

Application No. **S 89904**

Name S-89904
 By HBE LLC
 Address 23301 SW McKibben Road
Sheridan, OR 97378

Permit No. _____
 Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume | Page

FEES PAID

Date	Amount	Receipt No.
6-9-25	\$3,340.00	145358

Cert. Fee

FEES REFUNDED

Date	Amount	Receipt No.

Priority ~~XXXXXX~~ 6/9/2025
 County Yamhill WM# 22

RELATED FILES

ASSIGNMENTS

Date

To Whom

Address

DEVELOPMENT

Date

Completion _____

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

REMARKS

MAP LOCATION

Mailing List for IR Copies

Application: S-89904

IR Date: July 11, 2025

Copies Mailed
By: <u>TM</u> (SUPPORT STAFF)
On: <u>7.11.2025</u> (DATE)

Original and map mailed to applicant:

HBE, LLC
23301 SW MCKIBBEN ROAD
SHERIDAN OR 97378

Sent via auto email:

1. Applicant – markdanielhurst@gmail.com
2. Agent – willmcgill.surveying@gmail.com
3. WRD – Watermaster District #22, Joel M. Plahn
4. WRD – Mike McCord, NWR
5. WRD – SW Section
6. ODFW
7. DEQ

Copies sent to:

1. WRD – File S-89904
2. Yamhill County Planning Department (by email)

Application Specialist: Lucinda Vranizan



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

Water Right Application Initial Review

July 11, 2025

HBE, LLC
23301 SW MCKIBBEN ROAD
SHERIDAN OR 97378

Reference: Application S-89904

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Water Resources Department (Department) must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Department has made the following preliminary determinations:

Preliminary Determinations under Oregon Administrative Rule (OAR) 690-310-0080:

1. The application proposes the diversion of 2.23 cubic feet per second (CFS) of water from the South Yamhill River, tributary to the Yamhill River, for frost protection from March 1 through May 15 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Frost protection (temperature control) is included in agricultural use and is allowable under the Willamette Basin Program from November 1 through April 30. OAR 690-300-0010(2) and (54); OAR 690-502-0010(2); OAR 690-502-0100(4)(a).
4. An assessment of water availability at 80% exceedance for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established, during the period of use requested, surface water is available March 1 through May 15 of each year.
5. The proposed use is not located within or above any state scenic waterway.
6. This application proposes to use water for frost protection on lands that have an existing frost protection water right, evidenced by Permit S-55503. It is unclear how it would be beneficial use to

authorize additional appropriation under this application on the portion of lands already covered by Permit S-55503. Please see the **Additional Information Requested** section below for details.

7. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.

Summary of Preliminary Determinations
The diversion of 2.23 CFS of water from the South Yamhill River, tributary to the Yamhill River, for frost protection from March 1 through April 30 of each year may be allowable. Please see the <u>Additional Information Requested</u> section below for more details.

Additional Information Requested:

A portion of the lands proposed for frost protection use in this application are currently authorized for frost protection use under Permit S-55503. It is unclear how it would be beneficial use to authorize additional appropriation under this application on these lands. Additional information is required prior to issuance of any Proposed Final Order that may recommend approval.

- A. Please provide information describing how the additional water requested under this application would be put to beneficial use, and the Department will take this into consideration; or
- B. Please amend Application S-89904 to remove the lands where frost protection is currently authorized under Permit S-55503. The Department would need to receive this request in writing along with an amended map; or
- C. Alternatively, you may wish to consider voluntarily cancelling Permit S-55503 for frost protection use. The Department would need to receive a completed form authorizing voluntary cancellation of Permit S-55503, which would only be processed concurrently with any permit that may be issued for Application S-89904; or
- D. Another means of dealing with the overlap of the use proposed under this application and Permit S-55503.

Please submit this information no later than August 14, 2025. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time is needed and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Public Comment & Further Review:

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

Division 33 Review – The Department's Division 33 administrative rules (OAR 690-033) establish additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered (STE) fish species. This Initial Review does not address the potential impact that your proposed use may have on these species.

Your application will now undergo an additional review from numerous federal, state, local, and tribal governmental entities. This review may cause your application to be limited, conditioned, or denied. Depending on the proposed use, you may be required to mitigate for potential impacts identified in the review.

Mitigation for impacts to STE Species – Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water within the impacted reach through purchasing or transferring an existing water right. Following the Initial Review, you will be notified if mitigation is required, due to impacts to STE fish species.

If you choose to pursue mitigation, you will likely need to place your application on administrative hold in order to explore options. There will be an additional fee of \$790 (or \$1,185 depending on the status of House Bill 2803) required with any mitigation proposal submitted.

At this time, you must decide whether to proceed or to withdraw the application.

- **To Proceed** - If you choose to proceed with the application, you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.
- **To Withdraw** - You may withdraw the application and fees in excess of \$310 (or \$465 depending on the status of House Bill 2803) will be returned. You must notify the Department **in writing** by **July 25, 2025**. For your convenience you may use the enclosed "STOP PROCESSING" form. For more information, please contact your caseworker as described on Page 5.

If a permit is issued, it will likely include the following conditions:

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.

2. Water Use Measurement, Recording, and Reporting:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. Temperature Control Water Use Report:

The permittee shall submit a report detailing the amount of water used, the times of application and conditions requiring the use of water for temperature control. The report shall be submitted annually to the Department and is in addition to any requirement for the permittee to report annual water use under the "Water Use Measurement, Recording, and Reporting" condition included in this permit.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program website at www.oregon.gov/ODA to learn more about the plans and how they may affect the proposed water use.

For Further Information:

Feel free to contact me at Lucinda.R.Vranizan@water.oregon.gov or 971-375-2256 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0900. When corresponding by mail, please use this address: Lucinda Vranizan, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Lucinda Vranizan

Lucinda Vranizan
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description
Stop Processing Request Form

S-89904
WAB: 162
Proposed to Approve

APPLICATION FACT SHEET

Application File Number: S-89904

Applicant: HBE, LLC

County: YAMHILL

Watermaster: JOEL PLAHN, #22, NWR

Priority Date: JUNE 9, 2025

Source: SOUTH YAMHILL RIVER, TRIBUTARY TO YAMHILL RIVER

Purpose or Use: FROST PROTECTION (AGRICULTURAL USE)

Rate: 2.23 CUBIC FEET PER SECOND

Period of Use: MARCH 1 THROUGH MAY 15

Basin Name & Number: WILLAMETTE, #2

WAB: S YAMHILL R > YAMHILL R - AB COZINE CR

Points of Diversion:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	5 S	5 W	WM	31	NW SW	630 FEET NORTH AND 630 FEET WEST FROM NW CORNER, DLC 62
POD 2	5 S	5 W	WM	31	NW SW	640 FEET NORTH AND 640 FEET WEST FROM NW CORNER, DLC 62

Place of Use:

Twp	Rng	Mer	Sec	Q-Q
5 S	5 W	WM	31	SW SW
6 S	6 W	WM	1	NE NE

PUBLIC NOTICE DATE: July 15, 2025

14 DAY STOP PROCESSING DEADLINE DATE: July 25, 2025

30 DAY COMMENT DEADLINE DATE: August 14, 2025

APPLICATION PROCESS DESCRIPTION FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our website at: www.oregon.gov/owrd

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference, contact the Department's Water Rights Customer Service Group at (503) 986-0900.

2. Application filing

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

3. Initial Review (IR)

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.

4. Proposed Final Order (PFO)

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

5. Final Order (FO)

- If no protest is filed, Final Order is issued.

The protest process

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- Proposed Order;
- period of time to file exceptions; or
- possible hearing by Water Resources Commission.
- Final Order is issued.

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

STOP PROCESSING REQUEST FORM

FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.

Applicant notification to withdraw Water Right Application **S-89904**.

After reviewing the Initial Review for my application, I request that processing be stopped, and fees in excess of \$310 (or \$465 depending on the status of House Bill 2803) will be returned. I understand that without a valid permit, I may not legally use the water as requested in my application.

Signature _____ Date _____

Signature _____ Date _____

Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped, and fees in excess of \$310 (or \$465 depending on the status of House Bill 2803) will be returned.

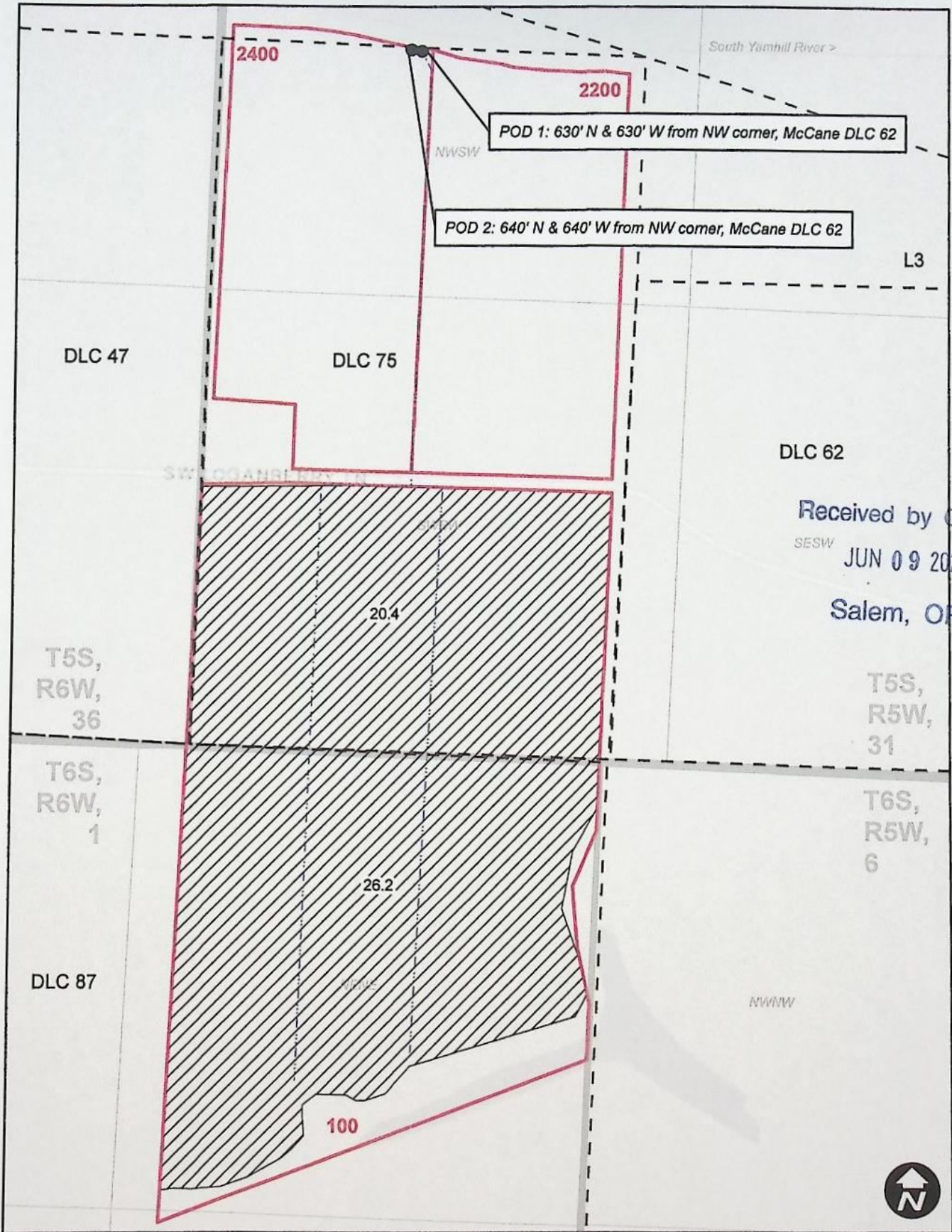
- This notice must be received at Water Resources Department by:

July 25, 2025

- Return the notice to:

OWRD, Water Right Services Division
STOP PROCESSING
725 Summer Street, NE - Suite A
Salem OR, 97301-1266

Surface Water Application - HBF Enterprises



Received by OWRD
SESW JUN 09 2025
Salem, OR

Legend

FR POU Mainline DLC Taxlots

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 HBF ENTERPRISES HBE, LLC		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.)

Received by OWRD

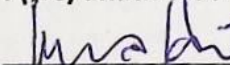
By my signature below I confirm that I understand:

- 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.

JUN 09 2025

Salem, OR

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


Applicant Signature

Mark Hurst *owner*
Print Name and Title if applicable

6/5/2025
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).

Received by OWRD

JUN 09 2025

Salem, OR

JUN 09 2025

Salem, OR

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_trsqg_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 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.

Received by OWRD

JUN 09 2025

Salem, OR

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 ☐ cfs ☒ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ 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:

Received by OWRD

JUN 09 2025

Salem, OR

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

Received by OWRD

JUN 09 2025

Salem, OR

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

Received by OWRD

JUN 09 2025

Salem, OR

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 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 000001 44073

FEB 07 2017

SUBMITS REG

\$100.00

COREGON

\$100.00

SECRETARY OF STATE

1291062-90

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

Received by OWRD

JUN 09 2025

Salem, OR

TITLE

Member

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:

[Signature]

PRINTED NAME

Mark Hurst

CONTACT NAME: DAVID H. LEONARD

PHONE NUMBER: 503-585-2255

HBE, LLC



129106290-17690600

CNV

Received by OWRD

09 2025

Salem, OR

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

Received by OWRD

JUN 09 2025

Salem, OR

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					

Received by OWRD

JUN 09 2025

[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



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 20th day of May, 2011.

HBF Enterprises, an Oregon general partnership

Mark D. Hurst

Daniel S. Caldwell

Patty D. Hurst

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

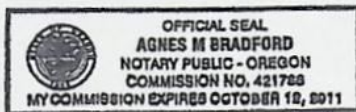
Received by OWRD

JUN 09 2025

Salem, OR

STATE OF OREGON)
) ss.
County of Yamhill)

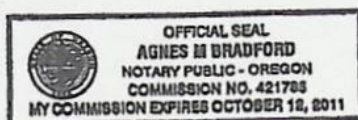
The forgoing instrument was acknowledged before me this 20th day of May 2011, 2011, by Mark D. Hurst and Patty D. Hurst, on behalf of HBF Enterprises, an Oregon general partnership, to be its voluntary act and deed.



Agnes M Bradford
Notary Public for Oregon
My Commission Expires:

STATE OF OREGON)
) ss.
County of Yamhill)

The forgoing instrument was acknowledged before me this 20th day of May 2011, 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.



Agnes M Bradford
Notary Public for Oregon
My Commission Expires:

Received by OWRD

JUN 09 2025

Salem, OR

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.

Received by OWRI

JUN 09 2025

Salem, OR

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.

Received by OWRD

JUN 09 2025

Salem, OR

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

Received by OWRD

936888

JUN 09 2025

Salem, OR

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.

This page intentionally left blank.

Received by OWRD

JUN 09 2025

Salem, OR

Land Use Information Form



Attachment 2: Land Use Information Form

Oregon Water Resources Department

725 Summer Street NE, Suite 200

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

Received by OWRD

JUN 09 2025

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	☒ Diverted	☒ Conveyed	☐ Used	Farming
5S	5W	31	SWSW	2400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
5S	5W	31	SWSW	100	EFU	☐ Diverted	☐ Conveyed	☒ Used	Farming
6S	6W	1	NENE	100	EFU	☐ Diverted	☐ Conveyed	☒ 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.

Received by OWRD

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 Salem, OR

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: 503-439-7514

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: _____



Received by OWRD

JUN 09 2025

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.



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 9, 2025

HBE LLC

23301 SW McKibben Road

Sheridan, OR 97378

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-89904**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Lucinda Vranizan, Water Rights Specialist	Phone: 971-375-2256
	Email: lucinda.r.vranizan@water.oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Sarah Benham

Customer Service Representative

Oregon Water Resources Department

cc: File S-89904

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

1. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310.00. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

2. Public Notice

Within 7 days of the mailing of the Initial Review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

3. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened, or endangered fish species. Within 60 days of completion of the Initial Review, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit and may request additional information or outstanding fees required prior to permit issuance.

4. Public Notice & Protest Opportunity

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. A protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing, if necessary.

5. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit will specify the details of the authorized use and any terms, limitations, or conditions that the Department deems appropriate.

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an application using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment period begins. Following the public comment period, the Department can issue the Final Order.

E-2 App☐ Yes☒ No**Standard Application Completeness Checklist****Groundwater and Surface Water Applications Only**

Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:		Receipt #:	145358
Applicant Name:	HBE LLC	Amount Requested:	1000 gpm
Priority Date:	6/9/2025	Proposed Use:	Frost Protection
County:	Yamhill	POD's TRS &TL:	5S 5W Sec 31; TL 2400 & 100
WM #:	22	Caseworker:	Lucinda
Reviewed by:	Sarah Benham	Reviewed Date:	6/9/2025

☒ Applicant/Organization Name and Mailing Address☒ Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.☒ Property Ownership: Does the applicant own all the land for the proposed project? ☒ Yes ☐ No

If No:

☐ The affected landowner's name(s) and mailing address(s) must be listed.☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.☒ **For a SW Application:** Source of water must be indicated.☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)☐ If for stored water, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued: ☐ Y ☐ NPermit or Certificate #: **NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.☐ **For a GW Application:** Well development table completed and a well log report included (if existing)☒ Division 33 (Sensitive, Threatened, Endangered, Fish Species)☒ Proposed Water Use:☒ Amount of water from *each* source in GPM, CFS, or AF☒ Period of use indicated☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.

(Note: Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section☒ Resource Protection Section

- ☒ Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))
- ☐ Supplemental data sheets enclosed (if needed)
- ☐ Form M (Municipal or Quasi-Municipal)
- ☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department. Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.
- ☒ A **Legal Description** of all the properties involved where water is diverted, conveyed, and used. The legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable
- ☒ The proposed source ☐ IS ☒ IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.
- ☒ The **map** must meet all the minimum requirements of OAR 690-310-0050.
- ☒ Township, Range, Section
- ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- ☒ Place of use, 1/4-1/4's and tax lot clearly identified
- ☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
- ☒ Location of **each** diversion point or well by reference to a recognized public land survey corner.
- ☒ Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
- ☒ Reference corner on map
- ☒ North directional symbol
- ☒ Number of acres per 1/4 1/4 if for irrigation, supplemental irrigation, or nursery use
- ☒ **Fees:** Amount of Water Requested: 1000 gpm Name on Check: Will McGill Surveying LLC

Exam Fee Due:	\$2730.00
Exam Fee Submitted:	\$2730.00
Difference:	\$0.00
Recording Fee Paid?	☒ Yes ☐ No \$ 610.00
Total:	\$3340.00

Oregon Water Resources Department
Surface Water Application

[Main](#)

[Help](#)

[Return](#)

[Contact Us](#)

Today's Date: Monday, June 9, 2025

Base Application Fee.		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	2.228	\$1,230.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	2	\$410.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Subtotal:		\$2,730.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$3,340.00

**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 # **145358**

INVOICE # _____

RECEIVED FROM: Will Mobile Surveying

BY: LLC

APPLICATION	5-89904
PERMIT	
TRANSFER	

CASH:

CHECK:#

OTHER: (IDENTIFY)

☐
☒

3409

☐

TOTAL REC'D \$ 3,340.00

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

EXAM FEE
\$ <u>2,730.00</u>
\$
\$

0202

RECORD FEE
\$ <u>610.00</u>
\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$

0219

LICENSE FEE
\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$
\$

CARD#
CARD#

0210 MONITORING WELLS

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:

145358

DATED: 6/10/25

BY: B

S-89904
HBE LLC
23301 SW McKibben Road
Sheridan, OR 97378

S-89904
HBE LLC
23301 SW McKibben Road
Sheridan, OR 97378

S-89904
HBE LLC
23301 SW McKibben Road
Sheridan, OR 97378

S-89904
HBE LLC
23301 SW McKibben Road
Sheridan, OR 97378

S-89904
HBE LLC
23301 SW McKibben Road
Sheridan, OR 97378

S-89904

Will McGill Surveying LLC
15333 Pletzer Road SE
Turner, OR 973920

S-89904

Will McGill Surveying LLC
15333 Pletzer Road SE
Turner, OR 973920

S-89904

Will McGill Surveying LLC
15333 Pletzer Road SE
Turner, OR 973920

S-89904

Will McGill Surveying LLC
15333 Pletzer Road SE
Turner, OR 973920

S-89904

Will McGill Surveying LLC
15333 Pletzer Road SE
Turner, OR 973920