
Notary Public for Oregon

My Commission Expires: April 20, 2021

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

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266503-986-0900  
www.oregon.gov/OWRD

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|                                     |  |                        |              |                                |  |
|-------------------------------------|--|------------------------|--------------|--------------------------------|--|
| NAME<br>SPIES REAL ESTATE GROUP LLC |  |                        | PHONE (HM)   |                                |  |
| PHONE (WK)<br>(541) 231-1321        |  | CELL<br>(541) 231-2828 |              | FAX                            |  |
| ADDRESS<br>PO BOX 548               |  |                        |              |                                |  |
| CITY<br>CORVALLIS                   |  | STATE<br>OR            | ZIP<br>97339 | E-MAIL*<br>SPIESPAUL@GMAIL.COM |  |

## A. Land and Location

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

| Township | Range | Section | ¼ ¼   | Tax Lot # | Plan Designation<br>(e.g., Rural Residential/RR-5) | Water to be:                                 |                                   |                                          | Proposed Land Use:    |
|----------|-------|---------|-------|-----------|----------------------------------------------------|----------------------------------------------|-----------------------------------|------------------------------------------|-----------------------|
| 14S      | 6W    | 26      | SWNE  | 802       | EFU                                                | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Farming               |
| 14S      | 6W    | 26      | NWSE  | 802       | EFU                                                | <input checked="" type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Farming/<br>Reservoir |
| 14S      | 6W    | 26      | NESW  | 802       | EFU                                                | <input checked="" type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | Farming               |
| _____    | _____ | _____   | _____ | _____     | _____                                              | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | _____                 |

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

Benton

## 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) Hammer Creek

Estimated quantity of water needed: 20    ☐ 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 Multipurpose reservoir

Briefly describe:

It is proposed to move a 2.0 acre portion of water right certificate 24311 to cover the irrigated area of the property. It is also proposed to authorize a 15.0 acre-foot reservoir on the property.

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

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## For Local Government Use Only

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

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

- ☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ 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<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                                 |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Permit for land development activities in the floodplain                                            | Benton County Code Chapter 83, Section 83.110                                  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input checked="" type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued            |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued            |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued            |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued            |

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

Use of the reservoir is limited to primarily agricultural purposes with incidental and subordinate use for personal recreation by the property owners. Commercial or club-type use requires Conditional Use approval

Name: Inga R. Williams Title: Associate Planner

Signature:  Phone: 541-766-6027 Date: 9/28/20

Government Entity: Benton 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

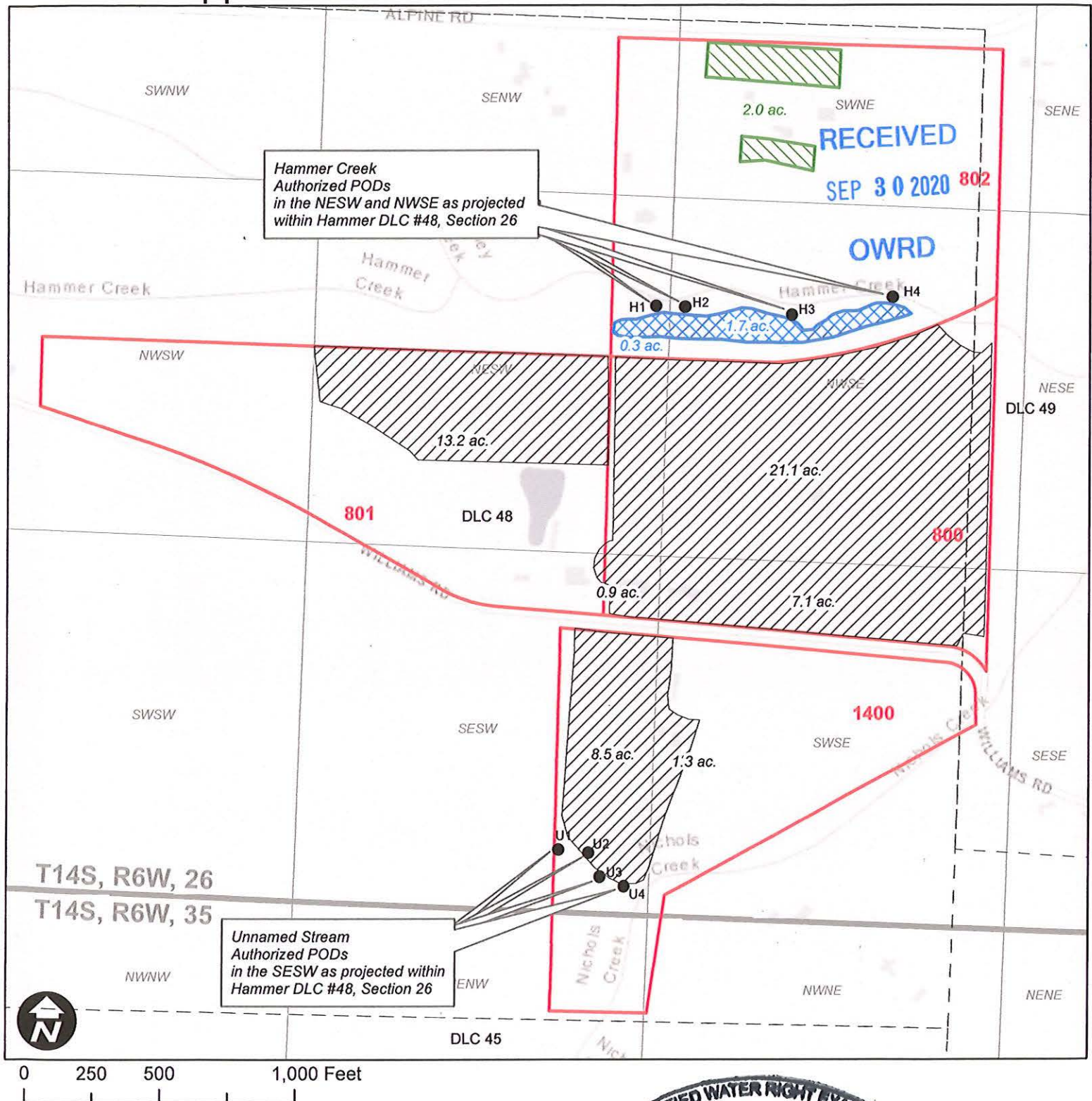
Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# Alpine Farm - Spies Real Estate Group LLC

## Transfer Application



**EXPIRES: 12/31/2020**





Google Earth

Imagery Date: 7/3/2017 44°19'29.92" N 123°22'54.02" W elev 326 ft eye alt 1882 ft

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## Business Registry Business Name Search

09-09-2020  
15:24[New Search](#)

## Business Entity Data

| Registry Nbr | Entity Type                 | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--------------|-----------------------------|---------------|--------------|---------------|-------------------|--------------|
| 956709-99    | DLLC                        | ACT           | OREGON       | 08-12-2013    | 08-12-2021        |              |
| Entity Name  | SPIES REAL ESTATE GROUP LLC |               |              |               |                   |              |
| Foreign Name |                             |               |              |               |                   |              |

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[New Search](#)

## Associated Names

OWRD

|        |                     |                             |       |                                  |
|--------|---------------------|-----------------------------|-------|----------------------------------|
| Type   | PPB                 | PRINCIPAL PLACE OF BUSINESS |       |                                  |
| Addr 1 | 4655 NE ELLIOTT CIR |                             |       |                                  |
| Addr 2 |                     |                             |       |                                  |
| CSZ    | CORVALLIS           | OR                          | 97330 | Country UNITED STATES OF AMERICA |

Please click [here](#) for general information about registered agents and service of process.

|        |                     |                  |            |            |                          |  |
|--------|---------------------|------------------|------------|------------|--------------------------|--|
| Type   | AGT                 | REGISTERED AGENT | Start Date | 07-24-2020 | Resign Date              |  |
| Name   | PAUL                | SPIES            |            |            |                          |  |
| Addr 1 | 4655 NE ELLIOTT CIR |                  |            |            |                          |  |
| Addr 2 |                     |                  |            |            |                          |  |
| CSZ    | CORVALLIS           | OR               | 97330      | Country    | UNITED STATES OF AMERICA |  |

|        |            |                 |       |                                  |
|--------|------------|-----------------|-------|----------------------------------|
| Type   | MAL        | MAILING ADDRESS |       |                                  |
| Addr 1 | PO BOX 548 |                 |       |                                  |
| Addr 2 |            |                 |       |                                  |
| CSZ    | CORVALLIS  | OR              | 97339 | Country UNITED STATES OF AMERICA |

|           |            |                   |       |             |                          |
|-----------|------------|-------------------|-------|-------------|--------------------------|
| Type      | MEM        | MEMBER            |       | Resign Date |                          |
| Of Record | 1097262-99 | SPIES CORPORATION |       |             |                          |
| Addr 1    | PO BOX 548 |                   |       |             |                          |
| Addr 2    |            |                   |       |             |                          |
| CSZ       | CORVALLIS  | OR                | 97339 | Country     | UNITED STATES OF AMERICA |

|        |                     |        |       |             |                          |
|--------|---------------------|--------|-------|-------------|--------------------------|
| Type   | MEM                 | MEMBER |       | Resign Date |                          |
| Name   | PAUL                | SPIES  |       |             |                          |
| Addr 1 | 4655 NE ELLIOTT CIR |        |       |             |                          |
| Addr 2 |                     |        |       |             |                          |
| CSZ    | CORVALLIS           | OR     | 97330 | Country     | UNITED STATES OF AMERICA |

13534

POU only Cert 24311

## Regular Permanent Water Right Transfer Application Checklist

Checked by Scott Date 10/5/20

(If OK, check box to left; if not, fill in the blank)

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_

☒ 2. Are fees included and correct? Fee paid: 1,160  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_

► If a Government Action POD change (see: Page 5): NO CHARGE

\*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type  
POU is counted as one type  
[USE *or* (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed? yes  
If no, whose signature is missing? \_\_\_\_\_

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?  
If no, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved:

Changes: \_\_\_\_\_

# cfs involved: \_\_\_\_\_

Source: \_\_\_\_\_

\* Table 2 could show just acres that are moving.

\* Note  
LAND USE BEING PURSUED