

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME <del>HBF ENTERPRISES</del> <u>ABE, LLC</u>			PHONE (HM)
PHONE (WK)	CELL (971) 237-5031		FAX
MAILING ADDRESS 23301 SW MCKIBBEN RD.			
CITY SHERIDAN	STATE OR	ZIP 97378	E-MAIL * MARKDANIELHURST@GMAIL.COM

### Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME WILL MCGILL SURVEYING, LLC		PHONE (503) 931-0210	FAX
MAILING ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILL.SURVEYING@GMAIL.COM

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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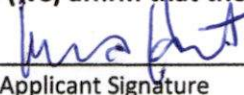
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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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

 Applicant Signature	<u>Mark Hurst owner</u> Print Name and Title if applicable	<u>6/5/2025</u> Date
_____ Applicant Signature	_____ Print Name and Title if applicable	_____ Date

For Department Use: App. Number: \_\_\_\_\_

## SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- ☒ YES, there are no encumbrances.  
☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.  
☐ NO, I do not currently have written authorization or easement permitting access.  
☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).  
☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

## SECTION 3: SOURCE OF WATER

### A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: South Yamhill River	Tributary to: Yamhill River
TRSQQ of POD: 5S, 5W, 31, NWSW	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

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**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in Section 3A above?

- ☐ Yes. ☐ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- ☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

#### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

#### Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

- ☐ Yes ☒ No

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.



If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

☒ Yes ☐ No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

☒ Yes ☐ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes**, provide a description of the measures to be taken to assure reasonably efficient water use:

Equipment will be kept in good operating condition to ensure efficient and accurate application of the water.

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

☒ Yes ☐ No

**If yes**, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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## SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
South Yamhill River	Frost Protection	March 1 – May 15	1,000 <input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: \_\_\_\_\_ Acres

Supplemental: \_\_\_\_\_ Acres

Nursery Use: \_\_\_\_\_ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: \_\_\_\_\_

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☒ Pump (give horsepower and type): 40 HP and 50 HP submersible

☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

40 and 50 HP submersible pump delivers water to overhead Nelson rotator sprinklers through buried PVC mainline.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
Rotator sprinklers

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The requested quantity of water is needed for frost protection because the entire system needs to run simultaneously to protect kiwi berry crops. This will only be used as needed in a frost event during the 2.5 requested months for minimal time. A water use measuring device will be installed.

## SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- ☒ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: Fish screens will be installed and maintained per ODFW specs.
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: No excavation or clearing necessary for this project. Application is being made on existing PODs.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: No operation of equipment in water will be needed.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Equipment will be kept in good operating condition to prevent waste or run-off.
- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

## SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Upon permit issuance  
b) Date construction will be completed: Request standard 5-year completion time  
c) Date beneficial water use will begin: Upon permit issuance

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## SECTION 9: WITHIN A DISTRICT

- ☐ Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

## SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

PODs are existing and authorized under T-14190 (irrigation) and Permit S-55503 (frost protection).



## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Resource Protection
- ☒ SECTION 8: Project Schedule
- ☒ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

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### Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☒ Fees - Amount enclosed: \$3,340  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- ☒ Map that includes the following items:
  - ☒ Permanent quality and drawn in ink
  - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - ☒ North Directional Symbol
  - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
  - ☒ Reference corner on map
  - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)



# Articles of Conversion - Business Entities

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - <http://www.FilingInOregon.com> - Phone: (503) 986-2200

FILED

02/07/2017 10:10AM 001001 #9075

FEB 07 2017

BUSINESS REG

\$100.00

OREGON

\$100.00

SECRETARY OF STATE

REGISTRY NUMBER: ~~807090-91~~

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record.  
We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in **Black Ink**.

1. NAME OF BUSINESS ENTITY PRIOR TO CONVERSION:

HBF Enterprises

2. TYPE OF BUSINESS ENTITY PRIOR TO CONVERSION:

An Oregon general partnership

3. NAME OF BUSINESS ENTITY AFTER CONVERSION:

HBE, LLC

4. TYPE OF BUSINESS ENTITY AFTER CONVERSION:

Limited liability company

5. WILL THE CONVERTED ENTITY TRANSACT BUSINESS IN OREGON? ☒ YES ☐ NO

6. IF NO, WHERE WILL THE JURISDICTION BE? \_\_\_\_\_

7. ☒ A COPY OF THE PLAN OF CONVERSION IS ATTACHED.

8. PROVIDE ADDITIONAL INFORMATION REQUIRED FOR NEW ENTITY TYPE: NONE

9. **EXECUTION:** By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE:

X

PRINTED NAME

Mark Hurst

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TITLE

Member

CONTACT NAME: DAVID H. LEONARD

PHONE NUMBER: 503-585-2255

HBE, LLC



129106290-17690600

CNV



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## PLAN OF CONVERSION

**ARTICLE 1. Plan of Conversion.** This Plan, pursuant to ORS 63.467-63.479, is intended to accomplish the conversion of HBF ENTERPRISES, a partnership, an Oregon general partnership, into an Oregon limited liability company to be known as HBE, LLC through the transfer by it of all its assets and liabilities into the limited liability company. Such conversion shall be accomplished in the manner stated in this "Plan."

**ARTICLE 2. Approval.** The Plan shall be considered adopted by HBF ENTERPRISES, a partnership, when it has been unanimously approved by its Partners.

**ARTICLE 3. Transfer of Assets and Liabilities to New Entity/LLC.** Upon approval of this Plan of Conversion and the filing of Articles of Conversion with the Oregon Corporation Division, the title to all real estate and other property owned by the partnership (subject to all debts, obligations and liabilities) shall be vested in the limited liability company without reversion or impairment. The ownership interests of the members of HBE, LLC shall be identical in form and proportion to the ownership interests of the Partners of HBF ENTERPRISES, a partnership.

**ARTICLE 4. Conversion.** Simultaneously with the approval of this Plan of Conversion by HBF ENTERPRISES, a partnership, the filing of Articles of Conversion with the Oregon Corporation Division, and in accordance with the laws of Oregon, HBF ENTERPRISES, a partnership, shall be formally converted into an Oregon limited liability company under the name HBE, LLC.

**ARTICLE 5. Effective Date.** This Plan is effective as of April 1, 2016.

**ARTICLE 6. Duration.** The duration of the Limited Liability Company shall be perpetual.

**ARTICLE 7. Registered Agent.** The name of the initial Registered Agent is Registered Agent Service Company, LLC. The address of the initial Registered Office of the Limited Liability

1291062-90

Company is 435 Commercial Street NE, Suite 201, Salem, Oregon 97301. The mailing address of the Registered Agent is P.O. Box 804, Salem, Oregon 97308.

**ARTICLE 8. Mailing Address.** The mailing address for notices is P.O. Box 804, Salem, Oregon 97308.

**ARTICLE 9. Organizer.** The name and address of the Initial Organizer is:

David H. Leonard                      P.O. Box 804  
Salem, OR 97308

**ARTICLE 10. Management.** This limited liability company will be managed by Members pursuant to the terms and requirements of the Operating Agreement for the newly converted limited liability company.

**EXECUTION:** April 1, 2016.

PARTNERS:

By: Mark Hurst  
Mark Hurst, Partner

By: Patty Hurst  
Patty Hurst, Partner

aws/13553 plan of conversion

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## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

05-26-2025

10:21

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

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[New Search](#)

## Associated Names

Salem, OR

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

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

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

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

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



201106625



\$56.00

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05/25/2011 12:32:32 PM

DMR-DDMR Cnt=1 Stn=2 ANITA

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

WARRANTY DEED

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

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

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

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

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

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

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

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

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

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

Dated this 20<sup>th</sup> day of May, 2011.

HBF Enterprises, an Oregon general partnership

Mark D. Hurst

Patty D. Hurst

Daniel S. Caldwell

Deborah L. Caldwell

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

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

None

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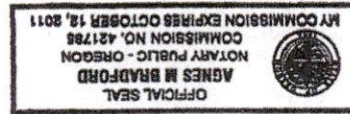
Churchill Leonard Lawyers, LLP  
PO Box 804, Salem, OR 97308  
(503) 585-2255

12075 Warranty Deed

Salem, OR

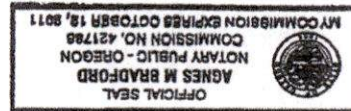
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*Agnes M. Bradford*  
Notary Public for Oregon  
My Commission Expires: May 20 2011  
The foregoing instrument was acknowledged before me this 20 day of May 2011, by Daniel S. Caldwell and Deborah L. Caldwell, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.

STATE OF OREGON )  
County of Yamhill ) ss.



*Agnes M. Bradford*  
Notary Public for Oregon  
My Commission Expires: May 20 2011  
The foregoing instrument was acknowledged before me this 20 day of May 2011, by Mark D. Hurst and Patty D. Hurst, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.

STATE OF OREGON )  
County of Yamhill ) ss.

**EXHIBIT A:**

**Legal Descriptions of Real Property**

**Parcel A - Stutzman:**

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

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

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

**Parcel B - Brandt (14 acres):**

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

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

SAVING AND EXCEPTING THEREFROM the following described tract of land;

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

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

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

**Parcel C - Brandt House (1 acre):**

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

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

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

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**Parcel D - Palmer:**

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

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

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

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

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

**Parcel E - Homeplace (1 acre):**

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

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

**Parcel F - Homeplace (16 acres):**

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

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

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

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# Land Use Information Form



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936838

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b. The application involves a change in place of use only;
  - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses: **and**

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD\_DL\_customerservice@water.oregon.gov.



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# Land Use Information Form



Attachment 2: Land Use Information Form

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

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Salem, OR

NAME HBF Enterprises			PHONE (971) 237-5031		
MAILING ADDRESS 23301 SW McKibben Rd.					
CITY Sheridan		STATE OR	ZIP 97378	EMAIL markdanielhurst@gmail.com	

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5S	5W	31	NWSW	2400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Farming
5S	5W	31	SWSW	2400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
5S	5W	31	SWSW	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	6W	1	NENE	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

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

Yamhill

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

## B. Description of Proposed Use

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

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

Source of water:    ☐ Reservoir/Pond    ☐ Ground Water    ☒ Surface Water (name) South Yamhill River

Estimated quantity of water needed: 1,000    ☐ cubic feet per second    ☒ gallons per minute    ☐ acre-feet

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

Briefly describe:

It is proposed to use the existing PODs and irrigation system to frost protect kiwi berry crops on TL 100.

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

See Page 4 →



## For Local Government Use Only

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

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**Please check the appropriate box below and provide the requested information** JUN 09 2025

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the 1920
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

Name: Kenneth P. Friday Title: P. D.  
 Signature: Kenneth P. Friday Date: 6/5/2025  
 Governmental Entity: Yamhill County Phone: 503-439-7516

### Receipt Acknowledging Request for Land Use Information

#### Note to Local Government Representative:

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

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

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

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

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



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Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: HBE LLC 23301 SW McKibben Rd  
Sheridan, OR 97378

Transaction Type: SW App

Fees Received: \$ 3340.00

☐ Cash

☒ Check:

Check No. 2409

Name(s) on Check: Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Sarah Benham

(Name of OWRD staff)

### Instructions for OWRD staff:

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