



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Allocation and Use of Conserved Water

Please type or print in dark ink. If your application is found to be incomplete, inaccurate or does not include the required fees, we will return it to you. If any requested information does not apply to your application, insert "n/a." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Name: Lon G. Wadekamper, LGW Ranch
 Address: 29899 Country Lane, Hermiston, OR 97838
 Phone(s): (541)567-3876
 *Fax: _____ *E-Mail address: Sheri Wadekamper [lgwbulls@gmail.com]
 *Optional information

2. AGENT INFORMATION

The agent listed is authorized to represent the applicant in all matters relating to this allocation of conserved water application.

Name: William I. Porfily
 Address: P.O. Box 643, Stanfield, OR 97875
 Phone(s): (541)449-1327
 *Fax: (541)449-1327 *E-Mail address: bporfily@my180.net
 *Optional information

3. IRRIGATION & WATER CONTROL DISTRICTS

Is the project within the boundaries of an irrigation district or water control district?

Yes No

If yes, include Exhibit E and list the name and mailing address of the district:

Westland Irrigation District, P.O. Box 944, Hermiston, OR 97838

Did an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553 file this allocation of conserved water?

Yes No

If yes, when was the District's OAR 690-018-0025 allocation of conserved water policy adopted? _____

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in Section 4 must be completed for each certificate, permit, decree, or other right involved in the proposed allocation of conserved water.

Water Right Subject to Transfer (check and complete **one** of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>83856</u> Certificate Number	<u>46567</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

Name on Permit, Certificate, or Decree: Lon Wadekamper

County: Umatilla

Provide the following information about the water right of record:

1. Priority Date: 6-25-1981
2. Source of Water: Unnamed Stream and waste water from Westland Irrigation District
3. Type of Use: Irrigation

Does the application have a water right involving more than one water right holder?

Yes No

If yes, are all water right holders applying for this allocation of conserved water?

Yes No. If no, include Exhibit J.

A) What is the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate* (cfs): 5.12 cfs
Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm

2. Duty* (acre feet): 4.5 Ac-ft per Acre
Note: 1 cfs = 1.983471 ac-ft/day

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What is the maximum amount of water that can be diverted using the pre-project facilities? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate (cfs): 8.14 cfs
2. Duty (acre feet): 4.5 Ac-ft per Acre

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.*

Water from the unnamed stream and WID wastewater authorized for use under Certificate 83856 is collected in a holding/bulge pond at the POD. The POD has two Cornell 5H-75-4 pumps equipped with 75 hp motors. These pump from the POD through a delivery system that supplies 11 circles totaling 464.4 acres. The circles range in size from 10 to 130 acres. (See attached application map.)

5. CONSERVATION MEASURES

A) Describe the type of project, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other, _____

B) Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, see point of diversion requirement for Exhibit B. *Provide sufficient detail for public noticing the project.*

Until 2011, we received reclaimed water from the City of Hermiston for land application through our irrigation system. This reclaimed water was delivered in a large amount for short periods of time, and contained a large amount of debris. The current system is designed to take this large amount of water and the circles are equipped with large 15 gpm nozzles to pass the debris. In 2011, the City terminated the agreement for providing reclaimed water, so this application is intended to provide a replacement source of water for irrigating the circles. The delivery system will remain in place, but the center pivot nozzles will be changed to 7.5 gpm per acre.

C) Place of Use*: The entire water right

D) * Not required for a distribution project that does not propose to affect the on-farm rate or duty.
If the entire water right is being affected, just state "entire right affected."

6. CONSERVED WATER

A) What amount of water will be needed for the existing, authorized use after implementing conservation measures? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

1. Rate* (cfs): 7.5 gpm or .0167 cfs per acre

2. Duty* (acre feet): 3.0 ac ft per acre for 205.2 acres = 615.6 ac ft per year

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What amount of water will be conserved as a result of the implementation of the conservation measures? Subtract 6A from the smaller of 4A or 4B under "irrigation system" above.

1. Rate* (cfs): 3.72 gpm or .0083 cfs per acre

2. Duty* (acre feet): 1.5 acre ft per acre

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

C) What portions of the conserved water will be allocated to the state and applicant?

1. Portion going to the state (list by percent, rate and duty):

25 Percent .0021 Rate (cfs) .375 Duty (AF)

2. Portion going to the applicant (list by percent, rate and duty):

75 Percent .0062 Rate (cfs) 1.125 Duty (AF)

D) The priority for the conserved water is requested to be:

The same as the original right, or

One minute junior to the original right.

E) If all or part of the applicants' portion of the conserved water is to be used for an out-of-stream use at an identified location:

1. Name and address of the person using the water: LGW Ranch, 29899 Country Lane, Hermiston, OR 97838

2. Description of the type of beneficial use of the water: Irrigation

3. Legal description of the place of use: Sections 32 and 33, T5N R28E, WM, and Section 4 and 5, T4N, R28E, WM

F) If all or part of the applicants' portion of the conserved water is to be leased*, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as an instream water right: N/A

* Water can be temporarily protected instream without filing an OAR 690-077 Instream Lease application.

7. LOCATION OF PROPOSED USE

A) For new out-of-stream uses, describe the boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right would be located. This is land other than that to which this water right is appurtenant. See Exhibit B, Sections 32 and 33, T5N R28E, WM, and Section 4 and 5, T4N, R28E, WM

B) For instream uses, to the extent possible, identify the stream reach(es) for which the state's portion of the conserved water should be managed under an instream water right. Be as explicit as possible, by giving river miles, or other identifying information that might be included in the instream certificate.

The instream use will be delivered to the Umatilla River at approximately RM 4, through a pipe. This application specifically requests that conserved water to be delivered for instream use will come directly and exclusively from the unnamed stream authorized under Certificate 83856, and will not be co-mingled with water collected in the pond.

To help ensure protection of water quality in the Umatilla River, applicant requests this be included as a condition of any instream water right created as a result of the proposed conserved water project.

C) Describe the proposed benefit to instream uses.

for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

other, please describe: _____

8. MITIGATION

A) Describe any expected effects on other water rights from the proposed allocation of conserved water. Identify what currently happens to the water that is proposed to be conserved.

The water that is proposed to be conserved is currently used for irrigation purposes. As a result of the conserved water project, 25% of the saved water will be dedicated and protected for instream flow.

B) Describe any mitigation or other measures that are planned to avoid harm to other water rights.

The project is not expected to result in any harm to other water rights. Mitigation will include 25% of the conserved water being allocated to instream uses.

9. FUNDING

If more than 25% of the conserved water is proposed to be allocated to the applicant then provide Exhibit C, and identify what portion of project funds (expressed as a percentage) are or will be from federal or state public sources that are not subject to repayment. All of the cost of the conservation measures will be paid by the landowner. No funding will come from state or federal sources

Does the Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project?

Yes No

If yes, what is the OWEB project number? _____

10. PROJECT SCHEDULE

If project is not yet complete:

Proposed date construction has/will begin: June, 2012

Proposed date construction will be completed and notice of project completion will be filed: June, 2013

Proposed date the project will be finalized: June 15, 2014

If project is already complete:

Date it was implemented: N/A (Provide Exhibit K)

The applicant requests:

- That the allocation be finalized, or
- Additional time be granted to prove that the project worked to the applicant's satisfaction before finalizing the allocation of conserved water. Indicate the amount of time desired _____ (up to five years after completion of the project may be allocated).

11. ACKNOWLEDGMENT OF FORFEITURE

Complete this if the Certified Water Right Examiner's map shows less acreage has been irrigated over the past five years than allowed under the right.

I am aware that N/A acre(s) have not been irrigated for the last five years and I am abandoning that portion of the water right and make no further claim for the water. I ask that this N/A acre(s) portion of the right be permanently canceled.

12. EXHIBITS

Check each of the following attachments included with this application. All attachments are required unless otherwise noted. The application will be returned if all required attachments are not included.

Exhibit (Form) A – Evidence of Use Affidavits

- Provide if, 1) it is an on-farm efficiency project, or 2) specific acreage is being affected by the project. Consult with Department staff regarding the evidence needed for distribution projects. At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. The form is available at http://www1.wrd.state.or.us/pdfs/Supplemental_Form_B.pdf.

Exhibit B – Map

- Provide if the entire water right is not part of the conservation project and/or new lands shall receive water. Consult with Department staff if there is any question regarding the need for submittal. See OAR 690-018-0040(17) and 690-018-0062(3)(a).

Exhibit C - Project Funding Description

- Provide if more than 25% of water goes to applicant. See OAR 690-018-0040(18).

Exhibit D – Identification and Resolution of Water Right Conflicts

- Provide if the project has been completed or if construction has started and if more than 25% of the project costs have been expended prior to filing this application. See OAR 690-018-0040(19).

Exhibit E – Letter of Approval from the Irrigation District

- Provide if project is located within boundaries of an irrigation district and the district is not the applicant. See OAR 690-018-0040(20).

Exhibit F – District Conserved Water Policy

- Provide if the Applicant is an Irrigation District or Water Control District. See OAR 690-018-0040(21)

Exhibit G - Land Use Information Form

- See OAR 690-018-0040(22). The land use form is available at: <http://www1.wrd.state.or.us/pdfs/landuseform.pdf>

Exhibit I – Support Letters from ODFW, DEQ and OPRD

- Letters from ODFW, DEQ, and OPRD indicating that they have been consulted and indicating that at least one of the agencies attests that conserved water is needed to support instream uses. See OAR 690-018-0050(4)(f).

Exhibit J – Water Right Clarification & Notification of Affected Persons

- Provide if the application involves water rights for
- lands under multiple ownerships and not all of the water right holders are applicants, and the project is not being submitted by a District as a distribution project and/or
 - which the current final proof survey maps for lands involved in the application do not adequately describe the location of the place of use or the associated priority dates of the associated water rights

Consult with Department staff if there is any question regarding the need for submittal.

Exhibit K – Evidence that the Project was Implemented Within 5 Years.

- Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a).

Fees:

- Amount enclosed: \$ 850
See OAR 690-018-0040(25) and the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees or call (503) 986-0900.

13. SIGNATURE

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

Lon G. Wade Kramer Lon G. Wade Kramer March 7, 2012
applicant signature name (print) date

agent signature

name (print)

date

Before submitting your application, be sure you have:

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all water right holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

***NOTE Additional information may be required:**

For on-farm efficiency projects and/or distribution projects affecting specified lands, WRD may require submission of an ownership report as part of its review process to confirm the applicant is authorized to pursue the allocation of conserved water project. An ownership report must be prepared by a title company, include a legal description of the subject lands, and identify the current landowner(s) of the subject lands.

Additional Information

The complete OAR Chapter 690, Division 018 Allocation of Conserved Water rules are available at: http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_018.html

690-018-0040

Application Requirements (Excerpt)

Applicants for allocation of conserved water shall provide to the Department the information described in this rule in substantially the same order as listed. The information shall include:

- (12) For a project that has already been completed:
 - (a) Evidence that the measure was implemented within five years prior to the date of filing the application; and
 - (b) The date on which the applicant intends to request that the allocation be finalized pursuant to OAR 690-018-0062(3).
- (17) A map with sufficient detail to locate and describe the facilities and areas affected by the conservation measures;
- (18) Identification of any federal or state public sources of project funds and, if federal or state public funds that are not subject to repayment will be used in the project, information showing the estimated project costs and anticipated sources of funds for the project including:
 - (a) The total cost for project engineering and construction;
 - (b) The present value of any incremental changes in the costs of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project;
 - (c) The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment; and
 - (d) The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds.
- (19) If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that the applicant has attempted to identify and resolve the concerns of water right holders in the area, governmental entities, or other organizations who have asked to be consulted regarding the allocation of conserved water;
- (20) A letter showing irrigation district or water control district approval if the conservation project is within the boundaries of the district;
- (21) For applications submitted by irrigation districts or water controls districts, evidence of an adopted policy consistent with the requirements of OAR 690-018-0025.
- (22) Land use information outlined in the Department's Land Use Planning Procedures Guide; and
- (23) Other information the Department or Commission deems necessary and appropriate to aid in the evaluation of the application.
- (24) The appropriate fee as required under ORS 536.050.
- (25) The Director shall waive the application fee based on the percent of conserved water allocated to the state for instream use, not to exceed 50 percent of the application fee, if the instream allocation is:
 - (a) To establish an instream water right pursuant to ORS 537.348;
 - (b) Necessary to complete a project funded by the Oregon Watershed Enhancement Board under ORS 541.375;
 - or
 - (c) Determined and endorsed in writing by Oregon Department of Fish and Wildlife as a change that will result in a net benefit to fish and wildlife habitat.

690-018-0050

Processing a Conservation Application (Excerpt)

- (4) The Department shall review the application and consider any comments received under section (3) of this rule to determine:
 - (f) In consultation with the Departments of Fish and Wildlife, Environmental Quality and Parks and Recreation, if conserved water is needed to support instream uses;

690-018-0062

Completion of Conservation Project (Excerpt)

(3) Prior to the expiration of the time allowed under OAR 690-018-0050(4)(i), the applicant may request that an allocation of conserved water be finalized. The request shall include:

(a) If all or part of the applicants' portion of the conserved water is to be used for an out-of-stream use at an identified location, the following information:

- (A) The name and address of the person using the water;
- (B) A description of the type of beneficial use of the water;
- (C) A legal description of the place of use; and
- (D) A map that meets the standards in OAR 690-310-0050 and

(b) If all or part of the applicants' portion of the conserved water is to be leased, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as an instream water right.

Exhibit B – Application Map

The application map shall include:

- a. Township, range, section, $\frac{1}{4}$ $\frac{1}{4}$, a north arrow, and a standard scale such as 1 inch = 400 feet or 1 inch = 1,320.
- b. Location of existing and new point of diversion, if applicable, with coordinates referenced to a recognized survey corner.
- c. For on-farm conservation involving only a portion of the place of use, the location of the lands to be affected by the project with acres described by $\frac{1}{4}$ $\frac{1}{4}$.
- d. Location of lands on which applicant's portion of conserved water is to be used if other than those currently authorized with acres described by $\frac{1}{4}$ $\frac{1}{4}$.

If the applicant is requesting that the project be finalized upon approval of this application, then the applicant must complete a map consistent with OAR 690-310-0050 as identified in OAR 690-018-0062.

Exhibit J – Water Right Clarification and Evidence of Notification of Effected Persons

If the application:

- 1) Involves rights for lands under more than one ownership and not all of the owners are applicants; and/or
- 2) The final proof survey maps on file with the Department for any quarter-quarter section in which lands involved in the application are located do not adequately describe the location of the place of use or the associated priority dates of the associated water rights, the Department may require the following additional information:
 - A list of the name and address of each landowner whose lands the Department concludes may be included in the portion of the water right proposed for allocation of conserved water and written proof of service of a copy of the application on those landowners and a map delineating the location, acreage, priority dates, and ownership of the subject water right; and
 - Other information sufficient to establish that no portion of the right to be conserved is held by persons other than those proposing the conservation project and, for rights with multiple priority dates, the priority dates for the right to be transferred are consistent with the decree or other document establishing the right.

(The applicant should consult with Department staff if there is any question regarding the need for submittal of Exhibit J.)

CERTIFICATE 83856

4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in Section 4 must be completed for each certificate, permit, decree, or other right involved in the proposed allocation of conserved water.

Water Right Subject to Transfer (check and complete **one** of the following):

<input checked="" type="checkbox"/> X	Certificated Right	<u>83856</u> Certificate Number	<u>61836</u> Permit Number or Decree Name
<input type="checkbox"/>	Adjudicated, Un-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/>	Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/>	Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

Name on Permit, Certificate, or Decree: **Lon G. Wadekamper**

County: **Umatilla**

Provide the following information about the water right of record:

1. Priority Date: **June 25, 1981**
2. Source of Water: **Unnamed Stream**
3. Type of Use: **Irrigation**

Does the application have a water right involving more than one water right holder?

Yes No

If yes, are all water right holders applying for this allocation of conserved water?

Yes No. If no, see Exhibit J.

A) What is the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate* (cfs): **5.12 cfs**
Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm
2. Duty* (acre feet): **4.5 ac ft per acre for 205.2 acres = 923.4 ac ft per year**
Note: 1 cfs = 1.983471 ac-ft/day

* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

B) What is the maximum amount of water that can be diverted using the pre-project facilities? *(If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)*

1. Rate (cfs): **5.12 cfs**
2. Duty (acre feet): **4.5 ac ft per acre for 205.2 acres = 923.4 ac ft per year**

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide*

sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.

At the POD there is two Conell 5H-75-4 Pumps equipped with 75 hp motors. These pump from the pond and the tail water of the Westland Irrigation District in a delivery system that supplies 11 circles totaling 464.4 acres. These circle range in size from 10 acres to 130 acres. For the location and size of the delivery system please refer to the application map.

A. THE WATER RIGHT THAT WILL BE CONSERVED

▪ Certificate Number: **83856**

The following information **must be provided** only for those points of diversion that are involved in the conservation project Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion:

(i.e., the allowed point(s) of diversion listed on the water right that will be affected by the proposed conservation project, the "FROM" point(s) of diversion)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Unnamed Stream June 25, 1981	T5N	R28E	WM	33	SW SW	TL 1500	1320 ft N and 70 ft E from the SW Corner of Section 33

Will the ENTIRE water right be affected by this Allocation of Conserved Water Project?

Yes No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information **must be provided** only for those places of use that are involved in the conservation project (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed project, the "FROM" lands)

Certificate Number: _____							
Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Not Applicable							
						Total	

B. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion:

(i.e., the "New" point(s) of diversion or appropriation)

(NOTE: Complete this table only if a New Point of Diversion is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Not Applicable							

C. PROPOSED INSTREAM WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion:

(i.e., the "New" point(s) of diversion or appropriation)

*(NOTE: Complete this table **only** if a New Point of Diversion is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Not Applicable							

D. PROPOSED "NEW" WATER RIGHT

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed new place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed "New" Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a "New" Place of Use is currently being proposed.)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Unnamed Stream June 25, 1981	T5N	R28E	WM	28	SW SW	TL 200	2.3
Unnamed Stream June 25, 1981	T5N	R28E	WM	29	NE SE	TL 1404	5.1
Unnamed Stream June 25, 1981	T5N	R28E	WM	29	SE SE	TL 1404	14.8
Unnamed Stream June 25, 1981	T5N	R28E	WM	32	NE NE	TL 1404	2.0
Unnamed Stream June 25, 1981	T5N	R28E	WM	32	NE SE	TL 1404	3.1
Unnamed Stream June 25, 1981	T5N	R28E	WM	32	SW SE	TL 6300	1.0
Unnamed Stream June 25, 1981	T5N	R28E	WM	32	SE SE	TL 6300	7.2
Unnamed Stream June 25, 1981	T5N	R28E	WM	32	SE SE	TL 6001	8.4
Unnamed Stream June 25, 1981	T5N	R28E	WM	33	NE SW	TL 400	11.1
Unnamed Stream June 25, 1981	T5N	R28E	WM	33	NW SW	TL 400	3.8
Unnamed Stream June 25, 1981	T5N	R28E	WM	33	SW SW	TL 400	4.6
Unnamed Stream June 25, 1981	T5N	R28E	WM	33	SE SW	TL 1500	3.5
Unnamed Stream June 25, 1981	T4N	R28E	WM	4	NE NW	TL 2100	3.7
Unnamed Stream June 25, 1981	T4N	R28E	WM	4	NW NW	TL 2100	2.2
Unnamed Stream June 25, 1981	T4N	R28E	WM	4	SW NW	TL 2000	1.5

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Unnamed Stream June 25, 1981	T4N	R28E	WM	4	SW NW	TL 1901	0.5
Unnamed Stream June 25, 1981	T4N	R28E	WM	4	SE NW	TL 1800	1.1
						Total	75.9

CERTIFICATE 83856

6. CONSERVED WATER

- A) What amount of water will be needed for the existing, authorized use after implementing conservation measures? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)
1. Rate* (cfs): 7.5 gpm or .0167 cfs per acre
 2. Duty* (acre feet): 3.0 ac ft per acre for 205.2 acres = 615.6 ac ft per year
- B) What amount of water will be conserved as a result of the implementation of the conservation measures? Subtract 6A from the smaller of 4A or 4B under "irrigation system" above.
1. Rate* (cfs): 3.72 gpm or .0083 cfs per acre
 2. Duty* (acre feet): 1.5 ac ft per acre for 205.2 acres = 307.8 ac ft per year
- C) What portions of the conserved water will be allocated to the state and applicant?
1. Portion going to the state (list by percent, rate and duty):
25 Percent .0021 X 205.2 = 0.43 Rate (cfs) .375 x 205.2 = 76.95 Duty (AF)
 2. Portion going to the applicant (list by percent, rate and duty):
75 Percent .0062 x 205.2 = 1.27 Rate (cfs) 1.125 x 205.2 = 230.85 Duty (Ac Ft)
- D) The priority for the conserved water is requested to be:
 The same as the original right, or
 One minute junior to the original right
- E) If all or part of the applicants' portion of the conserved water is to be used for and out-of-stream use at an identified location: A portion of the applicants' conserved water, Rate 1.27 cfs and Duty 230.85 Ac Ft, is proposed to be used to irrigate 75.9 new acres.
1. Name and address of the person using the water: LGW Ranch, 29899 Country Lane, Hermiston, OR 97838
 2. Description of the type of beneficial use of the water: Irrigation

3. Legal description of the place of use: Sections 32 and 33, T5N R28E, WM, and Section 4 and 5, T4N, R28E, WM

F) If all or part of the applicants' portion of the conserved water is to be leased, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as and instream water right: N/A

CERTIFICATE 83856

11. ACKNOWLEDGMENT OF FORFEITURE

I am aware that 0.0 acre(s) have not been irrigated for the last five years and I am abandoning that portion of the water right and make no further claim for the water. I ask that this 0.0 acre(s) portion of the water right be permanently canceled.



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

- A. Applicant

Name: Lon Wadekamper
 Address: 29899 County Lane
 City: Hermiston State: OR Zip: 97838 Day Phone: (541)567-3876

- B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designated (e.g. Rural Residential/RR-5)	Water to be: (Check all that apply)	Proposed Land Use
TL 200, 1404,400, 1500, 6001 & 6300 T5N, R28E, WM	EFV	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
TL 1800,1901, 2000 & 2100, T4N, R28E, WM	EFV	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Umatilla

- C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.
 Water Use Permit Water Right Transfer Allocation of Conserved Water Exchange

Indicate the intended use of water and describe the key characteristics of the project.

- Commercial Industrial Instream Irrigation
 Municipal Quasi-municipal Domestic (indicate number of households)
 Other _____

Briefly describe: I am making application for the allocation and use of conserved water for Water Right Certificate 83856. The conserved water will be used to try and make up for the water I am losing from the use of effluent water from City of Hermiston

Indicate the source of the water to be used.

Reservoir/Pond Ground Water Surface Water Water from the end of the Westland Irrigation District System

Indicate the estimated quantity of water the use will require: 4.0 CFS GPM Acre-Feet (Source)

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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

- A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.056. Go to section B "Approval" below.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.


Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Type of Land Use Approval Needed (3.g. plan amendments, rezones, conditional use permits, etc.)	City Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

- B. Approval

Please provide printed name and written signature.

Name: Richard Jennings Date: 3-6-12
 Title: Planner Phone: 278-6299
 Signature: 

- C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Water Right Conserved Water Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
)
 County of Umatilla) ss

I, **G. Lon Wadekamper**, in my capacity as **Owner**,
 mailing address **29899 Country Lane, Hermiston Oregon 97838**
 telephone number **(541) 567- 3876**, being first duly sworn depose and
 say:

1. I attest that:

- Water was used during the previous five years on the authorized place of use of the water right proposed for the application and allocation and use of conserved water as described on the accompanying Conserved Water application; **or**
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- Personal observation
- Professional expertise

3. My knowledge is specific to the use of water during the previous five years on the entire place

of use for Certificates **#83856 or**

4. My knowledge is specific to the use of water at the following locations within the last five Years

:Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
N/A						

The water right was exercised for the authorized purpose described below (e.g., crops grown):

The water right was used as authorized to alfalfa, wheat, Pasture and corn

5. The water delivery system used to apply water as authorized by the right is described below:

At the POD there is two Cornell 5H-75-4 Pumps equipped with 75 hp motors. These pump from the pond and the tail water of the Westland Irrigation District in a delivery system that supplies 11 circles totaling 464.4 acres. These circle range in size from 10 acres to 130 acres. For the location and size of the delivery system please refer to the application map.

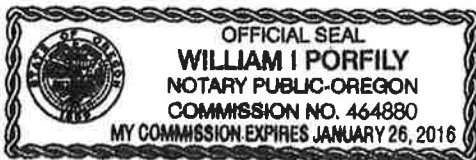
6. One or more of the following documentation supporting the above statements is attached:

- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number _____,
- Other: _____

Len G. Washburn
Signature of Affiant

3-7-12
Date

Signed and sworn to (or affirmed) before me this 7 day of March, 2012



William I. Porfily
Notary Public for Oregon

My Commission Expires: Jan 26, 2016

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LON G WADEKAMPER
 29899 COUNTRY LANE
 HERMISTON OREGON 97838

confirms the right to use the waters of UNNAMED STREAM with any deficiency supplied by Westland Irrigation District wastewater, tributaries of the UMATILLA RIVER, for IRRIGATION of 205.2 ACRES.

This right was perfected under Permit 46567. The date of priority is JUNE 25, 1981. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.12 CUBIC FEET PER SECOND (CFS), provided the total diversion from both sources does not exceed 5.12 CFS, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
5 N	28 E	WM	33	SW SW			1320 FEET NORTH AND 70 FEET EAST FROM SW CORNER, SECTION 33

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	32	NE NE	26.3
5 N	28 E	WM	32	SE NE	25.8
5 N	28 E	WM	32	NE SE	20.1
5 N	28 E	WM	33	NE NW	1.1
5 N	28 E	WM	33	NW NW	33.3
5 N	28 E	WM	33	SW NW	38.3

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	33	SE NW	6.3
5 N	28 E	WM	33	NE SW	4.6
5 N	28 E	WM	33	NW SW	34.4
5 N	28 E	WM	33	SW SW	15.0

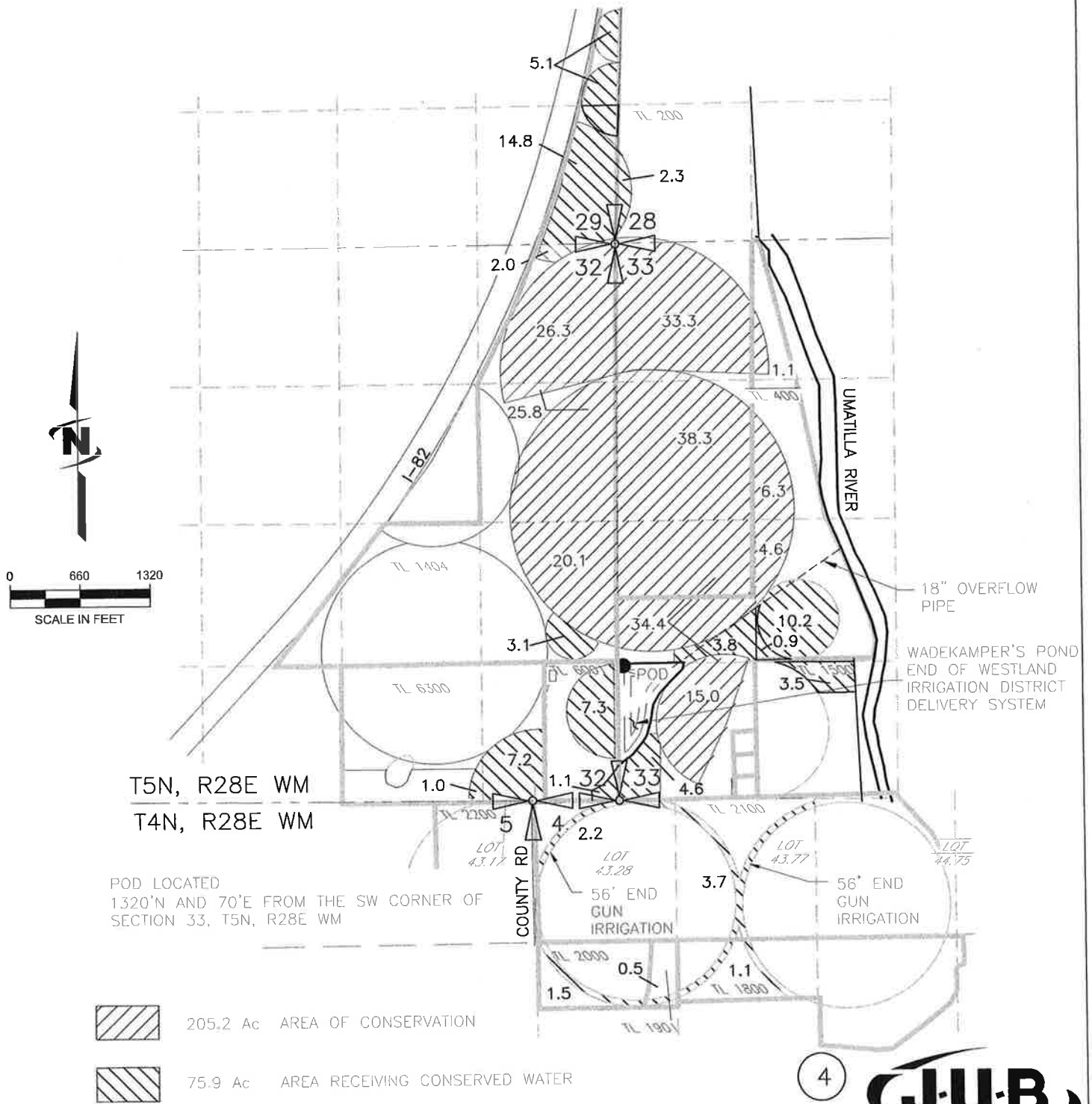
This certificate is issued to correctly describe the place of use, eliminate a printing error in the place of use listing, and supersedes Certificate 83666, State Record of Water Right Certificates.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed FEB 08 2008.


 Phillip C. Ward, Director
 Water Resources Department

CONSERVATION APPLICATION MAP FOR L. WADEKAMPER PERMIT 46567 – CERT 83856 2012



POD LOCATED
1320'N AND 70'E FROM THE SW CORNER OF
SECTION 33, T5N, R28E WM

- 205.2 Ac AREA OF CONSERVATION
- 75.9 Ac AREA RECEIVING CONSERVED WATER



NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES, PIPE LOCATIONS AND SIZES WHERE SHOWN WERE PROVIDED BY FARM OPERATIONAL PERSONNEL AND ARE APPROXIMATE LOCATIONS AND SIZES.

WESTLAND IRRIGATION DISTRICT

**P.O. Box 944
Hermiston, OR 97838**

**Phone (541) 667-2030
Fax (541) 667-2031**

February 15, 2012

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97310-1266

Re: Application for Allocation of Conserved Water for LGW Ranch/Lon & Sheri Wadkamper

This letter is provided pursuant to OAR 690-018-0040(20) to confirm the proposed conserved water project is located within the boundaries of Westland Irrigation District (District), the District is not the applicant, and the District currently approves of the project as described in the Application to which this letter is attached. [Please note that the District is in discussions with the Applicants regarding certain operational aspects of the proposed conserved water project, and the District's final approval is subject to reaching an agreement with the Applicants as to these operational aspects. The District also reserves the right to review, comment on, and, if necessary, protest any proposed order from the Department that would take action on the Application.]

Sincerely,



Westland Irrigation District



1998-3380740 1 of 7

OK

338 0740

SPECIAL WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

MERVIN LEONARD and GENA LEONARD, husband and wife Grantor,
conveys and specially warrants to LGW RANCH, INC., an Oregon corporation Grantee,
the following described real property free of encumbrances created or suffered by the Grantor except as specific-
ally set forth herein, situated in Umatilla County, Oregon to-wit:

That real property described in Exhibit "A" attached
hereto and by this reference incorporated herein as
if set forth in full.

RECEIVED

OCT 21 1998

UMATILLA COUNTY
RECORDS

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free of all encumbrances created or suffered by the Grantor except as set forth in
the attached Exhibit "A".

The true consideration for this conveyance is \$340,000.00. (Here comply with the requirements of ORS 93.030)

Dated this 26 day of February, 1990

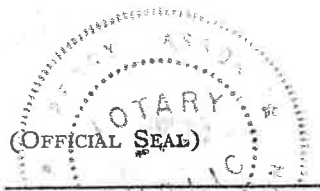
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DE-
SCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR
COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Mervin Leonard
Mervin Leonard

Gena Leonard
Gena Leonard

STATE OF OREGON, County of Umatilla) ss. February 26, 19 90

Personally appeared the above named
Mervin Leonard and Gena Leonard
and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: *Rogay Whason*
Notary Public for Oregon—My commission expires: 7-11-93

SPECIAL WARRANTY DEED

Mervin & Gena Leonard
LGW Ranch, Inc. GRANTOR
Rt. 1, Box 1498 GRANTEE
Hermiston, OR 97838
GRANTEE'S ADDRESS, ZIP

After recording return to:
Pioneer Escrow CE#7810
P.O. Box 1538
Pendleton OR 97801
NAME, ADDRESS, ZIP

Until a change is requested, all tax statements
shall be sent to the following address:
LGW Ranch, Inc.
Rt. 1, Box 1498
Hermiston, OR 97838
NAME, ADDRESS, ZIP

State of Oregon) } ss.
County of Umatilla) }
This instrument was received and recorded on the
10-21-93 at 3:01 rded
in the record of document code type DE-WD .. on
SPACE RESE FOR stru-
RECORDER'S Location R338-0740
Document number 1998-3380740
Fee 65.00

Office of County Records
Received by *G. McWain*
Records Officer
uty

PIONEER TITLE CO. 4452-1
100 S. Court, Pend. OR, 97801 PA



TRACT I:

TOWNSHIP 5 NORTH, RANGE 28, E. W. M.

Section 29: All that portion of East Half of East Half of said Section 29, lying Easterly of Easterly right of way line of Interstate I-82;

Section 32: All that portion of East Half of Northeast Quarter of said Section 32, lying Easterly of Easterly right of way line of Interstate I-82.

Section 33: All that portion of West Half of Northwest Quarter lying West of Westerly line of that tract conveyed to United States of America, by Deed recorded in Book 87, Page 350, Deed Records;

North Half of Northwest Quarter of Southwest Quarter
North Half of South Half of Northwest Quarter of Southwest Quarter.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT II:

TOWNSHIP 5 NORTH, RANGE 28, E. W. M.

Section 32: East Half of Southeast Quarter of Southeast Quarter

Section 33: South Half of South Half of Northwest Quarter of Southwest Quarter.

G. S. ...
M.S.

Section 33: Southwest Quarter of Southwest Quarter, and all that portion of Southeast Quarter of Northwest Quarter and of Northeast Quarter of Southwest Quarter lying West of Umatilla River and U. S. Reserve.

EXCEPTING THEREFROM beginning at a point at Southeast corner of Southwest Quarter of Southwest Quarter of said Section 33; thence West along South line of said Section 33, 198 feet; thence North at right angles to said South line 670 feet; thence East 198 feet; thence South 670 feet, more or less to the point of beginning.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.



1998-3380740 3 of 7

TRACT I:

TOWNSHIP 5 NORTH, RANGE 28, E. W. M.

Section 29: All that portion of East Half of East Half of said Section 29, lying Easterly of Easterly right of way line of Interstate I-82;

Section 32: All that portion of East Half of Northeast Quarter and North Half of Southeast Quarter of said Section 32, lying Easterly of Easterly right of way line of Interstate I-82.

Section 33: All that portion of West Half of Northwest Quarter lying West of Westerly line of that tract conveyed to United States of America, by Deed recorded in Book 87, Page 350, Deed Records;

G.L. m r

for saw

North Half of Northwest Quarter of Southwest Quarter
North Half of South Half of Northwest Quarter of Southwest Quarter.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT II:

TOWNSHIP 5 NORTH, RANGE 28, E. W. M.

Section 32: East Half of Southeast Quarter of Southeast Quarter

Section 33: South Half of South Half of Northwest Quarter of Southwest Quarter.

Section 33: Southwest Quarter of Southwest Quarter, and all that portion of Southeast Quarter of Northwest Quarter and of Northeast Quarter of Southwest Quarter lying West of Umatilla River and U. S. Reserve.

EXCEPTING THEREFROM beginning at a point at Southeast corner of Southwest Quarter of Southwest Quarter of said Section 33; thence West along South line of said Section 33, 198 feet; thence North at right angles to said South line 670 feet; thence East 198 feet; thence South 670 feet, more or less to the point of beginning.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

EXHIBIT "A" continued
(Leonard to LGW Ranch, Inc.)



1998-3380740 4 of 7

TRACT III:

TOWNSHIP 5 NORTH, RANGE 28, E. W. M.

Section 33: Beginning at that Southwest corner of Northeast Quarter of Northwest Quarter of said Section 33; thence North 413.3 feet; thence South 29° 50' East 183.7 feet; thence South 41° 57' 30" East 311.6 feet; thence South 12° 09' East 22.8 feet; thence West 304.5 feet to the point of beginning;

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT IV:

TOWNSHIP 4 NORTH, RANGE 28, E. W. M.

Section 4: All that portion of Northwest Quarter of Northeast Quarter of Section 4, lying West of Umatilla River.

North Half of Northwest Quarter.

Southwest Quarter of Northwest Quarter, excepting therefrom that tract conveyed to Jesse White, et ux, by Deed recorded in Book 171, Page 403, Deed Records, and that tract conveyed to Vester D. Hams, et ux, by Deed recorded in Book 350, Page 635, Deed Records.

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACTS I, II, III, IV AND V ARE SUBJECT TO THE FOLLOWING:

1. As disclosed by the tax rolls the premises heréin described have been zoned or classified for farm use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

2. The premises herein described are within the boundaries of the West Extension Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof. Affects TRACTS I, II & III

3. DELETED

4. The premises herein described are within the boundaries of the Westland Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof. Affects TRACTS IV & V.

5. DELETED

6. Reservations contained in Deed from Western Land & Irrigation Company to Charles E. Opel, recorded June 4, 1918, Book 102, Page 166, Deed Records. Affects TRACT II.

7. Reservations contained in Deed from Western Land & Irrigation Company to Edna F. Mulkins, recorded November 29, 1933, Book 147, Page 17, Deed Records. Affects TRACT II.

8. Right of Way Easement, including the terms and provisions thereof, granted by Westland Irrigation District to Umatilla Electric Cooperative Association, recorded March 15, 1938, Book 120, Page 535, Deed Records. Affects TRACT II.

9. Reservations, including the terms and provisions thereof contained in Deed from Westland Irrigation District to Wayne Mulkins, recorded August 14, 1939, Page 155, Page 607, Deed Records. Affects TRACT II.

10. Right of Way Easement, including the terms and provisions thereof, granted by Wayne E. Mulkins, et ux, to Umatilla Electric Cooperative Association, recorded June 23, 1950, Book 193, Page 218, Deed Records. Affects TRACT II.

11. Right of Way Easement, including the terms and provisions thereof, granted by Wayne E. Mulkins, et ux, to Umatilla Electric Cooperative Association, recorded March 2, 1951, Book 196, Page 57, Deed Records. Affects TRACT II.



12. Reservations contained in U. S. Patent to Northern Pacific Railroad Company, recorded January 14, 1897, Book 24, Page 235, Deed Records. Affects TRACT I.
13. Reservations contained in Deed from Northern Pacific Railway Company to J. Frank Watson, recorded July 17, 1905, Book 48, Page 115, Deed Records. Affects TRACTS I, II & III.
14. Electric Transmission and Distribution Line Easement, including the terms and provisions thereof, granted by Umatilla County to Umatilla Electric Cooperative Association, recorded April 15, 1938, Book 120, Page 532, Deed Records. Affects TRACTS I & III.
15. Electric Transmission and Distribution Line Easement, including the terms and provisions thereof, granted by Umatilla County to Umatilla Electric Cooperative Association, recorded January 18, 1943, Book 160, Page 587, Deed Records. Affects TRACTS I, II & III.
16. Right of Way Contract, including the terms and provisions thereof, granted by Benjamin E. Conner, et ux, to Pacific Northwest Pipeline Corporation, recorded September 22, 1955, Book 228, Page 435, Deed Records. Affects TRACTS I & II.
17. Access Restrictions, including the terms and provisions thereof, contained in Stipulated Final Judgment, filed July 15, 1985, No. 84-5-484, State Circuit Court, Umatilla County, Oregon.
18. Right of Way Easement, including the terms and provisions thereof, granted by Ferne L. Dunham, et ux, to Umatilla Electric Cooperative Association, recorded April 7, 1938, Book 120, Page 441, Deed Records. Affects part of TRACT IV in E-1/2 NE-1/4 NW-1/4 Sec. 4N-28.
19. Right of Way Easement, including the terms and provisions thereof, granted by J. M. Prindel, et ux, to Umatilla Electric Cooperative Association, recorded July 3, 1939, Book 120, Page 598, Deed Records. Affects part of TRACT IV in NW-1/4 SW-1/4 NW-1/4 4N-28.
20. Right of Way Easement, including the terms and provisions thereof, granted by Charles Seeliger, et ux, to Umatilla Electric Cooperative Association, recorded July 3, 1939, Book 120, Page 600, Deed Records. Affects part of TRACT IV in NW-1/4 NW-1/3 4-4N-28.
21. Right of Way Easement, including the terms and provisions thereof, granted by Jesse M. Prindel, et ux, to Umatilla Electric Cooperative Association, recorded August 6, 1947, Book 180, Page 577, Deed Records. Affects TRACT V.