



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

Application for Water Right Temporary or Drought Temporary Transfer Part 1 of 5 – Minimum Requirements Checklist

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: Certificates 87368 & 87374**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year 2019 End Year 2020.**
March 1, 2019 through Feb. 29, 2022
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Van Cook* Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|---|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Part _____ is incomplete |
| <input type="checkbox"/> Additional signature(s) required | |
| Other/Explanation _____ | |

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Ivan Cook		PHONE NO. 541-561-3984	ADDITIONAL CONTACT NO.
ADDRESS 1870 South 1st Street			FAX NO.
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

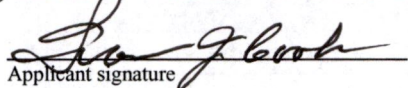
AGENT/BUSINESS NAME Dr. Paul Wattenburger; IRZ Consulting		PHONE NO. 541-567-0252	ADDITIONAL CONTACT NO.
ADDRESS 500 North 1st Street			FAX NO.
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL paul@irz.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application; and why:

To farm a field that has not been cropped for a number of years. The intend is to file for a permanent transfer, but in order to be able to start irrigating in time this spring this temporary transfer is being requested for this year.

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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


Applicant signature

Ivan J Cook
Print Name (and Title if applicable)

3/22/19
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

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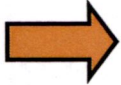
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME City of Hermiston	ADDRESS 180 NE 2nd Street	
CITY Hermiston	STATE OR	ZIP 97838

ENTITY NAME Umatilla County	ADDRESS 216 SE 4th Street	
CITY Pendleton	STATE OR	ZIP 97801

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Part 5 of 5 – Water Right Information

CERTIFICATE # 87638

Description of Water Delivery System

System capacity: 2.30 cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Two existing wells supply water through interconnected buried PVC pipelines to center pivots.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 55585	4	N	28	E	23	SW	SE	200	1210'N & 1800'W from SE Corner
Well 3	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 2507	4	N	28	E	23	SW	NE	200	1350'S & 1330'W from NE Corner

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

- Place of Use (POU) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) Additional Point of Diversion (APOD)

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 87368

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
4	N	28	E	23	SE	NE	200		25.9	Irrigation	Wells 1 & 3	2/25/ 1977	POU	4	N	28	E	23	NE	SE	100		3.2	Irrigation	Wells 1 & 3	2/25/1977
													POU	4	N	28	E	24	NW	SW	100		22.7	Irrigation	Wells 1 & 3	2/25/1977
TOTAL ACRES							25.9	TOTAL ACRES											25.9							

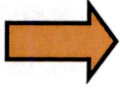
Additional remarks: _____.

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: _____



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department’s web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes	UMAT 55585	930	14					Basalt	
Well 3	Yes	UMAT 2507	1160	14	0 to 220	220		280	Basalt	

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CERTIFICATE # 87374

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Description of Water Delivery System

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System capacity: 2.30 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Two existing wells supply water through interconnected buried PVC pipelines to center pivots.**

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 55585	4	N	28	E	23	SW	SE	200	1210'N & 1800'W from SE Corner
Well 3	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 2507	4	N	28	E	23	SW	NE	200	1350'S & 1330'W from NE Corner

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

- Place of Use (POU) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) Additional Point of Diversion (APOD)

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 87374

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
4	N	28	E	23	NE	NE	100		31.4	Irrigation	Wells 1 & 3	2/25/1977	POU	4	N	28	E	23	NE	SE	100		1.4	Irrigation	Wells 1 & 3	2/25/1977
													POU	4	N	28	E	23	SE	SE	100		4.3	Irrigation	Wells 1 & 3	2/25/1977
													POU	4	N	28	E	24	NW	SW	100		1.9	Irrigation	Wells 1 & 3	2/25/1977
													POU	4	N	28	E	24	SW	SW	100		23.8	Irrigation	Wells 1 & 3	2/25/1977
TOTAL ACRES									31.4	TOTAL ACRES									31.4							

Additional remarks: _____.

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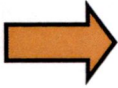
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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: _____



Pursuant to ORS 540.525, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (**Tip:** You may search for well logs on the Department’s web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

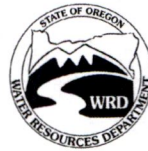
Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes	UMAT 55585	930	14					Basalt	
Well 3	Yes	UMAT 2507	1160	14	0 to 220	220		280	Basalt	

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**Application for Water Right
Transfer
Consent by Deeded Landowner**



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

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State of Oregon)
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County of Umatilla)

I Kim Puzey in my/our capacity as Manager of the Port of Umatilla,
mailing address 500 Willamette, Umatilla, OR 97883,
telephone number (541) 922-3224, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 87374
described in a Transfer Application (T-) submitted by Ivan Cook,
(transfer number, if known)
on the property in tax lot number(s) 100, Section 23, Township 4
North, Range 28 East, W.M., located at 2302 SE 9th Street, Hermiston.
(site address)

[Handwritten Signature]

Signature of Affiant

03 21 19

Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 21 day of March, 2019.



Lori Diane Rodriguez

Notary Public for Oregon

My commission expires Apr 3, 2020.

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File 27880
1R-1-1477

ORIGINAL

DEED

The STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for the true and actual consideration of \$155,000.00 does convey unto PORT OF UMATILLA, Grantee, the following described property:

The Northeast quarter of the Northeast quarter (NE¹/₄NE¹/₄), of Section 23, Township 4 North, Range 28 East, W.M., Umatilla County, Oregon, containing 40 acres, save and except 1.79 acres, more or less, for road rights of way.

This parcel of land contains 38.21 acres, more or less.

This conveyance is made and delivered upon the following express conditions, reservations, and restrictions:

1. Subject to special assessments, existing restriction, reservations and easements, if any.
2. That the above described land shall never be used for the placing or maintenance of any advertising sign, display, or device, except such sign, display, or device used to advertise the activities on said land, or the lease or sale of said land or any portion thereof. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees to enter upon said land and remove, destroy, or obliterate any unauthorized sign, display, or device, without liability for damage or injury thereto, and to recover the cost of such removal, destruction or obliteration from the owner of said land.
3. That no junk, scrap, junked motor vehicles, or parts thereof, debris, trash, waste, or other such materials shall be placed on said land for whatever purpose in any manner so as to be visible from a state highway, provided that such items as listed above can otherwise be placed on said land without violating any applicable law, ordinance, or regulation. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees, to enter upon said land and remove or destroy any unauthorized junk, scrap, or other material mentioned above and recover the cost of such removal or destruction from the owner of said land.
4. That this property shall not be used for the operation of any garbage dump or sanitary land fill. If such use is made of the property, Grantor may, at its election, enter upon said land and restore it to the condition that existed prior to said use for garbage dump or sanitary land fill purposes and recover the cost thereof from the owner of said land.

3-22-96

TAX STATEMENTS SHALL BE SENT TO
P O Box 879
Umatilla OR 97862

RETURN TO
PROPERTY MANAGEMENT
411 Transportation Bldg.
Salem OR 97310

State of Oregon)

County of Umatilla)

This instrument was received and recorded on

05-22-96 at 9:55

In the record of document code type 01

Location 0291-0922

Document number 96-218835

fee 10.00

Office of County Records

Received by S. Chamberlain
Records Officer

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REEL 230 PAGE 0923

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OWRD

ODOT
File 27880
1R-1-1477

5. That this conveyance is made upon the further condition, which shall constitute a covenant running with the land, that Grantor shall not at any time become liable to Grantee and grantee's heirs, successors and assigns in interest, for damages to the land herein described or any buildings, structures, improvements, or property of any kind or character now or hereafter located upon said land or for any injuries to any owner, occupant, or any person in or upon said land or for any interference with the use and enjoyment of said land or for damages which except for this covenant might constitute a nuisance caused directly or indirectly by noise or air pollutant emissions from transportation vehicles using the highway or transportation facility adjacent to said land. Any reference in this covenant to the highway or transportation facility adjacent to said land refers to the highway or transportation facility as it now exists and also as it will exist with future improvements. Grantee and grantee's heirs, successors and assigns covenant not to sue Grantor for any said injuries or damages.

It is understood that the conditions, reservations, restrictions, and covenants herein set out have been considered in determining the amount of consideration of this conveyance.

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The conditions and restrictions herein contained shall run with said land and shall forever bind Grantee and grantee's heirs, successors and assigns. Where any action is taken to enforce the above mentioned conditions and restrictions, Grantor shall not be liable for any trespass or conversion as to any real or personal property. Where legal proceedings are commenced by Grantor to enforce the foregoing conditions and restrictions or for the recovery of the aforementioned removal or destruction costs, the successful party shall be entitled to reasonable attorney fees and court costs.

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

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.

Dated this 22nd day of March, 1996.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Deirdra G. Jones
Deirdra G. Jones, Right of Way Manager

STATE OF OREGON, County of Marion

March 22, 1996. Personally appeared Deirdra G. Jones, who being sworn, stated that she is the Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Gale Chippis
Notary Public for Oregon
My Commission expires 10-2-98

Application for Water Right Transfer

Evidence of Use Affidavit



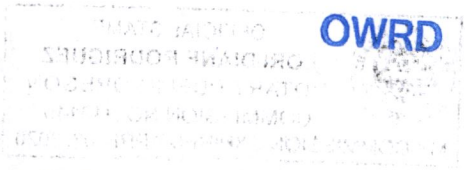
Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

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

State of Oregon)
) ss
 County of UMATILLA)

RECEIVED
 MAR 25 2019

I, DR. PAUL WATTENBURGER, in my capacity as A PE AND CWRE,
 mailing address IRZ CONSULTING, 500 NORTH 1ST STREET, HERMISTON, OR 97838
 telephone number (541)567-0252, being first duly sworn depose and say:



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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 87368; **OR**

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

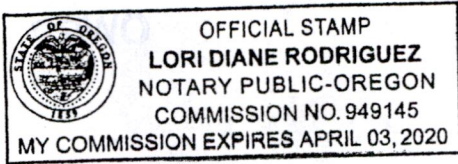
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Paul Wathert
Signature of Affiant

3/21/2019
Date

Signed and sworn to (or affirmed) before me this 21 day of Mar, 2019.



Lori Diane Rodriguez
Notary Public for Oregon

My Commission Expires: Apr 3, 2020

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

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MAR 25 2019

OWRD

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of UMATILLA)

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 telephone number (541)567-0252, being first duly sworn depose and say:

OWRD

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- Personal observation Professional expertise

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- Water was used during the previous five years on the **entire** place of use for Certificate # 87374; **OR**
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(continues on reverse side)

- 13154 -

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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Paul Wathbury
Signature of Affiant

3/21/2019
Date

Signed and sworn to (or affirmed) before me this 21 day of Mar, 2019.



Lori Diane Rodriguez
Notary Public for Oregon

My Commission Expires: Apr 3, 2020

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MAR 25 2019

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MAR 25 2019

OWRD

R 121 PAGE 1580

DEED

107745

CIRCLE C FARMS, INC., an Oregon corporation, Grantor, conveys to IVAN J. COOK, Grantee, the following described real property:

See Exhibit A attached hereto and by this reference made a part hereof for a description of the property referred to herein.

The consideration for this transfer is not cash but is an exchange for common stock of grantor corporation upon liquidation.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Until a change is requested, all tax statements shall be sent to the following address:

Ivan J. Cook
Route 1, Box 1961
Hermiston, Oregon 97838

DATED January 29, 1985.

CIRCLE C FARMS, INC., an Oregon corporation

By L. Vernon Cook Pres.
By Donna F. Cook

STATE OF OREGON)
) ss
COUNTY OF UMATILLA)

January 29, 1985.

Personally appeared L. Vernon Cook, who, being sworn, stated that he is President of grantor corporation, and Donna F. Cook, who, being sworn, stated that he is Treasurer of grantor corporation, and that this deed was voluntary 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 10/12/85



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MAR 25 2019

OWRD

R 121 PAGE 1581

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

Section 23: West Half of Northeast Quarter,
Southeast Quarter of Northeast Quarter,
South Half.

EXCEPTING THEREFROM a 100 foot strip of land conveyed to United States of America, by Deed recorded in Book 67, Page 557, Deed Records;

ALSO EXCEPTING THEREFROM that tract conveyed to Oregon-Washington Railroad & Navigation Company, by Deed recorded in Book 191, Page 303, Deed Records, and described as beginning at Northwest corner of Southwest Quarter of said Section 23; thence East along North line thereof, a distance of 276.3 feet; thence Southwesterly in a straight line a distance of 588.6 feet to a point on West line of Southwest Quarter; thence North along West line a distance of 519.7 feet;

ALSO EXCEPTING THEREFROM that tract conveyed to Pendleton Grain Growers, described as beginning at Southwest corner of said Section 23; thence North 0° 09' 44" West on West line of said Section a distance of 604.96 feet; thence North 89° 50' 16" East a distance of 451.01 feet; thence South 23° 01' 23" West a distance of 14.65 feet; thence South 4° 35' 03" West a distance of 272.91 feet; thence South 42° 12' 43" West a distance of 230.11 feet; thence South 25° 13' 05" West a distance of 139.26 feet; thence South 0° 26' 43" West a distance of 25.91 feet to South line of said Section 23; thence North 89° 33' 17" West on said South line a distance of 207.62 feet to the point of beginning;

Exhibit A

Page 1 of 5



13154

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MAR 25 2019

OWRD

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

Section 23: ALSO EXCEPTING THEREFROM that tract located in Southwest Quarter of Section 23, described as beginning at a point on East-West centerline of said Section 23, said point being South 89° 23' 31" East a distance of 276.30 feet from West Quarter corner of said Section 23; thence South 89° 24' 31" East on said center of Section line a distance of 1560.55 feet to a point on Feed Canal Dike; thence on said dike the following courses: South 11° 56' 03" West a distance of 139.79 feet; thence South 24° 48' 02" West a distance of 666.32 feet; thence South 32° 53' 48" West a distance of 92.79 feet; thence South 41° 39' 26" West a distance of 410 feet; thence North 49° 00' 00" West a distance of 1392.21 feet to East line of Oregon-Washington Railroad & Navigation Company, described in Book 191, Page 303, Deed Records; thence North 28° 00' 00" West on said East line a distance of 258.92 feet to the point of beginning, containing 26.01 acres, more or less, save and except any portion lying within U. S. Government property described in Book 67, Page 557, Deed Records;

ALSO EXCEPTING THEREFROM, beginning at a point on West line of said Section 23, said point being South 0° 09' 44" East a distance of 519.70 feet from West Quarter corner of said Section 23; thence North 23° 00' 00" East on East line of Oregon-Washington Railroad & Navigation Company, recorded in Book 191, Page 303, Deed Records, a distance of 275.13 feet; thence South 49° 00' 00" East a distance of 234.11 feet; thence South 39° 00' 00" East a distance of 272.10 feet; thence South 41° 00' 00" West a distance of 247 feet; thence South 89° 50' 16" West a distance of 291.08 feet to a point on West line of said Section 23; thence North 0° 09' 44" West on said Section line a distance of 325 feet to the point of beginning;

Exhibit A



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

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MAR 25 2019

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Section 23: ALSO EXCEPTING THEREFROM that tract conveyed to Gerald J. Fitch by Deed recorded in Microfilm R-62, Page 1418, Deed Records, and described as beginning at Northwest corner of Southwest Quarter of said Section 23, which point is monumented by a 5/8" iron rod situated North 00° 11' 15" West a distance of 2637.77 feet from Southwest corner of said Section 23; thence South 89° 20' 02" East a distance of 2319.92 feet to the true point of beginning; thence South 00° 00' 00" East a distance of 210 feet; thence South 89° 59' 57" West a distance of 461.78 feet to Easterly boundary of the Feed Canal right of way described in Deed recorded in Book 67, Page 557, Deed Records; thence North 25° 02' 00" East along said canal boundary a distance of 58.21 feet; thence along a 150 foot radius curve concave to Northwest a distance of 35.38 feet to a point, the long chord of which bears North 18° 16' 30" East a distance of 35.30 feet; thence North 11° 31' 00" East a distance of 130.90 feet; thence South 89° 21' 02" East a distance of 400 feet to the true point of beginning;

ALSO EXCEPTING THEREFROM that tract conveyed to the Corporation of the presiding Bishop of Jesus Christ of Latter-Day Saints, described as commencing at Southwest corner of said Section 23; thence North 00° 11' 15" West along West boundary of said Section 23, a distance of 919.64 feet; thence North 72° 39' 48" East a distance of 1379.88 feet; thence along a 737.68 foot radius curve concave to the Southwest to a point, the long chord of which bears South 45° 50' 07" East with a chord length of 81.84 feet; thence along a 434.28 foot radius curve concave to the Southwest to a point, the chord of which bears South 32° 57' 16" East with a chord length of 146.36 feet, said point being the actual point of beginning; thence continuing along a 434.28 foot radius curve concave to the Southwest to a point, the chord of which bears South 11° 23' 35" East with a chord length of 178.50 feet; thence South 00° 28' 00" West a distance of 962.08 feet, more or less, to Northerly boundary of County Road No. 608 right of way; thence South 89° 15' 45" East along Northerly boundary of County Road No. 608 right of way a distance of 559.10 feet; thence North 00° 11' 15" West a distance of 575.17 feet; thence North 89° 15' 45" West a distance of 502.53 feet; thence North 00° 28' 00" East a distance of 387.22 feet; thence along a 484.28 foot radius curve concave to the Southwest to a point, the chord of which bears North 11° 23' 35" West with a chord length of 199.05 feet; thence South 66° 44' 50" West a distance of 50 feet to the actual point of beginning;

Exhibit A

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MAR 25 2019

OWRD

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

Section 23: EXCEPTING THEREFROM that tract conveyed to West Umatilla Vector Control District No. 1, by Deed recorded in Microfilm R-44, Page 384, Deed Records, and described as commencing at Southwest Quarter of said Section 23; thence North 00° 11' 15" West along West boundary of said Section 23 a distance of 919.64 feet; thence North 89° 48' 45" East a distance of 398.96 feet to the actual point of beginning; thence North 89° 48' 45" East a distance of 260 feet to Westerly right of way boundary of the Feed Canal described in Deed from Northern Pacific Railroad to United States of America, recorded in Book 67, Page 557, Deed Records; thence South 41° 44' 00" West along said canal right of way boundary 265 feet; thence along said canal right of way boundary on a 300 foot radius curve concave to the Southeast a distance of 134.78 feet to point of intersection with Northerly boundary of that tract conveyed to Pendleton Grain Growers recorded in Microfilm R-26, Page 124, Deed Records; thence South 89° 48' 56" West along said Pendleton Grain Growers North boundary a distance of 17.46 feet; thence North 00° 11' 15" West a distance of 314.68 feet to the actual point of beginning.

ALSO EXCEPTING THEREFROM, commencing at Southwest corner of said Section 23; thence East along South boundary of said Section 23, a distance of 700 feet to the actual point of beginning; thence East along South boundary of said Section 23, a distance of 417.42 feet; thence North at right angles to South section boundary a distance of 450.42 feet; thence West, parallel to said South section boundary a distance of 417.42 feet; thence South 450.42 feet to the actual point of beginning;

RESERVING THEREFROM all rights of the public for roads and utility purposes along South 33 feet thereof, within the right of way of County Road No. 608;

Exhibit A



RECEIVED

MAR 25 2019

OWRD

TRACT I:

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

Section 23: ALSO EXCEPTING THEREFROM the following:
 Commencing at Southwest corner of said Section 23,
 thence North 00° 11' 15" West along West boundary
 of said Section 23, a distance of 919.64 feet; thence
 North 89° 48' 45" East a distance of 398.96 feet to
 Northwest corner of that tract conveyed to West Umatilla
 Vector Control District, recorded in Microfilm R-44, Page
 384, Deed Records; said point being the actual point of
 beginning; thence South 00° 11' 15" East along West
 boundary of said Vector Control District Tract a distance
 of 314.68 feet to the point of intersection with North
 boundary of that tract conveyed to Pendleton Grain
 Growers, by Deed recorded in Microfilm R-26, Page 124,
 Deed Records; thence South 89° 48' 45" West along North
 boundary of said Pendleton Grain Growers Tract a distance
 of 398.96 feet to the point of intersection with West
 boundary of said Section 23; thence North 00° 11' 15"
 West along West boundary of said Section 23, a distance
 of 314.68 feet to a point that bears South 89° 48' 45"
 West from the actual point of beginning; thence North 89°
 48' 45" East a distance of 398.96 feet to the actual
 point of beginning;

Section 23 Also excepting therefrom the following:

Commencing at the Northeast corner of Section 23,
 Township 4 North, Range 28, E.W.M.; thence South
 00° 08' 11" West along the East boundary of said
 Section 23, a distance of 3033.02 feet to the
 actual point of beginning; thence along a 1302.00
 foot radius curve concave to the East, the radius
 point of which bears South 44° 58' 02" East; an
 arc distance of 2040.47 feet to the point of inter-
 section with the East boundary of said Section 23;
 thence North 00° 08' 11" East along the East boundary
 of said Section 23, a distance of 1837.98 feet to the
 actual point of beginning.

Containing 11.0 acres, more or less, in Umatilla
County, Oregon.

Exhibit A



30742

FILED
J. DEAN FOUQUETTE, SR.
COUNTY CLERK

1985 JAN 30 P 2:35

RECEIVED

MAR 25 2019

OWRD

~~RECORDED~~ ✓

~~INDEXED~~ ✓

R-121 PAGE 1586

STATE OF OREGON, }
COUNTY OF UMATILLA, } ss

J. J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and
recorded

ON JAN 30, 1985

at 2:35 o'clock P.M. in the record
of DEEDS of said County in

Book	Page
R-121	1580

J. DEAN FOUQUETTE, SR.
County Clerk

By Betty Johnson Deputy
Fees \$ 25.00 No. 107745

FROM THE OFFICE OF
COREY, BYLER, REW, LORENZEN & HOJEM
ATTORNEYS

222 S.E. DORION AVENUE
PENDLETON, OREGON 97801
PHONE (503) 276-3331

OWNER TITLE COMPANY

13154