

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



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

**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.

**FOR ALL TEMPORARY TRANSFER APPLICATIONS**

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

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- 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 online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](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? 1 List them here: Certificate 88069**  
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: 2022 End Year: 2026.**
- 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.
- 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 upon which the water right is located.)
- 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):**

___ Application fee not enclosed/or is insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Part ___ is incomplete
___ Additional signature(s) required	Other/Explanation _____
Staff: _____ 503-986-0 _____	Date: ___/___/___

## 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 3 of 5 – Fee Worksheet**

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: <u>45.3</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	122.31
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » Subtotal:	5	1072.31
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »	6	0.00
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	7	1072.31

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » » <b>Transfer Fee:</b>	3	

**\*Example for Line 2a calculation** to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs ( $x 45 ac = 0.56 cfs$ ).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each “on the ground” acre included in the transfer. (*In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0.*)

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**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>St. Hilaire Brothers Hermiston Farm, LLC</b>			PHONE NO. <b>541-564-1000</b>	ADDITIONAL CONTACT NO. <b>541-314-5500</b>
ADDRESS <b>84186 HWY 37</b>				FAX NO.
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL <b>carl@jshfarms.ocm</b>	
<b>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.</b>				

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

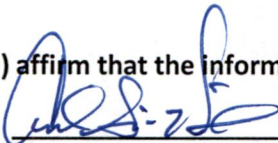
AGENT/BUSINESS NAME <b>Paul Wattenburger/IRZ Consulting</b>			PHONE NO. <b>541-567-0252</b>	ADDITIONAL CONTACT NO. <b>541-571-1112</b>
ADDRESS <b>500 North 1st Street</b>				FAX NO. <b>541-567-4239</b>
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL <b>paul@irz.com</b>	
<b>BY PROVIDING 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.</b>				

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

Temporary transfer of water from one field to a new field for five years (2021-2025.)

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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



Applicant signature

**Carl St. Hilaire, Managing Member** **February 8<sup>th</sup>, 2022**

Print Name (and Title if applicable)

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 from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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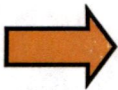
**OWRD**

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. (NOTE: If this box is checked, you must 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 and/or used.

ENTITY NAME <b>Umatilla County</b>	ADDRESS <b>216 SE 4th</b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**Part 5 of 5 – Water Right Information**

**Water Right Certificate # 88069**

**Description of Water Delivery System**

System capacity: 44.7 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. **As shown on the attached Transfer Map this is a large system supplying water for two Certificates; 88066 (19.7 cfs) & 88069 (25.0 cfs). There is a River Pump Station, POD (7 pumps 5,600 total hp), a main Booster Station (6 pumps 1,800 total hp), several smaller booster stations, pipelines ranging in size from 42” down to 6”, and 37 center pivots.**

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

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)
<b>River Pump Station</b>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	N	30	E	8	S W	N W	TL 200	2920' North & 150' East from the SW Corner of Section 8, T5N R30E, W.M.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

**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.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Temporary Changes to Water Right Certificate # 88069**

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	Acres	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	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date		
5	N	30	E 27	SW SE	1304		0.3	Irrigation	POD	8/17/72	POU	5	N	30	E 23	SE NE	1380		2.0	Irrigation	POD	8/17/72
5	N	30	E 27	SE SE	1304		2.8	Irrigation	POD	8/17/72	POU	5	N	30	E 23	NE SE	1380		14.1	Irrigation	POD	8/17/72
5	N	30	E 34	NE NE	1304		30.0	Irrigation	POD	8/17/72	POU	5	N	30	E 24	SW NW	1305		4.6	Irrigation	POD	8/17/72
5	N	30	E 34	NW NE	1304		11.2	Irrigation	POD	8/17/72	POU	5	N	30	E 24	NW SW	1305		24.6	Irrigation	POD	8/17/72
5	N	30	E 34	SW SE	1304		0.1	Irrigation	POD	8/17/72	POU											
5	N	30	E 34	SE SE	1304		0.9	Irrigation	POD	8/17/72												
						TOTAL ACRES	45.3												TOTAL ACRES	45.3		

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Additional remarks: \_\_\_\_\_

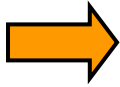
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**For Place of Use Changes**

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:

Certificate 88069



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.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- Well log(s) 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](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 below for any well that does not have a well log. For a *proposed well(s) 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). <u>If</u> less than full rate of water right



DEED

JSH TO ST. HILAIRE BROTHERS

RECORDED MAY 16, 2007

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Recording requested by and  
When recorded, return to:

Pioneer Escrow, Inc.  
PO Box 187/630 S Hwy 395  
Hermiston, OR 97838

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

St. Hilaire Brothers Hermiston Farm LLC  
84186 Highway 37  
Hermiston, OR 97838

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Property Tax No.: MAY 16 2007

UMATILLA COUNTY  
RECORDS

State of Oregon )  
County of Umatilla )

This instrument was received  
and recorded on

05-16-07 at 11:30

in the record of instrument  
code type DE-WD

Instrument Number 2007-5190571  
Fee 76.00

Office of County Records

*Debra Hemphill*  
Records Officer

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Document #101

STATUTORY WARRANTY DEED

**JSH FARMS, INC., a Washington Corporation ("Grantor") conveys and warrants to St. Hilaire Brothers Hermiston Farm, LLC, an Oregon limited liability company, ("Grantee"), the real property in Umatilla County, State of Oregon described in attached Exhibit A free and clear of all liens and encumbrances and exceptions except as set forth in attached Exhibit B.**

The true and actual consideration for this conveyance is EIGHT MILLION FOUR HUNDRED AND SEVENTY FIVE THOUSAND (\$8,475,000) dollars.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.



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DATED this 14<sup>th</sup> day of May, 2007.

GRANTOR:

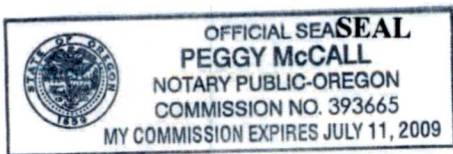
JSH FARMS, INC., a Washington Corporation

By: *Carl St. Hilaire*  
Carl St. Hilaire, President

STATE OF OREGON                    )  
  ) ss.  
County of Umatilla                )

This instrument was acknowledged before me on this 14 day of May, 2007  
by Carl St. Hilaire, President of JSH Farms, Inc., a Washington corporation, and on its behalf.

*Peggy McCall*  
Notary Public for Oregon  
My Commission Expires: 7-11-2009



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EXHIBIT A  
TO  
STATUTORY WARRANTY DEED

Legal Description and Encumbrances

TRACT I:

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 15: Southwest Quarter.

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

TRACT II, Parcel "A":

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 20: All that portion lying Southwesterly of the Oregon State Highway No. 37.

Section 21: All that portion lying Southwesterly of the Oregon State Highway No. 37.

Section 28: All.

Excepting from the above described lands that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division by deed recorded in Microfilm R-260, Page 390, Office of County Records and any other portion lying within the right-of-way of the State Highway.

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

TRACT II, Parcel "B":

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 21: Beginning at a point on the Northerly right-of-way line of Oregon State Highway No. 37 which lies South 58° 39' 44" East, 864 feet from where the Northerly line intersects the West line of said Section 21 and the True Point of Beginning for this description; thence South 58° 39' 44" East, along the Northerly line of said Highway, 1,217 feet thence North 72° 49' 18" East, 272 feet, thence North 48° 29' 02" West, 1,132 feet; thence South 66° 19' 14" West, 493 feet to the point of beginning.

Excepting therefrom that portion lying within that tract of land conveyed to the State of Oregon, by deed recorded in Book 170, Page 215, Deed Records and any other portion of the State Highway right- of-way.

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

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TRACT III, Parcel "A":

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 21: All that portion lying Northeasterly of the Oregon State Highway No. 37.

Excepting therefrom that tract of land conveyed to the State of Oregon by deed recorded in Book 170, Page 215, Deed Records.

Also Excepting therefrom, Beginning at a point on the Northerly right-of-way line of Oregon State Highway No. 37 which lies South 58° 39' 44" East, 864 feet from where the Northerly line intersects the West line of said Section 21 and the True Point of Beginning for this description; thence South 58° 39' 44" East, along the Northerly line of said Highway, 1,217 feet; thence North 72° 49' 18" East, 272 feet; thence North 48° 29' 02" West, 1,132 feet; thence South 66° 19' 14" West, 493 feet to the point of beginning.

Also Excepting therefrom that tract conveyed to ARZ by deed recorded in Microfilm R-85, Page 96, Office of County Records.

Also Excepting therefrom any portion lying within the State Highway right-of-way.

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

TRACT III, Parcel "B":

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 20: Beginning at a point on the East line of said Section 20 which lines South 0° 05' 12" East, 1,948.74 feet from the Northeast corner of said Section 20 and the True Point of Beginning for this description; thence South 0° 05' 12" East along the East line of said Section 20, a distance of 1,551.32 feet to the Northerly right-of-way line of the Oregon State Highway No. 37; thence North 58° 39' 44" West, along the Northerly right-of-way line of said highway, 1,478.14 feet; thence North 58° 09' 34" East, 1,483.38 feet to the point of beginning.

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

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TRACT IV:

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 22: West Half.

Excepting therefrom, beginning at a point on the North-South centerline of said Section 22, which said point lies 1,684 feet South of the North Quarter corner of said Section 22 and the True Point of Beginning for this description; thence South along said North-South centerline, 1,971 feet; thence North 33° 47' West, 1,221 feet; thence North 35° 23' East, 1,173 feet to the point of beginning.

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

TRACT V, Parcel "A":

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 22: Northeast Quarter.

Section 23: West Half of the Northwest Quarter.

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

TRACT V, Parcel "B":

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 22: Beginning at a point on the North-South centerline of said Section 22, which said point lies 1,684 feet South of the North Quarter corner of said Section 22 and the True Point of Beginning for this description; thence South along said North-South centerline, 1,971 feet; thence North 33° 47' West, 1,221 feet; thence North 35° 23' East, 1,173 feet to the point of beginning.

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

TRACT VI:

**TOWNSHIP 5 NORTH, RANGE 30, E.W.M.**

Section 27: Northwest Quarter.  
West Half of the Southwest Quarter.

Section 27: All that portion of the Southeast Quarter of the Southwest Quarter and of the South Half of the Southeast Quarter lying Southerly of the Oregon State Highway No. 37.

Section 32: East Half.  
North Half of the Northwest Quarter.  
Southeast Quarter of the Southwest Quarter.

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Section 33: All.

Section 34: North Half.  
North Half of the South Half.  
North Half of the South Half of the South Half.

Excepting from the above described lands that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division by deed recorded in Microfilm R-124, Page 1165, Microfilm R-209, Page 1626 and Microfilm R-260, Page 390, Office of County Records and any other portion of the described lands lying within the State Highway and County Road right-of-ways.

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

TRACT VII (Easements):

**Parcel A:**

An Permanent Easement and Right of Way recorded in Book 294, Page 491 and corrected by Easement recorded in Book 331, Page 271, Deed Records of Umatilla County, Oregon from Juniper Limited Partnership to Tom Kosmos, et al, to construct, inspect, maintain and repair underground pipelines for purposes of conveying water.

**Parcel B:**

An Permanent Easement and Right of Way recorded in Book 317, Page 177, Deed Records of Umatilla County, Oregon from Juniper Limited Partnership to Tom Kosmos, for a pipeline and appurtenances thereto.

**Parcel C:**

An Easement for the construction, operation, and maintenance of water pumping plant, and irrigation pipeline, together with the necessary appurtenances connected therewith granted by the United States of American, Secretary of the Army to Joanne I. Kosmos, dated November 18, 1999 (said instrument is unrecorded)

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**EXHIBIT B**

**EXCEPTIONS**

- 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 rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 3) Reservations in federal patents and acts authorizing the same.
- 4) The following specific Title Report Exceptions:

#12 - additional taxes if property disqualified from special farm use.

#13 - mineral reservations and easements in US Patents.

#14 -Rights of utilities and of the owners of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within the boundaries that portion of the described lands lying within the formerly right of way of the State Highway and County Road, now vacated, including but not limited to those contained in Abandonment and Retention Resolution

Recorded: January 29, 1996 in Microfilm R-284, Page 110, Office of Umatilla County Records.

#15 - Mineral Reservations, including the terms and provisions thereof, contained in Deed  
Grantor: Northern Pacific Railway Company  
Recorded: July 22, 1912 in Book 81, Page 37, Deed Records.  
(Affects lands in Sec. 21)

#16 - Mineral Reservations, including the terms and provisions thereof, contained in deed  
Grantor: Northern Pacific Railway Company  
Recorded: September 12, 1912 in Book 81, Page 147, Deed Records.  
(Affects lands in SW-1/4 of SE-1/4 of Sec. 27 and ALL of Sec. 33)

#17 - Mineral Reservations, including the terms and provisions thereof, contained in Deed  
Grantor: Northern Pacific Railway Company  
Recorded: May 13, 1941 in Book 161, Page 131, Deed Records.  
(Affects lands in SW-1/4 of SE-1/4, W-1/2 of Sec. 27)

#18. - Oil and Gas Reservations, including the terms and provisions thereof, contained in Patent  
Grantee: Cold Springs Ranches, Inc.  
Recorded: July 7, 1965 in Book 280, Page 563, Deed Records.  
(Affects lands in SE-1/4 of NE-1/4 of Sec. 34)

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- #19 - Oil and Gas Reservations, including the terms and provisions thereof, contained in Patent  
Grantee: Tom Kosmos  
Recorded: May 30, 1974 in Book 337, Page 541, Deed Records.  
(Affects lands in E-1/2 of SE-1/4 of Sec. 28)
- #20. - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: September 6, 1960 in Book 260, Page 77, Deed Records.  
(Affects lands in NE-1/4 of Sec. 22)
- #21 - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: September 10, 1960 in Book 260, Page 217, Deed Records.  
Amended: March 12, 1962 in Book 267, Page 15, Deed Records.  
Amended: January 15, 1979 in Microfilm R-44, Page 1318, Office of  
Umatilla County Records. (Affects lands in NE-1/4 of Sec. 22)
- #22 - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: September 20, 1960 in Book 260, Page 219, Deed Records.  
Amended: March 12, 1962 in Book 267, Page 16, Deed Records.  
Amended: March 13, 1981 in Microfilm R-77, Page 1307, Office of Umatilla  
County Records. (Affects lands in Secs. 21 and 22)
- #23 - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: September 20, 1960 in Book 260, Page 221, Deed Records.  
Amended: March 12, 1962 in Book 267, Page 18, Deed Records.  
Amended: January 15, 1979 in Microfilm R-44, Page 1321  
Amended: March 13, 1981 in Microfilm R-77, Page 1313, Office of Umatilla  
County Records. (Affects lands in W-1/2 and NW-1/4 of NE-1/4 of Sec. 28)
- #24 - Easement, including the terms and provisions thereof  
Grantee: Pacific Northwest Pipeline Corporation  
Recorded: September 20, 1960 in Book 260, Page 223, Deed Records.  
Amended: March 12, 1962 in Book 267, Page 19, Deed Records.  
Amended: January 15, 1979 in Microfilm R-44, Page 1327, Office of  
Umatilla County Records. (Affects lands in Sec. 32)
- #25 - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: June 1, 1961 in Book 263, Page 399, Deed Records.  
(Affects lands in Secs. 21 and 22)
- #26 - Easement, including the terms and provisions thereof  
Grantee: United States of America  
Recorded: February 23, 1966 in Book 283, Page 343, Deed Records.  
Amended: January 19, 1971 in Book 310, Page 578, Deed Records.  
Amended: January 31, 1986 in Microfilm R-134, Page 225, Office of  
Umatilla County Records. (Affects lands in N-1/2 of NW-1/4 of Sec. 20)



- #27 - Easement, including the terms and provisions thereof  
Grantee: Umatilla Electric Cooperative Association  
Recorded: May 21, 1969 in Book 299, Page 631, Deed Records.  
Amended: February 16, 1970 in Book 305, Page 17, Deed Records.  
(Affects lands in Sec. 20 lying Northerly of Highway)
  
- #28 - Easement for pipeline, including the terms and provisions thereof  
Grantee: Cold Spring Ranches, Inc.  
Recorded: June 24, 1971 in Book 313, Page 582, Deed Records.  
(Affects lands in 20, 21 and 28)
  
- #29 - Easement, including the terms and provisions thereof  
Grantee: Umatilla Electric Cooperative Association  
Recorded: March 14, 1972 in Book 319, Page 553, Deed Records.  
(Affects lands in Secs. 20, 21 and 28)
  
- #30 - Easement, including the terms and provisions thereof  
Grantee: Umatilla Electric Cooperative Association  
Recorded: September 17, 1973 in Book 331, Page 370, Deed Records.  
(Affects lands in Secs. 32, 33 and 34)
  
- #31 - Easement for pipeline, including the terms and provisions thereof  
Grantee: Cold Springs Ranches, Inc.,  
Recorded: November 27, 1973 in Book 333, Page 177, Deed Records.  
(Affects lands in Sec. 33)
  
- #32 - Easement for electric transmission line, including the terms and provisions thereof  
Grantee: Umatilla Electric Cooperative Association  
Recorded: February 11, 1974 in Book 335, Page 121, Deed Records.  
(Affects lands in Sec. 33)
  
- #33 - Easement for electric transmission line, including the terms and provisions thereof  
Grantee: Umatilla Electric Cooperative Association  
Recorded: April 4, 1974 in Book 336, Page 300, Deed Records.  
(Affects lands in Sec. 27 and 34)
  
- #34 - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: August 20, 1981 in Microfilm R-83, Page 1531, Office of  
Umatilla County Records. (Affects lands in Sec. 21 lying Sly of Highway)
  
- #35 - Easement, including the terms and provisions thereof  
Grantee: Pacific Gas Transmission Company  
Recorded: October 15, 1985 in Microfilm R-130, Page 1384, Office of  
Umatilla County Records. (Affects lands in SE-1/4 of SW-1/4 of Sec. 21)
  
- #36 - License, including the terms and provisions, between  
First Party: Pacific Gas Transmission Company  
Second Party: Cascade Natural Gas Corporation  
Recorded: April 11, 1986 in Microfilm R-136, Page 1203, Office of  
Umatilla County Records. (Affects lands in SE-1/4 of SW-1/4 of Sec. 21)

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- #38 - Access Restrictions and Easements, including the terms and provisions thereof,  
contained under Deed  
Grantor: Tom Kosmos  
Grantee: State of Oregon, Dept. of Transportation, Highway Division  
Recorded: August 27, 1991 in Microfilm R-209, Page 1626, Office of  
Umatilla County Records. (Affects lands in Secs. 20, 21, 27 and 28)
- #39 - Access Restrictions and Easements, including the terms and provisions thereof,  
contained under Deed  
Grantor: Tom Kosmos  
Grantee: State of Oregon, Dept. of Transportation, Highway Division  
Recorded: September 23, 1994 in Microfilm R-260, Page 390, Office of  
Umatilla County Records. (Affects lands in Secs. 20, 21, 27 and 28)
- #41 - Terms and provisions contained under Easement for pipeline  
Grantor: Juniper Limited Partnership  
Grantee: Tom Kosmos, et al  
Recorded: July 1, 1968 in Book 294, Page 491, Deed Records.  
Amended: September 10, 1973 in Book 331, Page 271, Deed Records.
- #42 - Terms and provisions contained under Easement  
Grantor: Juniper Limited Partnership  
Grantee: Tom Kosmos  
Recorded: October 6, 1971 in Book 317, Page 177, Deed Records.
- #43 - Terms and provisions contained under Easement  
Grantor: United States of America, Secretary of the Army  
Grantee: Joanne I. Kosmos  
Dated: November 18, 1999  
(unrecorded)
- #44 - Terms and provisions contained under Application and Permit to Occupy or  
perform operations upon a State Highway  
Grantee: Tom Kosmos  
Recorded: February 9, 1972 in Book 319, Page 186, Deed Records.
- #45 - Terms and provisions contained under Application and Permit to Occupy or  
perform operations upon a State Highway  
Grantee: Tom Kosmos  
Recorded: February 9, 1972 in Book 319, Page 187, Deed Records.
- #46 - Terms and provisions contained under Agreement for Pipeline Crossing  
Grantor: Oregon-Washington Railroad & Navigation Company, et al  
Grantee: Tom Kosmos  
Recorded: February 24, 1972 in Book 319, Page 355, Deed Records.  
Amended: May 12, 1972 in Book 320, Page 627, Deed Records.  
Amended: April 24, 1974 in Book 336, Page 570, Deed Records.
- #47 - Terms and provisions contained under Agreement for Pipeline Crossing  
Grantor: Oregon-Washington Railroad & Navigation Company, et al  
Grantee: Tom Kosmos  
Recorded: May 30, 1972 in Book 321, Page 272, Deed Records.

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#48 Terms and provisions contained under Application and Permit to Appropriate the public water of the State of Oregon  
Grantee: Tom Kosmos  
Recorded: February 9, 1972 in Book 319, Page 181, Deed Records.

And as further affected by Certificate of Water Right  
Dated: May 7, 1985  
Recorded: Volume 48, Page 53117 42138 in the State of Oregon Record of Water Right Certificates

#49 - Terms and provisions contained under Application and Permit to Appropriate the public water of the State of Oregon  
Grantee: Tom Kosmos  
Recorded: February 23, 1973 in Book 326, Page 438, Deed Records.

#50 - Terms and provisions contained under Application and Permit to Appropriate the public waters of the State of Oregon  
Grantee: Tom Kosmos  
Recorded: March 13, 1973 in Book 327, Page 101, Deed Records.

And as further affected by Certificate of Water Right  
Dated: May 7, 1985  
Recorded: Volume 48, Page 53117 50508 in the State of Oregon Record of Water Right Certificates

#51 - Terms and provisions contained under Permit and Agreement for pipeline and pumping plant, between  
Grantor: United States of America, Bonneville Administration  
Grantee: Tom Kosmos  
disclosed by Assignment  
Recorded: May 12, 1972 in Book 320, Page 638, Deed Records.

#61 - The property described herein consists of portions that are contiguous. Access to such parcels may be through these adjoining tracts. Rights of access to the property are limited to those county roads which abut or pass through the property described herein, and no representation is made that all parcels and/or parts thereof have physical access.

#64 - Oil and Gas Lease, including the terms and provisions thereof  
Lessor: Joanne I. Kosmos  
Lessee: Springfield Oil Company  
Recorded: June 29, 2006 in Instrument No. 2006-5030462, Office of Umatilla County Records.

5) A fifty percent (50%) tenancy-in-common interest in all oil and gas on the property reserved by Joanne I. Kosmos in her deed to JSH Farms, Inc., subject to the terms and conditions of an agreement between Grantor and JSH Farms, Inc. entitled "Agreements and Covenants Concerning Oil and Gas Rights - JSH Farms, Inc. & Joanne I. Kosmos". Said deed from Joanne I. Kosmos to JSH Farms, Inc. is being recorded before this deed, on the same day this deed is being recorded.

6) "Agreements and Covenants Concerning Oil and Gas Rights" between - JSH Farms, Inc. & Joanne I. Kosmos" which is being recorded before this deed, on the same day this deed is being recorded.  
(End of Exhibit B)

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# 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)

I, CARL ST. HILAIRE, in my capacity as OWNER,  
 mailing address 84186 HWY 37 HERMISTON, OR 97838  
 telephone number (541)564-1000, 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 # 88069 - TRANSFER T 12657; **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)

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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.

[Signature]  
Signature of Affiant

2/9/2022  
Date

Signed and sworn to (or affirmed) before me this 08 day of Feb, 2022.



[Signature]  
Notary Public for Oregon

My Commission Expires: 2/10/2024

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 <b>confirming</b> 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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></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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# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Umatilla )

I Randy Bracher (JPD Land Company in my/our capacity as Owner,

mailing address 81891 Hwy 37 Pendleton, OR 97801,

telephone number (541) 379-6946, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 88069

described in a Water Right Transfer Application (T-\_\_\_\_),

(transfer number, if known)

submitted by Carl St. Hilaire

on the property in tax lot number(s) 1305,

Section 24 Township 5 North North/South Range 30 East East/West, W.M.,

located at \_\_\_\_\_  
(site address)

Signature of Affiant

2-9-22  
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 01 day of ACKAN, 2022.

Notary Public for Oregon

My commission expires 02/10/2024.



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