

Application for Allocation and Use of Conserved Water

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

-for-

EARL BROWN & SONS INC (Bulge)

Required Exhibits:

Completed Application Form ✓

Copy of Water Right Certificate(s) ✓

Map of Area ✓

Cost-Share / Funding Information ✓

Letter of Approval - Irrigation District ✓

Letter of Approval - ODFW ✓

Land Use Information Form ✓

Copy of Current Land Deed(s) ✓

Notarized Affidavit of Beneficial Use of Water Right(s) ✓

Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they do not object to the proposed transfer. *N/A*

Date submitted to OWRD. 7-28-03

Date of approval. _____

Date of finalization request. _____

Date of completion. _____

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Application for Allocation and Use of **WATER RESOURCES DEPT.**
Conserved Water SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, 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.

1. APPLICANT INFORMATION

Applicant: Earl Brown & Sons Inc.

Co-applicant:

Mailing address: 605 Lamb St., Milton Freewater, OR 97862

Phone: 541-938-6645

Fax:

E-mail address: rbrown@hscis.net

2. WATER RIGHT

A) What is the name on the water right? See attached sheet.

B) Describe the water right: See attached sheet for numbers 1, 2, and 5.

1. Certificate Number(s):

2. Priority Date:

3. Source of Water: Lydell and Powell Ditches diverted from the Ford Branch of the Little Walla Walla River

4. Type of Use: Irrigation

5. Place of Use (T-R-S, Q/Q, Total # acres) :

3. IRRIGATION SYSTEM

A) What is the maximum rate and annual duty (volume) of water which may be diverted as stated on the water right certificate?

1. Rate (cfs, gpm, miners in.): See attached sheet.

2. Duty (acre feet): N/A

B) What is the maximum amount of water that can be diverted using the existing facilities?

1. Rate (cfs, gpm, miners in.): 1509.71gpm (See attached sheet).

2. Duty (acre feet): N/A

16.3
Wagon
Stump's 100' old log table
is conserved

Name on Water Right Certificate	Source	WDL#	Tax Lot	Tax Lot Acreage	Legal Description	Certificate #	Priority Date	Water Right Acres	Project Acreage	Total GPM @ Maximum Rate	Total GPM @ 11.22/acre	Total GPM Going Instream	Total GPM Going to Landowner	Old Irrigation System	New Irrigation System	Owner Cost Share
Hattie O. Forsythe	Lydeil Ditch diverted from the Ford Branch of the Little Walla Walla River	38	1200	20.97	T8N, R35E of the WM, SW1/4 NE1/4 S34	12882	1901	20	20	337.80	224.40	112.00	0.00	Nelson R-80 high impact sprinklers fed by old bulge (45gpm/acre).	Nelson R-30 efficient impact sprinklers fed by new bulge (45gpm/acre).	52%
S. A. Miller	Lydeil Ditch diverted from the Ford Branch of the Little Walla Walla River	38	700	17.57	T8N, R35E of the WM, NW1/4 NE1/4 S34	12917	1901	28.7	17.57	288.58	197.14	24.80	73.78	Flood irrigation fed by old bulge.	Nelson R-20 microsprinklers fed by new bulge (45gpm/acre)	100%
Christ Feigner	Lydeil Ditch diverted from the Ford Branch of the Little Walla Walla River	89	500	9.92	T8N, R35E of the WM, NE1/4 NE1/4 S34	12876	1903	9.8	8.8	167.11	111.08	13.88	41.58	Flood irrigation fed by open ditch.	Nelson R-30 efficient impact sprinklers fed by new bulge (45gpm/acre)	100%
F. A. Feigner	Lydeil Ditch	201	600	8.9	T8N, R35E of the WM, NE1/4 NE1/4 S34	12877	1886	9	8	151.92	100.88	12.80	37.80	Flood irrigation fed by open ditch.	Nelson R-30 efficient impact sprinklers fed by new bulge (45gpm/acre)	100%
Henry Brunner	Lydeil Ditch	41	1700	18.71	T8N, R35E of the WM, SE1/4 NE1/4 S34	12867	1893	8.5	8.5	180.36	108.59	53.20	0.00	Nelson R-80 high impact sprinklers fed by old pump station (65gpm/acre).	Nelson R-10 microsprinklers fed by new bulge (40gpm/acre).	50%
Mrs. Laura Froome	Powell Ditch from Ford Branch	148	1400	15	T8N, R35E of the WM, SW1/4 NE1/4 S34	13128	1871	1	1	16.88	11.22	5.80	0.00	Nelson R-80 high impact sprinklers fed by new existing pump stations (65gpm/acre).	Nelson R-10 microsprinklers fed by new bulge (40gpm/acre).	50%
H. R. Graham	Powell Ditch from Ford Branch of the Little Walla Walla River					13225	1886	6	6	84.4	56.10	28.00	0.00			
Huette Johnson	Lydeil Ditch					33257	1880	5	5	101.28	67.32	33.90	0.00			
H. Lohmann	Lydeil Ditch					33257	1904	1.5	1.5	25.32	16.83	8.40	0.00			
						48565	1877	4.75	4.75	80.18	53.30	28.80	0.00			
						45330	1917	5	5	28	28.00	0.00	0.00			
Totals				92.07				108.25	94.12	1598.71	1027.93	318.72	158.95			
Totals in cfs										3.38	2.28	0.71	0.35			(Total savings 1.06cfs)
NEW WATER																
S. A. Miller	Lydeil Ditch diverted from the Ford Branch of the Little Walla Walla River	38	700	17.57	T8N, R35E of the WM, NW1/4 NE1/4 S34	12917	1901	5.01		TX LU 1400 8.85 Ac WDL #242	T8N, R35E of the WM, S1/2 SW1/4 NW1/4 S35		56.11	This tax lot presently has one SWR for 2.41 acres. 5.01 acres will be added.		100%
Christ Feigner	Lydeil Ditch diverted from the Ford Branch of the Little Walla Walla River	89	500	9.92	T8N, R35E of the WM, NE1/4 NE1/4 S34	12876	1883	3.71		TX LU 1600 8.5 Ac WDL #28	T8N, R35E of the WM, SE1/4 SE1/4 S34		17.58	This tax lot presently has one 41.58 SWR for 10.0 acres at 5.6 gpm/acre. This is being moved to the properties below. Nine acres of conserved water will be transferred to this lot.		100%
F. A. Feigner	Lydeil Ditch	201	600	8.9	T8N, R35E of the WM, NE1/4 NE1/4 S34	12877	1886	3.38					37.80			100%
													3.78			
TRANSFERS													158.85			
H. Lohmann	Ford Branch of the Little Walla Walla	38	1800	9.5	T8N, R35E of the WM, SE1/4 SE1/4 S34	45330	1917	9.5		TX LU 501 8.81 Ac WDL #0	T8N, R35E of the WM, N1/2 NE1/4 NE1/4 S34		56.00	This tax lot presently has no surface water rights. 9.5 acres will be added.		
H. Lohmann	Ford Branch of the Little Walla Walla	38	1800	9.5	T8N, R35E of the WM, SE1/4 SE1/4 S34	45330	1917	0.5		TX LU 1400 8.85 Ac WDL #242	T8N, R35E of the WM, S1/2 SW1/4 NW1/4 S35		2.80	This tax lot presently has one SWR for 2.41 acres. 0.5 acres will be added.		
													58.80			

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C) Describe the present system including diversion structures, pumps, conveyance facilities, and application methods which will be affected by the proposed project. Provide sufficient detail to confirm the system's capacity (use separate sheet if necessary). Water is measured at the points of diversion by weirs cut according to specifications of 16.8gpm/acre. Properties listed (see attached sheet) are served by various methods including an existing bulge - 37.57 Ac., an open ditch - 19.8 Ac., and a two 7.5hp pump stations - 27 Ac. The on-farm systems also vary, including high-impact R-80 sprinklers (65gpm/acre) and open ditch flood irrigation.

4. CONSERVATION MEASURES

A) Describe the proposed changes to the physical system and operations that will result in the conservation of water. If these proposed changes will change the point of diversion, locate the new point of diversion by distance to a quarter corner, and show the change on your map. A portion of the Lydell ditch will be piped to conserve water as it is conveyed to these and other downstream properties. Point of diversion will remain the same with a new weir cut to allow 11.2gpm/acre to be delivered to the properties listed (see attached sheet). A new 600ft. X 45ft. bulge with an 8.9 ac. ft. capacity will be built to serve the listed properties. Water will be pumped through new 10-12 inch mainline by a 30hp pump station. The old on-farm systems will be replaced with new more efficient irrigation equipment including Nelson R-30 impact sprinklers and Nelson R-10 and R-20 micro-sprinklers. These will reduce water use from an average 65gpm/acre, to an average 45gpm/acre.

The land owner proposes an added Point of Diversion for tax lot 1400 water right certificates 13128 and 33257 which have a current authorized Point of Diversion on the Powell/Pleasantview ditch, 850ft. S. and 480ft. W. of the NE corner of SEC.2, T5N., R35E., W.M. The proposed Point of Diversion will be on the Lydell ditch, located 10ft. S. and 650ft. W. from the Center, SEC.35, T6N., R35E., W.M. in order to consolidate and irrigate acreage from the new bulge.

5. CONSERVED WATER

A) What amount of water will be needed after implementing conservation measures?

- 1. Rate (cfs, gpm, miners in.):** 1027.93gpm (see attached sheet).
- 2. Duty (acre feet):** N/A

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SALEM, OREGON

B) What amount of water will be conserved as a result of the implementation of the conservation measures? Subtract 5A from the smaller of 3A or 3B under "irrigation system" above.

1. **Rate (cfs, gpm, miners in.):** 476.67gpm (see attached sheet).
2. **Duty (acre feet):** N/A

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

1. **Portion going to the state:** 67% (319.72gpm)
2. **Portion going to the applicant:** 33% (156.95gpm)

D) Proposed use of the conserved water allocated to the applicant: Irrigation.

E) How is the water to be measured at the applicant's point of diversion? Weir

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction task has already begun, or is completed, please indicate that date.

Proposed date construction will begin: 2001

Proposed date construction will be completed: Project already completed, 2002

Proposed date beneficial water use will begin: 2002

7. MITIGATION

A) Describe any expected effects on other appropriators from the proposed allocation of conserved water. Identify what currently happens to the water that is proposed to be conserved. No harmful effects expected.

B) Describe any mitigation or other measures that are planned to avoid harm to other water rights. No harmful effects expected.

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8. LOCATION OF PROPOSED USE

A) 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.

5.01 acres of conserved water from water right certificate #12917 will be allocated to tax lot 1400 in the S1/2 SW1/4 NW1/4 S35, T6N, R35E W.M. 9.0 acres of conserved water from water right certificates #12676, #12917, and #12677 will be allocated to tax lot 1600 in the SE1/4 SE1/4 S34, T6N, R35E W.M. (See attached map and spreadsheet)

B) To the extent possible, identify the stream reach for which the state's portion of the conserved water should be managed under an instream water right. Give river miles, if known. The Walla Walla River

C) Describe the proposed benefit to instream uses. Fish and other aquatic species.

9. 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 _____ 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 _____ acre(s) portion of the right be permanently canceled.

10. SIGNATURE

All statements made and information provided in this application are true and correct to the best of my knowledge:

Signature of Applicant:

Ronald E Brown

Date:

6/17/03

Signature of Co-applicant:

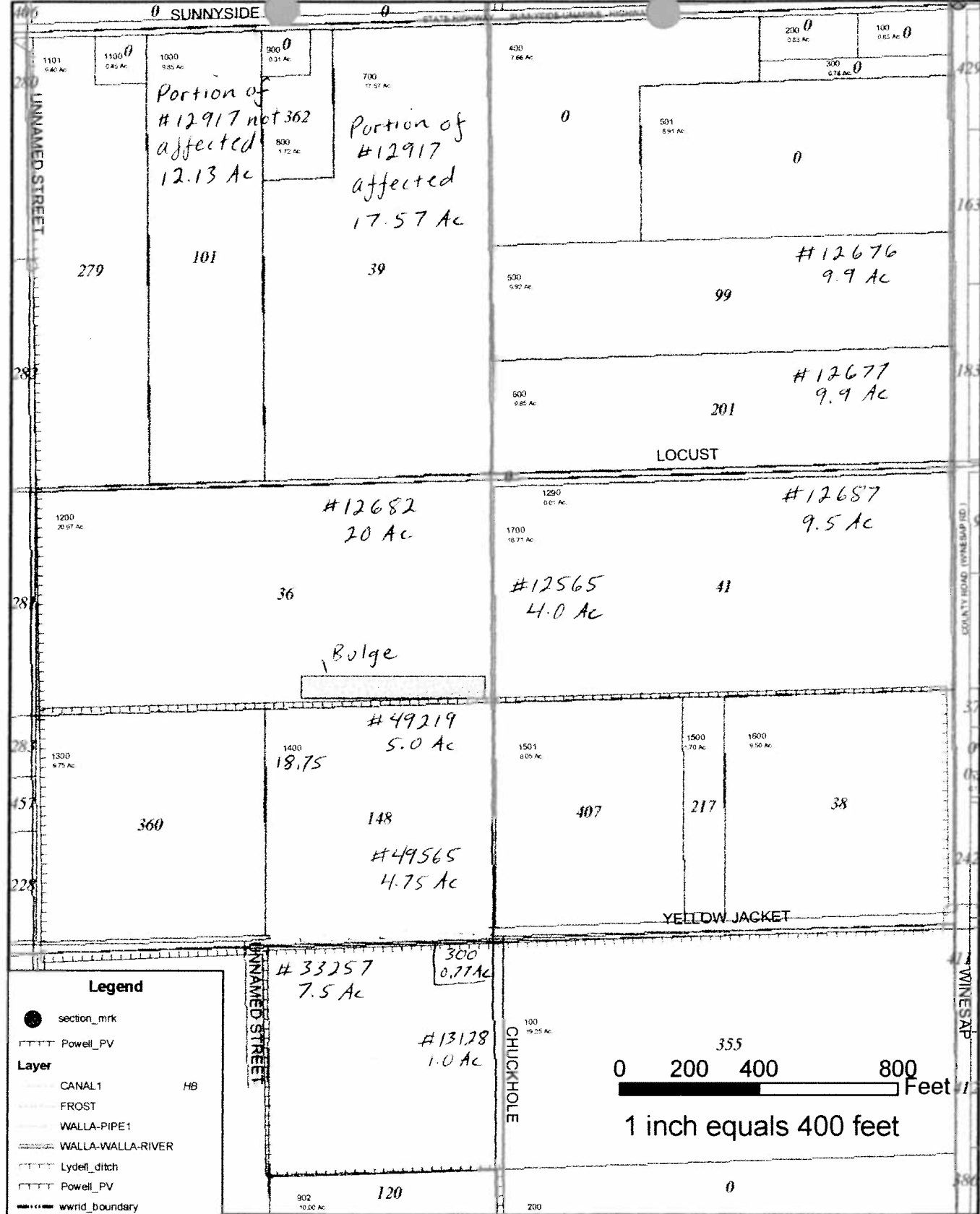
Date:

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0 SUNNYSIDE



Legend

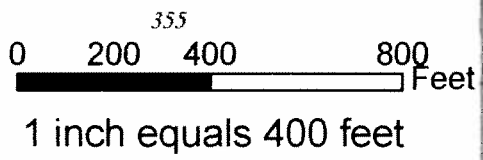
- section_mrk
- ▤▤▤▤ Powell_PV

Layer

- ▬ CANAL1 HB
- ▬ FROST
- ▬ WALLA-PIPE1
- ▬ WALLA-WALLA-RIVER
- ▬ Lydell_ditch
- ▤▤▤▤ Powell_PV
- ▬ wwrld_boundary

LAYER

- ▭ Future Irrigation
- ▭ Irrigated Lands Irrigated Lands
- ▭ wwrld_gcdb
- ▬ street
- ▬ railroad



The water rights shown on this map have been interpreted by staff from information in the District's files and are intended to represent that interpretation graphically. Locations shown are only approximate and should not be used in legal, financial, or real estate decisions. For more accurate legal location information, please contact the Water Resources Department.

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Created in ArcGIS 8 using ArcMap

WATER RESOURCES DEPT.
SALEM, OREGON

Ron Brown

Rens Hornepiece

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That **HETTIE O. FORSYTHE**

of **Freewater**, State of Oregon, has a right to the use of
the waters of **Ford Branch of Walla Walla River**
for the purpose of **Irrigation**

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the **STATE ENGINEER**, in Volume **12**, at page **9**; that the priority
of the right thereby confirmed dates from **March 1, 1901**;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed **one and one-half**
miner's inches per acre measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

20.0 acres in the N¹/₂
of the SW¹/₄
Section 34,
T. 6 N., R. 35 E.W.M.

(NOTE: This right is limited to June 1st of each year except that if water is
available after June 1st of each year in excess of the requirements for permanent
rights having a priority of 1908 or earlier, same may be used by claimant.)

AND said right shall be subject to all other conditions and limitations
contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 1904.

CHAS. E. STRICKLIN
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12682.

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Supervised by
Dist. No. 31669
SP-0 Vol 13-PSZ
33675

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That S. A. MILLER

of Freewater, State of Oregon, has a right to the use of

the waters of Walla Walla River for Tract No. 1, and Ford Branch of Walla Walla River for Tract No. 2, for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1883 for Tract No. 1, and 1901 for 19.42 acres and 1908 for 10.28 acres in Tract No. 2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one and one-half miner's inches per acre measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT No. 1 - 7.03 acres in NW 1/4 Section 12

3¹/₂ Ac. Tract Sp. Or. Vol 13 p. 52

T. 5 N., R. 35 E. W. M., being within the following described tract: Commencing at a point 40 rods south of the northwest corner of Section 12, T. 5 N., R. 35 E. W. M., running thence south 40 rods; thence east 25 rods; thence north 16 rods; thence east 15 rods; thence north 24 rods; thence west 40 rods to the place of beginning, containing 8.25 acres, more or less.

TRACT No. 2 - 29.7 acres in NW 1/4 Section 34

T. 6 N., R. 35 E. W. M., being within the E 1/2 of NW 1/4, and the E 1/2 of W 1/2 of NW 1/4 of said Section 34.

(NOTE: The use of water (Tr. #2 only) is limited to the water available in excess of what is required to fill the permanent rights having a priority of 1908 or earlier.)

AND said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 5th day of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12917.

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That CHRIST FEIGNER

of Freshwater, State of Oregon, has a right to the use of
the waters of Lydell Branch of Ford
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority
of the right thereby confirmed dates from 1893;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one and one-half
miner's inches per acre measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

9.9 acres in the N $\frac{1}{2}$ of S $\frac{1}{2}$
of NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34,
T. 6 N., R. 35 E., W.M.

AND said right shall be subject to all other conditions and limitations
contained in said decrees.

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

WITNESS the signature of the State Engineer,

affixed this 5th day
of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12676.

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WATER RESOURCES DEPT.
SALEM, OREGON

Ron Brown -

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STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That F. A. FEIGNER

of Freewater, State of Oregon, has a right to the use of

the waters of Lydell Branch of Ford

for the purpose of Irrigation and stock for Tract #1, and Irrigation for Tract #2,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1886 for Tract #1, and 1893 for Tract #2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one and one-half miner's inches per acre measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT #1 - 9.0 acres in S $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 6 N., R. 35 E. W. M.

TRACT #2 - 0.9 acre in S $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 6 N., R. 35 E. W. M.

AND said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 5th day of April, 1964.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12677.

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WATER RESOURCES DEPT. SALEM, OREGON

Ron Brown

Hooker Place

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That HENRY BROUWER

of R.#2, Freewater, State of Oregon has a right to the use of
the waters of Walla Walla River
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority
of the right thereby confirmed dates from 1890;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one miner's inch
per acre.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

4 acres in ~~SE 1/4~~
Section 34,
T. 6 N.; R. 35 E. W. M., being within the follow-
ing described tract: Beginning at a point 40 rods north of the southwest corner
of the ~~SE 1/4~~ of Sec. 34, T. 6 N., R. 35 E. W. M., running thence east 17-7/9 rods; thence north 36 rods; thence west 17-7/9 rods; thence south 36 rods to
the place of beginning, containing 4 acres more or less. *2978'*
1594 ft

AND said right shall be subject to all other conditions and limitations
contained in said decrees.

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

WITNESS the signature of the State Engineer,
affixed this 5th day
of April, 1964.

CHAS. E. STRICKLIN
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12565.

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That MRS. LAURA FROOME

of Athens, State of Oregon has a right to the use of
the waters of West Branch of Ford Branch of Little Walla Walla River
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority
of the right thereby confirmed dates from 1893 for 7.2 acres, and 1901 for 2.3 acres;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one and one-half
miner's inches per acre measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

9.5 acres in SE $\frac{1}{4}$
Section 34

T. 6 N., R. 35 E. W. M., being within the follow-
ing described tract: Beginning at a point 40 rods north of the southeast corner
of the NE $\frac{1}{4}$ of Sec. 34, T. 6 N., R. 35 E. W. M., running thence north along the
section line 36 rods; thence west 62.23 rods more or less; thence south 36 rods;
thence east 62 & $\frac{2}{9}$ rods more or less to the place of beginning.

AND said right shall be subject to all other conditions and limitations
contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 5th day
of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12687.

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That CYRUS POWELL

of Freewater, State of Oregon has a right to the use of
the waters of Walla Walla River for Tract No. 1, and Little Walla Walla River for
Tract No. 2,
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority
of the right thereby confirmed dates from 1876 for Tract No. 1; and 1871 for 2 acres
and 1890 for 2 acres Tract No. 2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one and one-half
miner's inches per acre measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

TRACT No. 1

10.84 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
0.44 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 18

T. 5 N., R. 36 E. W. M., being within the follow-
ing described tract: Commencing at a point on the line running east and west
through the center of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 18, T. 5 N., R. 36 E. W. M.,
said point being 38 rods east of the west line of said Section; running thence
east of south 21 rods to a point 19 rods distant at right angles from said east
and west center line; thence west parallel with the center line 35 rods more or
less to the center of the channel of the Walla Walla River; thence southeasterly
up the center of the channel of the Walla Walla River to the line running east
and west through the center of said Sec. 18; thence east along the center line
of said Sec., 77 rods more or less to the County road; thence northwesterly
along said County road to the line running east and west through the center of
the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 18; thence west along said center line 41 rods more
or less to the place of beginning.

TRACT No. 2.

1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$
3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 35

T. 6 N., R. 35 E. W. M., being within the follow-
ing described tract: Commencing at a point 6 rods 6.5 ft. north of the southwest
corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence east
80 rods to the Sec. line; thence north 6 rods 10 ft.; thence west 35-1/5 rods;
thence north 37 rods; thence west 44-1/5 rods; thence south 43 rods more or less
to the point of beginning; EXCEPTING the following described land sold to Harry
Graham, to-wit:

Beginning at a point 6 rods 6.5 ft. north of the southwest corner of the
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence east 80 rods to said
Sec. line; thence north 6 rods 10 ft.; thence west 35-1/5 rods; thence north

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SALEM, OREGON

25 rods 3 ft.; thence west $44\frac{4}{5}$ rods; thence south 31 rods 13 ft. to place of beginning. ALSO: Commencing at a point 41 rods 11 ft. north of the southeast corner of the SW $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence west 19 rods 3.5 ft.; thence north 8 rods 5.5 ft.; thence east 19 rods 3.5 ft.; thence south 8 rods 5.5 ft. to the point of beginning, containing 1 acre.

AND said right shall be subject to all other conditions and limitations contained in said decree.

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

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 192 / 40.

CF S. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13128.

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HUELETTE JOHNSON

of Route 2, Box 237, Milton-Freewater, State of Oregon 97862, has
 a right to the use of the waters of Little Walla Walla River

a tributary of Walla Walla River for the purpose of
 irrigation of 5.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Umatilla County, and the said decree entered of record at Salem, in the Order Record of
 the WATER RESOURCES DIRECTOR, in Volume 12, at page 9; that the priority of the
 right thereby confirmed dates from 1886

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed one and one-half
 miner's inches per acre

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T. 6 N., R. 35 E., W.M.;
 10 feet South and 650 feet West from the Center, Section 35

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

5.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 34
 T. 6 N., R. 35 E., W.M.

This certificate is issued to confirm a change in place of use approved by an
 order of the Water Resources Director entered December 8, 1977 and supersedes
 certificate of water right recorded at Page 13225, Volume 11, State Record of
 Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree.
 The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date May 2, 1980.


 Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49219

13225
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JUL 30 2008

WATER RESOURCES DEPT.
 SALEM, OREGON

V53 P1
or T76
76
767

STATE OF OREGON

T726

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. R. GRAHAM

of Route #1, Freewater, State of Oregon, has a right to the use of the waters of Little Walla Walla River

a tributary of irrigation of 9.5 acres for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1872 for 2.0 acres; 1890 for 6 acres, and 1904 for 1.5 acres

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one and one-half miner's inches per acre measured at the point of diversion.

The point of diversion is located in the NE 1/4 NE 1/4, Section 2, T. 5 N., R. 35 E., W. M. Diversion point located 380 feet South and 740 feet West from the NE corner Section 2. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- 2.0 acres SW 1/4 SE 1/4
- 7.5 acres SE 1/4 SE 1/4

Section 35

T. 6 N., R. 35 E., W. M., being within the following described tracts: Beginning at a point 6 rods 6.5 ft. north of the southwest corner of the SE 1/4 SE 1/4, Sec. 35, T. 6 N., R. 35 E., W. M., running thence east 44 & 4/5 rods; thence north 31 rods 13 ft.; thence west 44 and 4/5 rods; thence south 31 rods 13 ft. to the place of beginning, containing 8 acres, more or less.

ALSO: Beginning at a point 25 rods north of the southeast corner of the SW 1/4 SE 1/4 of Sec. 35, T. 6 N., R. 35 E., W. M., running thence west 19 rods 3.5 ft. more or less; thence north 16 rods 11 ft.; thence east 19 rods and 3.5 ft. more or less; thence south 16 rods 11 ft. to the place of beginning, containing 2 acres, more or less.

Certificate of water right issued to H. R. Graham and recorded at page 12708, Volume 11, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 10.0 acres. Subsequently, the point of diversion appurtenant to the irrigation of 0.5 acres was transferred by order of the State Engineer entered April 26, 1966. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to H. R. Graham.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date July 19, 19 66.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33257

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HULETTE JOHNSON

of Route 2, Box 237, Milton-Freewater, State of Oregon 97862, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of waste water

a tributary of Little Walla Walla River for the purpose of supplemental irrigation of 9.3 acres

under Permit No. 43005 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 10, 1977

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.38 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SW 1/4, Section 35, T. 6 N., R. 35 E., W.M.; 60 feet South and 50 feet East from NW 1/4 Corner, Section 35

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to 0.0375 of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel continuance of the waste water

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

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

9.3 acres SW 1/4 NE 1/4 Section 34 T. 6 N., R. 35 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 22, 1980

James E. Keenan Water Resources Director

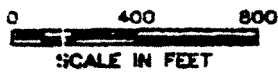
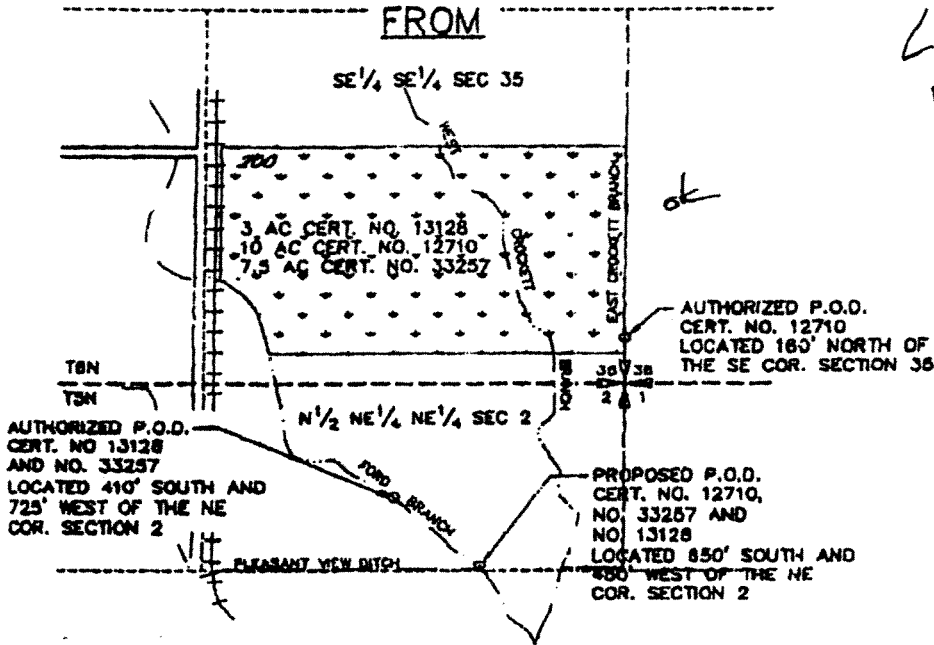
Recorded in State Record of Water Right Certificates, Volume 43, page 49565

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WATER RESOURCES DE SALEM, OREGON

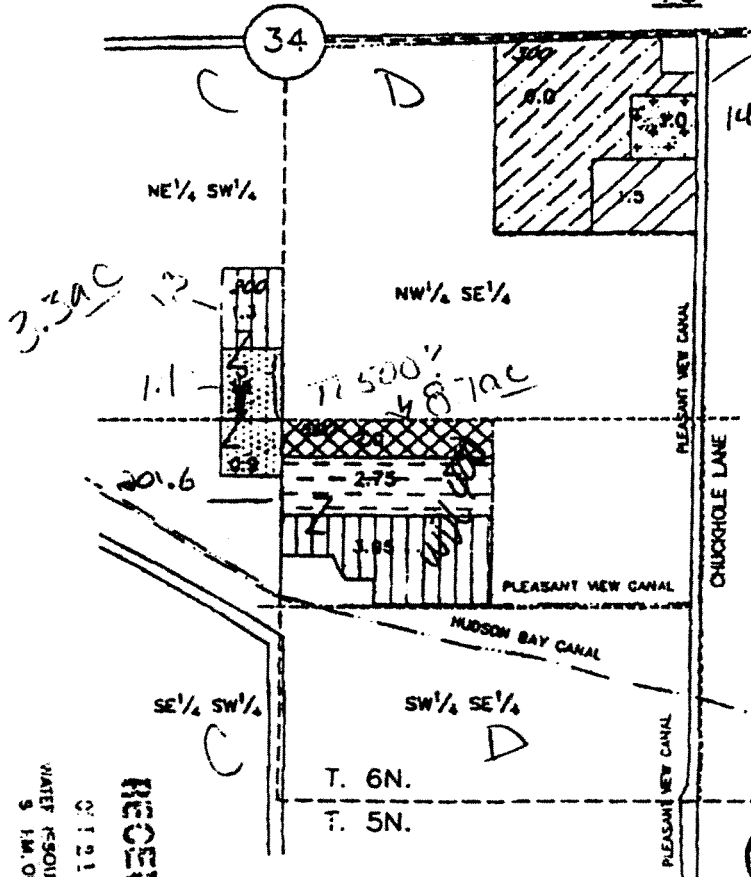
WATER RIGHT TRANSFER FROM KVAMME TO WALISER T5N AND 6N, R35E WM UMATILLA CO, OREGON

Handwritten: (copy) need
run date



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SALEM, OREGON

Handwritten: TO 8.5 AC
142.8

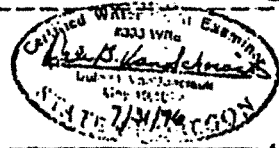


LEGEND

CERT. NO.	PRIORITY DATE	ACREAGE
33257	1890	6.0 - 100.8
33257	1904	1.5 - 25.2
12710	1890	2.0 - 33.6 *
12710	1891	2.75 - 46.2 *
12710	1895	5.25 - 89.2 *
13128	1871	1.0 - 16.8
13128	1890	2.0 - 33.6 *
		344.4

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0121 1996
WATER RESOURCES DEPT.
SALEM, OREGON

T7642



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SALEM, OREGON

UMATILLA COUNTY PLANNING DEPARTMENT

PRELIMINARY FINDINGS AND CONCLUSIONS

**WALISER NON-FARM DWELLING CONDITIONAL USE REQUEST #C-968-00 AND
TYPE V LAND PARTITION REQUEST #LD-6N-298-00
MAP 6N 35 34A & D, TAX LOTS 300 & 1400**

1. **APPLICANT:** Kent Waliser, 2020 Valley View Boulevard, East Wenatchee, WA 98802
2. **OWNERS:** Tax Lot 300: Kent and Leslie Waliser, 2020 Valley View Boulevard, East Wenatchee, WA 98802
Tax Lot 1400: L & E Family Partnership, c/o Ronald Brown and Nancy Kezele, 84150 Winesap Road, Milton-Freewater, OR 97862
3. **LOCATION:** The subject properties are located adjacent to the north and south sides of Yellow Jacket Road, approximately 1/4 mile to the west of Winesap (County Road #625), approximately 1/2 mile south of Sunnyside Highway (State Highway #332), and approximately 2 miles northwest of the City of Milton-Freewater.
4. **REQUEST:** To adjust the property line between Tax Lot 300 on the south side of Yellow Jacket Road and Tax Lot 1400 on the north side of Yellow Jacket Road. Adjusted Tax Lot 300 would become a 0.77 acre non-farm parcel and include a dwelling and associated outbuildings. The remaining acreage of Tax Lot 300 will become part of Tax Lot 1400. The acreage of Tax Lot 1400 will then be increased to 18.75 acres (please see attached map).

The request comprises the following land use actions:

A. CONDITIONAL USE to permit the conversion of a farm related dwelling to a "non-farm dwelling" in an Exclusive Farm Use Zone as allowed in 152.059 (G) of the Umatilla County Development Code by meeting standards in the Development Ordinance and in Oregon Administrative Rules (see review in #21).

B. BOUNDARY ADJUSTMENT to allow a 0.77 acre parcel to be created by reducing the original 9.77 acres of Tax Lot 300 and increasing the original 9.75 acres of Tax Lot 1400 to 18.75 acres through a Type V Land Division, Section 152.646(E) of the Umatilla County Development Ordinance.

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5. **ORIGINAL PARCEL ACREAGE:** Tax Lot 300 = 9.77 acres
Tax Lot 1400 = 9.75 acres
6. **RESULTING PARCEL ACREAGE:** Tax Lot 300 = 0.77 acres
Tax Lot 1400 = 18.75 acres
7. **COMP PLAN:** Orchard District.
8. **ZONING:** EFU (Exclusive Farm Use)
9. **ACCESS:** Tax Lot 300 has a paved driveway accessing the property from Yellow Jacket Road, and a gravel driveway providing access to the property from Chuckhole Lane.
10. **ROAD TYPE:** Yellow Jacket Road is a 2-lane paved public road not maintained by the County. The applicant states that the road is in fair condition. Chuckhole Lane is a 12-ft wide single lane gravel road.
11. **EASEMENTS:** The 15-ft access easement, known as Chuckhole Lane, is located along the east side of Tax Lot 300. An easement for a replacement drainfield for the existing dwelling will be located on property west of the adjusted Tax Lot 300.
12. **LAND USE(S):** The dwelling and associated outbuildings occupy an area of approximately 1/2 acre on the northwest corner of Tax Lot 300. This dwelling is leased by others who are not associated with the farm use on the property. The majority of the acreage of Tax Lot 300 is in orchard and is leased by the owner of Tax Lot 1400. Tax Lot 1400 is also orchard.
13. **BUILDINGS:** An existing 50 ft x 50 ft dwelling, 40 ft x 40 ft and 30 ft x 30 ft sheds are located on the property.
14. **ADJACENT:** All surrounding property is zoned EFU (Exclusive Farm Use). The nearest dwellings are approximately 600 feet to the east and west on Yellow Jacket Road.
15. **LANDFORM:** Part of an alluvial fan of the Walla Walla River, 0 - 3% slope.
16. **SOIL TYPES:** 29A, *Freewater Very Cobbly Loam*, 0 -3% slope, Agricultural Capability IVs irrigated and VIs non-irrigated, severe rating for building with a basement and without a basement due to flooding, severe rating for septic tank installation due to poor filtration.



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

John Day Watershed District Office

73471 Mytinger Lane

Pendleton, OR 97801

541-276-2344

FAX 541-276-4414

June 23, 2003

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SALEM, OREGON



Stephanie Eaton
Walla Walla Basin Watershed Council
P.O. Box 68
Milton-Freewater, OR 97862

Dear Mss. Eaton:

I have received from you by email, two applications for the allocation and use of conserved water. The applicant for both applications is Earl Brown & Sons Inc. One application involves conservation of water for water right Certificates 12682, 12917, 12676, 12677, 12565, 12687, 13128, 13225, 33257, 49565, and 45330. The other application involves conservation of water for water right Certificates 13126, 13088 and 12768. Under these Certificates the source of water are the Lydell and Powell ditches diverted from the Ford Branch of the Little Walla Walla River.

I have reviewed these applications and support them because they will both result in water being allocated to instream uses, which will benefit sensitive fish species in the Walla Walla basin.

Sincerely,

Timothy D. Bailey
District Fish Biologist
John Day Watershed District

WALLA WALLA RIVER IRRIGATION DISTRICT
P.O. Box 248, 323 Evans Street
Milton-Freewater, OR 97862
541-938-0144

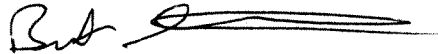
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SALEM, OREGON

Dear Mr. Brown,

July 14th, 2003

The Walla Walla River Irrigation District (WWRID) has reviewed your application for the Allocation and Use of Conserved Water. The application identifies 1027.93 gpm of to be conserved, of which 319.72 gpm will be allocated to the state of Oregon as an instream water right. WWRID is supportive of the efficient use of irrigation water and is pleased to see the application being submitted, and therefore approves your application as presented.

Sincerely,



Brent Stevenson
District Manager
Walla Walla River Irrigation District

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SALEM, OREGON

Umatilla County

Department of Resource Services and Development

216 S.E. 4th Street, Pendleton, Oregon 97801

Phone: 541-278-6252

FAX: 541-278-5480

To Stephanie Eaton

Date: 6-4-03

Company _____

No. of pages with cover 4

Dept: _____

FAX: 938-2170

From: Patty Perry

Dept: _____

Phone 278-6249

FAX: _____

Comments: _____



Oregon Water Resources Department Land Use Information Form

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by OR 3197.280. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: EARL BROWN & SONS

Address: 605 LAMB ST.

City: MILTON-FREEWATER State: OR Zip: 97162 Day Phone: 541-938-6645

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 Designation (e.g. Rural Residential/RR-5)	Water to be (check all that apply)		
<u>SEE ATTACHED SHEET</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. MILTON-FREEWATER, UMATILLA COUNTY

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): IRRIGATION

Briefly describe: WATER CONSERVATION

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water WALLA WALLA RIVER
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

Carl Brown & Sons Applicant

For Local Government Use Only

The following section must be completed by a planning official from each county and city that a project will be located entirely within its 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.

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WATER RESOURCES DEPT. SALEM, OREGON

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
EFU (EXCLUSIVE FARM USE)
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

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

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

B. Approval

Please provide printed name and written signature

Name: Patty Perry (PATTY PERRY) Date: 6-4-03
 Title: Senior Manager Phone: 541-278-6249
 Signature: Patty Perry

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 20 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use is consistent with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information within the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

FROM: WALLA WALLA BASIN WATER

FAX NO. 1541 938 2170

Jul 30 2003 09:11AM P2

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SALEM, OREGON
Use

Tax Lot

Legal Description

1200 EFU-10 20.97 ^{ac}	6N3534A T6N, R35E of the WM, SW1/4 NE1/4 S34	Conveyed, Diverted, & Used
700 EFU-10 17.57	6N3534A T6N, R35E of the WM, NW1/4 NE1/4 S34	Diverted & Used
500 9.92 EFU-10	6N3534A T6N, R35E of the WM, NE1/4 NE1/4 S34	Diverted & Used
800 9.85 EFU-10	6N3534A T6N, R35E of the WM, NE1/4 NE1/4 S34	Diverted & Used
1700 18.71 EFU-10	6N3534A T6N, R35E of the WM, SE1/4 NE1/4 S34	Conveyed, Diverted, & Used
1400 9.86 EFU-10	6N3534A T6N, R35E of the WM, SW1/4 NE1/4 S34	Conveyed, Diverted, & Used

(CORRECTION)
WARRANTY DEED 187783

REEL 243 PAGE 1424

EVELYN FEIGNER, VIRGINIA FEIGNER and BETTY BLONDELL, Grantors, convey and warrant to EARL BROWN & SONS, INC., Grantees, the following described real property free of encumbrances all that real property described on the attached Exhibit "A" which is hereby referred to and made a part hereof.

The true consideration for this conveyance is \$60,000.

This instrument will 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 approved uses. THIS DEED IS BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

Until a change is requested all tax statements should be sent to:

Earl Brown & Sons, Inc.
P.O. Box 249
Milton-Freewater, Oregon 97862

DATED this 18 day of March, 1991.

FILED
UMATILLA COUNTY CLERK
93 NOV -8 A 11:28

Evelyn Feigner
Evelyn Feigner

Virginia L. Feigner
Virginia Feigner

Betty J. Blondell
Betty Blondell

STATE OF OREGON,)
County of Umatilla.) ss.

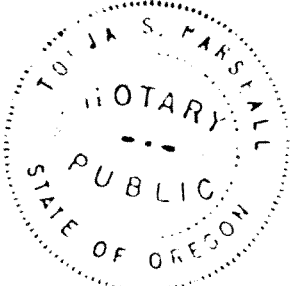
March 18, 1991.

Personally appeared the above named Evelyn Feigner and acknowledged the foregoing instrument to be her voluntary act and deed. Before me.

Janja S. Marshall
Notary Public for Oregon
My Commission Expires: 5-31-93

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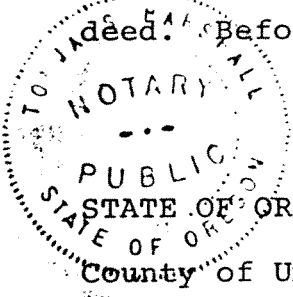
WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON,)
) ss.
County of Umatilla.)

March 18, 1991.

Personally appeared the above named Virginia Feigner and acknowledged the foregoing instrument to be her voluntary act and deed. Before me.

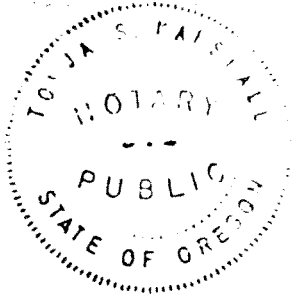


Tonia S. Marshall
Notary Public for Oregon
My Commission Expires: 5-31-93

STATE OF OREGON,)
) ss.
County of Umatilla.)

March 18, 1991.

Personally appeared the above named Betty Blondell and acknowledged the foregoing instrument to be her voluntary act and deed. Before me.



Tonia S. Marshall
Notary Public for Oregon
My Commission Expires: 5-31-93

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WATER RESOURCES DEPT.
SALEM, OREGONTRACT I:

Beginning at Northeast corner of Northwest Quarter of Northeast Quarter of Section 34, Township 6 North, Range 35; thence West along North line of Section 34 a distance of 248.75 feet to Northwest corner of that tract conveyed to Evelyn Feigner, et al, by Deed recorded in Microfilm R-136, Page 1044, Deed Records, and **THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION**; thence West along said North line 205.25 feet; thence South, parallel to East line of Northeast Quarter of Section 34 a distance of 450 feet; thence West, parallel to North line of Section 34; a distance of 206 feet, more or less, to East line of that tract conveyed to Ned Feigner, et ux, by Deed recorded in Book 176, Page 519, Deed Records; thence South along said East line to a point 1320 feet South of North line of Section 34; thence East at right angles 660 feet, more or less, to a point on North-South centerline of Northeast Quarter of Section 34; thence North along said North-South centerline, 870 feet, more or less, to Southeast corner of said Evelyn Feigner Tract; thence West along South line of said Evelyn Feigner Tract, 248.75 feet to Southwest corner thereof; thence North along West line of said Evelyn Feigner Tract 450 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 II:

Beginning at Northeast corner of Northwest Quarter of Northeast Quarter of Section 34, Township 6 North, Range 35; and **THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION**; thence West along North line of Section 34 a distance of 248.75 feet; thence South at right angles 450 feet; thence East at right angles 248.75 feet to a point on North-South centerline of Northeast Quarter of Section 34; thence North along said North-South centerline 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.

ALSO SUBJECT:

1. As disclosed by the tax rolls the premises herein 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. Easement, including the terms and provisions thereof, granted by C. E. Harkins, et ux, to Pacific Power & Light Company, recorded June 16, 1914, Book 87, Page 244, Deed Records.

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

cont.

3. Rights outstanding if any in irrigation well, if located in Southwest corner of Tract I, contained in Deed from Ned Feigner, et ux, to A. A. Hoffman, et ux, recorded June 30, 1944, Book 171, Page 180, Deed Records, which reads as follows: If the irrigation well is in Southwest corner of above lands, then the property to the West is to have use of the same.

EXHIBIT "A"

R 203 PAGE 1029

TRACT I:

Beginning at Northeast corner of Northwest Quarter of Northeast Quarter of Section 34, Township 6 North, Range 35; thence West along North line of said Section 34, a distance of 248.75 feet to Northwest corner of that tract conveyed to Evelyn Feigner, et al, by Deed recorded in Microfilm R-136, Page 1044, Deed Records, and the true point of beginning for this description; thence West along said North line 205.25 feet; thence South, parallel to East line of Northeast Quarter of Section 34, a distance of 450 feet; thence West, parallel to North line of said Section 34, a distance of 206 feet, more or less, to East line of that tract conveyed to Ned Feigner, et ux, by Deed recorded in Book 176, Page 519, Deed Records; thence South along said East line to a point 1320 feet, more or less, to a point on North-South centerline of Northeast Quarter of Section 34; thence North along said North-South centerline, 870 feet, more or less, to Southeast corner of said Evelyn Feigner Tract; thence West along South line of said Evelyn Feigner Tract, 248.75 feet to Southwest corner thereof; thence North along West line of said Evelyn Feigner Tract, 450 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 II:

Beginning at Northeast corner of Northwest Quarter of Northeast Quarter of Section 34, Township 6 North, Range 35, and the true point of beginning for this description; thence West along North line of Section 34, a distance of 248.75 feet; thence South at right angles 450 feet; thence East at right angles 248.75 feet to a point on North-South centerline of Northeast Quarter of said Section 34; thence North along said North-South centerline 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.

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WATER RESOURCES DEPT.
SALEM, OREGON

TxL+ 500
Feigner

R 82 PAGE 950

76673

CORRECTION DEED

KNOW ALL MEN BY THESE PRESENTS, that CARRIE FEIGNER, CHRIS T. FEIGNER, PEGGY FEIGNER KLARENBECK, WILLIAM FEIGNER and JIM FEIGNER for good and valuable consideration, do by these presents bargain, sell, grant and convey unto EVELYN FEIGNER, VIRGINIA L. FEIGNER and BETTY FEIGNER BLONDELL, their heirs and assigns, as tenants in common, all of the following described real property:

THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, T6N, R35EWM IN UNATILLA COUNTY, OREGON, subject to a life estate in CARRIE FEIGNER therein.

TO HAVE AND TO HOLD the same unto EVELYN FEIGNER, VIRGINIA L. FEIGNER and BETTY FEIGNER BLONDELL, their heirs and assigns, as tenants in common.

THIS DEED IS A CORRECTION DEED TO CORRECT AN ERRONEOUS DESCRIPTION IN THAT CERTAIN DEED AMONG THE SAME PARTIES HERETO DATED 28 AUGUST, 1980 AND RECORDED ON ROLL 71 at PAGE 174B, DEED RECORDS OF UNATILLA COUNTY.

This deed is for the adjustment of property rights among the parties hereto and there is no actual cash consideration.

Witness our hands this 14th day of July, 1981.

Carrie Feigner
CARRIE FEIGNER

Chris T. Feigner
CHRIS T. FEIGNER

Peggy Feigner Klarenbeck
PEGGY FEIGNER KLARENBECK

William Feigner
WILLIAM FEIGNER

Jim Feigner
JIM FEIGNER

Arlene B. Alexander
My Commission expires 1-22-83



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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Tx Lt 500

R 82 PAGE 951

STATE OF OREGON }
COUNTY OF UNATILLA } ss.

Before me appeared CARRIE FEIGNER and CHRIS T. FEIGNER and to me acknowledged that they executed the foregoing freely and voluntarily.

Dated 14th July 1981

Olene Alexander
Notary Public for Oregon
My commission expires: 2-2-83

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.



Before me appeared PEGGY FEIGNER KLARENBECK and to me acknowledged that she executed the foregoing freely and voluntarily.

Dated June 22 1981

Cynthia Morrison
Notary Public for California Cynthia Morrison
My commission expires: March 9, 1984

STATE OF NEVADA }
COUNTY OF WHITE PINE } ss.

Before me appeared JIM FEIGNER and to me acknowledged that he executed the foregoing freely and voluntarily.

Dated June 16 1981

Sandra F Jordan
Notary Public for Nevada
My commission expires: 11/17/92

STATE OF Oregon }
COUNTY OF Unatilla } ss.

Before me appeared WILLIAM FEIGNER and acknowledged the foregoing to be his voluntary act and deed.

Dated 14th July 1981

Olene Alexander
Notary Public for Oregon
My commission expires: 2-2-83

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

7-20-81

LN 241 899 TxL 600 Feigner

JP

241 899 186244

KNOW ALL MEN BY THESE PRESENTS, That UPPER COLUMBIA MISSION SOCIETY OF SEVENTH-DAY ADVENTISTS, a Washington corporation hereinafter called the grantor, for the consideration hereinafter stated, to grant here by DEBERT C. LEIGHTY and CECILIA A. LEIGHTY, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey with the said grantees and grantor's heirs, successors and assigns, their certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in anywise pertaining, situated in the County of Umatilla and State of Oregon, described as follows, to-wit:

South Half of South Half of Northwest Quarter of Northeast Quarter of Section 36, Township 6 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon.
SUBJECT TO any and all water rights of way and roads.

FILED
(Completion of contract recorded in Microfilm R-123, 1057, CLERK
Dead Records.)
93 SEP 22 A 11:07

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JUL 30 2003
WATER RESOURCES DEPT.
SALEM, OREGON

To Have and to Hold the same unto the said grantor and grantor's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantees and grantor's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 30,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The balance between the words "if not applicable, should be deleted. See RES 17.80.)

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

In Witness Whereof, the grantor has executed this instrument this 18th day of September 1993. If a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

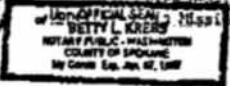
UPPER COLUMBIA MISSION SOCIETY OF S. D. A.
Walter G. Pearson
Secretary



STATE OF WASHINGTON, County of Spokane
This instrument was acknowledged before me on _____ 19__

by _____
This instrument was acknowledged before me on September 16, 1993.

by Bryce Pascoe and Wayne A. Searson
President and Secretary
Society of Seventh-day Adventists



Betty L. Krabe
Notary Public for Washington
My commission expires 01/07/97

UPPER COLUMBIA CORPORATION
OF SEVENTH-DAY ADVENTISTS
P.O. Box 19039
SPOKANE, WA 99219

Attn: Mr. & Mrs. Deibert C. Leighty
Route 2, Box 347
Milson-Freewater OR 97862

After recording, return to:
Bank of Commerce
P.O. Box 50
Milson-Freewater OR 97862

AFTER RECORDING
RETURN TO:
PIONEER TITLE CO.
125 S.E. COURT ST.
PENDLETON OR 97801

STATE OF OREGON, COUNTY OF UMATILLA
I, Thomas L. Boat, County Clerk, certify this instrument was received and recorded on 09-22-93 at 11:07 in the records of document case type DE-03
LOCATION 8241-0999
DOCUMENT NUMBER 93-186244
FEE 35.00

THOMAS L. BOAT
UMATILLA COUNTY CLERK
RECEIVED BY *J. McLaughlin*

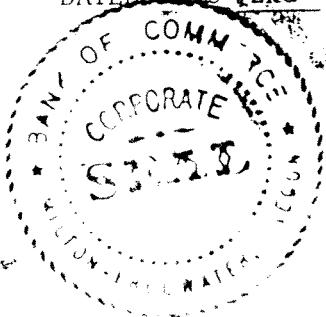
SEP 13 1993

THE BANK OF COMMERCE, an Oregon banking corporation, conveys to

EARL E. BROWN & SONS, INC. an Oregon corporation, all that real property situated in Umatilla County, State of Oregon, described on the attached Exhibit "A", which by reference is made a part hereof.

The purpose of this deed is to release to the grantee herein all of the grantor's interest in the above described property that was transferred to the grantor herein by reason of that certain Assignment dated August 11, 1982 and recorded in R94 at Page 421 of Deeds on August 12, 1982, Umatilla County, Oregon.

DATED this 2nd day of May, 1984.



BANK OF COMMERCE, an Oregon Banking corporation

By [Signature] President

By [Signature] Vice President & Cashier

RECEIVED

JUL 30 2003

WATER RESOURCES DEPT. SALEM, OREGON

STATE OF OREGON) : ss. County of Umatilla) May 2nd, 1984.

Personally appeared R. L. TOMLINSON and MERL ODMAN, who, being duly sworn, did say that they are the President and Vice President & Cashier of the Bank of Commerce, an Oregon banking corporation, and that the seal affixed hereto is its seal and that this document was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:



[Signature] Notary Public for Oregon My Commission Expires: 4/24/85

SE NE Sec 34

Lot 1700 & 1600

TRACT I:

Beginning at a point 40 rods North of the Southwest corner of the Southeast quarter of the Northeast quarter of Section 34, Township 6 North, Range 35, running thence East 17 and 7/9 rods; thence North 36 rods; thence West 17 and 7/9 rods; thence South 36 rods to the place of beginning;

ALSO, beginning at a point 40 rods North of the Southeast corner of the Northeast Quarter of Section 34, Township 6 North, Range 35; running thence North along the East line of said Section 34, a distance of 36 rods, to a point 4 rods South of the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 34; thence West at right angles a distance of 62.23 rods, more or less, to the Northeast corner of that tract of land conveyed to Frank A. Hooker, et ux, by Deed recorded December 30, 1957, in Book 246, page 428, of the Deed Records of Umatilla County, Oregon, said point also being South 4 rods from the North line of the Southeast Quarter of the Northeast Quarter of said Section 34; thence South along the East line of the said Hooker Tract a distance of 36 rods; thence East at right angles a distance of 62.23 rods, more or less, to the point of beginning;

ALSO, the South 33 feet of the North 66 feet of the North Half of the Southeast Quarter of the Northeast Quarter of Section 34, Township 6 North, Range 35;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

EXCEPTING any and all water rights of way ditches, and roads.

TRACT II:

The Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 34, Township 6 North, Range 35, E. W. M., reserving a strip of land 15 feet wide along the South side thereof for road and ditch purposes, and reserving a right of way not exceeding 4 feet in width along the East side thereof for an irrigation ditch;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

EXCEPTING any and all roads.

Including approximately 1,220 feet of buried 4 inch transit mainline with 17 risers.

RECEIVED

JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

FRANK A. HOOKER and RACHEL HOOKER, husband and wife, grantors, convey and warrant to EARL E. BROWN & SONS, INC., an Oregon Corporation, Grantees, all that real property situated in Umatilla County, Oregon described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

and covenant that grantors are the owners of the above described property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$130,500.

The foregoing recital of consideration is true as I believe.

DATED: November 22, 1977.

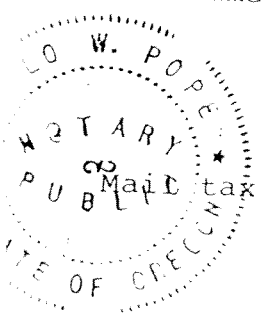
Frank A. Hooker
Frank A. Hooker

Rachel Hooker
Rachel Hooker

STATE OF OREGON)
)ss
County of Umatilla)

Personally appeared the above named FRANK A. HOOKER and RACHEL HOOKER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Milo W. Pope
Notary Public for Oregon
My Commission Expires: 11-30-79



tax statements: Earl E. Brown & Sons, Inc.
Rt. 2 Box 343, Milton-Freewater, Oregon 97862

WARRANTY DEED

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JUL 30 2003
WATER RESOURCES DEPT.
SALEM, OREGON

TRACT I:

Beginning at a point 40 rods North of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 34, Township 6 North, Range 35, running thence East 17 and 7/9 rods; thence North 36 rods; thence West 17 and 7/9 rods; thence South 36 rods to the place of beginning;

ALSO, beginning at a point 40 rods North of the Southeast Corner of the Northeast Quarter of Section 34, Township 6 North, Range 35; running thence North along the East line of said Section 34, a distance of 36 rods, to a point 4 rods South of the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 34; thence West at right angles a distance of 62.23 rods, more or less, to the Northeast corner of that tract of land conveyed to Frank A. Hooker, et ux, by Deed recorded December 30, 1957, in Book 246, page 428, of the Deed Records of Umatilla County, Oregon, said point also being South 4 rods from the North line of the Southeast Quarter of the Northeast Quarter of said Section 34; thence South along the East line of the said Hooker Tract a distance of 36 rods; thence East at right angles a distance of 62.23 rods, more or less, to the point of beginning;

ALSO, the South 33 feet of the North 66 feet of the North Half of the Southeast Quarter of the Northeast Quarter of Section 34, Township 6 North, Range 35;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

EXCEPTING any and all water rights of way ditches, and roads.

TRACT II:

The Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 34, Township 6 North, Range 35, E.W.M., reserving a strip of land 15 feet wide along the South side thereof for road and ditch purposes, and reserving a right of way not exceeding 4 feet in width along the East side thereof for an irrigation ditch;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

EXCEPTING any and all roads.-----

Including approximately 1,220 feet of buried 4 inch transite mainline with 17 risers.

EXHIBIT "A"

2

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

WPL 445

367 0343

WARRANTY DEED T-4-L-1400

UMATILLA COUNTY RECORDS

HULETTE M. JOHNSON, Grantor, conveys and warrants to L & E PARTNERSHIP, Grantee, the following described real property free of encumbrances except as specially set forth herein:

See EXHIBIT "A", Attached hereto and made a part hereof.

The true consideration for this conveyance is \$59,500.

This instrument will 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 approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Until a change is requested all tax statements should be sent to: L&E Partnership, C/O Nancy Kezele, 84150 Winesap Rd., Milton-Freewater, OR 97862.

After recording, return this document to: Monahan, Grove, Tucker & Wallace, LLP, 105 N. Main, Milton-Freewater, OR 97862.

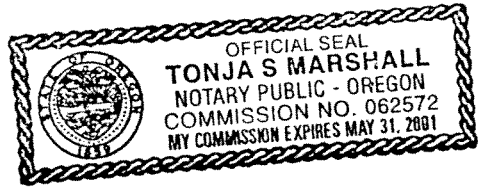
DATED this 24th day of March, 2000.

Hulette M. Johnson
HULETTE M. JOHNSON, Grantor

STATE OF OREGON,)
) ss.
County of Umatilla.)

March 24, 2000.

Personally appeared the above named HULETTE M. JOHNSON and acknowledged the foregoing instrument to be his voluntary act and deed. Before me.



Tonja S. Marshall
NOTARY PUBLIC FOR OREGON

1 - WARRANTY DEED

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

PIONEER TITLE CO.
126 SF Court, Pend. OR, 97801

3

EXHIBIT "A"

The Southeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 34, Township 6 North, Range 35, East of the Willamette Meridian, Umatilla County, Oregon. Excepting therefrom any portion lying within the County Road right of way.

SUBJECT TO:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special 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 Walla Walla River Irrigation District and this property is therefore subject to all easements, levies and assessments thereof.
3. Easement for ditch and road, including the terms and provisions thereof, contained in deed between
 Grantor: William J. Jackson, et ux
 Grantee: Hulette H. Johnson, et ux
 Recorded: May 19, 1963 in Book 271, Page 617, Deed Records, Umatilla County, Oregon.

READ, ACCEPTED & APPROVED

Ronald E Brown

State of Oregon)
)
County of Umatilla)

This instrument was received
and recorded on

03-28-00 at 11:32

in the record of document
code type DE-WD

Location R367-0343
Document number 2000-3670343
Fee 31.00

Office of County Records

Jean Hemphill
Records Officer

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JUL 30 2003

WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT OF BENEFICIAL USE OF WATER RIGHTS

State of Oregon

County of Umatilla

I/We, Ronald E Brown, residing at _____, phone _____

being first duly sworn depose and say:

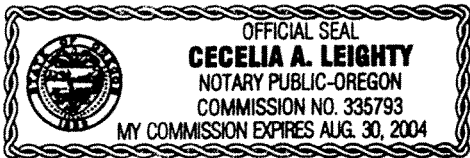
1. I/We are the legal owners of the property described as tax lot number SEE PAGE 2 within the 1/4 1/4, Section , Township N, Range E, of the FOR Willamette Meridian, in County, Oregon, as described in LAND the attached deed and legal description and made part of this affidavit; DESCRIPTIONS
2. A portion of water right certificate number issued to , with a priority date of for use of cubic foot per second of water from SEE PAGE 2 FOR WATER RIGHT (source) for the purpose of INFORMATION (uses) is appurtenant to my/our property;
3. I/We have beneficially used said water right within the last five years.

Signature of Legal Owner Ronald E Brown Date 6/17/03
 Signature of Co-Owner _____ Date _____

Subscribed and Sworn to Before Me this 17th day of June, 2003

Notary Public for Oregon Cecelia A. Leighty

My Commission Expires 8/30/04



PLEASE ATTACH DEED WITH LEGAL DESCRIPTION

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 JUL 30 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON

Name on Water Right Certificate	Source	Tax Lot	Legal Description	Certificate #	Priority Date	Total Water in gpm	Total Water in cfs
Hettie O. Forsythe	Lydell Ditch diverted from the Ford Branch of the Little Walla Walla River	1200	T6N, R35E of the WM, SW 1/4 NE 1/4 S34 (For's place)	12682	1901	337.60	0.75
S. A. Miller	Lydell Ditch diverted from the Ford Branch of the Little Walla Walla River	700	T6N, R35E of the WM, NW 1/4 NE 1/4 S34 (Feigner Fuji's)	12917	1901	296.58	0.66
Christ Feigner	Lydell Ditch diverted from the Ford Branch of the Little Walla Walla River	500	T6N, R35E of the WM, NE 1/4 NE 1/4 S34 (Feigner Reds)	12676	1893	167.11	0.37
F. A. Feigner	Lydell Ditch	600	T6N, R35E of the WM, NE 1/4 NE 1/4 S34 (Leighy Reds)	12677	1886 1893	151.92 15.19	0.34 0.03
Henry Brummer	Lydell Ditch	1700	T6N, R35E of the WM, SE 1/4 NE 1/4 S34 (Hooker Place)	12565	1890	44.88	0.10
Mrs. Laura Froome	Lydell Ditch			12687	1893	160.36	0.36
Cyrus Powell	Powell Ditch from Ford Branch	1400	T6N, R35E of the WM, SW 1/4 NE 1/4 S34 (Johnson/Walser)	13128	1871	16.88	0.04
Huellette Johnson	Lydell Ditch			49219	1886	84.4	0.19
H. R. Graham	Powell Ditch from Ford Branch of the Little Walla Walla River			33257	1890	101.28	0.23
Huellette Johnson	Lydell Ditch			33257	1904	25.32	0.06
H. Lohmann	Lydell Ditch			49565	1977	80.18	0.18
				45330	1917	28	0.06
Totals						1509.70	3.36

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 JUL 30 2003
 WATER RESOURCES DEPT.
 SALEM, OREGON