

T-9684

T-9684

Name Lloyd P. & Lois J. Percy
 By _____
 Address 33927 Riverview DR
Hermiston, OR 97838
541-567-1506
 Change in 3-25-04
 Date filed POU
 Date of hearing _____
 Place of hearing _____
 Date of order 3/28/05 Vol. 63, page 532
 Date for application of water _____
 Proof mailed _____
 Proof received FPD 10/20/2006
 Certificate issued Aug 21, 2009 Vol. _____, page 85740
81319

DESCRIPTION OF WATER RIGHT

Name of stream Well
 Trib. of Umatilla River County of Umatilla
 Use Irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 10-20-1978
 In name of Ron Holman
 _____ Adjudication, Vol. _____, page _____
 App. No. 6-8976 Per. No. 6-8369 Cert. No. 53082
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3/25/04	350.00	66198
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOID
cuRE #53 Dennis Gaylord
REC'D APR 23 2004

Ken

Send to: E SC NC NW SW

Watermaster #: 5

ODFW# 55 Yes No

GW Yes No

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
 33927 RIVERVIEW DR
 HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.3 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	3 N	29 E	WM	21	SE SE	720 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21
2	3 N	29 E	WM	21	SE SE	370 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing rights of others.

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

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 N	29 E	WM	21	SW SE			0.2
3 N	29 E	WM	21	SE SE			2.7
3 N	29 E	WM	28	NE NE			12.7
3 N	29 E	WM	28	NW NE			2.0
3 N	29 E	WM	28	SW NE			4.4
3 N	29 E	WM	28	SE NE			16.3

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued AUG 21 2009


Philip C. Ward, Director



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

DATE: AUGUST 21, 2009

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Transfer Certificate

Mailing Date:

Application: T-9684

Certificate:

Certificate/Transfer Holder: (include copy of map)

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Copies Mailed
By: <i>Cornie Vance</i> (SUPPORT STAFF)
on: <i>8/21/2009</i> (DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #5 (include copy of map)
2. Dale G. VanSchoiack, CWRE

Copies (of final certificate) to be sent to:

1. Watermaster #5 (include copy of map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓
6. Dale G. VanSchoiack, CWRE ✓

Record Marking(s) :

1. Original Application: G-8976 ✓
2. Old Certificate# 53082 ✓

Mailing List for Transfer Certificate

Mailing Date:

Application: T-9684

Certificate:

Certificate/Transfer Holder: (include copy of map)

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR ✓
HERMISTON OR 97838

Copies Mailed
By: <i>Connie O'Connell</i> (SUPPORT STAFF)
on: <i>6/9/2009</i> (DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #5 (include copy of map) ✓
2. Dale G. VanSchoiack, CWRE ✓

Copies (of final certificate) to be sent to:

1. Watermaster #5 (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File ✓
6. Dale G. VanSchoiack, CWRE

Record Marking(s):

1. Original Application: G-8976
2. Old Certificate# 53082



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

DATE MAILED: June 9, 2009

NOTICE

RE: Transfer 9684

Enclosed is a proposed certificate of water right and map which illustrate the location of the right. The map and proposed certificate represent the extent water was used within the terms of an order approving the transfer based upon a Claim of Beneficial Use prepared by a Certified Water Right Examiner.

If you do not agree with the proposed certificate, Oregon Administrative Rule 690-015-0125 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents a proposed certificate.

If you agree with the proposed certificate and wish to have the certificate issued before the 60 day period described above expires, please notify the Department by letter, fax or e-mail. If you do not contact the Department, sometime after the 60 day period has expired, the recorded certificate of water right will be mailed to the transfer holder.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Administrator
Water Rights and Adjudication Section

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
 33927 RIVERVIEW DR
 HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.3 ACRES.

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The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	3 N	29 E	WM	21	SE SE	720 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21
2	3 N	29 E	WM	21	SE SE	370 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing rights of others.

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

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 N	29 E	WM	21	SW SE			0.2
3 N	29 E	WM	21	SE SE			2.7
3 N	29 E	WM	28	NE NE			12.7
3 N	29 E	WM	28	NW NE			2.0
3 N	29 E	WM	28	SW NE			4.4
3 N	29 E	WM	28	SE NE			16.3

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

PROPOSED

5740

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

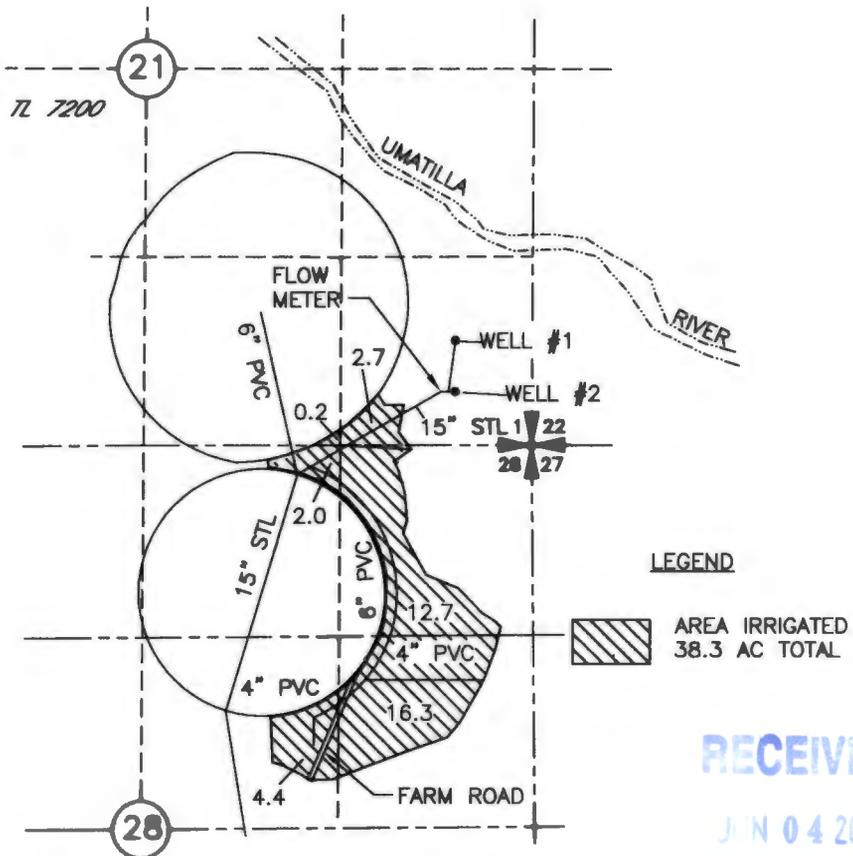
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued _____.

PROPOSED

Phillip C. Ward, Director

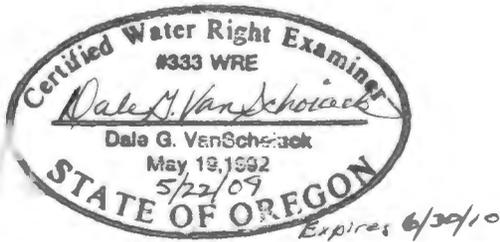
FINAL PROOF MAP FOR TRANSFER
T-9684
LLOYD P. AND LOIS J. PIERCY
T3N, R29E WM
UMATILLA CO



POINTS OF APPROPRIATION

WELL #1 LOCATED 720' N AND 530' W FROM THE SE CORNER OF SEC 21

WELL #2 LOCATED 370' N AND 530' W FROM THE SE CORNER OF SEC 21



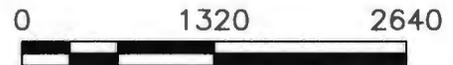
NOTE: THIS MAP REPLACES THE MAP SEALED ON 10/10/06

NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

RECEIVED

JUN 04 2009

WATER RESOURCES DEPT.
SALEM, OREGON



SCALE IN FEET



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

May 6, 2009

Bill Porfily
PO Box 643
Stanfield, OR 97875

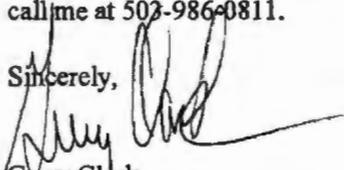
REFERENCE: Transfer T-9684

We are examining your application for certification of the water right transfer T-9684. There are some problems that need to be resolved before we can continue processing your application.

1. A review of aerial photos indicates that a road crossing the place of use. This road is located in the area of the PVC irrigation lines indicated on the final proof map along the western and southwestern portions of the place of use. The final proof map must indicate the location of the road. The number of acres per quarter-quarter will need to be reduced because of the road.

Please submit the revised map within 60 days from the date of this letter. If you have any questions, please call me at 503-986-0811.

Sincerely,


Gerry Clark
Water Rights Specialist

cc: Tony Justus, Watermaster, District 5
Lloyd and Lois Piercy
Dale G. VanSchoiack, CWRE

enclosures

*5-29-09
Gerry
Enclose with the original
is Response to this
letter. BR.*

RECEIVED

JUN 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

MEMORANDUM

TO: PWM
FROM: GERRY CLARK
SUBJECT: REIMBURSEMENT AUTHORITY CERTIFICATE PROJECT
T-9684 (PIERCY)
DATE: 8/7/2007

Additional project information:

1. The original map is on mylar/polyester film.
2. If a positive determination is made, the certificate must be in the same format as the permit. An electronic template/example will be provided upon request.

WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

WATER RESOURCES DEPT
SALEM, OREGON

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input type="checkbox"/>	Transfer Application	_____
<input checked="" type="checkbox"/>	Certificate Request	<u>T-9684</u>
<input type="checkbox"/>	Extension of Time Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	<u>Lloyd Piercy</u>	<u>William I. Porfily</u>
Address:	<u>33927 Riverview Drive</u>	<u>P.O. Box 643, 415 E. Wheeler</u>
	<u>Hermiston, OR 97838</u>	<u>Stanfield, OR 97875</u>
Phone:	<u>(541)567-1506</u>	<u>(541)449-1327</u>
Fax		<u>(541)449-1327</u>
E-Mail Address:		<u>bporfily@my180.net</u>

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) Applicant Applicant's Representative Other (Please specify) _____

Signature: _____

Name: Lloyd Piercy

OWRD USE ONLY

Contractor Assigned: _____	Total Amount Paid: \$ _____
OWRD Approval: _____	

19 copies
8/7/2007
C.U.

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER APPROVING CHANGE
T-9684, Umatilla County, Oregon)	IN PLACE OF USE
)	

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Lloyd P. and Lois J. Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

Findings of Fact

1. Lloyd P. and Lois J. Piercy filed an application to transfer the place of use under Certificate 53082. The Department assigned the application number T-9684.
2. On June 30, 2004, the Department received authorization to amend the application to include the supplemental irrigation. An amended map and application were received.
3. The portion of the right to be transferred is as follows:

Certificate: 53082 in the name of Ron Holeman
Use: Primary Irrigation
Priority Date: October 20, 1978
Quantity: 0.48 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.
Acres: 38.5
Source: two wells within the Umatilla River Basin
POD: SE¼ SE¼, SECTION 21, T 3 N, R 29 E, W.M.; #1 – 720 feet North and 530 feet West; #2 – 370 feet North and 530 feet West, both from SE corner, Section 21.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

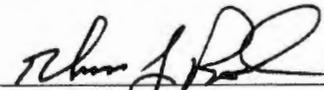
The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


for Phillip C. Ward
Director

Mailing date: APR 05 2005

6. PROPOSED CHANGES TO THE WATER RIGHT

N/A

Change in Character of Use: (n/a Permit Amendment)

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

N/A

Change in Point of Diversion or Point of Appropriation:

- Change Old point of diversion or point of appropriation will not be used for this portion of the water right.
 Additional Both old and new points of diversion or points of appropriation will be used for this portion of the water right.
 Surface Water to Ground Water New point of appropriation will be used in the place of the old point of diversion. This is not an additional point of appropriation.

N/A

Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
T3N	R29E	21		SE 1/4 SE 1/4	7200	2.7
T3N	R29E	28		NE 1/4 NE 1/4	7200	14.0
T3N	R29E	28		NW 1/4 NE 1/4	7200	0.8
T3N	R29E	28		SE 1/4 NE 1/4	7200	19.0
T3N	R29E	27		SW 1/4 NW 1/4	7200	2.0

Remarks: _____

"From & To"

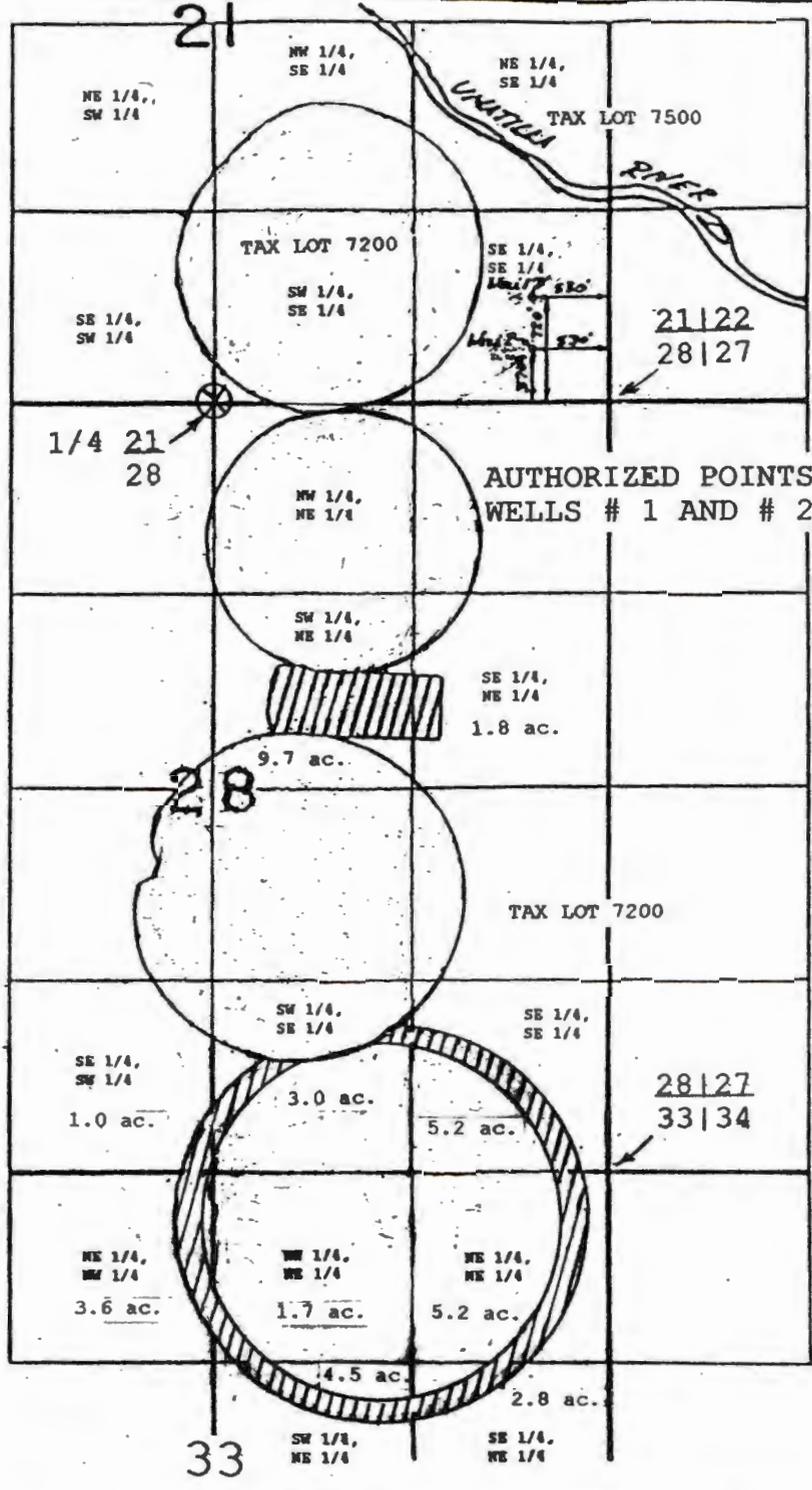
**WATER RIGHT TRANSFER APPLICATION
TRANSFERS 9683 and 9684
AUTHORIZED PLACE OF USE
("FROM" AREAS)
SECTIONS 28 AND 33, T. 3 N., R. 29 E., W.M.
UMATILLA COUNTY, OREGON
APPLICANTS: LLOYD AND LOIS PIERCY**

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>1/4 1/4</u>	<u>TAX LOT</u>	<u>ACRES</u>
T. 3 N.	R. 29 E.	28	SW1/4NE1/4	7200	9.7
T. 3 N.	R. 29 E.	28	SE1/4NE1/4	7200	1.8
T. 3 N.	R. 29 E.	28	SE1/4SW1/4	7200	1.0
T. 3 N.	R. 29 E.	28	SW1/4SE1/4	7200	3.0
T. 3 N.	R. 29 E.	28	SE1/4SE1/4	7200	5.2
T. 3 N.	R. 29 E.	33	NE1/4NW1/4	7200	3.6
T. 3 N.	R. 29 E.	33	NW1/4NE1/4	7200	1.7
T. 3 N.	R. 29 E.	33	NE1/4NE1/4	7200	5.2
T. 3 N.	R. 29 E.	33	SW1/4NE1/4	7200	4.5
T. 3 N.	R. 29 E.	33	SE1/4NE1/4	7200	2.8
				TOTAL:	38.5

REVISED MAY 20, 2004

amend

T. 3N.,
R. 29E.,
W.M.



AUTHORIZED POINTS OF APPROPRIATION
WELLS # 1 AND # 2.

SCALE 1"=1320'

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 28 AND 33, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY
 T - 9683 and T - 9684

LEGEND

- ⊗ = TRANSFER "FROM" AREA
- ⊗ = CORNER TIED BY SURVEY

Amend

Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

Map 1

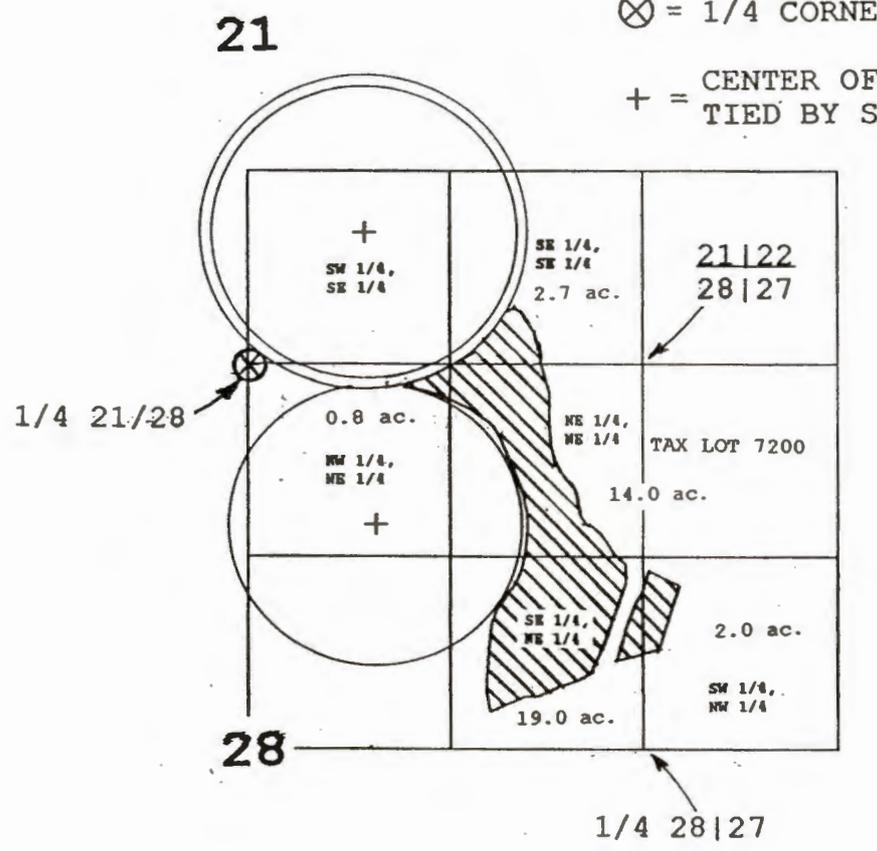
1880

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 27 AND 28, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY

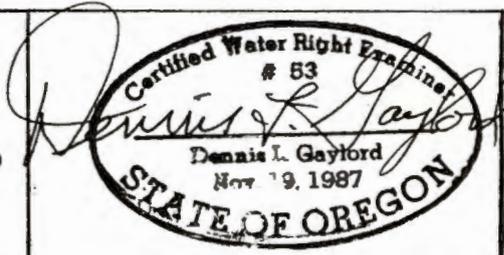


LEGEND

- ⊗ = TRANSFER "TO" AREA
- ⊗ = 1/4 CORNER TIED BY SURVEY
- + = CENTER OF IRRIGATION CIRCLE TIED BY SURVEY



THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.



DENNIS L. GAYLORD, CWRE
 71614 S.W. LAKE DRIVE
 PENDLETON, OR 97801
 541 - 276 - 6260
 REVISED MAY 20, 2004



RENEWS JUNE 30, 2005

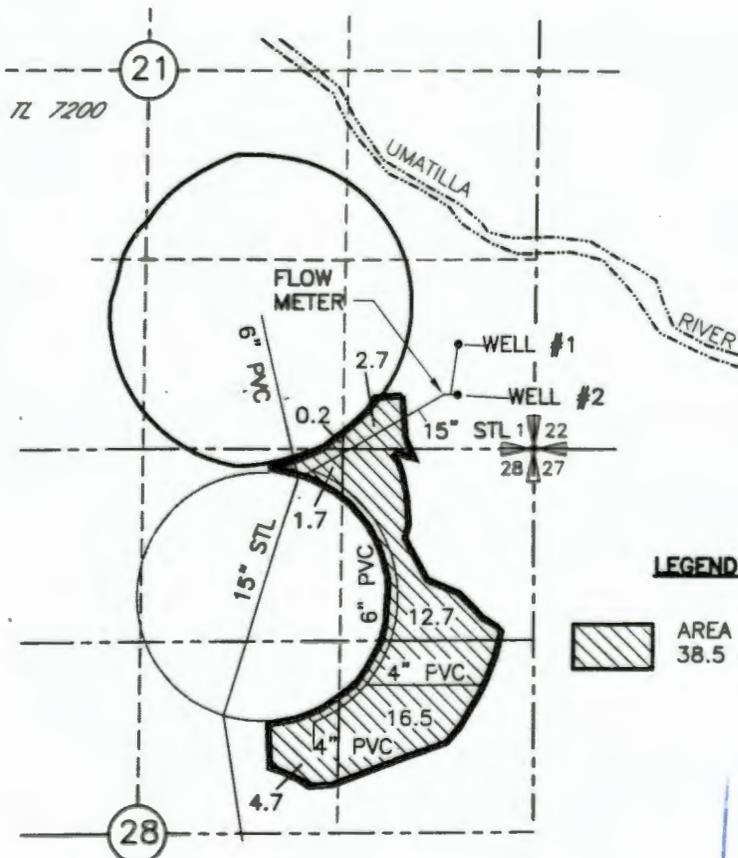


Amend

map 2

FINAL PROOF MAP FOR TRANSFER
T-9684
LLOYD P. AND LOIS J. PIERCY
T3N, R29E WM
UMATILLA CO

5/5
Jun 04 2009



LEGEND

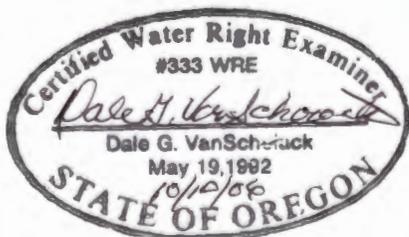
 AREA IRRIGATED
38.5 AC TOTAL

POINTS OF APPROPRIATION

WELL #1 LOCATED 720' N AND 530' W FROM THE SE CORNER OF SEC 21

WELL #2 LOCATED 370' N AND 530' W FROM THE SE CORNER OF SEC 21

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OCT 16 2006
WATER RESOURCES DEPT
SALEM, OREGON



NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

DRAWING: H:\CAD\AG\3522\321\3522321fp.dwg
PRINTED BY: Roger Willard on 09/28/06 02:08 PM

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at Gerald.E.CLARK@wr.d.state.or.us or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at Jerry.W.GAINEY@wr.d.state.or.us or by phone at 503-986-0812.

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrd.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
T-9684	G-8369

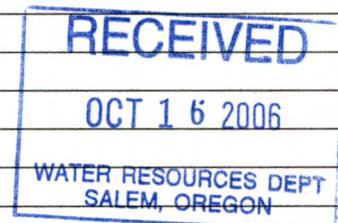
2. Property owner (current owner information)

a. Individuals

Name	Lloyd P. and Lois J. Piercy	
Mailing Address	33927 River View Drive	
City/State/Zip	Hermiston, OR 97838	
Phone #	(541) 567-1506 (H) (541)376-0419 (O)	
Fax #		
e-mail address		

b. Businesses/Organizations

Name	N/A	
Contact Person and Title		
Mailing Address		
City/State/Zip		
Phone		
Fax		
e-mail		



If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Lloyd P. and Lois J. Piercy	
Mailing Address	33927 River View Drive	
City/State/Zip	Hermiston, OR 97838	

d. Businesses/Organizations

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: 7-27-06 & 09-8-06

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Lloyd Piercy	7-27-06 & 08-24-06	Owner

6. County:

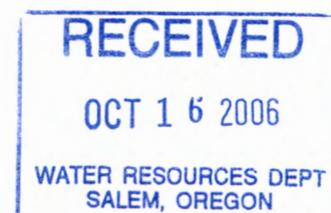
7. Tax Lot Information:

Tax map number	Tax lot number
3N 29	7200

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	



II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

There are 100 hp and 150 hp short shaft turbine pumps on a shallow pit well (Well #1) and a 50 hp short shaft turbine pump on a second shallow pit well (Well #2) capable of delivering 2500 gpm though a 15 inch steel mainline to a ~~38.5~~^{38.3} acre parcel of ground. This ground is irrigated with a solid set drip irrigation system. The pump stations also irrigate 4-800 gpm center pivots. The solid set system irrigates a vineyard and is the only area involved in this transfer.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
#1 pit Well constructed under Permit G-8369	N/A	
#2 pit Well constructed under Permit G-8369	N/A	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
2 Pit Wells	Umatilla River

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE 1/4 SE 1/4, Section 21 T3N, R29E, WM	720 ft N & 530 Ft W from the SE Corner Section 21
SE 1/4 SE 1/4, Section 21 T3N, R29E, WM	370 ft N & 530 Ft W from the SE Corner Section 21

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Grapes	March 1 st to October 31st	215 gpm

Total Quantity of Water 215 gpm*

*Authorized use per Approving Order

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		SW SE	21	3N	29E	Irr	0.2	
		SE SE	21	3N	29E	Irr	2.7	
		NE NE	28	3N	29E	Irr	12.7	
		NW NE	28	3N	29E	Irr	1.7 2.0	
		SW NE	28	3N	29E	Irr	4.7 4.4	
		SE NE	28	3N	29E	Irr	16.5/6.3	

Total Acres Irrigated 38.5 Acres

38.3

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SALEM, OREGON

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

There are 100 hp and 150 hp short shaft turbine pumps on a shallow pit well (Well #1) and a 50 hp short shaft turbine pump on a second shallow pit well (Well #2) capable of delivering 2500 gpm through a 15 inch steel mainline to a 38.5 acre parcel of ground. This ground is irrigated with a solid set drip irrigation system. The pump stations also irrigate 4-800 gpm center pivots. The solid set system irrigates a vineyard and is the only area involved in this transfer.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
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Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
2 Pit Wells	Umatilla River

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE 1/4 SE 1/4, Section 21 T3N, R29E, WM	720 ft N & 530 Ft W from the SE Corner Section 21
SE 1/4 SE 1/4, Section 21 T3N, R29E, WM	370 ft N & 530 Ft W from the SE Corner Section 21

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Grapes	March 1st to October 31st	215 gpm

Total Quantity of Water 215 gpm*

*** Authorized use per Approving Order**

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		SW SE	21	3N	29E	Irr	0.2	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="font-size: 2em; color: blue; margin: 0;">RECEIVED</p> <p style="font-size: 1.2em; color: blue; margin: 0;">OCT 16 2006</p> <p style="font-size: 0.8em; color: blue; margin: 0;">WATER RESOURCES DEPT SALEM, OREGON</p> </div>
		SE SE	21	3N	29E	Irr	2.7	
		NE NE	28	3N	29E	Irr	12.7	
		NW NE	28	3N	29E	Irr	1.7	
		SW NE	28	3N	29E	Irr	4.7	
		SE NE	28	3N	29E	Irr	16.5	

Total Acres Irrigated 38.5 Acres

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

Trough the grate that cover the 9 ft diameter shallow vertical culvert pipe

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
9 ft	30 ft *	30 ft*	1980	n/a	Previous land owner	Previous Land owner

***Claim by land owner**

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

**If the appropriation is not from a sump, the following section, items 3-4, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Pump #1 Well #1 Vertiline	Aurora	3P985663	Turbine	8 in	8 in
Pump #2 Well #1	Aurora	3P9-85603	Turbine	8 in	8 in

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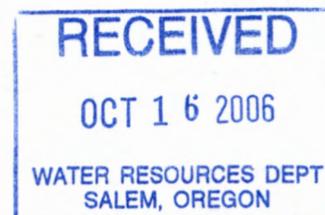
OCT 16 2006

WATER RESOURCES DEPT
SALEM, OREGON

Vertiline					
Pump #3	Peerless	None found	Turbine	8 in	8 in
Well #2					
Vertiline					

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Pump #1	ID# R-9985-	100 hp	1770	460 V
Well #1	01-324			123 amps
U.S.				
Motor				
Pump #2	ID# 5K	150 hp	1770	460 V
Well #1	6277XH57H			173 Amps
G.E.				
Motor				
Pump #3	R-6231-05-	50 hp	1765	460 V
Well #2	650			62 Amps
G.E.				
Motor				



3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer		good	080.442 Ac-ft	The lid was broken off so there was no serial #

4. Measurement device description

Device description	Condition (working or not)	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
System was not running			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
300hp	145	9 ft	180 ft	2500 gpm

7. Provide pump calculations in the box below:

Lloyd Piercy indicated he operates the pumps to maintain the pressure at 145 psi to satisfy the requirement of the 3 center pivots which are at a higher elevation and further distance south than his vineyard. He has pressure reducing valves on his vineyard to operate his drip emitters at 20 psi.

100 hp Pump

Total TDH

Pressure 145 psi at well head x 2.31 ft/psi =	335 ft
9 ft Measured W.L. plus assume 4 ft draw down.	13 ft
Misc. 10 ft friction loss valves, fittings and column	10 ft
Total TDH	358 ft

Assume 80% efficiency

$$\text{Hp} = \frac{\text{TDH} \times \text{gpm}}{3960 \times \text{eff.}} \text{ or } \text{gpm} = \frac{3960 \times \text{eff} \times \text{hp}}{\text{TDH}} = \frac{3960 \times 80\% \times 100 \text{ hp}}{358 \text{ ft}} = 885 \text{ gpm or } 1.97 \text{ cfs}$$

150hp Pump

Total TDH

Pressure 145 psi at well head x 2.31 ft/psi = 335 ft
 9 ft Measured W.L. plus assume 4 ft draw down. 13 ft
 Misc. 10 ft friction loss valves, fittings and colum 10 ft
Total TDH 358 ft

Assume 80% efficiency

$$\text{Hp} = \frac{\text{TDH} \times \text{gpm}}{3960 \times \text{eff.}} \text{ or } \text{gpm} = \frac{3960 \times \text{eff} \times \text{hp}}{\text{TDH}} = \frac{3960 \times 80\% \times 150 \text{ hp}}{358 \text{ ft}} = 1327 \text{ gpm or } 2.96 \text{ cfs}$$

50 hp Pump

Total TDH

Pressure 145 psi at well head x 2.31 ft/psi = 335 ft
 9 ft Measured W.L. plus assume 4 ft draw down. 13 ft
 Misc. 10 ft friction loss valves, fittings and colum 10 ft
Total TDH 358 ft

Assume 80% efficiency

$$\text{Hp} = \frac{\text{TDH} \times \text{gpm}}{3960 \times \text{eff.}} \text{ or } \text{gpm} = \frac{3960 \times \text{eff} \times \text{hp}}{\text{TDH}} = \frac{3960 \times 80\% \times 50 \text{ hp}}{358 \text{ ft}} = 442 \text{ gpm or } .99 \text{ cfs}$$

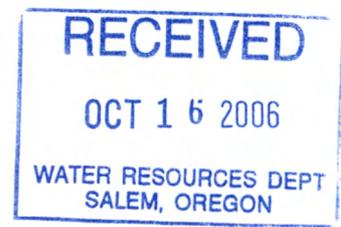
885 gpm + 1327 gpm + 442 gpm = 2654 gpm or 5.91 cfs Total

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
15 in	1320	Steel	Buried
6 in	2600	pvc	Buried
4 in	1320	Pvc	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
Drip or emitter lines	186,300 ft	polyethylene	Above ground



10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Toro emitters	0.5gph	0.5 gph	20 psi	0.5 gph	37,268	310 gpm or 0.69cfs

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

The rows of grapes are 9 ft apart with emitters every 5 ft.

$$\frac{\text{Acre} \times 43560 \text{ ft}^2}{9 \text{ ft} \times 5 \text{ ft}} = 968 \text{ emitters per acre} \times 38.5 \text{ acres} = 37,268 \text{ emitters} \times .5\text{gph} \div 60 \text{ min/hr} =$$

310gpm
309
38.3
37074

5/22/09 Revisions in red by CWRE # 333 DAG

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	N/A		
Complete construction	N/A		
Complete application of water	Oct. 1, 2006	July 2006	

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 SALEM, OREGON

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

- a. Was the water user required to submit an initial static water level measurement? YES—NO N/A
- b. What month was the initial measurement to be taken in? N/A
- c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required? N/A
 YES—NO
- d. If "YES", was the measurement submitted to the Department? YES—NO

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

The rows of grapes are 9 ft apart with emitters every 5 ft.

$$\frac{\text{Acre} \times 43560 \text{ ft}^2}{9 \text{ ft} \times 5 \text{ ft}} = 968 \text{ emitters per acre} \times 38.5 \text{ acres} = 37,268 \text{ emitters} \times .5\text{gph} \div 60 \text{ min/hr} = 310\text{gpm}$$

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	N/A		
Complete construction	N/A		
Complete application of water	Oct. 1, 2006	July 2006	

2. Initial Water Level Measurements:

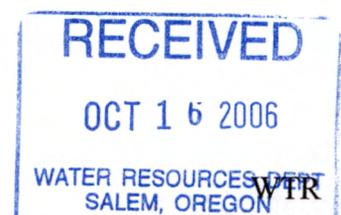
**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? ~~YES~~ NO N/A

b. What month was the initial measurement to be taken in? N/A

c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required? N/A
~~YES~~ NO

d. If "YES", was the measurement submitted to the Department? ~~YES~~ NO



e. If the initial measurement not been submitted, provide that measurement now if available: **N/A**

Date of measurement	Who made measurement	Method	Measurement

3. Annual Static Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

a. Was the water user required to submit annual static water level measurements? **YES** ~~NO~~ **N/A**

b. In the box below, provide the month in which the static water level was to be made:

n/a

c. Were the static water level measurements taken in the month required? **YES** ~~NO~~

d. If "YES", were those measurements submitted to the Department? **YES** ~~NO~~

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
n/a			

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
YES ~~NO~~

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

****If "NO", items b through g relating to this section can be deleted.**

b. Has a meter been installed? **YES** ~~NO~~

c. Provide the date the meter was installed:

1980 as noted by owner

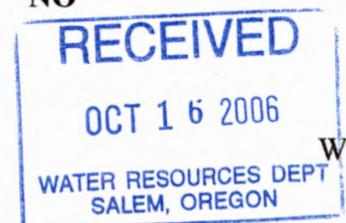
d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **YES** ~~NO~~ **N/A**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
n/a		

f. Is the water user required to report the water use to the Department? **YES** ~~NO~~

g. Have the reports been submitted? **YES** ~~NO~~ **N/A**



If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? ~~YES~~ ~~NO~~ N/A

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

****If "NO", items b through i relating to this section can be deleted**

j. If not, is the approval letter attached to the Claim? ~~YES~~ ~~NO~~ N/A

k. Has the by-pass device been installed? ~~YES~~ ~~NO~~ N/A

l. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description
n/a			

6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit require the submittal of a pump test? ~~YES~~ ~~NO~~ N/A

b. Has the pump test been previously submitted to the Department? ~~YES~~ ~~NO~~ N/A

c. Has the pump test been approved by the Department? ~~YES~~ ~~NO~~ N/A

d. If no, is the pump test attached to this Claim? ~~YES~~ ~~NO~~ N/A

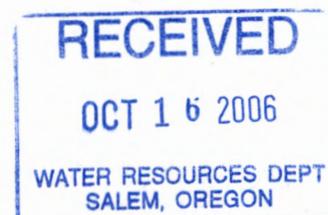
7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order

None was found



Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
None are attached	

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
2 Wells: #1 & #2	0.48 cfs	0.69 cfs based on total # of emitters	No measurement taken	0.48 cfs	38.5 acres	38.5 acres 38.3

5/22/09 Revision in red by CWRE #333 DGV

Claim of Beneficial Use Map

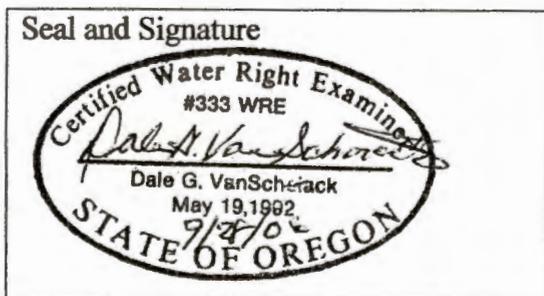
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The Final proof map was created from previous final proof map for Permit G-8369 and 2005 aerial photo from Farm Services Agency

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



RECEIVED

JUN 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
None are attached	

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
2 Wells: #1 & #2	0.48 cfs	0.69 cfs based on total # of emitters	No measurement taken	0.48 cfs	38.5 acres	38.5 acres

Claim of Beneficial Use Map

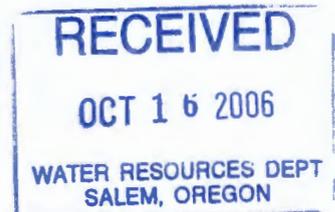
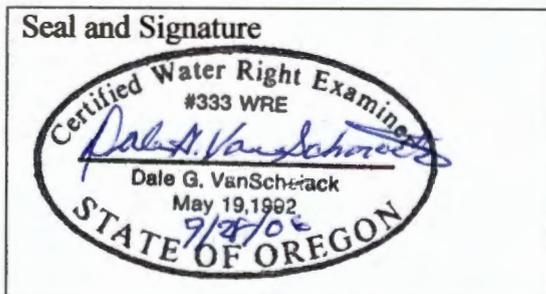
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The Final proof map was created from previous final proof map for Permit G-8369 and 2005 aerial photo from Farm Services Agency

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



Newton

Application # T9684 Permit # _____

Name of Permit Holder or Applicant: Hoyd P & Lois J. Piercy

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Certificates**

*19 copies
re-mailed
to Newton
8/10/07*

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed below.)

	Item	Est. Time
1	Review Claim of Beneficial Use report for completeness	2
2	Review Claim of Beneficial Use map for completeness	1
3	Preparation of deficiency letter	.5
4	Complete the Beneficial Use Worksheet	2
5	Preparation of proposed certificate	1.5
6	Conflict check	1
Total Estimated Time:		8.0

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township	Range	Meridian	Sec	¼ ¼	Acres		
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

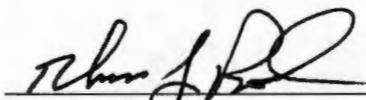
The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


for Phillip C. Ward
Director

Mailing date: APR 05 2005

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON HOLEMAN
BOX 617
ECHO, OREGON 97826

confirms the right to use the waters of WELLS #1 and 2, within the UMATILLA RIVER basin, for IRRIGATION OF 329.2 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the wells.

The wells are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WELL 1 - 720 FEET NORTH AND 530 FEET WEST; WELL 2 - 370 FEET NORTH AND 530 FEET WEST, BOTH FROM THE SE CORNER, SECTION 21;

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 ACRES

SECTION 21

NE ¹ / ₄ NE ¹ / ₄	9.6 ACRES
NW ¹ / ₄ NE ¹ / ₄	35.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	22.3 ACRES
SE ¹ / ₄ NE ¹ / ₄	2.4 ACRES
NE ¹ / ₄ NW ¹ / ₄	0.4 ACRE
SE ¹ / ₄ NW ¹ / ₄	0.6 ACRE
NE ¹ / ₄ SW ¹ / ₄	12.8 ACRES
SE ¹ / ₄ SW ¹ / ₄	2.1 ACRES
NE ¹ / ₄ SE ¹ / ₄	8.4 ACRES
NW ¹ / ₄ SE ¹ / ₄	40.0 ACRES
SW ¹ / ₄ SE ¹ / ₄	35.1 ACRES
SE ¹ / ₄ SE ¹ / ₄	13.6 ACRES

SECTION 28

NE ¹ / ₄ NE ¹ / ₄	27.2 ACRES
NW ¹ / ₄ NE ¹ / ₄	38.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	3.7 ACRES
SE ¹ / ₄ NE ¹ / ₄	1.3 ACRES
NE ¹ / ₄ NW ¹ / ₄	1.2 ACRE

SECTION 33

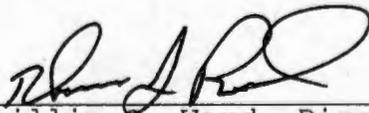
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 53082, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 28 2005, approving Transfer Application 9684.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MARCH 28, 2005.


 Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81319

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, That RON HOLEMAN

of Box 617, Echo , State of Oregon 97826 , has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
two wells

a tributary of Umatilla River for the purpose of
irrigation of 367.7 acres

under Permit No. G-8369 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

October 20, 1978

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

4.6 cubic feet per second

-48

4.12 or its equivalent in case of rotation, measured at the point of diversion from the well. The well is
located in the

SE 1/4 SE 1/4, Section 21, T3N, R29E, WM; #1 - 720
feet North and 530 feet West; #2 - 370 feet North and 530 feet West, both from
SE Corner, Section 21.

The amount of water used for irrigation, together with the amount secured under any other right
existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited

to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated
during the irrigation season of each year, and shall be further limited to
appropriation of water only to the extent that it does not impair or
substantially interfere with existing surface water rights of others,

and shall

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

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

SEE NEXT PAGE

0.6 acre NE 1/4 SW 1/4
 4.8 acres SE 1/4 SW 1/4
 3.6 acres NE 1/4 SE 1/4
 18.8 acres NW 1/4 SE 1/4
 38.5 acres SW 1/4 SE 1/4
 9.2 acres SE 1/4 SE 1/4

Section 21

9.6 acres NE 1/4 NE 1/4
 35.0 acres NW 1/4 NE 1/4
~~22.3~~ 32.0 acres SW 1/4 NE 1/4
 2.4 4.2 acres SE 1/4 NE 1/4
 0.4 acre NE 1/4 NW 1/4
 0.6 acre SE 1/4 NW 1/4
 12.8 acres NE 1/4 SW 1/4
 2.1 3.1 acres SE 1/4 SW 1/4
 8.4 acres NE 1/4 SE 1/4
 40.0 acres NW 1/4 SE 1/4
 35.1 38.1 acres SW 1/4 SE 1/4
 13.6 16.8 acres SE 1/4 SE 1/4

Section 28

~~27.2~~ 32.4 acres NE 1/4 NE 1/4
 38 39.7 acres NW 1/4 NE 1/4
 3.7 4.2 acres SW 1/4 NE 1/4
 1.3 4.1 acres SE 1/4 NE 1/4
 1.2 4.8 acres NE 1/4 NW 1/4

Section 33

Township 3 North, Range 29 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date. May 7, 1985

...../s/ William H. Young.....
 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48 , page 53082

Gerry Clark

From: Dale VanSchoiack [dalevs@verizon.net]
Sent: Friday, May 22, 2009 9:28 AM
To: Bill Porfily
Cc: Gerry Clark
Subject: Lloyd Piercy COBU Rpt for T-9684

Good morning Bill,

I talked to Gerald Clark about the revision he requested on the Lloyd Piercy COBU Report for T-9684. We agreed I would change the map (mylar) to reflect the road and the new acreage values. Under my seal on the map I would add a note that the map replaces the earlier submittal. I would also make revisions on the affected pages of the report noting the date of the revisions. The report revisions will be made on a hard copy of the original report pages.

Attached is and electronic file of the changes. I will deliver the new original mylar map and the revised pages of the report to you next Tuesday.

Dale

DGV Consulting, PLLC
Dale G. VanSchoiack, PE
Consulting Engineer
2141 South Lyle, Kennewick, WA 99337
Phone 509 627 8717 Fax 509 585 2832
dalevs@verizon.net



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

May 6, 2009

Bill Porfily
PO Box 643
Stanfield, OR 97875

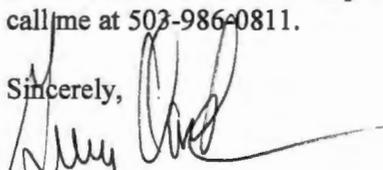
REFERENCE: Transfer T-9684

We are examining your application for certification of the water right transfer T-9684. There are some problems that need to be resolved before we can continue processing your application.

1. A review of aerial photos indicates that a road crossing the place of use. This road is located in the area of the PVC irrigation lines indicated on the final proof map along the western and southwestern portions of the place of use. The final proof map must indicate the location of the road. The number of acres per quarter-quarter will need to be reduced because of the road.

Please submit the revised map within 60 days from the date of this letter. If you have any questions, please call me at 503-986-0811.

Sincerely,


Gerry Clark
Water Rights Specialist

cc: Tony Justus, Watermaster, District 5
Lloyd and Lois Piercy
Dale G. VanSchoiack, CWRE

enclosures

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, That RON HOLEMAN

of Box 617, Echo, State of Oregon 97826, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of two wells

a tributary of Umatilla River for the purpose of irrigation of 367.7 acres

under Permit No. G-8369 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 20, 1978 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 4.6 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE 1/4 SE 1/4, Section 21, T3N, R29E, W4M; #1 - 720 feet North and 530 feet West; #2 - 370 feet North and 530 feet West, both from SE Corner, Section 21.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others,

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

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

SEE NEXT PAGE

0.6 acre NE 1/4 SW 1/4
4.8 acres SE 1/4 SW 1/4
3.6 acres NE 1/4 SE 1/4
18.8 acres NW 1/4 SE 1/4
38.5 acres SW 1/4 SE 1/4
9.2 acres SE 1/4 SE 1/4

Section 21

9.6 acres NE 1/4 NE 1/4
35.0 acres NW 1/4 NE 1/4
32.0 acres SW 1/4 NE 1/4
4.2 acres SE 1/4 NE 1/4
0.4 acre NE 1/4 NW 1/4
0.6 acre SE 1/4 NW 1/4
12.8 acres NE 1/4 SW 1/4
3.1 acres SE 1/4 SW 1/4
8.4 acres NE 1/4 SE 1/4
40.0 acres NW 1/4 SE 1/4
38.1 acres SW 1/4 SE 1/4
18.8 acres SE 1/4 SE 1/4

Section 28

32.4 acres NE 1/4 NE 1/4
39.7 acres NW 1/4 NE 1/4
8.2 acres SW 1/4 NE 1/4
4.1 acres SE 1/4 NE 1/4
4.8 acres NE 1/4 NW 1/4

Section 33

Township 3 North, Range 29 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date. May 7, 1985

*...../s/ William H. Young.....
Water Resources Director*

Recorded in State Record of Water Right Certificates, Volume 48 , page 53082

Gerry Clark

From: Gerry Clark
Sent: Monday, February 02, 2009 1:49 PM
To: 'Katie Turner'
Subject: RE: RA T-9684, Piercy
Attachments: 9684-cf-53082-to-contractor.doc

Katie,

Attached is the requested template.

As for the questions that you raised, please prepare a letter for the following items under map: 1 and 5 (not items required under the COBU issues)

Thanks for your help.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

From: Katie Turner [mailto:ktturner@newtonconsultants.com]
Sent: Friday, January 30, 2009 12:04 PM
To: Gerry Clark
Subject: RA T-9684, Piercy

Gerry,

I have completed an initial review of the COBU for Lloyd & Lois Piercy, T-9684. Do you have templates for the certificate and deficiency letter that I should use for this project? I believe it will need a deficiency letter. Below is a summary of issues that I have identified (some are pretty much the same for both the map and COBU). Please review and let me know if you have any comments or questions and I will incorporate them into the deliverables.

Issues with COBU for Lloyd & Lois Piercy T-9684

Map Issues

1. The scale of the copy of the map we received is a bit off. However, proportions seem to be appropriate.
2. The pump/motor location was not labeled on the map. However, it is noted in the COBU that they

are in the pit wells.

3. The tax lot indicated on the map (7200) does not match available tax lot information on ORMAP (9300 and 200).
4. The place of use does not exactly match the locations as described in the transfer final order and shown on the transfer maps.
5. A review of aerial photos (viewed on MapQuest), it appears that there may be a road that crosses the place of use located in the area of the pvc irrigation lines.

COBU Issues

1. The tax lot indicated in the COBU (7200) does not match available tax lot information on ORMAP (9300 and 200).
2. The place of use listed in the COBU does not exactly match the locations as described in the transfer final order and shown on the transfer maps.
3. The measuring device has been installed but not indication that the Department approved it.
4. Nothing in the COBU mentions the supplemental rights that are mentioned in the transfer final order. Should they at least be listed in the table on page 3 of the COBU?

Thank you,

Katie Turner, G.I.T.

Office Manager / Geologic Technician



521 SW 6th Street, Suite 100

Redmond, Oregon 97756

541-504-9960 ext. 210

541-504-9961 fax

Gerry Clark

From: Katie Turner [kturner@newtonconsultants.com]
Sent: Friday, January 30, 2009 12:04 PM
To: Gerry Clark
Subject: RA T-9684, Piercy

Gerry,

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Issues with COBU for Lloyd & Lois Piercy T-9684Map Issues

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Thank you,

Katie Turner, G.I.T.

Office Manager / Geologic Technician



521 SW 6th Street, Suite 100
Redmond, Oregon 97756
541-504-9960 ext. 210
541-504-9961 fax

Final Deliverables Cover Sheet for Certificates

Application #: T-9684 Permit #:

Project Name: Lloyd & Lois Piercy

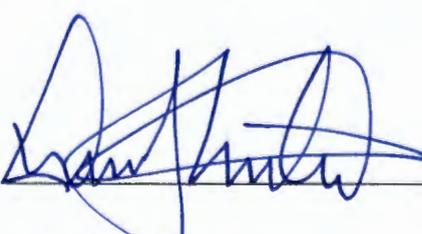
The following items are enclosed:

- The completed Reimbursement Authority COBU Checklist including the conflict check printout;
- If applicable, a copy of any letter requesting additional/missing information;
- Marked up copy of permit or transfer final order identifying the extent of development and any notes documenting your determination regarding the extent of beneficial use;
- The completed proposed certificate and mailing list;
- In addition to the paper copies listed above, provide an electronic copy* of:
 - Proposed certificate and mailing list;
 - Letter requesting additional information.

***NOTE:**

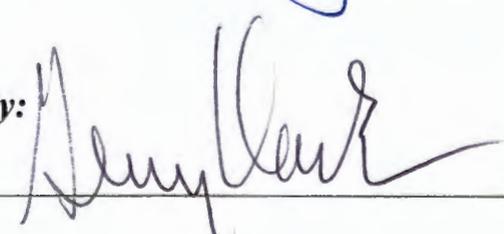
WRD will only accept electronic copies in the following programs:

- a. WordPerfect, or
- b. MS Word - "rich text" format only

Signature of Contractor: 

Date: 02/25/09

For WRD use only:

WRD approval by: 

Date: 5-5-09

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WATER RESOURCES DEPT
SALEM, OREGON

Completion Checklist for CWRE Claims of Beneficial Use



Map Review:

- Map on polyester film *see memo from G. Clark, OWRD*
- Application & permit #; or transfer # *T-9684*
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers *T3N R29E Sec. 28 TL 7200*
- Source illustrated if surface water *2 wells*
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) *pvc lines*
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required *flow meter*
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)

ck scale

** tax lot info doesn't match*

Report Review:

- On form or format provided by the Department *ver. 2/1/06*
- Application & permit #; or transfer # *T-9684*
- Ownership information *Lloyd & Lois Piercy*
- Date of survey *7/27/06 and ~~8/27/06~~ 9/8/06*
- Person interviewed *Lloyd*
- County *umatilla*
- Tax lot information *COBL lists 7200 county assessor maps have 9300 + 200*
- Description of conveyances system (from POD to POU)
- Source(s) of water *2 pit wells*
- Point of diversion/appropriation location
- Use, period of use, and rate for use *irrigation for grapes mar 1 - Oct. 31 = 48 cfs*
- Place of use location
- Type of use *irrigation*
- Extent of use *not same location (exactly) as transfer final order*
- Rate and Duty *48 cfs*
- Diversion rate for each use
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
 - Calculated capacity of system (required) *5.91 cfs total*
 - Measured amount of use (optional) *not running at time of site visit*
- Permit/Transfer Final Order Conditions
 - Time limits *Oct 1 2006*
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device *installed, not approved*
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions

ck duty

- CWRE stamp and signature
- Signature(s) of permittee of transfer holder

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SALEM, OREGON

July 18, 2007

WTR

** nothing in COBL re supplemental rights (see pg 3 of COBL)*



Transmittal

To: Gerry Clark, Certificates
OWRD

Date: March 10, 2009

From: Katie Turner, GIT
Office Manager / Geologic
Technician

Project Name: Lloyd & Lois Piercy

Subject: Final Deliverables

Project No.: 994.166

We are sending you via Mail the following items:

Copies	Date	Description
1	03/10/09	Final Deliverables for Lloyd & Lois Piercy, Transfer No. T-9684

These are transmitted:

For Approval

For Your Use, As Discussed

As Requested

For Review and Comment

Remarks:

The final deliverables and supporting documentation for the Piercy transfer listed above are enclosed.

Do not hesitate to contact me if you have any questions. I can be reached by phone at 541-504-9960 extension 210 or by email at kturner@newtonconsultants.com.

Thanks,
Katie

Copy To: _____

Signed: Katie Turner

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
 33927 RIVERVIEW DR
 HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.5 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	3 N	29 E	WM	21	SE SE	720 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21
2	3 N	29 E	WM	21	SE SE	370 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 N	29 E	WM	21	SW SE			0.2
3 N	29 E	WM	21	SE SE			2.7
3 N	29 E	WM	28	NE NE			12.7
3 N	29 E	WM	28	NW NE			1.7
3 N	29 E	WM	28	SW NE			4.7
3 N	29 E	WM	28	SE NE			16.5

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WATER RESOURCES DEPT
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NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued _____.

Phillip C. Ward, Director

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SALEM, OREGON

Mailing List for Transfer Certificate

Mailing Date:

Application: T-9684

Certificate:

Certificate/Transfer Holder: (include copy of map)

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Copies Mailed
By: (SUPPORT STAFF)
on: (DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #5 (include copy of map)
2. Dale G. VanSchoiack, CWRE

Copies (of final certificate) to be sent to:

1. Watermaster #5 (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File
6. Dale G. VanSchoiack, CWRE

Record Marking(s) :

1. Original Application: G-8976
2. Old Certificate# 53082

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WATER RESOURCES DEPT
SALEM, OREGON

February 11, 2009

Lloyd P. and Lois J. Piercy
33927 River View Drive
Hermiston, OR 97838

REFERENCE: Transfer T-9684

We are examining your application for certification of the water right transfer T-9684. There are some problems that need to be resolved before we can continue processing your application.

1. The scale of the final proof map needs to be verified and adjusted as necessary. While proportions of the irrigated areas seemed to be appropriate, the scale bar did not exactly match the quarter-quarters.
2. A review of aerial photos (as viewed on MapQuest), indicated that there may be a road crossing the place of use. This road is located in the area of the pvc irrigation lines indicated on the final proof map along the western and southwestern portions of the place of use.

Please submit the revised map and application copy by **[date]** to **Dorothy Pedersen**, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Tony Justus, Watermaster, District 5
Dale G. VanScherack, CWRE #333

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Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres	
3	N	29	E	W.M.	21	SE SE	2.7	
?	3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0	
3	N	29	E	W.M.	28	NW NE	0.8	
3	N	29	E	W.M.	28	SE NE	19.0	
TOTAL							38.5	

*Final Proof
SW-SE-2 map
2.7
12.7
1.7
16.5
SW-NE 4.7
38.5*

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

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3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

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Now, therefore, it is ORDERED:

MAR 11 2009

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

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6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


Phillip C. Ward
Director

Mailing date: APR 05 2005

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CONFLICT CHECK SUMMARY FOR LLOYD & LOIS PIERCY, T-9684

T3N R29E SECTION 28

			NE NE	NW NE	SW NE	SE NE
Permit R-13006 Ron Holeman	Storage				*	*
Permit S-53733 Ron Holeman	Supplemental irrigation		17.6	35	23.3	21
Inchoate T-8431 Ron Holeman	Irrigation		(10.1)			
Inchoate T-7156 Ron Holeman	Irrigation		(4.9)			
Certificate 53082 OR CN Ron Holeman	Irrigation	Cancelled T- 9683, T-9684 (subject file)	9.6	35	32	4.2
Certificate 75837 RR CN Ron Holeman	Irrigation	Cancelled	10.1			
Inchoate T-9683 CF WD Ron Holeman	Irrigation	Withdrawn	9.6	35	32	4.2
Inchoate T-9684 CF Ron Holeman	Irrigation	Subject file	(14)	(0.8)		(19)
Certificate 81319 RR Ron Holeman	Irrigation	T-10696, T- 10164	9.6	35	22.3	2.4

T3N R29E SECTION 21

			SW SE	SE SE
Inchoate T-8431 Ron Holeman	Irrigation			(6.02)
Certificate 53082 CN Ron Holeman	Irrigation	Cancelled	38.5	9.2
Certificate 75837 RR CN Ron Holeman	Irrigation	Cancelled		6.2
Inchoate T-9683 CF WD Ron Holeman	Irrigation	Withdrawn	38.5	9.2
Inchoate T-9684 CF Ron Holeman	Irrigation	Subject file		(2.7)
Certificate 81319 RR	Irrigation	T-10696, T-	38.5	9.2

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Ron Holeman		10164		
Certificate 2507 CN Jos Cunha	Irrigation, livestock and domestic	Cancelled		23
Certificate 53082 OR Ron Holeman	Supplemental Irrigation			12.8
Permit S-53733 Ron Holeman	Supplemental Irrigation		38.5	9.2

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WATER RESOURCES DEPT
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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 North Range: 29 East Section: 21 Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(160): NE	QQ(160): NW	QQ(160): SW	QQ(160): SE	NE NW	NE SW	NE SE	NW SW	NW SE	SW SE	SE SE	Unkown QQ	
Select App:S 83590 * <u>Additional Info:</u> U.S. BUREAU OF RECLAMATION App: S83590		10/27/1997	IRRIGATION (Suppl'mtl)												13.1	40	39.8	10.2	12	39.3	38.8	6.4	
Select Inchoate: T 8431 CF (REG) * <u>Additional Info:</u> RON HOLEMAN Decree: UMATILLA RIVER		7/1/1884	IRRIGATION																			(6.2)	
Select Inchoate: T 7950 CF (REG) * <u>Additional Info:</u> DICK SNOW Decree: UMATILLA RIVER		12/31/1883	IRRIGATION												(2)								
Select Cert:7536 OR CN <u>Additional Info:</u> JOSEPH RAMOS App: S9349 Permit: S6179 Cert: 7536	T7577	1/21/1924	IRRIGATION CN														0.5				2		
Select Cert:7537 OR CN <u>Additional Info:</u> JOHN CORREA App: S9365 Permit: S6183 Cert: 7537		2/2/1924	IRRIGATION CN												±5								
Select Cert:36679 OR * <u>Additional Info:</u> SPIKE BROTHERS App: S38804 Permit: S30114 Cert: 36679		2/23/1965	IRRIGATION														8.2					4.6	

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Select **Cert:53082 OR CN** T9683, 10/20/1978 IRRIGATION **CN**
 T9684
 Additional Info:
 RON HOLEMAN
 App: G8976
 Permit: G8369
 Cert: 53082

subject

Select **Cert:60019 OR CN** 10/1/1975 IRRIGATION **CN**
 Additional Info:
 THE TRAVELERS INDEMNITY CO.
 App: G7125
 Permit: G6339
 Cert: 60019

Select **Cert:75120 OR CN** T8142, 6/27/1958 IRRIGATION **CN**
 T8147,
 T7901,
 TEEL IRRIGATION DISTRICT T8146
 App: S32422
 Permit: S25924
 Cert: 75120

Select **Cert:75453 RR CN** T7919 2/2/1924 IRRIGATION **CN**
 Additional Info:
 JOHN CORREA
 App: S9365
 Permit: S6183
 Cert: 75453

								0.6			4.0	3.6	10.0	30.5	9.2	
				13.1	40	39.0	10.2									
				13.1	40	39.0	10.2	12	39.3	30.0	6.4					
	1.6															

1 2 3 4 5

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 North Range: 29 East Section: 21 Records per Page: 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE
Select Cert:75837 RR CN <i>Additional Info:</i> RON HOLEMAN Decree: UMATILLA RIVER Cert: 75837		7/1/1884	IRRIGATION	CN																			6.2
Select Cert:76051 CR * <i>Additional Info:</i> TEEL IRRIGATION DISTRICT App: S32422 Cert: 76051	T9634, T8418, T8391, T9845, T10580, T9894, T10365, T10151, T10612	6/27/1958	IRRIGATION					13.1	40	39.8	10.2	12	39.3	38.8	6.4								
Select Inchoate: T 9683 CF (TMP) WD <i>Additional Info:</i> LLOYD PIERCY App: G8976 Permit: G8369	<i>Withdrawn</i>	10/20/1978	IRRIGATION	WD											(0.6)				(4.8)	(3.6)	(18.8)	(38.5)	(9.2)
Select Inchoate: T 9684 CF (REG) * <i>Additional Info:</i> LLOYD PIERCY App: G8976 Permit: G8369	<i>part of subject</i>	10/20/1978	IRRIGATION																				(2.7)
Select Cert:80979 CF CN <i>Additional Info:</i> WILSON DITCH CO. Decree: UMATILLA RIVER (F) Cert: 80979	T7919	12/15/1904	IRRIGATION	CN				25	10	7.5	33												
Select Cert:80980 CF CN <i>Additional Info:</i>	T7919	12/15/1904	IRRIGATION	CN						1.2	±												

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WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 North Range: 29 East Section: 21 Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown QQ
<u>Select</u> Inchoate: T 7919 CF (REG) * Additional Info: JOHN MCBEE Decree: UMATILLA RIVER (F)		12/15/1904	IRRIGATION						(1.2)														
<u>Select</u> Inchoate: T 7919 CF (REG) * Additional Info: JOHN MCBEE App: S9365 Permit: S6183		2/2/1924	IRRIGATION						(1.6)														
<u>Select</u> Inchoate: T 7919 CF (REG) * Additional Info: JOHN MCBEE App: S9365 Permit: S6183		2/2/1924	IRRIGATION						(13.4)														
<u>Select</u> Cert:76113 CF RR * Additional Info: STANFIELD IRRIGATION DISTRICT App: S41015 Permit: S30789 Cert: 76113	T10690, T10432, T10551	6/23/1965	IRRIGATION				11			5									10				
<u>Select</u> Cert:81586 RR CN Additional Info: WILSON DITCH CO. Decree: UMATILLA RIVER (F) Cert: 81586	T10009	12/15/1904	IRRIGATION							31													
<u>Select</u> Cert:83492 RR * Additional Info: WILSON DITCH CO. Decree: UMATILLA RIVER (F) Cert: 83492		12/15/1904	IRRIGATION							31													

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WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 North Range: 29 East Section: 21 Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	N SE	S
<u>Select</u> Permit:S 51665 CN Additional Info: U.S. BUREAU OF RECLAMATION; PACIFIC NW REGION App: S74318 Permit: S51665		7/25/1994	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN								13.1	40	39.8	10.2	12	39.3	39.8	6.4			
<u>Select</u> Cert:53072 OR * Additional Info: RON HOLEMAN App: S53887 Permit: S40208 Cert: 53072		2/3/1976	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																			
<u>Select</u> Cert:75126 CF CN Additional Info: KELLY L MOLASH App: G7125 Permit: G6339 Cert: 75126		10/1/1975	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN								13.1	40	39.8	10.2							
<u>Select</u> Cert:79439 CF * Additional Info: WESTLAND IRRIGATION DISTRICT App: S9668 Permit: S7400 Cert: 79439	T10345, T10346, T10347, T10348, T9926, T9653, T10261, T10678, T9845, T9844, T9843, T10084, T10577, T10578, T10579, T10580, T9894,	7/1/1924	SUPPLEMENTAL IRRIGATION (Suppl'mtl)										13.1	40	39.8	10.2	12	39.3	38.8	6.4		

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WATER RESOURCES DEPT
SALEM, OREGON

SW SE SE SE

128



JOHN MCBEE
Decree: UMATILLA RIVER (F)



1 2 3 4 5

Acreage Legend: 12.25 Regular acreage
~~12.25~~ Acreage is on a canceled right
 (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)
 [12.25] Acreage has been suspended
 * Acreage is not specified

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WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 North Range: 29 East Section: 28 Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
<p><u>Select</u> Cert:2507 OR CN</p> <p><i>Cancelled</i></p> <p><u>Additional Info:</u> JOS CUNHA Decree: UMATILLA RIVER Cert: 2507</p>		7/1/1884	IRRIGATION, LIVESTOCK AND DOMESTIC	CN				±5															
<p><u>Select</u> Permit:R 13006 *</p> <p><u>Additional Info:</u> RON HOLEMAN App: R84324 Permit: R13006</p> <p><i>on site storage</i></p>		12/28/1999	STORAGE							*	*												
<p><u>Select</u> Permit:S 51665 CN</p> <p><u>Additional Info:</u> U.S. BUREAU OF RECLAMATION; PACIFIC NW REGION App: S74318 Permit: S51665</p>		7/25/1994	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN								2.1	22.6	4.8									
<p><u>Select</u> Cert:79439 CF *</p> <p><u>Additional Info:</u> WESTLAND IRRIGATION DISTRICT App: S9668 Permit: S7400 Cert: 79439</p>	T10345, T10346, T10347, T10348, T9926, T9653, T10261, T10678, T9845, T9844, T9843, T10084, T10577, T10578, T10579, T10580, T9894, T9634, T9127,	7/1/1924	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									2.9	22.2										

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T9686,
 T10364,
 T10365,
 T10009,
 T10762,
 T9727,
 T10107,
 T10126,
 T10138,
 T10151,
 T10611,
 T10612

 Select **Cert:61534 OR ***

 Additional Info:
 TRAVELERS INSURANCE CO.; REAL ESTATE INVESTMENT
 App: G7311
 Permit: G7078
 Cert: 61534

 T9634, 3/30/1976 SUPPLEMENTAL
 T9894, IRRIGATION
 T10365, (Suppl'mtl)
 T10126,
 T10612

 Select **Permit:S 53733 ***

 Additional Info:
 RON HOLEMAN
 App: S84325
 Permit: S53733

*on site -
 supplemental*

					2.1	22.6	4.8													
	17.6	35	23.3	21	0.4			0.6	12.8				2.1	8.4	40	35.1				

1 2

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

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Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 North Range: 29 East Section: 28 Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	
Select App:S 83590 * <i>Additional Info:</i> U.S. BUREAU OF RECLAMATION App: S83590		10/27/1997	IRRIGATION (Suppl'mtl)									2.1	22.6	4.8										
Select Inchoate: T 8431 CF (REG) * <i>Additional Info:</i> RON HOLEMAN Decree: UMATILLA RIVER	<i>on site</i>	7/1/1884	IRRIGATION					(10.1)																
Select Inchoate: T 7156 CF (REG) * <i>Additional Info:</i> RON HOLEMAN App: G7728 Permit: G7367	<i>on site</i>	2/14/1977	IRRIGATION					(4.9)																
Select Cert:53082 OR CN <i>Additional Info:</i> RON HOLEMAN App: G8976 Permit: G8369 Cert: 53082	T9683, T9684 <i>cancelled</i>	10/20/1978	IRRIGATION	CN				9.6	35	32	4.2	0.4			0.6	12.0			3.1	0.4	40	38.1	10.0	
Select Cert:75120 OR CN <i>Additional Info:</i> TEEL IRRIGATION DISTRICT App: S32422 Permit: S25924 Cert: 75120	T8142, T8147, T7901, T8146	6/27/1958	IRRIGATION	CN								2.9	25.9	4.0										
Select Cert:75837 RR CN <i>Additional Info:</i> RON HOLEMAN Decree: UMATILLA RIVER Cert: 75837	<i>on site - cancelled</i>	7/1/1884	IRRIGATION	CN				10.1																

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Select **Cert:76051 CR *** T9634, 6/27/1958 IRRIGATION
 T8418,
 Additional Info: T8391,
 TEEL IRRIGATION DISTRICT T9845,
 App: S32422 T10580,
 Cert: 76051 T9894,
 T10365,
 T10151,
 T10612

Select **Inchoate: T 9683 CF (TMP) WD** 10/20/1978 IRRIGATION **WD**
 Additional Info: *on site - withdrawn*
 LLOYD PIERCY
 App: G8976
 Permit: G8369

Select **Inchoate: T 9684 CF (REG) *** 10/20/1978 IRRIGATION
 Additional Info: *subject file*
 LLOYD PIERCY
 App: G8976
 Permit: G8369

Select **Cert:81319 RR *** T10696, 10/20/1978 IRRIGATION
 T10164
 Additional Info: *on site*
 RON HOLEMAN
 App: G8976
 Permit: G8369
 Cert: 81319

				2.9	25.9	4.8															
(9.6)	(35)	(32)	(4.2)	(0.4)			(0.6)	(12.0)			(3.1)	(0.4)	(40)	(30.1)	(10.0)						
(14)	(0.8)		(19)																		
9.6	35	22.3	2.4	0.4			0.6	12.8			2.1	8.4	40	35.1	13.6						

1 2

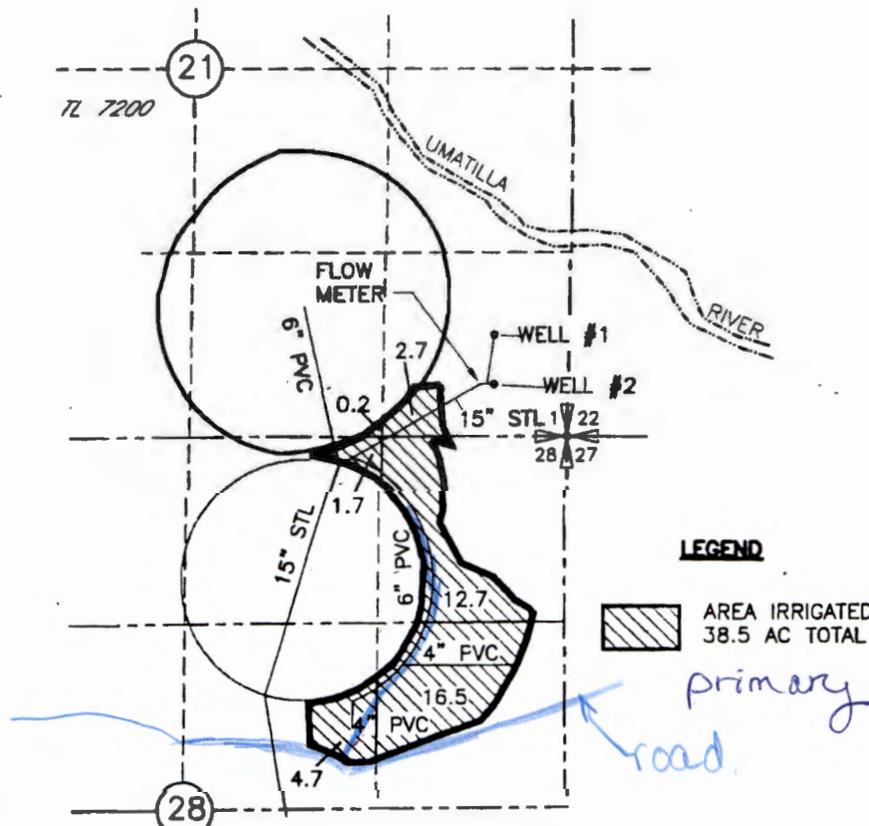
Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

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FINAL PROOF MAP FOR TRANSFER
 T-9684
 LLOYD P. AND LOIS J. PIERCY
 T3N, R29E WM
 UMATILLA CO



POINTS OF APPROPRIATION

WELL #1 LOCATED 720' N AND 530' W FROM THE SE CORNER OF SEC 21

WELL #2 LOCATED 370' N AND 530' W FROM THE SE CORNER OF SEC 21

LEGEND

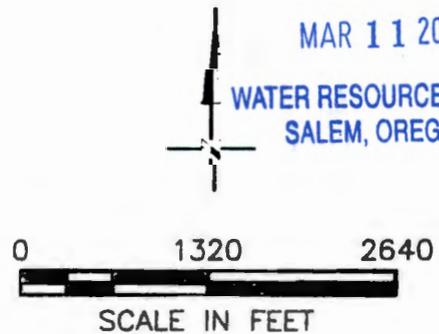
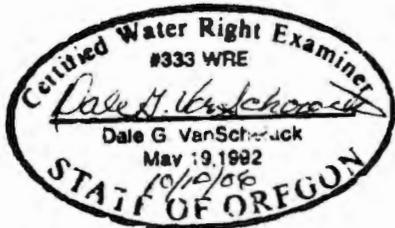
AREA IRRIGATED 38.5 AC TOTAL

primary road

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NOTE:
 THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

DRAWING: H:\CAD\AG\3522\321\3522321fp.dwg
 PRINTED BY: Roger Willard on 09/28/06 02:08 PM

Katie Turner

From: Gerry Clark [clarkge@wrд.state.or.us]
Sent: Monday, February 02, 2009 1:49 PM
To: Katie Turner
Subject: RE: RA T-9684, Piercy
Attachments: 9684-cf-53082-to-contractor.doc

Katie,

Attached is the requested template.

As for the questions that you raised, please prepare a letter for the following items under map: 1 and 5 (not items required under the COBU issues)

Thanks for your help.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

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From: Katie Turner [mailto:kturner@newtonconsultants.com]
Sent: Friday, January 30, 2009 12:04 PM
To: Gerry Clark
Subject: RA T-9684, Piercy

Gerry,

I have completed an initial review of the COBU for Lloyd & Lois Piercy, T-9684. Do you have templates for the certificate and deficiency letter that I should use for this project? I believe it will need a deficiency letter. Below is a summary of issues that I have identified (some are pretty much the same for both the map and COBU). Please review and let me know if you have any comments or questions and I will incorporate them into the deliverables.

Issues with COBU for Lloyd & Lois Piercy T-9684

Map Issues

1. The scale of the copy of the map we received is a bit off. However, proportions seem to be appropriate.
2. The pump/motor location was not labeled on the map. However, it is noted in the COBU that they

are in the pit wells.

3. The tax lot indicated on the map (7200) does not match available tax lot information on ORMAP (9300 and 200).
4. The place of use does not exactly match the locations as described in the transfer final order and shown on the transfer maps.
5. A review of aerial photos (viewed on MapQuest), it appears that there may be a road that crosses the place of use located in the area of the pvc irrigation lines.

COBU Issues

1. The tax lot indicated in the COBU (7200) does not match available tax lot information on ORMAP (9300 and 200).
2. The place of use listed in the COBU does not exactly match the locations as described in the transfer final order and shown on the transfer maps.
3. The measuring device has been installed but not indication that the Department approved it.
4. Nothing in the COBU mentions the supplemental rights that are mentioned in the transfer final order. Should they at least be listed in the table on page 3 of the COBU?

Thank you,

Katie Turner, G.I.T.

Office Manager / Geologic Technician



521 SW 6th Street, Suite 100
Redmond, Oregon 97756
541-504-9960 ext. 210
541-504-9961 fax

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Lloyd + Lois Percy T-9684 994166

FO

transfer POU under certificate 53082
include suppl. irr. ^{permit} 553733 7.9 ac-ft, 27 ac
primary 48 cfs 38.5 ac 2 wells

c-date Oct 2004

install & maintain headgate, flow meter, in or
measuring device

? TL map doesn't seem to match info
lots 9300 + 200 from ORMAP
7200 on maps

certificate 53082 (permit G-8469
367.7 ac

POU in CORU does not exactly match transfer FO
same # ac. but diff. location

theo pump capacity

$$.5 \frac{\text{gal}}{\text{hr}} \times 1 \text{ hr} = 60 \text{ min}$$

PUMP 1 1.26

2 1.89

3 .63

3.78 cfs → 1700 gpm

5.57 ← 2500

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MAPQUEST.

Save Up to 20% Off
Select Rates.

LEARN MORE ↗

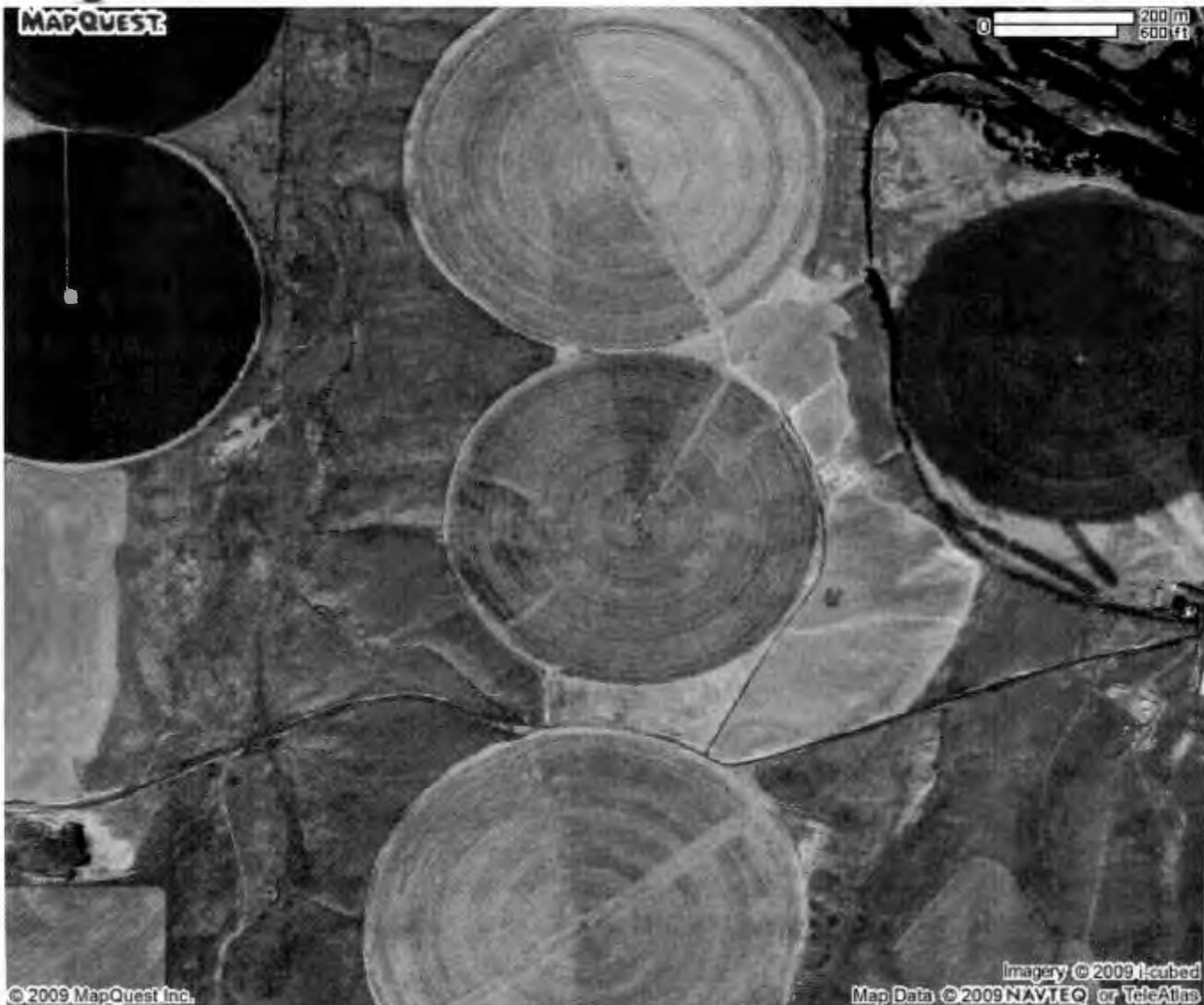
 **The Hilton Family.** 

Official Sponsor of the U.S. Olympic Teams

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A: Hermiston, OR

 Need help on the go? Get Voice Activated Directions for free. Call 1-800-FREE411 (1-800-373-3411).



MAPQUEST

Free Credit Scores! See Your
3 Credit Reports & Scores!

Excellent 750-840

Good 660-749

Fair 620-659

Poor 450-619

I Don't Know ???

Find out yours INSTANTLY!

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A: Hermiston, OR

Need help on the go? Get Voice Activated Directions for free. Call 1-800-FREE411 (1-800-373-3411).



This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at Gerald.E.CLARK@wrд.state.or.us or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at Jerry.W.GAINEY@wrд.state.or.us or by phone at 503-986-0812.

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrd.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

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CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
T-9684	G-8369

2. Property owner (current owner information)

a. Individuals

Name	Lloyd P. and Lois J. Piercy
Mailing Address	33927 River View Drive
City/State/Zip	Hermiston, OR 97838
Phone #	(541) 567-1506 (H) (541)376-0419 (O)
Fax #	
e-mail address	

b. Businesses/Organizations

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

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If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Lloyd P. and Lois J. Piercy	
Mailing Address	33927 River View Drive	
City/State/Zip	Hermiston, OR 97838	

d. Businesses/Organizations

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: 7-27-06 & 09-8-06

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Lloyd Piercy	7-27-06 & 08-24-06	Owner

6. County:

Umatilla

7. Tax Lot Information:

Tax map number	Tax lot number
3N 29	7200

does not match

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

There are 100 hp and 150 hp short shaft turbine pumps on a shallow pit well (Well #1) and a 50 hp short shaft turbine pump on a second shallow pit well (Well #2) capable of delivering 2500 gpm through a 15 inch steel mainline to a 38.5 acre parcel of ground. This ground is irrigated with a solid set drip irrigation system. The pump stations also irrigate 4-800 gpm center pivots. The solid set system irrigates a vineyard and is the only area involved in this transfer.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
#1 pit Well constructed under Permit G-8369	N/A	
#2 pit Well constructed under Permit G-8369	N/A	RECEIVED

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

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3. Point of diversion/appropriation source and, if from surface water, the tributary:

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Source	Tributary to
2 Pit Wells	Umatilla River

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE 1/4 SE 1/4, Section 21 T3N, R29E, WM	720 ft N & 530 Ft W from the SE Corner Section 21
SE 1/4 SE 1/4, Section 21 T3N, R29E, WM	370 ft N & 530 Ft W from the SE Corner Section 21

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Grapes	March 1 st to October 31 st	215 gpm

Total Quantity of Water 215 gpm* ~48 cfs

* Authorized use per Approving Order

6. Place of use for the point of diversion or appropriation:

does not match transfer final order

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		SW SE	21	3N	29E	Irr	0.2	RECEIVED
		SE SE	21	3N	29E	Irr	2.7	
		NE NE	28	3N	29E	Irr	12.7	
		NW NE	28	3N	29E	Irr	1.7	
		SW NE	28	3N	29E	Irr	4.7	
		SE NE	28	3N	29E	Irr	16.5	

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Total Acres Irrigated

38.5 Acres

8.0

19.0

not list supplemental

WTR

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Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

Trough the grate that cover the 9 ft diameter shallow vertical culvert pipe

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
9 ft	30 ft *	30 ft*	1980	n/a	Previous land owner	Previous Land owner

***Claim by land owner**

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

**If the appropriation is not from a sump, the following section, items 3-4, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Pump #1 Well #1 Vertiline	Aurora	3P985663	Turbine	8 in	8 in
Pump #2 Well #1	Aurora	3P9-85603	Turbine	8 in	8 in

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Vertiline					
Pump #3	Peerless	None found	Turbine	8 in	8 in
Well #2					
Vertiline					

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Pump #1	ID# R-9985-	100 hp	1770	460 V
Well #1	01-324			123 amps
U.S.				
Motor				
Pump #2	ID# 5K	150 hp	1770	460 V
Well #1	6277XH57H			173 Amps
G.E.				
Motor				
Pump #3	R-6231-05-	50 hp	1765	460 V
Well #2	650			62 Amps
G.E.				
Motor				

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3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer		good	080.442 Ac-ft	The lid was broken off so there was no serial #

4. Measurement device description

Device description	Condition (working or not)	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
System was not running			

6. Theoretical pump capacity *should there be one for each pump*

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
300hp	145	9 ft	180 ft	2500 gpm

7. Provide pump calculations in the box below:

Lloyd Piercy indicated he operates the pumps to maintain the pressure at 145 psi to satisfy the requirement of the 3 center pivots which are at a higher elevation and further distance south than his vineyard. He has pressure reducing valves on his vineyard to operate his drip emitters at 20 psi.

2654 gpm from below

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100 hp Pump

Total TDH

Pressure 145 psi at well head x 2.31 ft/psi =	335 ft
9 ft Measured W.L. plus assume 4 ft draw down.	13 ft
Misc. 10 ft friction loss valves, fittings and column	10 ft
Total TDH	358 ft

Assume 80% efficiency

$$Hp = \frac{TDH \times gpm}{3960 \times \text{eff.}} \text{ or } gpm = \frac{3960 \times \text{eff} \times hp}{TDH} = \frac{3960 \times 80\% \times 100 \text{ hp}}{358 \text{ ft}} = 885 \text{ gpm or } 1.97 \text{ cfs}$$

150hp Pump

Total TDH

Pressure 145 psi at well head x 2.31 ft/psi = 335 ft
 9 ft Measured W.L. plus assume 4 ft draw down. 13 ft
 Misc. 10 ft friction loss valves, fittings and colum 10 ft
Total TDH 358 ft

Assume 80% efficiency

$$Hp = \frac{TDH \times gpm}{3960 \times \text{eff.}} \text{ or } gpm = \frac{3960 \times \text{eff} \times hp}{TDH} = \frac{3960 \times 80\% \times 150 \text{ hp}}{358 \text{ ft}} = 1327 \text{ gpm or } 2.96 \text{ cfs}$$

50 hp Pump

Total TDH

Pressure 145 psi at well head x 2.31 ft/psi = 335 ft
 9 ft Measured W.L. plus assume 4 ft draw down. 13 ft
 Misc. 10 ft friction loss valves, fittings and colum 10 ft
Total TDH 358 ft

Assume 80% efficiency

$$Hp = \frac{TDH \times gpm}{3960 \times \text{eff.}} \text{ or } gpm = \frac{3960 \times \text{eff} \times hp}{TDH} = \frac{3960 \times 80\% \times 50 \text{ hp}}{358 \text{ ft}} = 442 \text{ gpm or } .99 \text{ cfs}$$

885 gpm + 1327 gpm + 442 gpm = 2654 gpm or 5.91 cfs Total

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8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
15 in	1320	Steel	Buried
6 in	2600	pvc	Buried
4 in	1320	Pvc	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
Drip or emitter lines	186,300 ft	polyethylene	Above ground

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10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Toro emitters	0.5gph	0.5 gph	20 psi	0.5 gph	37,268	310 gpm or 0.69cfs

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

The rows of grapes are 9 ft apart with emitters every 5 ft.

$\frac{\text{Acre} \times 43560 \text{ ft}^2}{9 \text{ ft} \times 5 \text{ ft}} = 968 \text{ emitters per acre} \times 38.5 \text{ acres} = 37,268 \text{ emitters} \times .5\text{gph} \div 60 \text{ min/hr} = 310\text{gpm}$

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	N/A		RECEIVED MAR 11 2009
Complete construction	N/A		
Complete application of water	Oct. 1, 2006	July 2006	

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SALEM, OREGON

2. Initial Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

a. Was the water user required to submit an initial static water level measurement? ~~YES~~ NO N/A

b. What month was the initial measurement to be taken in? N/A

c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required? ~~YES~~ NO
~~YES~~ NO

d. If "YES", was the measurement submitted to the Department? ~~YES~~ NO

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WATER RESOURCES DEPT
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e. If the initial measurement not been submitted, provide that measurement now if available: N/A

Date of measurement	Who made measurement	Method	Measurement

3. Annual Static Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

a. Was the water user required to submit annual static water level measurements? YES—NO N/A

b. In the box below, provide the month in which the static water level was to be made:

n/a

c. Were the static water level measurements taken in the month required? YES—NO

d. If "YES", were those measurements submitted to the Department? YES—NO

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
n/a			

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device? YES NO

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

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****If "NO", items b through g relating to this section can be deleted.**

b. Has a meter been installed? YES NO

c. Provide the date the meter was installed:

1980 as noted by owner

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES—NO N/A

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
n/a		

was meter approved. ?

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES—NO— N/A

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SALEM, OREGON

WTR

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? ~~YES~~ ~~NO~~ N/A

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

****If "NO", items b through i relating to this section can be deleted**

j. If not, is the approval letter attached to the Claim? ~~YES~~ ~~NO~~ N/A

k. Has the by-pass device been installed? ~~YES~~ ~~NO~~ N/A

l. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description
n/a			

6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit require the submittal of a pump test? ~~YES~~ ~~NO~~ N/A

b. Has the pump test been previously submitted to the Department? ~~YES~~ ~~NO~~ N/A

c. Has the pump test been approved by the Department? ~~YES~~ ~~NO~~ N/A

d. If no, is the pump test attached to this Claim? ~~YES~~ ~~NO~~ N/A

7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Variations, Attachments, Conclusions, Map and Signatures

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Variations

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Include a description of variations from the permit or transfer final order

WATER RESOURCES DEPT
SALEM, OREGON

None was found

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Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
None are attached	

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
2 Wells: #1 & #2	0.48 cfs	0.69 cfs based on total # of emitters	No measurement taken	0.48 cfs	38.5 acres	38.5 acres

Claim of Beneficial Use Map

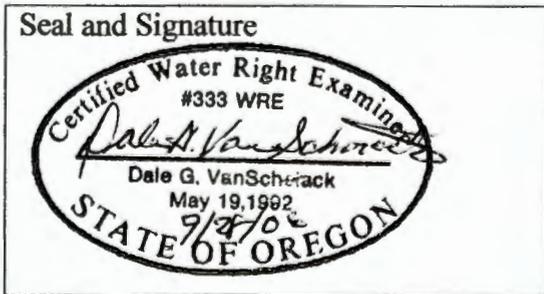
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The Final proof map was created from previous final proof map for Permit G-8369 and 2005 aerial photo from Farm Services Agency

CWRE Statement, Seal and Signature

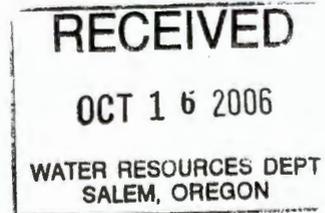
The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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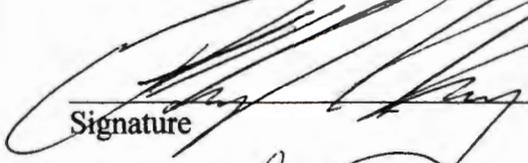
MAR 11 2009

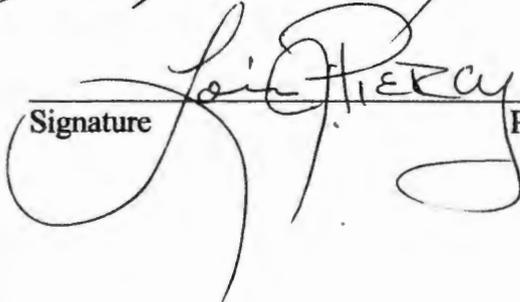
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Permit or Transfer Holders Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

 Signature
Lloyd P. Piercy Print or type name
10/12/06 Date

 Signature
Lois Piercy Print or type name
10/12/06 Date

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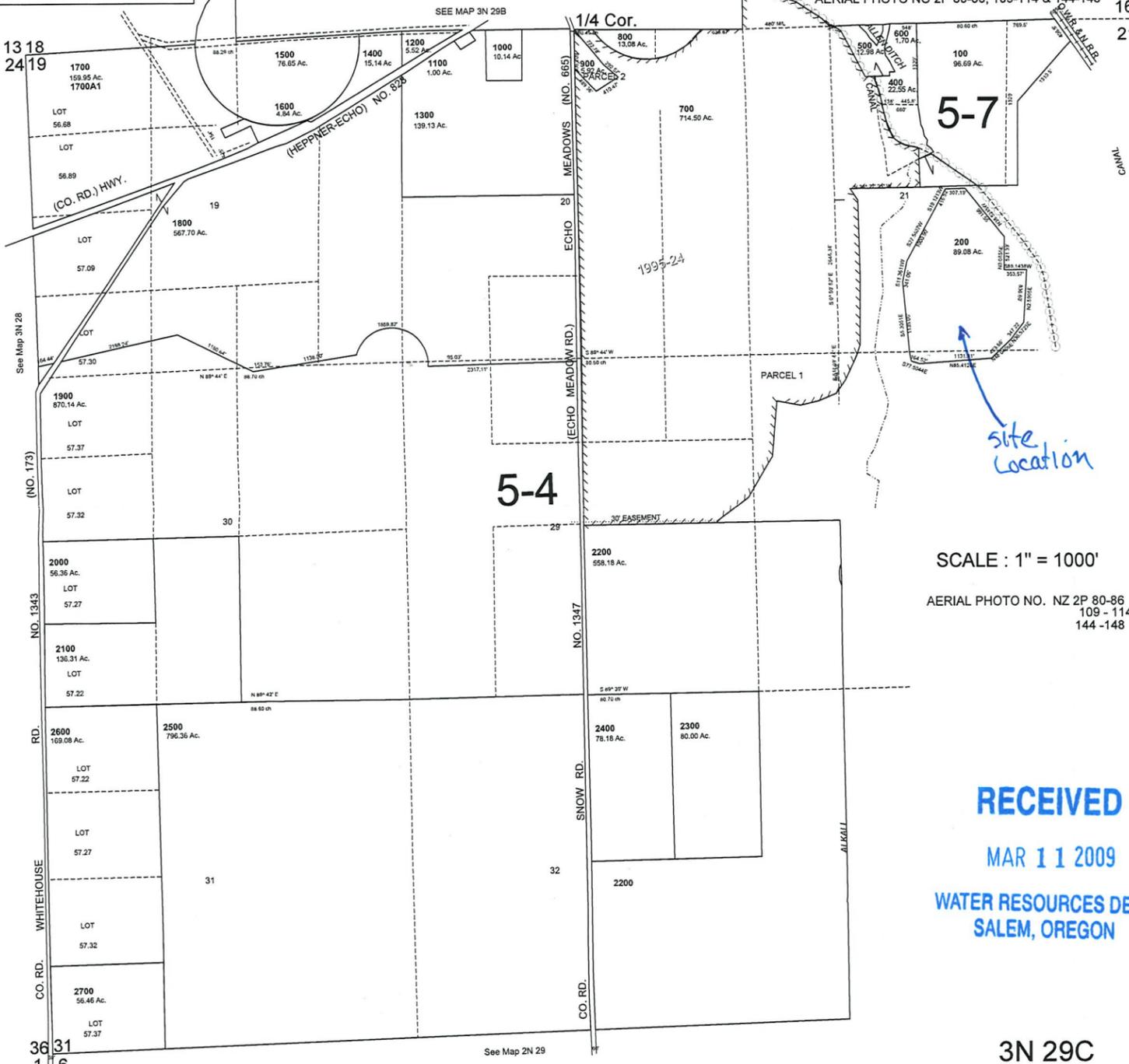
This map has been prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

Revised: 1/06/09

SW1/4 T3N R29E WM UMATILLA COUNTY 3N 29C

AERIAL PHOTO NO 2P 80-86, 109-114 & 144-148

16 15
21 22



SCALE : 1" = 1000'

AERIAL PHOTO NO. NZ 2P 80-86
109 - 114
144 - 148

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3N 29C

36 31
1 6

See Map 2N 29

This map was prepared for Assessment purposes only.

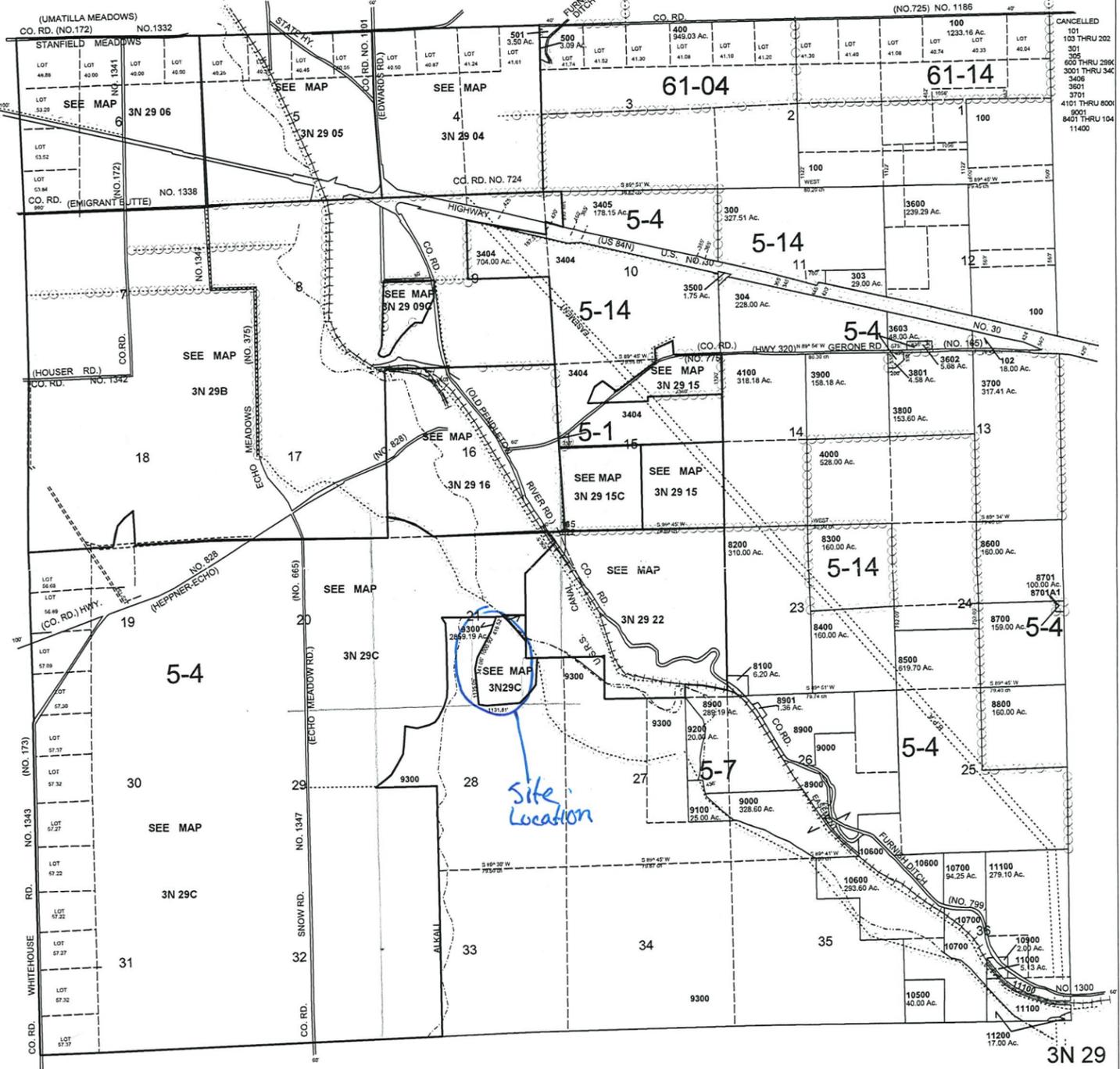
T3N R29E WM UMATILLA COUNTY, OR

7/20/06

3N 29

AERIAL PHOTO NO. NZ 2P 80-86, 109-114 & 144-148

SCALE: 1" = 2000'



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SALEM, OREGON

Completion Checklist for CWRE Claims of Beneficial Use



Map Review:

- Map on polyester film *see memo from G. Clark, OWRD*
- Application & permit #; or transfer # T-9684
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers *T3N R29E Sec. 28 TL 7200*
- Source illustrated if surface water *2 wells*
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) *PVC lines*
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required *flow meter*
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)

OK scale

TL # changed see county map.

OK

** tax lot info doesn't match.*

Report Review:

- On form or format provided by the Department *ver. 2/1/06*
- Application & permit #; or transfer # T-9684
- Ownership information *Lloyd & Lois Percy*
- Date of survey *7/27/06 and ~~8/8/06~~ 9/8/06*
- Person interviewed *Lloyd*
- County *Umatilla*
- Tax lot information *COBU lists 7200 county assessor maps have 9300 + 200*
- Description of conveyances system (from POD to POU)
- Source(s) of water *2 pit wells.*
- Point of diversion/appropriation location
- Use, period of use, and rate for use *irrigation for grapes Mar 1 - Oct. 31 - 48 cfs*
- Place of use location
- Type of use *irrigation*
- Extent of use *not same location (exactly) as transfer final order*
- Rate and Duty *48 cfs*
- Diversion rate for each use
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
 - Calculated capacity of system (required) *5.91 cfs total*
 - Measured amount of use (optional) *not running at time of site visit*
- Permit/Transfer Final Order Conditions
 - Time limits *Oct 1 2006*
 - Initial water level measurements *NA*
 - Annual static water level measurements *NA*
 - Measurement, recording, and reporting
 - Meter/measuring device *installed, not approved*
 - Water use reporting *NA*
 - Fish screening and/or by-pass *NA*
 - Pump test (ground water) *NA*
 - Other conditions

old TAX LOT # CX-see county Assessor map

OK disty

all w/in same tax lot ownership

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WATER RESOURCES DEPT
SALEM, OREGON

WTR

July 18, 2007

- CWRE stamp and signature
- Signature(s) of permittee of transfer holder

** nothing in COBU re. supplemental rights (see pg 3 of COBU)*

Completion Checklist for CWRE Claims of Beneficial Use

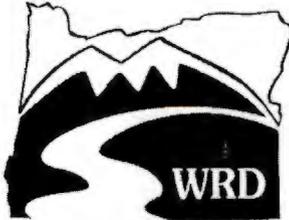
Application # _____

Permit # _____

Transfer # 9684

Date 10/20/06

Reviewer [Signature]



Date Received 10/16/06
CWRE Name D. Van Schetack #333
Claim Logged
File Marked
Oversized Map # _____
Read the file and attach a copy of the permit or transfer final order. _____

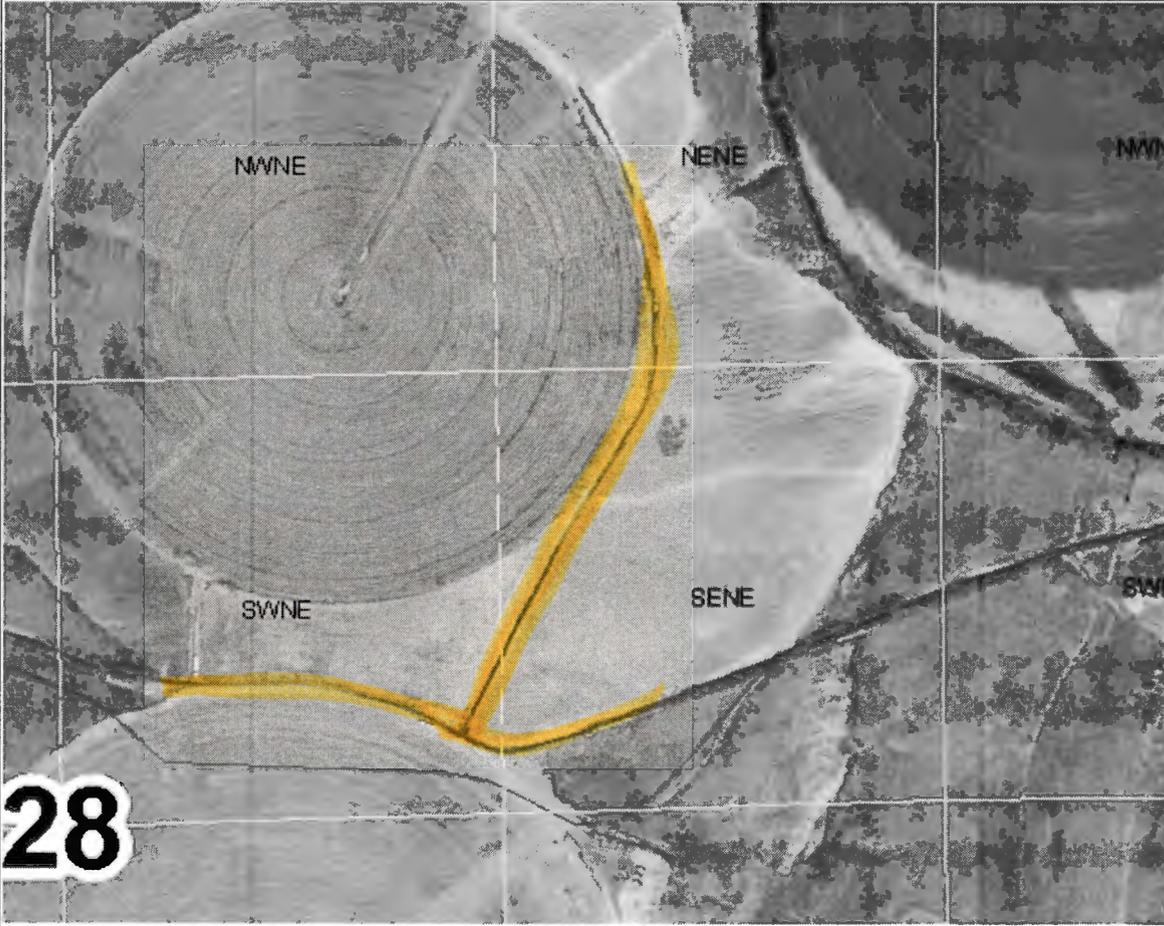
Map Review:

- Map on polyester film
- Application & permit #; or transfer #
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers
- NA Source illustrated if surface water
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)

Report Review:

- On form or format provided by the Department
- Application & permit #; or transfer #
- County
- Tax lot information
- Date of survey
- Person interviewed
- Ownership information
- Source(s) of water
- Point of diversion/appropriation location
- Use, period of use, and rate for use
- Place of use location
- Type of use
- Extent of use
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
 - Calculated capacity of system (required)
 - Measured amount of use (optional)
- Permit/Transfer Final Order Conditions
 - Time limits
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- CWRE stamp and signature
- Signature(s) of permittee of transfer holder

OWRD Basic Web Mapping Application (beta)

	<p>Locate a place on the map ▶ Use Advanced Map ▶ Help ▶ Links ▶</p> <p>  Zoom In  Zoom Out  Pan  Full Extent  Identify </p>	<p>Welcome to the OWRD Interactive Mapping Program</p>
<p>  </p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> OWRD Data <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Rule Boundaries <input checked="" type="checkbox"/> Political Boundaries <input checked="" type="checkbox"/> Water Availability <input type="checkbox"/> Water Rights <input checked="" type="checkbox"/> Surface water <input checked="" type="checkbox"/> Base Data <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Political Boundaries <input checked="" type="checkbox"/> PLS <input checked="" type="checkbox"/> Roads <input checked="" type="checkbox"/> Surface water <input checked="" type="checkbox"/> Topography <input checked="" type="checkbox"/> Imagery <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Aerial Photography <input checked="" type="checkbox"/> USGSquads 		<p>This basic map page provides an easy to use interface for locating information about an area. Simply zoom into an area of interest, click on the identify tool, and then click on the point you want more information. This will provide you with all the basic information for that given point, as well as allowing you to perform a peak discharge estimate at that point.</p> <p>If you would like more information about particular features, you can choose to "Use the Advanced" map.</p>

Oregon Water Resources Web Mapping Application (beta)

Active Layer: Water Rights Locate a place on the map Use Basic Map Help Links

Map Contents

- OWRD Data
 - Rule Boundaries
 - Political Boundaries
 - Water Availability
 - Water Rights
 - Surface water
- Base Data
 - Political Boundaries
 - PLS
 - Roads
 - Surface water
 - Topography
- Imagery
 - Aerial Photography

Results

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.5 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Table with 7 columns: Well, Twp, Rng, Mer, Sec, Q-Q, Measured Distances. Contains data for two wells (1 and 2) with their respective locations and measured distances.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing rights of others. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Table titled 'IRRIGATION' with 8 columns: Twp, Rng, Mer, Sec, Q-Q, GLot, DLC, Acres. Lists various irrigation parcels with their acreage.

Handwritten notes: 'not in order', 'order', 'order 14.0', 'order 0.8', 'not in order', 'order 19.0'. A large handwritten '38.5' is also present.

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NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

* This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued _____.

Phillip C. Ward, Director

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

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WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for Transfer Certificate

Mailing Date:

Application: T-9684

Certificate:

Certificate/Transfer Holder: (include copy of map)

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Copies Mailed
By: (SUPPORT STAFF)
on: (DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #5 (include copy of map)
2. Dale G. VanSchoiack, CWRE

Copies (of final certificate) to be sent to:

1. Watermaster #5 (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File
6. Dale G. VanSchoiack, CWRE

Record Marking(s):

1. Original Application: G-8976
2. Old Certificate# 53082

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WATER RESOURCES DEPT
SALEM, OREGON

February 11, 2009

Lloyd P. and Lois J. Piercy
33927 River View Drive
Hermiston, OR 97838

REFERENCE: Transfer T-9684

We are examining your application for certification of the water right transfer T-9684. There are some problems that need to be resolved before we can continue processing your application.

1. The scale of the final proof map needs to be verified and adjusted as necessary. While proportions of the irrigated areas seemed to be appropriate, the scale bar did not exactly match the quarter-quarters.
2. A review of aerial photos (as viewed on MapQuest), indicated that there may be a road crossing the place of use. This road is located in the area of the pvc irrigation lines indicated on the final proof map along the western and southwestern portions of the place of use.

Please submit the revised map and application copy by **[date]** to **Dorothy Pedersen**, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Tony Justus, Watermaster, District 5
Dale G. VanScherack, CWRE #333

enclosures

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WATER RESOURCES DEPT
SALEM, OREGON

Gerry Clark

From: Katie Turner [kturner@newtonconsultants.com]
Sent: Thursday, February 12, 2009 2:30 PM
To: Gerry Clark
Subject: RE: RA T-9684, Piercy
Attachments: deficiency ltr 9684.doc; 9684-cf-53082-to-contractor.doc; CONFLICT CHECK SUMMARY FOR LLOYD.doc; T-9684 checklist.pdf

Gerry,

Here are some electronic deliverables for Lloyd and Lois Piercy under T-9684. I did a summary table for the conflict check since there seemed to be more than usual rights in the same area. However, they were mostly for the prior owner (Ron Holeman). I have also included as scanned copy of the completeness checklist so you can see my review.

Let me know if you have any questions regarding the deficiency letter or draft certificate.

I will send hard copies of the deliverables as soon as you give the go ahead.

Thanks,

Katie Turner, G.I.T.

Office Manager / Geologic Technician



521 SW 6th Street, Suite 100
Redmond, Oregon 97756
541-504-9960 ext. 210
541-504-9961 fax

From: Gerry Clark [mailto:clarkge@wrđ.state.or.us]
Sent: Monday, February 02, 2009 1:49 PM
To: Katie Turner
Subject: RE: RA T-9684, Piercy

Katie,

Attached is the requested template.

As for the questions that you raised, please prepare a letter for the following items under map:
1 and 5 (not items required under the COBU issues)

Thanks for your help.

Gerry

Gerry Clark
Water Rights Specialist/Certificates

3/18/2009

725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

From: Katie Turner [mailto:kturner@newtonconsultants.com]
Sent: Friday, January 30, 2009 12:04 PM
To: Gerry Clark
Subject: RA T-9684, Piercy

Gerry,

I have completed an initial review of the COBU for Lloyd & Lois Piercy, T-9684. Do you have templates for the certificate and deficiency letter that I should use for this project? I believe it will need a deficiency letter. Below is a summary of issues that I have identified (some are pretty much the same for both the map and COBU). Please review and let me know if you have any comments or questions and I will incorporate them into the deliverables.

Issues with COBU for Lloyd & Lois Piercy T-9684

Map Issues

1. The scale of the copy of the map we received is a bit off. However, proportions seem to be appropriate.
2. The pump/motor location was not labeled on the map. However, it is noted in the COBU that they are in the pit wells.
3. The tax lot indicated on the map (7200) does not match available tax lot information on ORMAP (9300 and 200).
4. The place of use does not exactly match the locations as described in the transfer final order and shown on the transfer maps.
5. A review of aerial photos (viewed on MapQuest), it appears that there may be a road that crosses the place of use located in the area of the pvc irrigation lines.

COBU Issues

1. The tax lot indicated in the COBU (7200) does not match available tax lot information on ORMAP (9300 and 200).
2. The place of use listed in the COBU does not exactly match the locations as described in the transfer final order and shown on the transfer maps.
3. The measuring device has been installed but not indication that the Department approved it.
4. Nothing in the COBU mentions the supplemental rights that are mentioned in the transfer final order. Should they at least be listed in the table on page 3 of the COBU?

Thank you,

Katie Turner, G.I.T.
Office Manager / Geologic Technician

3/18/2009



521 SW 6th Street, Suite 100
Redmond, Oregon 97756
541-504-9960 ext. 210
541-504-9961 fax

February 11, 2009

Lloyd P. and Lois J. Piercy
33927 River View Drive
Hermiston, OR 97838

REFERENCE: Transfer T-9684

We are examining your application for certification of the water right transfer T-9684. There are some problems that need to be resolved before we can continue processing your application.

1. The scale of the final proof map needs to be verified and adjusted as necessary. While proportions of the irrigated areas seemed to be appropriate, the scale bar did not exactly match the quarter-quarters.
2. A review of aerial photos (as viewed on MapQuest), indicated that there may be a road crossing the place of use. This road is located in the area of the pvc irrigation lines indicated on the final proof map along the western and southwestern portions of the place of use.

Please submit the revised map and application copy by **[date]** to **Dorothy Pedersen**, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890.

Sincerely,

Dorothy I. Pedersen
Water Rights Transfer Specialist

cc: Tony Justus, Watermaster, District 5
Dale G. VanSchooek, CWRE #333

enclosures

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
 33927 RIVERVIEW DR
 HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.5 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	3 N	29 E	WM	21	SE SE	720 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21
2	3 N	29 E	WM	21	SE SE	370 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 N	29 E	WM	21	SW SE			0.2
3 N	29 E	WM	21	SE SE			2.7
3 N	29 E	WM	28	NE NE			12.7
3 N	29 E	WM	28	NW NE			1.7
3 N	29 E	WM	28	SW NE			4.7
3 N	29 E	WM	28	SE NE			16.5

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued _____.

Phillip C. Ward, Director

Mailing List for Transfer Certificate

Mailing Date:

Application: T-9684

Certificate:

Certificate/Transfer Holder: (include copy of map)

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Copies Mailed
By: (SUPPORT STAFF)
on: (DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #5 (include copy of map)
2. Dale G. VanSchoiack, CWRE

Copies (of final certificate) to be sent to:

1. Watermaster #5 (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File
6. Dale G. VanSchoiack, CWRE

Record Marking(s):

1. Original Application: G-8976
2. Old Certificate# 53082

CONFLICT CHECK SUMMARY FOR LLOYD & LOIS PIERCY, T-9684

T3N R29E SECTION 28

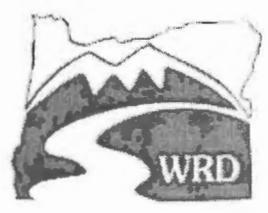
			NE NE	NW NE	SW NE	SE NE
Permit R-13006 Ron Holeman	Storage				*	*
Permit S-53733 Ron Holeman	Supplemental irrigation		17.6	35	23.3	21
Inchoate T-8431 Ron Holeman	Irrigation		(10.1)			
Inchoate T-7156 Ron Holeman	Irrigation		(4.9)			
Certificate 53082 OR CN Ron Holeman	Irrigation	Cancelled T- 9683, T-9684 (subject file)	9.6	35	32	4.2
Certificate 75837 RR CN Ron Holeman	Irrigation	Cancelled	10.1			
Inchoate T-9683 CF WD Ron Holeman	Irrigation	Withdrawn	9.6	35	32	4.2
Inchoate T-9684 CF Ron Holeman	Irrigation	Subject file	(14)	(0.8)		(19)
Certificate 81319 RR Ron Holeman	Irrigation	T-10696, T- 10164	9.6	35	22.3	2.4

T3N R29E SECTION 21

			SW SE	SE SE
Inchoate T-8431 Ron Holeman	Irrigation			(6.02)
Certificate 53082 CN Ron Holeman	Irrigation	Cancelled	38.5	9.2
Certificate 75837 RR CN Ron Holeman	Irrigation	Cancelled		6.2
Inchoate T-9683 CF WD Ron Holeman	Irrigation	Withdrawn	38.5	9.2
Inchoate T-9684 CF Ron Holeman	Irrigation	Subject file		(2.7)
Certificate 81319 RR	Irrigation	T-10696, T-	38.5	9.2

Ron Holeman		10164		
Certificate 2507 CN Jos Cunha	Irrigation, livestock and domestic	Cancelled		23
Certificate 53082 OR Ron Holeman	Supplemental Irrigation			12.8
Permit S-53733 Ron Holeman	Supplemental Irrigation		38.5	9.2

Completion Checklist for CWRE Claims of Beneficial Use



Map Review:

- Map on polyester film *see memo from G. Clark, GWRD*
 - Application & permit #: or transfer # T-9684
 - Disclaimer
 - North arrow
 - CWRE stamp and signature
 - Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
 - Township, range, section, and tax lot numbers *T3N R29E Sec 28 TL 7200*
 - Source illustrated if surface water *2 wells*
 - Point(s) of diversion or appropriation (illustrated)
 - Point(s) of diversion or appropriation (coordinates)
 - Conveyance structures illustrated (pump, pipelines, ditches, etc.) *pvc lines*
 - Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required *flow meter*
 - Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- * tax lot info doesn't match.*

Report Review:

- On form or format provided by the Department *ver. 2/1/06*
- Application & permit #: or transfer # *T-9684*
- Ownership information *Lloyd & Lois Piercy*
- Date of survey *7/27/06 and ~~8/8/06~~ 9/8/06*
- Person interviewed *Lloyd*
- County *Umatilla*
- Tax lot information *COBU lists 7200 county assessor maps have 9300 + 200*
- Description of conveyance system (from POD to POU)
- Source(s) of water *2 pit wells.*
- Point of diversion/appropriation location
- Use, period of use, and rate for use *irrigation for grapes Mar 1 - Oct 31 - 48 cfs*
- Place of use location
- Type of use *irrigation*
- Extent of use *not same location (exactly) as transfer final order*
- Rate and Duty *48 cfs*
- Diversion rate for each use
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
 - Calculated capacity of system (required) *5.91 cfs total*
 - Measured amount of use (optional) *not running at time of site visit*
- Permit/Transfer Final Order Conditions
 - Time limits *Oct 1 2006*
 - Initial water level measurements
 - Annual static water level measurements
 - Measurement, recording, and reporting
 - Meter/measuring device *installed, not approved*
 - Water use reporting
 - Fish screening and/or by-pass
 - Pump test (ground water)
 - Other conditions
- CWRE stamp and signature
- Signature(s) of permittee or transfer holder

July 18, 2007

WTR

** nothing in COBU re. supplemental rights (see pg 3 of COBU)*

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
 33927 RIVERVIEW DR
 HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.5 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	3 N	29 E	WM	21	SE SE	720 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21
2	3 N	29 E	WM	21	SE SE	370 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing rights of others.

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

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 N	29 E	WM	21	SW SE			0.2
3 N	29 E	WM	21	SE SE			2.7
3 N	29 E	WM	28	NE NE			12.7
3 N	29 E	WM	28	NW NE			1.7
3 N	29 E	WM	28	SW NE			4.7
3 N	29 E	WM	28	SE NE			16.5

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued _____.

Phillip C. Ward, Director

Mailing List for Transfer Certificate

Mailing Date:

Application: T-9684

Certificate:

Certificate/Transfer Holder: (include copy of map)

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Copies Mailed
By: (SUPPORT STAFF)
on: (DATE)

Persons to receive copies of proposed certificate: (Include map)

1. Watermaster #5 (include copy of map)
2. Dale G. VanSchoiack, CWRE

Copies (of final certificate) to be sent to:

1. Watermaster #5 (include copy of map)
2. Data Center
3. Water Availability
4. Vault
5. File
6. Dale G. VanSchoiack, CWRE

Record Marking(s):

1. Original Application: G-8976
2. Old Certificate# 53082

WATER RIGHT TRANSFER APPLICATION
TRANSFERS 9683 and 9684
AUTHORIZED PLACE OF USE
("FROM" AREAS)
SECTIONS 28 AND 33, T. 3 N., R. 29 E., W.M.
UMATILLA COUNTY, OREGON
APPLICANTS: LLOYD AND LOIS PIERCY

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>1/4 1/4</u>	<u>TAX LOT</u>	<u>ACRES</u>
T. 3 N.	R. 29 E.	28	SW1/4NE1/4	7200	9.7 ✓
T. 3 N.	R. 29 E.	28	SE1/4NE1/4	7200	1.8 ✓
T. 3 N.	R. 29 E.	28	SE1/4SW1/4	7200	1.0 ✓
T. 3 N.	R. 29 E.	28	SW1/4SE1/4	7200	3.0 ✓
T. 3 N.	R. 29 E.	28	SE1/4SE1/4	7200	5.2 ✓
T. 3 N.	R. 29 E.	33	NE1/4NW1/4	7200	3.6 ✓
T. 3 N.	R. 29 E.	33	NW1/4NE1/4	7200	1.7 ✓
T. 3 N.	R. 29 E.	33	NE1/4NE1/4	7200	5.2 ✓
T. 3 N.	R. 29 E.	33	SW1/4NE1/4	7200	4.5 ✓
T. 3 N.	R. 29 E.	33	SE1/4NE1/4	7200	2.8 ✓
TOTAL:					38.5 ✓

REVISED MAY 20, 2004

6. PROPOSED CHANGES TO THE WATER RIGHT

N/A

Change in Character of Use: (n/a Permit Amendment)

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

N/A

Change in Point of Diversion or Point of Appropriation:

- Change**
Old point of diversion or point of appropriation will not be used for this portion of the water right.
- Additional**
Both old and new points of diversion or points of appropriation will be used for this portion of the water right.
- Surface Water to Ground Water**
New point of appropriation will be used in the place of the old point of diversion. This is not an additional point of appropriation.

N/A

Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

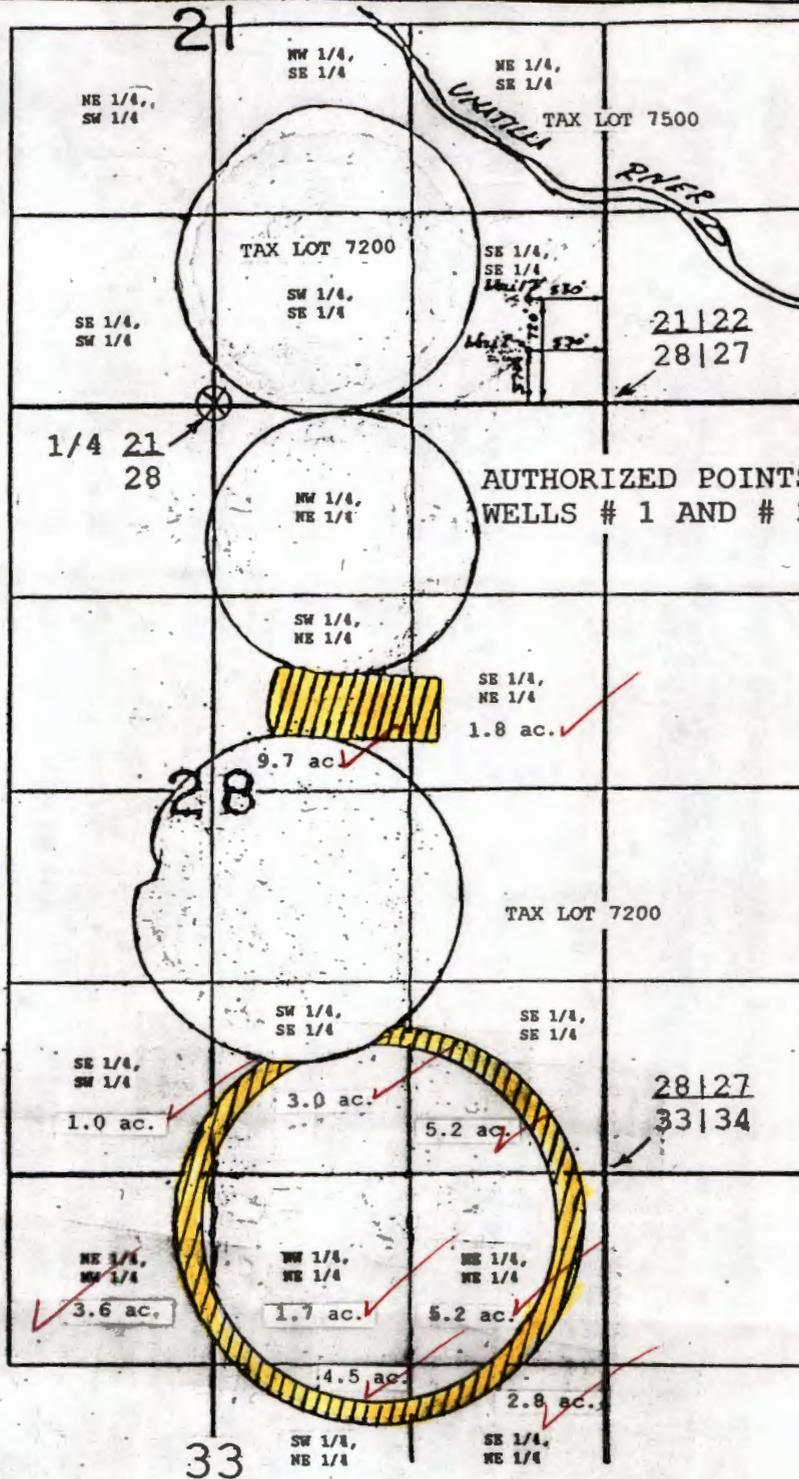
Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
T3N	R29E	21		SE 1/4 SE 1/4	7200	2.7
T3N	R29E	28		NE 1/4 NE 1/4	7200	14.0
T3N	R29E	28		NW 1/4 NE 1/4	7200	0.8
T3N	R29E	28		SE 1/4 NE 1/4	7200	19.0
T3N	R29E	27		SW 1/4 NW 1/4	7200	2.0
						(38.5)

Remarks: _____

T. 3N.,
R. 29E.,
W.M.



AUTHORIZED POINTS OF APPROPRIATION.
WELLS # 1 AND # 2.

SCALE 1" = 1320'

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 28 AND 33, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY
 T - 9683 and T - 9684

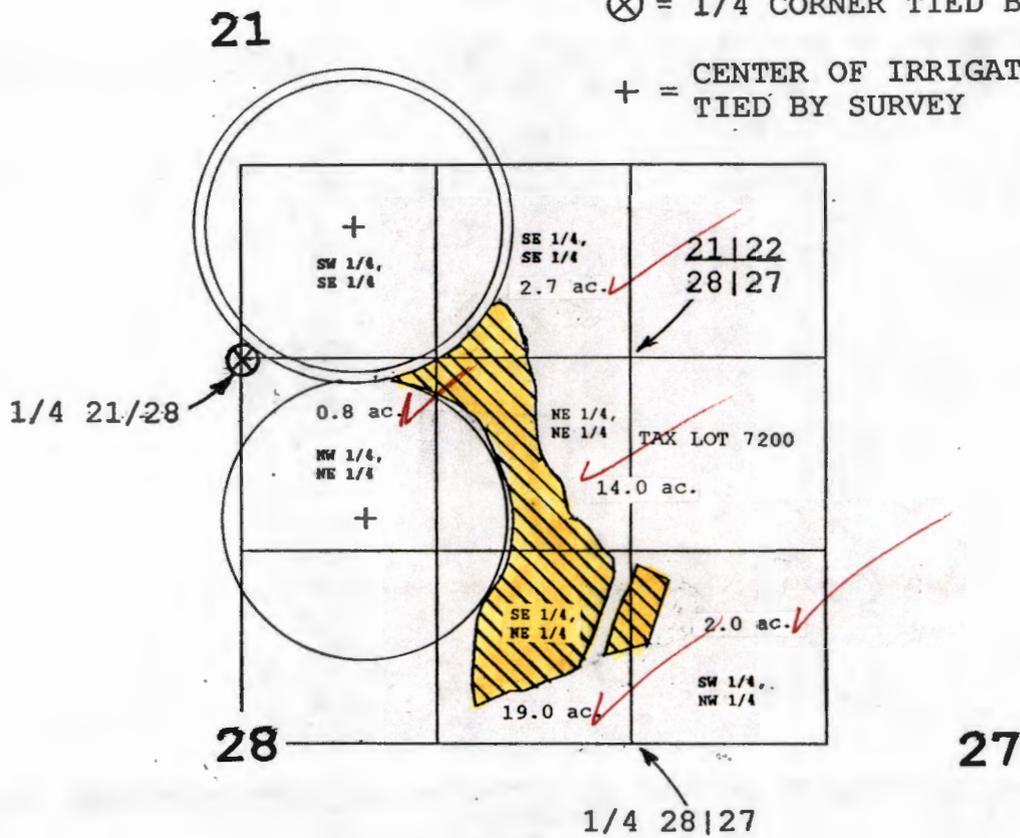
- LEGEND**
- ⊗ = TRANSFER "FROM" AREA
 - ⊗ = CORNER TIED BY SURVEY



MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 27 AND 28, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY

LEGEND

- ⊗ = TRANSFER "TO" AREA
- ⊗ = 1/4 CORNER TIED BY SURVEY
- + = CENTER OF IRRIGATION CIRCLE TIED BY SURVEY



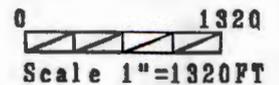
THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.



DENNIS L. GAYLORD, CWRE
 71614 S.W. LAKE DRIVE
 PENDLETON, OR 97801
 541 - 276 - 6260
 REVISED MAY 20, 2004



RENEWS JUNE 30, 2005



STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

RON HOLEMAN
PO BOX 113
ECHO, OREGON 97826

(541)376-8165

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84325

SOURCE OF WATER: HOLEMAN RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84324, PERMIT R-13006, TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 356.8 ACRES

MAXIMUM VOLUME ALLOWED: 105.0 ACRE-FEET (AF)

PERIOD OF USE: JUNE 1 THROUGH OCTOBER 31

DATE OF PRIORITY: February 11, 2000 ;

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 28, T3N, R29E, W.M.; 500 FEET NORTH AND 1600 FEET WEST OF W 1/4 CORNER OF THE NE QUARTER OF SECTION 28

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 0.6 ACRES
SE 1/4 SW 1/4 4.8 ACRES
NE 1/4 SE 1/4 3.6 ACRES
NW 1/4 SE 1/4 18.8 ACRES
SW 1/4 SE 1/4 38.5 ACRES
SE 1/4 SE 1/4 9.2 ACRES

SECTION 21

NE 1/4 NE 1/4 ~~9.6~~ ACRES
NW 1/4 NE 1/4 35.0 ACRES
SW 1/4 NE 1/4 23.3 ACRES

Handwritten: +17.6

SE 1/4 NE 1/4	2.0 ACRES	2.0 + 2.1
NE 1/4 NW 1/4	0.4 ACRES	
SE 1/4 NW 1/4	0.6 ACRES	
NE 1/4 SW 1/4	12.8 ACRES	
SE 1/4 SW 1/4	3.1 ACRES	→ 2.1
NE 1/4 SE 1/4	8.4 ACRES	
NW 1/4 SE 1/4	40.0 ACRES	
SW 1/4 SE 1/4	38.1 ACRES	→ 35.1
SE 1/4 SE 1/4	18.8 ACRES	→ 13.6
SECTION 28		
NE 1/4 NE 1/4	32.4 ACRES	27.2
NW 1/4 NE 1/4	39.7 ACRES	38
SW 1/4 NE 1/4	8.2 ACRES	3.7
SE 1/4 NE 1/4	4.1 ACRES	1.3
NE 1/4 NW 1/4	4.8 ACRES	1.2

SECTION 33

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result

in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

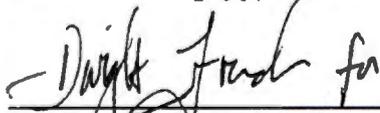
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 27, 2001



Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

RECEIVED

NOV 12 1999

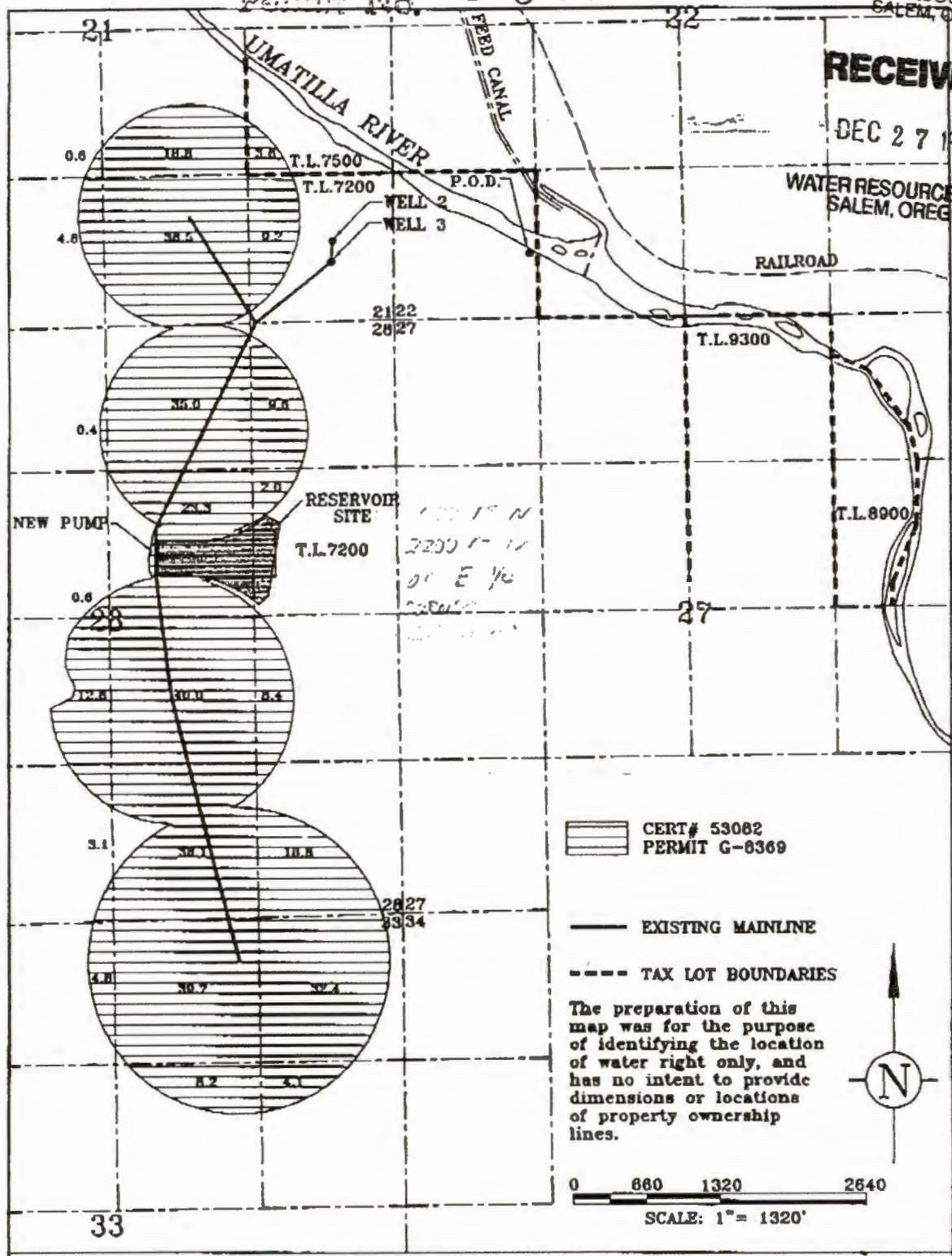
Application No. *WA-84325*
Permit No. *S-53733*

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

DEC 27 1999

WATER RESOURCES DEPT.
SALEM, OREGON



RON HOLEMAN SURFACE WATER APPLICATION
T.3N. R.29E. W.M.

ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder () ## *T-9684
G-8976 Permit () ## _____

Certificate () ## 53082 Canceled due to
T-~~9684~~; Sp. Or. Vol. 63 P. 532
Trans App Register ()
Trans Name Index ()

Sp. OR ()
Decree () Vol _____ Page _____ Vol _____ Page _____

COPIES MADE Order () Certificate ()

File () () Data Center () () Watermaster () () Applicant () ()
ISWR Liason () () _____ Water Use Reporting () () _____
CWRE () () Dennis Gaylord I.District () () _____
Other () () _____ Other () () _____

SEND copy of application map to watermaster _____

LETTER TO:

Applicant () CWRE () _____
I.D. () _____ Other () _____

EMAIL PROCESSOR

NWR () NCR () SWR () SCR () BR () Vern/mike/ken

ENCLOSURES

Special Order () Vol 63 Page 532 Certificate () 81319
() Vol _____ Page _____ () _____
() _____

DATE SIGNED: 3-28-05

FILE SET-UP

File Number	Set - Up Date	For Whom
_____	<u>10-1-06</u>	<u>10-1-07</u>
_____	_____	_____
_____	_____	_____

SEND TO:

Fiscal Section () Other () _____

NOTES: _____

*send to:
Ron Holman*

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

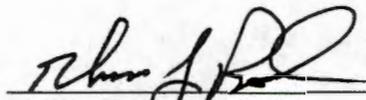
The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


for Phillip C. Ward
Director

Mailing date: APR 05 2005

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON HOLEMAN
BOX 617
ECHO, OREGON 97826

confirms the right to use the waters of WELLS #1 and 2, within the UMATILLA RIVER basin, for IRRIGATION OF 329.2 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the wells.

The wells are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WELL 1 - 720 FEET NORTH AND 530 FEET WEST; WELL 2 - 370 FEET NORTH AND 530 FEET WEST, BOTH FROM THE SE CORNER, SECTION 21;

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 ACRES

SECTION 21

NE ¹ / ₄ NE ¹ / ₄	9.6 ACRES
NW ¹ / ₄ NE ¹ / ₄	35.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	22.3 ACRES
SE ¹ / ₄ NE ¹ / ₄	2.4 ACRES
NE ¹ / ₄ NW ¹ / ₄	0.4 ACRE
SE ¹ / ₄ NW ¹ / ₄	0.6 ACRE
NE ¹ / ₄ SW ¹ / ₄	12.8 ACRES
SE ¹ / ₄ SW ¹ / ₄	2.1 ACRES
NE ¹ / ₄ SE ¹ / ₄	8.4 ACRES
NW ¹ / ₄ SE ¹ / ₄	40.0 ACRES
SW ¹ / ₄ SE ¹ / ₄	35.1 ACRES
SE ¹ / ₄ SE ¹ / ₄	13.6 ACRES

SECTION 28

NE ¹ / ₄ NE ¹ / ₄	27.2 ACRES
NW ¹ / ₄ NE ¹ / ₄	38.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	3.7 ACRES
SE ¹ / ₄ NE ¹ / ₄	1.3 ACRES
NE ¹ / ₄ NW ¹ / ₄	1.2 ACRE

SECTION 33

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 53082, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 28 2005, approving Transfer Application 9684.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MARCH 28, 2005.


 Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81319



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 4, 2005

LLOYD P PIERCY
LOIS J PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Reference: Transfer 9684

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson

dp Doug Parrow
Natural Resource Specialist

DP:sh

cc: Tony Justus, Watermaster #5
Dennis Gaylord, CWRE
Vern Church, North Central Region
Ken Dowden, North Central Region
Mike Ladd, Regional Manager
Ron Holeman, Landowner

Enclosure



Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

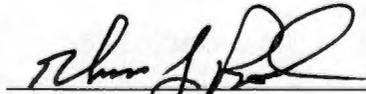
The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


for Phillip C. Ward
Director

Mailing date: APR 05 2005

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON HOLEMAN
BOX 617
ECHO, OREGON 97826

confirms the right to use the waters of WELLS #1 and 2, within the UMATILLA RIVER basin, for IRRIGATION OF 329.2 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the wells.

The wells are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WELL 1 - 720 FEET NORTH AND 530 FEET WEST; WELL 2 - 370 FEET NORTH AND 530 FEET WEST, BOTH FROM THE SE CORNER, SECTION 21;

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 ACRES

SECTION 21

NE ¹ / ₄ NE ¹ / ₄	9.6 ACRES
NW ¹ / ₄ NE ¹ / ₄	35.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	22.3 ACRES
SE ¹ / ₄ NE ¹ / ₄	2.4 ACRES
NE ¹ / ₄ NW ¹ / ₄	0.4 ACRE
SE ¹ / ₄ NW ¹ / ₄	0.6 ACRE
NE ¹ / ₄ SW ¹ / ₄	12.8 ACRES
SE ¹ / ₄ SW ¹ / ₄	2.1 ACRES
NE ¹ / ₄ SE ¹ / ₄	8.4 ACRES
NW ¹ / ₄ SE ¹ / ₄	40.0 ACRES
SW ¹ / ₄ SE ¹ / ₄	35.1 ACRES
SE ¹ / ₄ SE ¹ / ₄	13.6 ACRES

SECTION 28

NE ¹ / ₄ NE ¹ / ₄	27.2 ACRES
NW ¹ / ₄ NE ¹ / ₄	38.0 ACRES
SW ¹ / ₄ NE ¹ / ₄	3.7 ACRES
SE ¹ / ₄ NE ¹ / ₄	1.3 ACRES
NE ¹ / ₄ NW ¹ / ₄	1.2 ACRE

SECTION 33

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

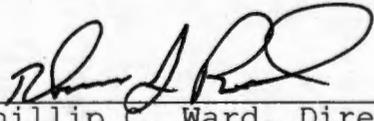
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 53082, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 28 2005, approving Transfer Application 9684.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources

Director, affixed MARCH 28, 2005.


 Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81319

T-9684

T-9684 NC Reg

T-9684

Name Lloyd P. & Lois J. Piracy
 By _____
 Address 33927 Riverview DR
Hurmiton, OR 97838
541-567-1506
 Change in 3-25-04
 Date filed POU
 Date of hearing _____
 Place of hearing _____
 Date of order _____ Vol. _____, page _____
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Well
 Trib. of Umatilla River County of Umatilla
 Use Irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 10-20-1978
 In name of Ron Holman
 _____ Adjudication, Vol. _____, page _____
 App. No. G-8976 Per. No. G-8369 Cert. No. S3082
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3/25/04	350.00	60198
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NOID
WRE #53 Dennis Gaylord

Ken
 Send to: E SC NC NW SW
 Watermaster #: 5
 ODFW# 55 Yes No
 GW Yes No



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 20, 2004

Lloyd & Lois Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

REFERENCE: Transfer 9684

On 03/25/2004 we received your water right transfer application requesting a change in **place of use** for use of water from **a Well**. The application was accompanied by \$ 350.00. Our receipt 66198 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503) 986-0900.

cc: Watermaster #5, Tony Justus
CWRE #53, Dennis Gaylord

enclosure

Vern Church
Watermaster, District 21
P.O. Box 427
Condon, Oregon 97823

**Water Resources
Department**

Memo

To: Mike Ladd, North-Central Region Manager
From: Vern Church
Date: August 3, 2004
Re: Transfer application 9684

Transfer application 9684 was filed to change the place of use within the Umatilla River Basin.

The Watermaster staff have reviewed the transfer application and found that no injury to existing rights or enlargement would result from the change.

No comments or protests were received or submitted.

I recommend that the transfer be forwarded to Salem with the Final Order to be approved.

OK
dyp
2-23-05

FO
OK
dyp
3-28-05

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in application T-9684 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Water Right Certificate 53082 and Permit 53733.
2. The proposed change shall be completed on or before October 1, 2006.
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
4. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved

by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

5. The former place of use shall no longer receive water under the original authorized use of the water right.

Dated at Salem, Oregon this 2Ath day of FEBRUARY, 2005.



for Phillip C. Ward
Director

This Preliminary Determination was prepared by Vernon L. Church. If you have any questions about the information in this document, you may reach me at (541)384-4207 or Vernon.L.Church @ wrd.state.or.us.

**Notice of Preliminary Determination for
Water Right Transfer T-9684**

T-9684 filed by Lloyd P. & Lois J. Piercy, proposes a change in place of use under Certificate 53082. The right allows the use of 0.48 cfs (priority date 10-20-1978) from a diversion in Sec. 21, T3N, R29E, W.M. (Umatilla River Basin) for irrigation in Sec. 21. The applicant proposes to change the place of use to Sec. 28, T3N, R29E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

February 18, 2005

Lloyd P. & Lois J. Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

SUBJECT: Transfer Application T-9684

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-9684.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Sincerely,

Doug Parrow
Field Services Division

cc: District 5 Watermaster
Dennis Gaylord, CWRE

encs

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON HOLEMAN
BOX 617
ECHO, OREGON 97826

confirms the right to use the waters of WELLS #1 and 2, within the UMATILLA RIVER basin, for IRRIGATION OF 329.2 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the wells.

The wells are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WELL 1 - 720 FEET NORTH AND 530 FEET WEST; WELL 2 - 370 FEET NORTH AND 530 FEET WEST, BOTH FROM THE SE CORNER, SECTION 21;

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

SEE NEXT PAGE

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 ACRES

SECTION 21

NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.6 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	22.3 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.1 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.6 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.2 ACRE

SECTION 33

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate describes that portion of the water right confirmed by Certificate 53082, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 9684.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director,
affixed _____.

Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered XXXXX.

T-9684.KDD



STATE OF OREGON
 COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This is to certify, That RON HOLEMAN

of Box 617, Echo, State of Oregon 97826, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of two wells

a tributary of Umatilla River for the purpose of irrigation of ~~367.7~~ 329.2 acres

under Permit No. G-8369 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

October 20, 1978 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

4.12 ~~4.6~~ cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE 1/4 SE 1/4, Section 21, T3N, R29E, WM; #1 - 720 feet North and 530 feet West; #2 - 370 feet North and 530 feet West, both from SE Corner, Section 21.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others,

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

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

SEE NEXT PAGE

T-9684
 T-7683

C # 53082

RR T

0.6 acre NE 1/4 SW 1/4
 4.8 acres SE 1/4 SW 1/4
 3.6 acres NE 1/4 SE 1/4
 18.8 acres NW 1/4 SE 1/4
 38.5 acres SW 1/4 SE 1/4
 9.2 acres SE 1/4 SE 1/4

Section 21

9.6 acres NE 1/4 NE 1/4
 35.0 acres NW 1/4 NE 1/4
 32.0 acres SW 1/4 NE 1/4 — 22.3 9.7
 4.2 acres SE 1/4 NE 1/4 — 2.4 1.8
 0.4 acre NE 1/4 NW 1/4
 0.6 acre SE 1/4 NW 1/4
 12.8 acres NE 1/4 SW 1/4
 3.1 acres SE 1/4 SW 1/4 — 2.1 1.0
 8.4 acres NE 1/4 SE 1/4
 40.0 acres NW 1/4 SE 1/4
 38.1 acres SW 1/4 SE 1/4 — 35.1 3.0
 18.8 acres SE 1/4 SE 1/4 — 13.6 5.2

Section 28

32.4 acres NE 1/4 NE 1/4 — 27.2 5.2
 39.7 acres NW 1/4 NE 1/4 — 38.0 1.7
 8.2 acres SW 1/4 NE 1/4 — 3.7 4.5
 4.1 acres SE 1/4 NE 1/4 — 1.3 2.8
 4.8 acres NE 1/4 NW 1/4 — 1.2 3.6

Section 33

Township 3 North, Range 29 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date. May 7, 1985

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48 , page 53082

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

~~RON HOLEMAN~~~~PO BOX 113~~~~ECUO, OREGON 97826~~

Assigned to: Lloyd & Lois Pierce 1-13-2004
33927 Riverview Dr.
Neerimaton, OR 97838

(541) 376-8165

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84325

SOURCE OF WATER: HOLEMAN RESERVOIR, CONSTRUCTED UNDER APPLICATION R-84324, PERMIT R-13006, TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 356.8 ACRES

MAXIMUM VOLUME ALLOWED: 105.0 ACRE-FEET (AF)

PERIOD OF USE: JUNE 1 THROUGH OCTOBER 31

DATE OF PRIORITY: February 11, 2000

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 28, T3N, R29E, W.M.; 500 FEET NORTH AND 1600 FEET WEST OF W 1/4 CORNER OF THE NE QUARTER OF SECTION 28

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	0.6 ACRES
SE 1/4 SW 1/4	4.8 ACRES
NE 1/4 SE 1/4	3.6 ACRES
NW 1/4 SE 1/4	18.8 ACRES
SW 1/4 SE 1/4	38.5 ACRES
SE 1/4 SE 1/4	9.2 ACRES
SECTION 21	
NE 1/4 NE 1/4	9.6 ACRES
NW 1/4 NE 1/4	35.0 ACRES
SW 1/4 NE 1/4	23.3 ACRES

Application S-84325 Water Resources Department

PERMIT 53733

SE 1/4 NE 1/4 2.0 ACRES
 NE 1/4 NW 1/4 0.4 ACRES
 SE 1/4 NW 1/4 0.6 ACRES
 NE 1/4 SW 1/4 12.8 ACRES
 SE 1/4 SW 1/4 3.1 ACRES
 NE 1/4 SE 1/4 8.4 ACRES
 NW 1/4 SE 1/4 40.0 ACRES
 SW 1/4 SE 1/4 38.1 ACRES
 SE 1/4 SE 1/4 18.8 ACRES

SECTION 28 -

NE 1/4 NE 1/4 32.4 ACRES
 NW 1/4 NE 1/4 39.7 ACRES
 SW 1/4 NE 1/4 8.2 ACRES
 SE 1/4 NE 1/4 4.1 ACRES
 NE 1/4 NW 1/4 4.8 ACRES

SECTION 33 -

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result

in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

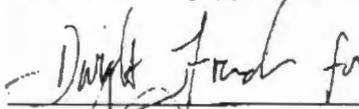
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 27, 2001


 Paul R. Cleary, Director
 Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application S-84325 Water Resources Department
 Basin 07 Volume 3 UMATILLA R
 JWG WEEK 297

PERMIT 53733
 District 5



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Watermaster District 21
Gilliam County Courthouse
P.O. Box 427
Condon, OR 97823
(541) 384-4207

July 7, 2004

Lloyd P. and Lois J. Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

7-13-04
Lois called ok
draft PD go
forward.
Vern

REFERENCE: Transfer T-9684

The Department has completed its examination of your water right transfer application T-9684 involving a request to change a place of use. The Department can make a finding that the proposed change in your amended application can be effected without injury to other existing water rights.

The attached draft preliminary evaluation indicates that the proposed change will not result in injury to existing rights and will not be an enlargement of the rights. Please review the attached copy of the draft preliminary evaluation and decide whether you want to continue with your transfer application or not. If you choose not to proceed, you may withdraw your application and receive a refund.

Incorporated into the draft preliminary determination are conditions the Department is proposing in order to continue with the processing of your application.

If you agree to the recommended conditions, we can continue processing your application.

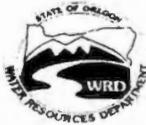
Please contact me by July 20, 2004 if you should have any questions or if you disagree with the conditions proposed. My number is (541) 384-4207.

Sincerely,

Vern Church
Watermaster, District 21

Enclosure

cc: Mike Ladd, N.C. Region Manager
Tony Justus, Watermaster District 5
Ken Dowden, North Central Region Transfer Specialist



Oregon Water Resources Department
158 12th Street NE
Salem Oregon 97301-4172
(503) 378-8455
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

App!

APPLICATION FOR:

Please check one

- Water Right Transfer
- Permit Amendment
- Temporary Transfer
(# of years _____)
- Drought Transfer
- Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: LLOYD P. (AND) LOIS J. PIERCY
First Last

Address: 33927 Riverview Dr.
HERMISTON OR 97838
City State Zip

Phone: 541) 567-1506 or 541) 561-4642 Cell
Home Work Other

*Fax: N/A *E-Mail address: N/A

*Optional information

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: N/A
First Last

Address: N/A
City State Zip

Phone: N/A
Home Work Other

*Fax: N/A *E-Mail address: _____

*Optional information

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MAR 25 2004

MAR 11 2004

Transfer Application/ 1

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

T-9684

COPY

3. TYPE OF CHANGE

- Use
- Place of Use
- Point of Diversion
- Point of Appropriation
- Historic Point of Diversion
- Substitution
- Surface Water to Ground Water

Reason for change: Developing a vineyard

4. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Is the affected water right located within or served by an irrigation or other water district?

Yes No

Will the affected water right be located within or served by an irrigation or other water district after the proposed transfer?

Yes No

If yes for either, list the name and mailing address of each district:

N/A
N/A
N/A

Attach the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, tribal governments)

N/A
N/A
N/A

5. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: RON HOLEMAN

Decree: _____

Not applicable

Permit Number: G-8369 Certificate Number: 53082

Not applicable Not applicable

Claim of Beneficial Use - Date Submitted _____

Permit Amendment Only - Requesting the Department to determine if the requirement for proof has been met.]
Completion Date of Permit: _____

Priority Date: Oct. 20 1978 Authorized Use: IRRIGATION

Source of Water: Two wells County: Umatilla

Are there other sources listed on the water right? Yes No

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SALEM, OREGON

Transfer Application/ 2

T-9684

Location of Authorized Point(s) of Diversion or Point(s) of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
720' N. & 530' W. of SE COR. S 21	SE 1/4, SE 1/4	S 21	T 3N	R 29E
370' N. & 530' W. of SE. COR. S 21	SE 1/4, SE 1/4	S 21	T 3N	R 29E

Location of Authorized Place of Use: (Only list portion of water right subject to transfer)

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
		See	Attached			

Are there other lands described in the water right? Yes No

Are there other water rights or permits associated with this land? Yes No
(e.g., supplemental water rights) If yes, attach a copy of all rights or permits.

Describe the current water delivery system (n/a Permit Amendment). The description must demonstrate that the applicant is ready, willing, and able to exercise the right. Include information on the capacity of any pumps, canals, and pipelines used to divert and convey the water to the authorized place of use.

Sprinkler irrigation w/ circles, hand
lines and enclosed mainline

System capacity (in cfs): 0.48 cfs

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Transfer Application/3

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SALEM, OREGON

APPLICATION FOR WATER RIGHT TRANSFER

Lloyd and Lois Piercy

Permit G - 8369 Certificate 53082

Located within

Sections 21, 27, 28 and 33, T. 3 N., R. 29 E., W.M.

Umatilla County, Oregon

3. CURRENT WATER RIGHT INFORMATION

Location of Authorized Place of Use:

TWSP.	RNGE.	SEC.	1/4 1/4	TAX LOT	ACRES
T3N	R29E	21	NE 1/4, SW 1/4	7200	0.5
T3N	R29E	21	SE 1/4, SW 1/4	7200	1.9
T3N	R29E	21	NE 1/4, SE 1/4	7500	1.1
T3N	R29E	21	NW 1/4, SE 1/4	7200	2.9
T3N	R29E	21	SW 1/4, SE 1/4	7200	1.9
T3N	R29E	21	SE 1/4, SE 1/4	7200	2.4
T3N	R29E	28	NW 1/4, NE 1/4	7200	0.9
T3N	R29E	28	SW 1/4, NE 1/4	7200	9.7
T3N	R29E	28	SE 1/4, NE 1/4	7200	1.8
T3N	R29E	28	SE 1/4, SW 1/4	7200	0.9
T3N	R29E	28	SW 1/4, SE 1/4	7200	1.4
T3N	R29E	28	SE 1/4, SE 1/4	7200	3.1
T3N	R29E	33	NE 1/4, NE 1/4	7200	2.9
T3N	R29E	33	NW 1/4, NE 1/4	7200	0.7
T3N	R29E	33	SW 1/4, NE 1/4	7200	2.5

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SALEM, OREGON

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WATER RESOURCES DEPT
SALEM, OREGON

T-9684

T3N	R29E	33	SE 1/4, NE 1/4	7200	1.7
T3N	R29E	33	NE 1/4, NW 1/4	7200	2.2
					<hr/>
					TOTAL: 38.5 ACRES

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SALEM, OREGON

T-9684

7. LAND OWNERSHIP

Use/Place of Use

Are there any lien holders identified in the Lot Book Report? Yes No

If yes, list the name and address of lien holder: _____

_____ Lease Lease Agri Business _____

If yes, the applicant must provide written notification of the proposed transfer to each lien holder.

Answer only if for change in Character of Use or Place of Use.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: N/A
(List all landowners shown on deed.)

Address(es): _____
_____ City State Zip

The application must include notarized statements granting permission for the transfer from each landowner listed on the Lot Book Report. Attach extra sheets as necessary.

Answer only if the applicant is not the landowner.

Receiving Landowner

Name: N/A

Address: _____
_____ City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. This includes perfection of the changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant.

Answer only if the receiving landowner is not the original landowner or the applicant.

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SALEM, OREGON

7-9684

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MAR 11 2004

WATER RESOURCES DEPT
SALEM OREGON

8. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
 - ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Map:

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

Lot Book Report:

- (n/a Permit Amendment)
- A lot book report for the land to which the water right is apputenant prepared by a title company. If the applicant is not the land owner as shown by the lot book report, the applicant shall provide a notarized and signed statement from the land owner authorizing the change.

Evidence of use within last five years, or not subject to forfeiture:

- (n/a Permit Amendment)
- Evidence that the water has been used over the past five years in accordance with the terms and conditions of the right or that the right is not subject to forfeiture under ORS 540.610.

Water Well Reports: *N/A*

- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

Amount enclosed \$ ~~395.00~~ *350.00*

9. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

[Signature] _____ *3/10/04*
applicant signature name (print) date

[Signature] _____ *3/10/04*
applicant signature name (print) date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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RECEIVED

MAR 25 2004

MAR 11 2004

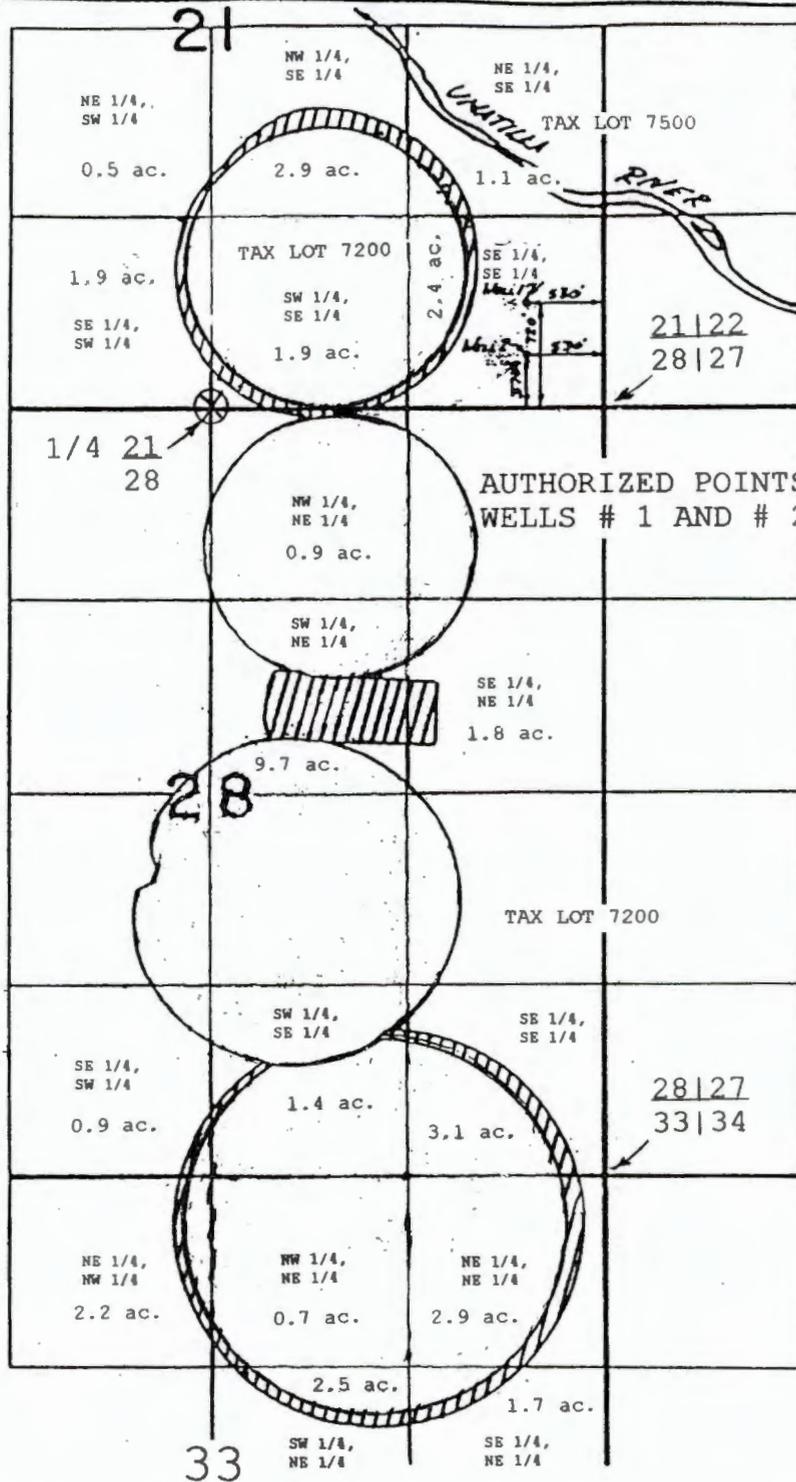
WATER RESOURCES DEPT
SALEM, OREGON

Transfer Application/ 6

1-9684

WATER RESOURCES DEPT
SALEM, OREGON

T. 3N.,
R. 29E.,
W.M.



AUTHORIZED POINTS OF APPROPRIATION.
WELLS # 1 AND # 2.

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APR 08 2004
WATER RESOURCES DEPT
SALEM, OREGON

SCALE 1"=1320'

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
NEW PLACE OF USE
AFFECTING A PORTION OF
PERMIT G - 8369 CERTIFICATE 53082
SECTIONS 21, 28 AND 33, T. 3 N., R. 29 E., W.M.
UMATILLA COUNTY, OREGON
APPLICANTS: LLOYD AND LOIS PIERCY

LEGEND

- ⊗ = TRANSFER "FROM" AREA
- ⊗ = CORNER TIED BY SURVEY

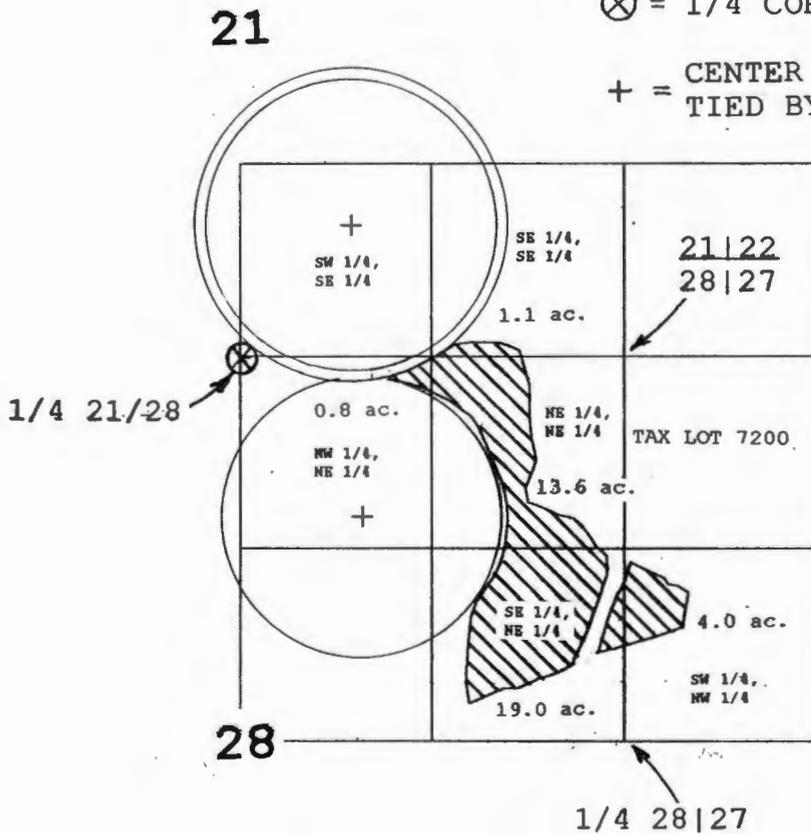
T-9684

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 27 AND 28, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY



LEGEND

- ⊗ = TRANSFER "TO" AREA
- ⊗ = 1/4 CORNER TIED BY SURVEY
- + = CENTER OF IRRIGATION CIRCLE TIED BY SURVEY



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 APR 08 2004
 WATER RESOURCES DEPT
 SALEM, OREGON

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

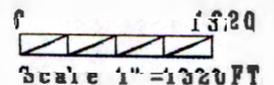
Dennis L. Gaylord
 Certified Water Right Examiner
 # 33
 Dennis L. Gaylord
 Nov. 19, 1987
 STATE OF OREGON

DENNIS L. GAYLORD, CWRE
 71614 S.W. LAKE DRIVE
 PENDLETON, OR 97801
 541 - 276 - 6260

©

RENEWS JUNE 30, 2003

T-9684



Lloyd & Lois Piercy 541) 567-1506
33927 Riverview Dr
Hermiston, Or 97838

June 24, 2004

Water Resource Department #21
P.O. Box 427
Condon, Oregon 97823

Amend-
to
appl.

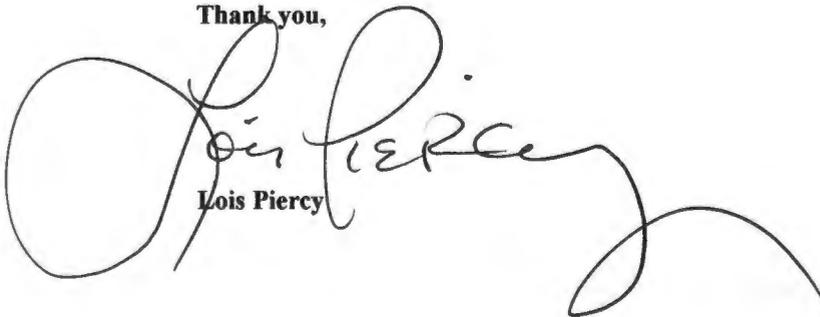
Attn: Vern Church
541) 384-4207

Re: Transfer #9684
Amendment & Modification

Per your letter of 6/14/04, we are replying to your request to address maps that were sent to your office 5/20/04. We are asking for an amendment to the above water transfer application to include the "FROM" and "TO" maps which are enclosed (4 pages).

We also are asking to modify the above transfer application #9684 to include the enclosed (6 pages) supplemental irrigation permit.

Thank you,



Lois Piercy



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO: Ken Dowden DATE: 4-19-04
FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM: WATERMASTER, DISTRICT # 5
 GROUNDWATER SECTION

(SIGNATURE) Tony Justo signed by injury reviewer date signed 5/28/04

SUBJECT: WATER RIGHT TRANSFER # 9684

A change in POU POD POA USE of water.

In the name(s) of Lloyd + Lois Piercy

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because With revised maps and listing (Attached). Applicant will remove 2 sections of "From" creek. Also condition to comply with settlement agreement from Circuit Court case # CV950538

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

X (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

PH
4/24

10/13/25 11:05:52

BjB

1
2
3
4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF UMATILLA

6 ROLLAND HOLEMAN,
7 Plaintiff,

Case No. CV950538

STIPULATED ORDER FOR DISMISSAL WITH
PREJUDICE

8 v.

9 STATE OF OREGON, acting by and through
10 its Water Resources Department,
11 Defendants.

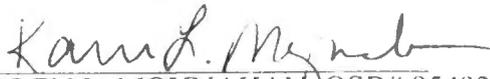
12 The Parties stipulate to a complete dismissal of the above-captioned cause with prejudice,
13 and without costs or fees to any party as the matter has been fully compromised and resolved
14 between the parties.

15 IT IS SO STIPULATED:

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18 STEPHEN M. BLOOM, OSB#77118
19 Attorney for Plaintiff



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21 KAREN L. MOYNAHAN, OSB# 95492
22 Assistant Attorney General
Of Attorneys for Defendants

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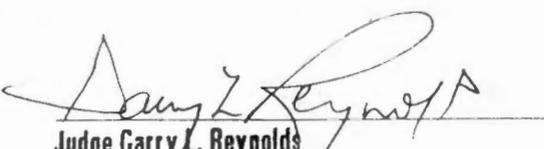


ORDER

It appearing to the Court that this matter has been fully compromised and resolved, now, therefore:

IT IS HEREBY ORDERED that the above-entitled cause is dismissed with prejudice, and without costs or attorney fees to either party.

DATED this 24 day of March, 1999.


Judge Garry L. Reynolds
Circuit Court Judge

Submitted by: Karen L. Moynahan
Assistant Attorney General
Of Attorneys for Defendants

Approved as to Form: Stephen M. Bloom
Attorney for Plaintiff

SETTLEMENT AGREEMENT

This agreement memorializes a settlement which has been reached between Rolland Holeman and the Oregon Water Resources Department. The Terms of this agreement are set forth below.

A. RECITALS

1. Rolland Holeman (hereinafter, "Holeman") is the owner of real property located in Umatilla County, Oregon and the holder of ground water rights for three wells on that property, being Permit Nos. G-8369 and G-7367, Certificate Nos. 53082 and 53080.

2. On June 1, 1995, the Oregon Water Resources Department (hereinafter, "WRD") advised Holeman that he was required to terminate the use of his three wells for irrigation due to a call for water by the West Extension Irrigation District, a holder of a surface water right with a priority date senior to the priority date for Holeman's ground water rights.

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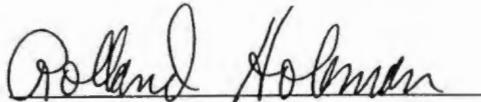
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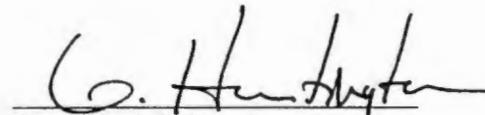
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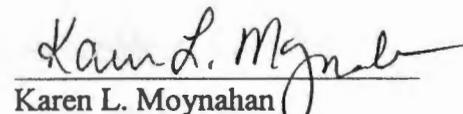

Rolland Holeman
Petitioner


Geoffrey M. Huntington
Deputy Director
Water Resources Department

Approved as to Form:


Stephen M. Bloom, Esq.
Attorney for Petitioner

Approved as to Form:


Karen L. Moynahan
Assistant Attorney General
Attorney for State of Oregon

TRI30744/KLM/cls

(T 9684)

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROLLAND HOLEMAN,

Plaintiff,

v.

STATE OF OREGON, acting by and through
its Water Resources Department,

Defendants.

Case No. CV950538

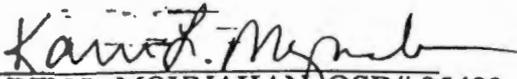
STIPULATED ORDER FOR DISMISSAL WITH
PREJUDICE

The Parties stipulate to a complete dismissal of the above-captioned cause with prejudice,
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IT IS SO STIPULATED:



STEPHEN M. BLOOM, OSB#77118
Attorney for Plaintiff



KAREN L. MOYNAHAN, OSB# 95492
Assistant Attorney General
Of Attorneys for Defendants

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IT IS HEREBY ORDERED that the above-entitled cause is dismissed with prejudice, and without costs or attorney fees to either party.

DATED this ____ day of March, 1999.

Circuit Court Judge

Submitted by: Karen L. Moynahan
Assistant Attorney General
Of Attorneys for Defendants

Approved as to Form: Stephen M. Bloom
Attorney for Plaintiff

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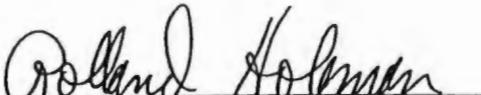
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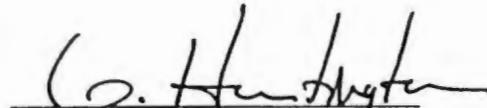
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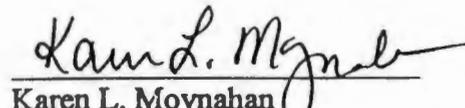

Rolland Holeman
Petitioner


Geoffrey M. Huntington
Deputy Director
Water Resources Department

Approved as to Form:


Stephen M. Bloom, Esq.
Attorney for Petitioner

Approved as to Form:

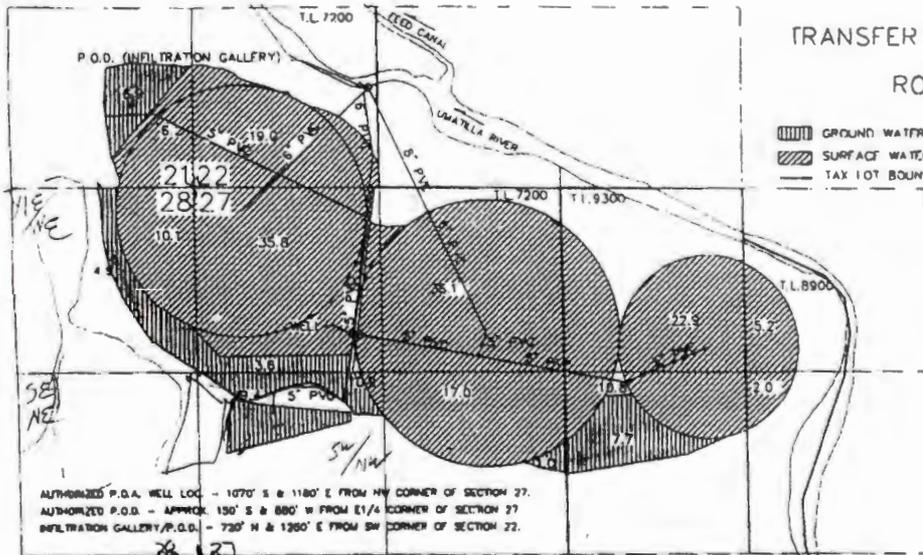

Karen L. Moynahan
Assistant Attorney General
Attorney for State of Oregon

TRI30744/KLM/cls

T. 3 N., R. 29 E., W.M

FINAL PROOF SURVEY

UNDER
TRANSFER NOS. 7156 & 8431
IN NAME OF
RON HOLEMAN



 GROUND WATER RIGHT
 SURFACE WATER RIGHT
 TAX LOT BOUNDARY



SCALE 1" = 660'

RECEIVED

26 11 1988

WATER DIVISION
LANDS & WATER RESOURCES DEPT.

AUTHORIZED P.O.D. WELL LOG - 1070' S & 1180' E FROM NW CORNER OF SECTION 27.
 AUTHORIZED P.O.D. - APPROX. 150' S & 880' W FROM E1/4 CORNER OF SECTION 27
 INFILTRATION GALLERY/P.O.D. - 720' N & 1280' E FROM SW CORNER OF SECTION 27.

The preparation of this map is for the purpose of
 identifying the location of water rights only, and
 has no intent to provide dimensions or locations
 of property ownership lines.

AUTHORIZED P.O.D.



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-9684, Umatilla County, Oregon)

D R A F T
PRELIMINARY DETERMINATION

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Lloyd P. and Lois J. Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

Findings of Fact

1. Lloyd P. and Lois J. Piercy filed an application to transfer the place of use under Certificate 53082. The Department assigned the application number T-9684.
2. On June 30, 2004, received authorization to amend the application to include the supplemental irrigation. Also received authorization to include the amended maps and application from the applicant.
3. The portion of the right to be transferred is as follows:

Certificate: 53082 in the name of Ron Holeman
Use: Irrigation
Priority Date: October 20, 1978
Quantity: 0.48 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.
Acres: 38.5
Source: two wells within the Umatilla Basin
POD: SE¼ SE¼, SECTION 21, T 3 N, R 29 E, W.M.; #1 – 720 feet North and 530 feet West; #2 – 370 feet North and 530 feet West, both from SE corner, Section 21.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

The proposed place of use is as follows:

Proposed Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NE	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2

3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

The proposed place of use is as follows:

Proposed Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in application T-9684 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 53082.
2. The proposed change shall be completed on or before October 1, 2005.
3. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

4. The former place of use shall no longer receive water under the original authorized use of the water right.

Dated at Salem, Oregon this ____ day of _____, 2004.

Phillip C. Ward
Acting Director

This Draft Preliminary Determination was prepared by Vernon L. Church. If you have any questions about the information in this document, you may reach me at (541)384-4207 or Vernon.L.Church @wrđ.state.or.us.

Protest Rights and Standing

Protests may be filed by persons who think this transfer application would result in injury to an existing water right as defined by OAR 690-380-0100(3). The fee to file a protest is \$250.00. Additional information, forms and rules for filing protests are available from the Water Resources Department by calling (503)986-0852. If a protest is filed, a hearing may be held.

“Injury” or “Injury to an existing water right” means a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled.

“Protest” means a written statement expressing opposition to approval of a transfer application and disagreement with a preliminary determination that is filed in response to the notice prescribed by ORS 540.520(5) and OAR 690-380-4020 and includes the fee prescribed in ORS 536.050.

Each person submitting a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person’s position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue precludes consideration of the issue during the hearing.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 20, 2004

Lloyd & Lois Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

REFERENCE: Transfer 9684

On 03/25/2004 we received your water right transfer application requesting a change in **place of use** for use of water from a **Well**. The application was accompanied by \$ 350.00. Our receipt 66198 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #5, Tony Justus
CWRE #53, Dennis Gaylord

enclosure

Enclosure 6 pages (backside)

11/17/05 11:08:52

BjB

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROLLAND HOLEMAN,

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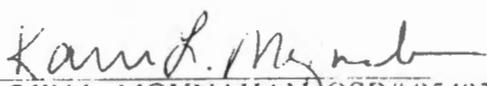
STIPULATED ORDER FOR DISMISSAL WITH
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Attorney for Plaintiff



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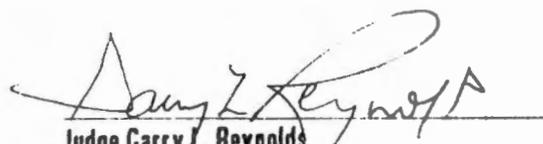
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ORDER

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DATED this 24 day of March, 1999.


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Circuit Court Judge

Submitted by: Karen L. Moynahan
Assistant Attorney General
Of Attorneys for Defendants

Approved as to Form: Stephen M. Bloom
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4. On June 13, 1995, the Circuit Court issued a temporary restraining order against the Water Resources Department, restraining it from enforcing its order pending a hearing on Holeman's motion for a preliminary injunction.

5. Following a hearing, the court entered a preliminary injunction continuing the restraining order during the pendency of the litigation. Holeman's hydrogeologist, James D.

Graham, was ordered to complete a study which he was then conducting and to report his findings to the State.

6. Since that time, Holeman and WRD have exchanged information and data, and their agents have met on a number of occasions to attempt to resolve their differences. The experts employed by Holeman and WRD have been unable to agree on the degree of interference between the subject wells and the Umatilla River system, although they have made sincere efforts to come to such an agreement. Based upon the information available and accepted methods of modelling, Mr. Graham has concluded that the degree of interference is less than 5%, while WRD has concluded that the degree of interference is 60% or greater. The parties have come to the conclusion that without additional data collection and analysis, reasonable scientific minds may differ as to the degree of interference, and that it would be impossible for a judge, without the considerable training in hydraulics and hydrogeology at the disposal of the parties, to come to a rational conclusion regarding which scientific analysis is more nearly correct. Nonetheless, Holeman and WRD desire to settle their differences on a mutually agreeable basis in order to put an end to the time and expense involved in litigation and to bring certainty to the regulation of the wells at issue.

B. AGREEMENTS

1 After the date of this agreement, when there is insufficient water for a senior water right to the waters of the Umatilla River, Holeman will thereafter continuously pump 60% of the rate of water being used directly into the Umatilla River to preserve the river flow for the benefit of those senior appropriators. Holeman will immediately notify the Watermaster of the number of acres being irrigated and the water use data at that point in time under each permit and will at no time thereafter pump more water from his wells than allowed by permit for that

number of acres. At no time will Holeman pump more water from his wells than the rate and duty allowed under his ground water permits.

2. Totalizing flow meters which meet the general specifications of the Department shall be installed at Well #1 (Permit G-7367, NW/4, NW/4, Sec. 27, T. 3N., R. 29E.), Wells #2 (#1 on Permit G-8369) and #3 (#2 on Permit G-8369, both wells in SE/4, SE/4, Sec. 21, T. 3N., R. 29E.) and at the discharge pipe proposed to convey water from Well #3 to the Umatilla River. The mitigation for both permits shall come from Well #2. The location and installation of the meters shall be subject to prior approval by the watermaster. Flow meter totals shall be read and recorded at the beginning and end of each irrigation season and upon receiving notice from the Department that mitigation is required. Water use data and acres irrigated shall be used by the Watermaster to compute the unused duty. If detailed information is not provided to establish specific duty already applied, the duty will be computed by prorating water used for the total acres irrigated. Flow meter totals and rates shall be recorded daily at times when water is being used during the mitigation period (the period of time after the call is made), and reported to the watermaster monthly within 10 working days of the end of the month during the irrigation season. A report detailing all flow meter readings shall be submitted to the Department in Salem and to the watermaster in Pendleton following each irrigation season, but prior to the end of each calendar year. The frequency of reporting may be increased at the request of the Director. Department staff shall have access to read the flow meters.

3. Flow meters shall be fully operational and accurate. The wells shall not be pumped without accurate and operational flow meters. If the flow meter(s) fails to function properly, the well shall be shut off and the watermaster notified. The well may resume pumping

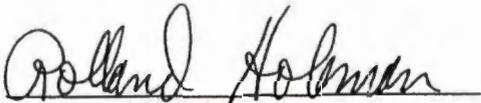
after a fully operational and accurate flow meter is installed and approved by the Watermaster. It is advised that spare flow meters are kept on hand.

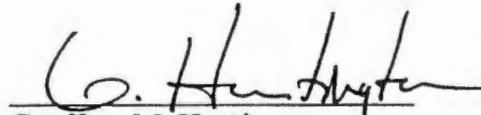
4. The suit currently pending between the parties in the Umatilla County Circuit Court will be dismissed with prejudice and without costs to either party immediately upon the execution of this agreement.

5. Each party will bear their own attorney fees and other litigation costs.

6. Any violation of the terms of this agreement by Holeman shall render the mitigation portion null and void for the remainder of the season and both ground water rights will be subject to regulation in favor of senior surface water rights.

7. This agreement shall affect only the water right(s) described herein and shall have no effect or relevance to any other water right(s).

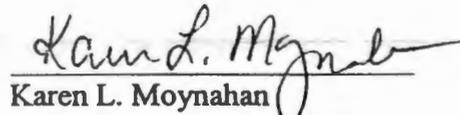

Rolland Holeman
Petitioner


Geoffrey M. Huntington
Deputy Director
Water Resources Department

Approved as to Form:

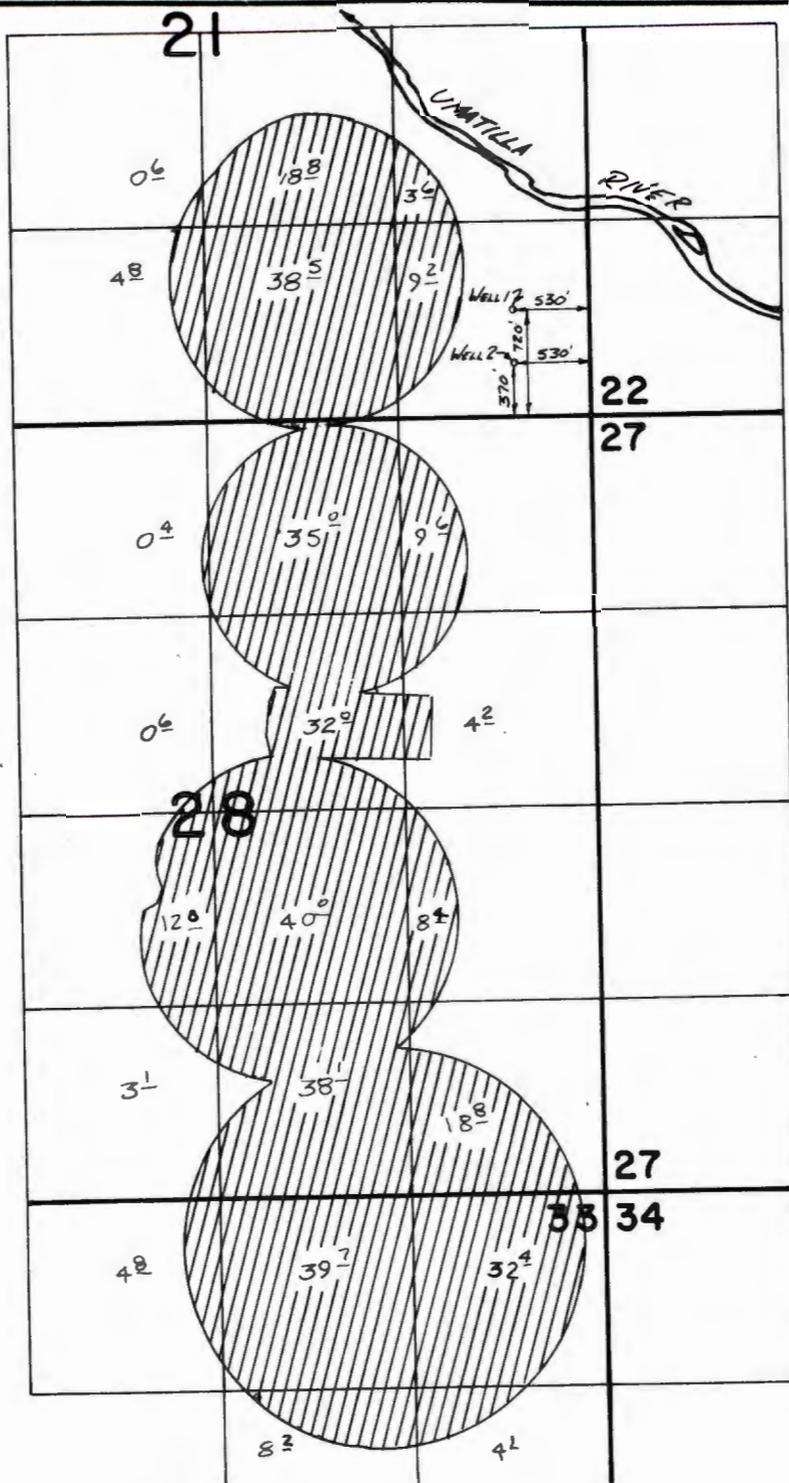
Approved as to Form:


Stephen M. Bloom, Esq.
Attorney for Petitioner


Karen L. Moynahan
Assistant Attorney General
Attorney for State of Oregon

TRI30744/KLM/cls

T. 3N.,
R. 29E.,
W.M.



FINAL PROOF SURVEY
UNDER

Application No. G-8976 Permit No. G-8369
IN NAME OF

RON HOLEMAN

Surveyed 7-28, 1982, by V.H. Church

TRANSFER CHECK OFF LIST

TRANSFER FILE #

9684

DATE RECEIVED

3-25-04

DATE MONEY SLIPPED

3-25-04

DATE RECEIPTED

3-25-04

VALID WATER RIGHT?

Yes No

TEMP ALT AC _____ (Greg)

IRR DIST _____ (Greg)

PERM AMEND _____ (Kelly)

DIV 15

(Bernie Assigns)

TEMP Div 15 _____ (Bernie)

ISWR Bernie

COPIES TO LIAISON _____

LETTER FROM ATTORNEY _____

YES (PUT INFO ON FRONT COVER)

NO

FOLDER FILLED OUT*

INDEX CARD

ENTERED IN DB

TYPE ~~BLACK BOOK~~ _____

(And color code)

RECORD MONEY/RECEIPT # _____

CONTENTS MARKED

COLOR CODED

Yes

4 COPIES MADE & STAMPED

CERTIFICATE MARKED

CERTIFICATE COPIED

PULL APPLICATIONS

APP FOLDER MARKED

FINAL PROOF MAP COPIED

PERMIT MARKED _____

PERMIT COPIED _____

PERMIT MAP COPIED _____

DECREE MARKED _____

DECREE COPIED _____

ADJUDICATION MAP COPIED _____

ENTRIES CHECKED _____

CHECKED BY _____

INIT FOLDER _____

PUBLIC NOTICE DATE 4-20-04

(PREPARED & COPIED)

LETTER SENT

Irrigation District (copy of app & map)

COPY TO WM

BLUE FORM TO WM

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

COPY TO GW

POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW

Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his

COPY TO CWRE

LETTER TO ODFW

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

TRANSFER SENT TO: Ken

SW -- (NCR) -- SCR -- ER

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

COUNTY: UMATILLA
TRANSFER: 9684
CERTIFICATE: 53082
PRIORITY DATE: 10/20/1978
NAME: LLOYD & LOIS PIERCY
ADDRESS: 33927 RIVERVIEW DR; HERMISTON OR 97838
CHANGE: POU
SOURCE: WELL
AUTHORIZED POU: T3N R29E 21,28,33
PROPOSED POU: T3N R29E 21,27,28

PN APR 20 2004



Oregon Water Resources Department
158 12th Street NE
Salem Oregon 97301-4172
(503) 378-8455
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

APPLICATION FOR:

Please check one

Water Right Transfer Temporary Transfer Drought Transfer
 (# of years _____)

Permit Amendment Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: LLOYD P. (AND) LOIS J. PIERCY
First Last

Address: 33927 Riverview Dr.
HERMISTON OR 97838
City State Zip

Phone: 541) 567-1506 or 541) 561-4642 Cell
Home Work Other

*Fax: N/A *E-Mail address: N/A

*Optional information

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: N/A
First Last

Address: N/A
City State Zip

Phone: N/A
Home Work Other

*Fax: N/A *E-Mail address: _____

*Optional information

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3. TYPE OF CHANGE

- Use
- Place of Use
- Point of Diversion
- Point of Appropriation
- Historic Point of Diversion
- Substitution
- Surface Water to Ground Water

Reason for change: Developing a vineyard

4. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Is the affected water right located within or served by an irrigation or other water district?

Yes No

Will the affected water right be located within or served by an irrigation or other water district after the proposed transfer?

Yes No

If yes for either, list the name and mailing address of each district:

N/A

N/A

N/A

Attach the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, tribal governments)

N/A

N/A

N/A

5. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: RON HOLEMAN

Decree: _____

Not applicable

Permit Number: G-8369 Certificate Number: 53082

Not applicable Claim of Beneficial Use - Date Submitted _____

Permit Amendment Only - Requesting the Department to determine if the requirement for proof has been met.]

Completion Date of Permit: _____

Priority Date: Oct. 20 1978 Authorized Use: IRRIGATION

Source of Water: Two wells County: Umatilla

Are there other sources listed on the water right? Yes No

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Location of Authorized Point(s) of Diversion or Point(s) of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
720' N. & 530' W. of SE COR. S 21	SE 1/4 SE 1/4	S 21	T 3N	R 29E
370' N. & 530' W. of SE. COR. S 21	SE 1/4 SE 1/4	S 21	T 3N	R 29E

Location of Authorized Place of Use: (Only list portion of water right subject to transfer)

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
		See Attached				

Are there other lands described in the water right? Yes No

Are there other water rights or permits associated with this land? Yes No
(e.g., supplemental water rights) If yes, attach a copy of all rights or permits.

Describe the current water delivery system (n/a Permit Amendment). The description must demonstrate that the applicant is ready, willing, and able to exercise the right. Include information on the capacity of any pumps, canals, and pipelines used to divert and convey the water to the authorized place of use.

Sprinkler irrigation w/ circles, hand lines and enclosed mainline

System capacity (in cfs): 0.48 cfs

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APPLICATION FOR WATER RIGHT TRANSFER

Lloyd and Lois Piercy

Permit G - 8369 Certificate 53082

Located within

Sections 21, 27, 28 and 33, T. 3 N., R. 29 E., W.M.

Umatilla County, Oregon

3. CURRENT WATER RIGHT INFORMATION

Location of Authorized Place of Use:

TWSP.	RNGE.	SEC.	1/4 1/4	TAX LOT	ACRES
T3N	R29E	21	NE 1/4, SW 1/4	7200	0.5
T3N	R29E	21	SE 1/4, SW 1/4	7200	1.9
T3N	R29E	21	NE 1/4, SE 1/4	7500	1.1
T3N	R29E	21	NW 1/4, SE 1/4	7200	2.9
T3N	R29E	21	SW 1/4, SE 1/4	7200	1.9
T3N	R29E	21	SE 1/4, SE 1/4	7200	2.4
T3N	R29E	28	NW 1/4, NE 1/4	7200	0.9
T3N	R29E	28	SW 1/4, NE 1/4	7200	9.7
T3N	R29E	28	SE 1/4, NE 1/4	7200	1.8
T3N	R29E	28	SE 1/4, SW 1/4	7200	0.9
T3N	R29E	28	SW 1/4, SE 1/4	7200	1.4
T3N	R29E	28	SE 1/4, SE 1/4	7200	3.1
T3N	R29E	33	NE 1/4, NE 1/4	7200	2.9
T3N	R29E	33	NW 1/4, NE 1/4	7200	0.7
T3N	R29E	33	SW 1/4, NE 1/4	7200	2.5

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T3N	R29E	33	SE 1/4, NE 1/4	7200	1.7
T3N	R29E	33	NE 1/4, NW 1/4	7200	2.2
					<hr/>
					TOTAL: 38.5 ACRES

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6. PROPOSED CHANGES TO THE WATER RIGHT

Change in Character of Use: (n/a Permit Amendment) *N/A*

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

Change in Point of Diversion or Point of Appropriation: *N/A*

- Change**
Old point of diversion or point of appropriation will not be used for this portion of the water right.
- Additional**
Both old and new points of diversion or points of appropriation will be used for this portion of the water right.
- Surface Water to Ground Water**
New point of appropriation will be used in the place of the old point of diversion. This is not an additional point of appropriation.

Proposed

Location of Authorized Point(s) of Diversion or Point(s) of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
<i>N/A</i>				

Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
T3N	R29E	S 21		SE 1/4, SE 1/4	7200	1.1 Acres
T3N	R29E	S 27		SW 1/4, NE 1/4	7200	4.0 Acres
T3N	R29E	S 28		NE 1/4, NE 1/4	7200	13.6 Acres
T3N	R29E	S 28		NW 1/4, NE 1/4	7200	0.8 Acres
T3N	R29E	S 28		SE 1/4, NE 1/4	7200	19.0 Acres

Remarks: *N/A*

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7. LAND OWNERSHIP

Answer only if for change in Character of Use or Place of Use.

Use/Place of Use

Are there any lien holders identified in the Lot Book Report? Yes No

If yes, list the name and address of lien holder: _____

Lend Lease Agri Business

If yes, the applicant must provide written notification of the proposed transfer to each lien holder.

Answer only if the applicant is not the landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: N/A
(List all landowners shown on deed.)

Address(es): _____
City State Zip

The application must include notarized statements granting permission for the transfer from each landowner listed on the Lot Book Report. Attach extra sheets as necessary.

Answer only if the receiving landowner is not the original landowner or the applicant.

Receiving Landowner

Name: N/A

Address: _____
City State Zip

- The Department's records should be changed to show this landowner is responsible for completion of the changes. This includes perfection of the changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant.

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8. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Map:

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

Lot Book Report:

- (n/a Permit Amendment)
- A lot book report for the land to which the water right is appurtenant prepared by a title company. If the applicant is not the land owner as shown by the lot book report, the applicant shall provide a notarized and signed statement from the land owner authorizing the change.

Evidence of use within last five years, or not subject to forfeiture:

- (n/a Permit Amendment)
- Evidence that the water has been used over the past five years in accordance with the terms and conditions of the right or that the right is not subject to forfeiture under ORS 540.610.

Water Well Reports:

- N/A*
- If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed \$ ~~395.00~~ ¹⁸ 350.00

9. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

applicant signature

name (print)

date

3/10/04

applicant signature

name (print)

date

3/10/04

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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Transfer Application/ 6

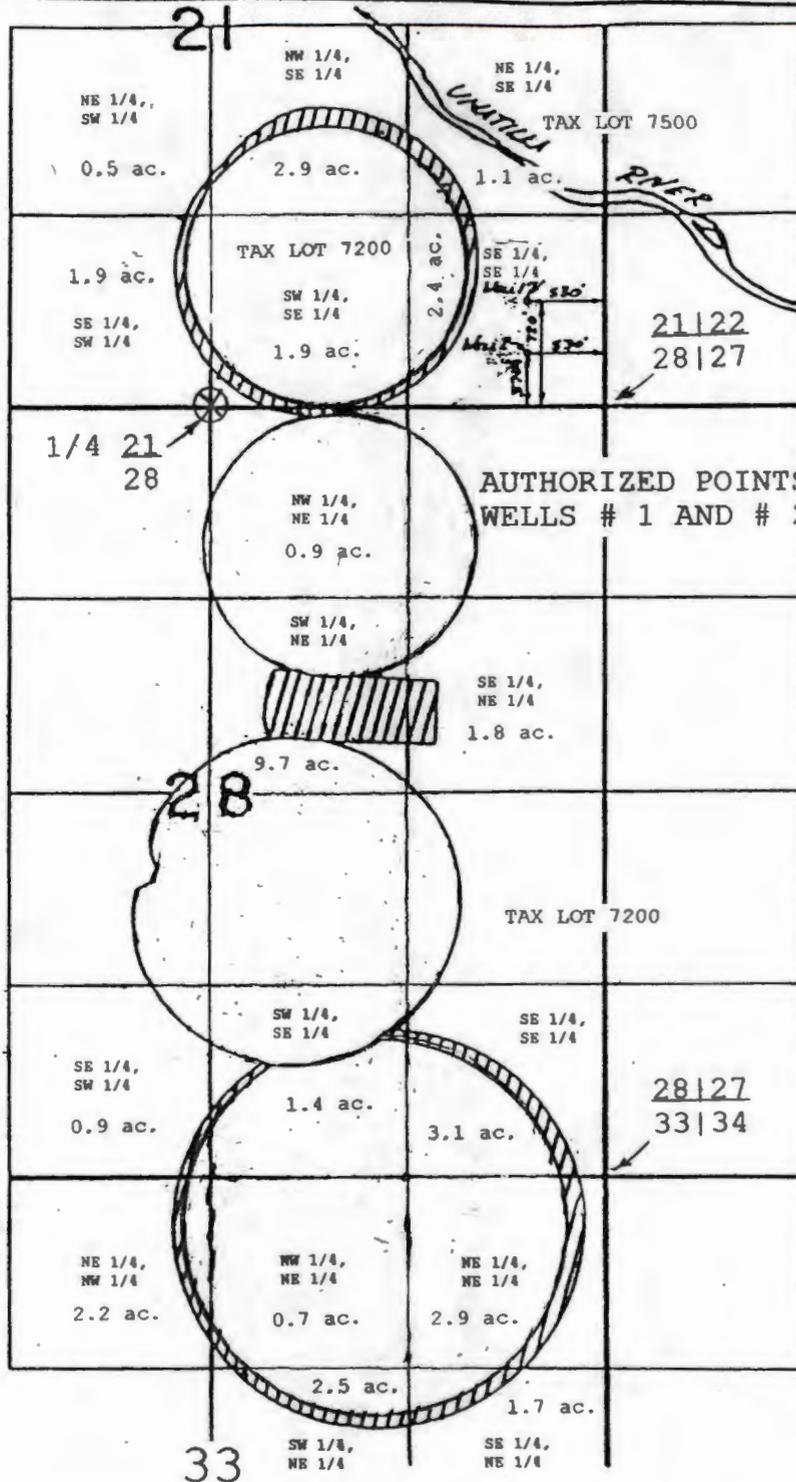
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T. 3N.,
R. 29E.,
W.M.



AUTHORIZED POINTS OF APPROPRIATION.
WELLS # 1 AND # 2.

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SCALE 1" = 1320'

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
NEW PLACE OF USE
AFFECTING A PORTION OF
PERMIT G - 8369 CERTIFICATE 53082
SECTIONS 21, 28 AND 33, T. 3 N., R. 29 E., W.M.
UMATILLA COUNTY, OREGON
APPLICANTS: LLOYD AND LOIS PIERCY

LEGEND

- ⊖ = TRANSFER "FROM" AREA
- ⊗ = CORNER TIED BY SURVEY

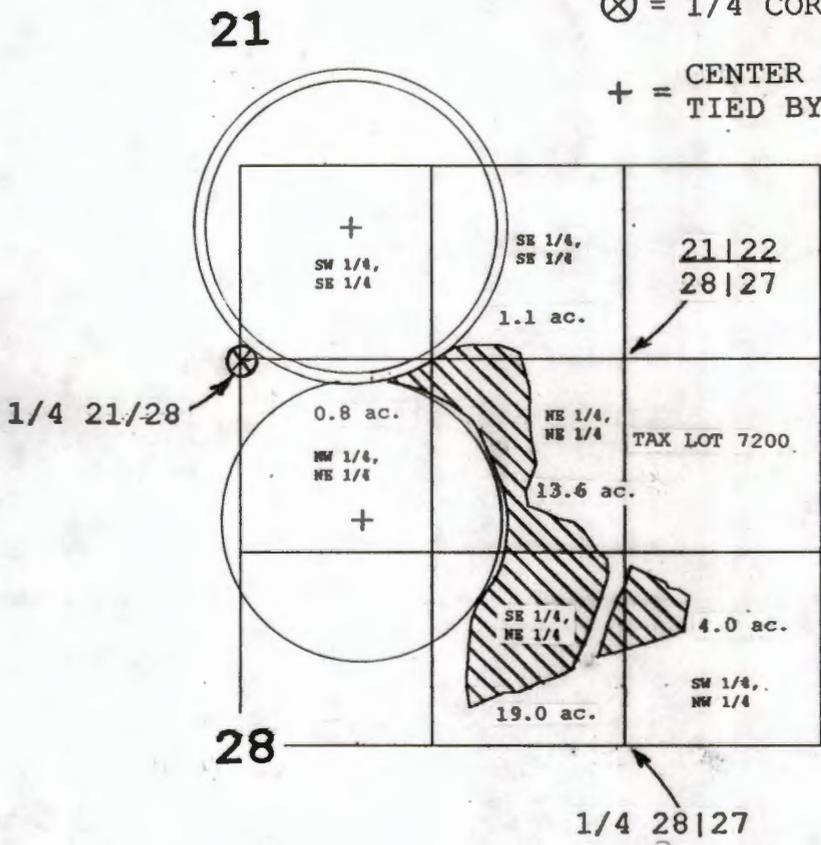
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MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 27 AND 28, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY



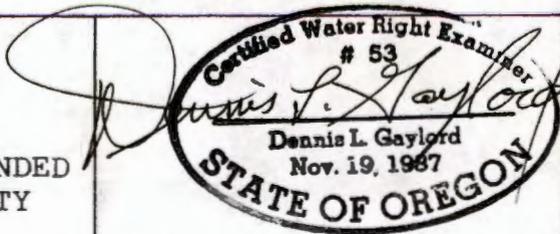
LEGEND

- ⊗ = TRANSFER "TO" AREA
- ⊗ = 1/4 CORNER TIED BY SURVEY
- + = CENTER OF IRRIGATION CIRCLE TIED BY SURVEY



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THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.


 Certified Water Right Examiner
 # 53
 Dennis L. Gaylord
 Nov. 19, 1987
 STATE OF OREGON

DENNIS L. GAYLORD, CWRE
 71614 S.W. LAKE DRIVE
 PENDLETON, OR 97801
 541 - 276 - 6260

©

RENEWS JUNE 30, 2003

T-9684

0 1320

 Scale 1"=1320FT



Steven A. Parker
Senior Vice President
sparker@lendleaserei.com

Charles T. McElligott
Vice President
cmcelligott@lendleaserei.com

Todd D. Hansen
Regional Manager
thansen@lendleaserei.com

Erik C. Roget
Regional Manager
eroget@lendleaserei.com

Lend Lease Agri-Business, Inc.
Western Regional Office
3203 West March Lane, Suite 110
Stockton, CA 95219

Telephone
209-951-4980
Facsimile
209-951-3038
www.lendleaseag.com

March 4, 2003

Lloyd and Lois Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

Re: Loan No. F-335612.00
Umatilla County, Oregon

Dear Mr. & Mrs. Piercy:

I am in receipt of your request to transfer the point of use of water from a portion of the farm secured by the above referenced loan deed of trust to another portion of the property. It is my understanding that this transfer will not affect the overall water right for the farm, merely the point of use on the farm.

This is to advise you that the lienholder, Lend Lease Agri-Business, Inc. ("Lend Lease"), consents to the proposed change of use. This consent is for this transaction only and Lend Lease reserves the right to approve any future transactions involving the security for this loan.

Please call this office if you have any questions.

Sincerely,

Charles McElligott
Vice President

CTM:cm

cc: James Boone

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(10 17 92)
ALTA Owner's Policy

O 253602

POLICY OF TITLE INSURANCE



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WATER RESOURCES
SALEM OREGON

WATER RESOURCES DEPT
SALEM, OREGON

ISSUED BY

First American Title Insurance Company of Oregon

200 S.W. Market St. • Portland, Oregon 97201 • (503) 222-3651

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, a Oregon corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

Countersigned

Authorized Officer

Title Insurance Company of Oregon

dba FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

BY

PRESIDENT

T-9684 ATTEST

SECRETARY



SCHEDULE A

Order No.: 68072

Policy No.: 0253602

Amount of Insurance: \$1,995,000.00

Premium: \$3,597.50

Date of Policy: January 31, 2002, at 11:00 A. M.

1. Name of Insured:

LLOYD PIERCY and LOIS PIERCY

2. The estate or interest in the land which is covered by this policy is:

A FEE SIMPLE.

3. Title to the estate or interest in the land is vested in:

LLOYD PIERCY and LOIS PIERCY
husband and wife as tenants by the entirety

4. The land referred to in this Policy is described as follows:

SEE ATTACHED DESCRIPTION - PAGES 5 AND 6

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MAR 11 2004

SCHEDULE B

MAR 25 2004 WATER RESOURCES DEPT
SALEM, OREGON

EXCEPTIONS FROM COVERAGE

WATER RESOURCES DEPT
SALEM, OREGON

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records, proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements encumbrances or claims thereof not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any lien, or right to lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Discrepancies, conflicts in boundary line, shortage in area, encroachments, or any other facts which a correct survey would disclose.
6. 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.
7. A portion of the premises herein described are within the boundaries of the Teel Irrigation District and is therefore subject to all easements, levies and assessments thereof.
8. Water charges of the Teel Irrigation District, if any. Inquiry being made in regard to this matter.
9. Easement for canal, including the terms and provisions thereof
Grantee : United States of America
Recorded : June 10, 1911 in Book 73, Page 181, Deed Records.
10. Easement for canal, including the terms and provisions thereof
Grantee : United States of America
Recorded : June 10, 1911 in Book 73, Page 184, Deed Records.
11. Easement, including the terms and provisions thereof
Grantee : The Pacific Telephone and Telegraph Company
Recorded : May 16, 1942 in Book 160, Page 430, Deed Records.
12. Easement, including the terms and provisions thereof
Grantee : The Pacific Telephone and Telegraph Company
Recorded : October 19, 1948 in Book 185, Page 573, Deed Records.

T-9684

Order No. 68072
Policy No. 0253602

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SALEM, OREGON

13. Reservations, including the terms and provisions thereof contained in deed
Grantor : Northern Pacific Railway Company
Recorded : June 3, 1901 in Book 36, Page 264, Deed Records.
14. Reservations, including the terms and provisions thereof contained in deed
Grantor : Northern Pacific Railway Company
Recorded : July 17, 1905 in Book 48, Page 115, Deed Records.
15. Reservations, including the terms and provisions thereof contained in deed
Grantor : Northern Pacific Railway Company
Recorded : March 17, 1923 in Book 121, Page 183, Deed Records.
16. Reservations, including the terms and provisions thereof contained in deed
Grantor : Northern Pacific Railway Company
Recorded : March 11, 1926 in Book 127, Page 495, Deed Records.
17. Easement, including the terms and provisions thereof
Grantee : Umatilla Electric Cooperative Association
Recorded : May 3, 1962 in Book 267, Page 594, Deed Records.
18. Easement, including the terms and provisions thereof
Grantee : Umatilla River Water Control District
Recorded : September 6, 1984 in Microfilm R-117, Page 429, Office of
County Records.

Assignment of Easement

Assignee : Hermiston Irrigation District
Recorded : August 25, 1986 in Microfilm R-141, Page 1764, Office of County
Records.

19. Contract and Grant of Easement, including the terms and provisions thereof
Grantee : United States, Dept. of Interior, Bureau of Reclamation
Recorded : November 29, 1989 in Microfilm R-186, Page 1456, Office of
County Records.
20. Terms and provisions contained under easement for roadway
Grantee : Rolland L. Holeman, etux
Recorded : January 25, 1993 in Microfilm R-230, Page 1543, Office of
County Records.
21. Agreement, including the terms and provisions thereof, between
First Party : Rolland L. Holeman and Toni K. Holeman
Second Party : United States, Dept. of Interior, Bureau of Reclamation
Recorded : July 28, 1993 in Microfilm R-239, Page 117, Office of
County Records.
22. Right of ways for ditches or canals constructed by the authority of the
United States of America.

T. 9684

Order No. 68072
Policy No. 0253602

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SALEM, OREGON

- 23. 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.
- 24. Any uncertainty as to the location of the property lines due to the use of the "top of the bluff" in the legal description.
- 25. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of the Umatilla River and any adverse claim based upon the assertion that some portion of said lands have been removed from or brought within the boundaries thereof by an avulsive movement of the Umatilla River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
- 26. Oregon Trust Deed, Security Agreement and Financing Statement, including the terms and provisions thereof, given to secure a note for \$1,100,000.00, with interest thereon,
 - Grantor : Lloyd P. Piercy and Lois J. Piercy, husband and wife
 - Trustee : Pioneer Escrow Company, a Oregon corporation
 - Beneficiary: Lend Lease Agri-Business, Inc., a Delaware corporation
 - Dated : January 18, 2002
 - Recorded : January 31, 2002, Document No. 2002-4050501. Office of County Records, Umatilla County, Oregon.

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SALEM, OREGON

7-9684

TRACT I:

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TOWNSHIP 3 NORTH, RANGE 29, E.W.M.

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SALEM, OREGON SALEM, OREGON

Section 21: East Half of the Southwest Quarter.
West Half of the Southeast Quarter.
Southeast Quarter of the Southeast Quarter.
Excepting therefrom that tract of land conveyed to Alois Anthony Amstad, etux, by deed recorded in Microfilm R-230, Page 1533, Office of County Records.

Section 22: Southwest Quarter of the Southwest Quarter.

Section 26: All that portion of the South Half of the Southwest Quarter lying Southerly of the top of the bluff on the Southerly side of the Umatilla River.

Section 27: West Half.
West Half of the East Half.
Southeast Quarter of the Southeast Quarter.

Section 27: All that portion of the Northeast Quarter of the Southeast Quarter which lies West of the edge of the top of the bluff on the West side of the Umatilla River.

Section 27: Beginning at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 27; thence East along the center section line, 5.50 chains (363 feet); thence North 04° 30' East, 14.15 chains (933.9 feet); thence North 13° 30' East, 8.35 chains (551.1 feet); thence North 15° West, 5.95 chains 392.7 feet) to a cottonwood tree 1 foot in diameter; thence North 39° West, 13.55 chains (894.3 feet) to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 27; thence South along a line running North and South through the center of the Northeast Quarter of said Section 27, a distance of 40 chains (2,640 feet), more or less to the point of beginning. Being all that portion of the West Half of the East Half of the Northeast Quarter of said Section 27, lying West of the present channel of the Umatilla River, excepting only a narrow strip of land along and on the West Bank of said River in its present channel.

Section 28: East Half.
East Half of the West Half.
Excepting therefrom that tract of land conveyed to Alois Anthony Amstad, etux, by deed recorded in Microfilm R-230, Page 1533, Office of County Records.

Section 33: East Half.
East Half of the West Half.

Section 34: All.

Section 35: Southwest Quarter of the Northeast Quarter.
West Half.
Southeast Quarter.

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

7.9684

TRACT II:**TOWNSHIP 2 NORTH, RANGE 29, E.W.M.**

Section 4: All.

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

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WATER RESOURCES DEPT
SALEM, OREGON**TRACT III:****TOWNSHIP 3 NORTH, RANGE 29, E.W.M.**

All that portion of the Northwest Quarter of Section 28 and the Northeast Quarter of Section 29, described as beginning at the Quarter corner common to said Sections 28 and 29; thence South 88° 44' 46" West, along the South line of said Northeast Quarter of Section 29, a distance of 648.29 feet to a fence line; thence along said fence line the following bearing and distances:

North 00° 43' 52" West, 36.70 feet;
 North 57° 22' 22" East, 372.56 feet;
 North 52° 02' 49" East, 215.62 feet;
 North 38° 20' 55" East, 246.97 feet

to a point on the East line of said Northeast Quarter of said Section 29, which lies North 01° 12' 26" West, 549.80 feet from the Southeast corner of said Northeast Quarter; thence continuing along said fence line the following bearings and distances:

North 38° 20' 55" East, 112.02 feet;
 North 25° 04' 27" East, 414.49 feet;
 North 06° 59' 33" East, 503.94 feet;
 North 02° 14' 44" East, 470.99 feet;
 South 74° 47' 52" East, 266.44 feet;
 South 85° 29' 55" East, 115.56 feet;
 North 76° 03' 36" East, 194.06 feet;
 North 70° 58' 38" East, 249.76 feet;
 North 56° 04' 49" East, 196.21 feet

to a point on the East line of the West Half of the Northwest Quarter of said Section 28, which lies South 01° 09' 44" East, 564.35 feet from the Northeast corner of the West Half of the Northwest Quarter of said Section 28; thence South 01° 09' 44" East, along the East line of said West Half, 2,084.36 to the Southeast corner thereof; thence South 87° 27' 02" West, along the South line of said West Half, 1,316.57 feet to the point of beginning.

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

TRACT IV:**TOWNSHIP 3 NORTH, RANGE 29, E.W.M.**

Section 29: A perpetual nonexclusive easement for roadway for ingress and egress created by Document recorded in Microfilm R-230, Page 1543, Office of County Records.

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

T-9684



Oregon Water Resources Department Land Use Information Form

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WATER RESOURCES DEPT

SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.080. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

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

A. Applicant

Name: LLOYD & LOIS PIERCY

Address: 33927 RIVERVIEW DRIVE

City: HERMISTON State: OR Zip: 97038 Day Phone: 541-567-1506

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>3N 29 7200</u>	<u>EFU (Exclusive Farm Use)</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

C. Description of Water Use

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

Beneficial Use(s): IRRIGATION

Briefly describe: MOVING PLACE OF USE OF WATER.

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SALEM, OREGON

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

0.48 CFS GPM Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 152.056. Go to section B "Approval" below

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

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

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

B. Approval

Please provide printed name and written signature.

Name: Patty Perry Date: 5-12-03

Title: Senior Planner Phone: 541-278-6249

Signature: Patty Perry

C. Additional Comments

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

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

1-9684

**WATER RIGHT TRANSFER
AFFIDAVIT ATTESTING TO THE USE OF WATER DURING THE PREVIOUS FIVE YEARS**

State of Oregon)
County of Umatilla) ss

I LLOYD PIERCY, in my capacity as OWNER / Manager,
mailing address 33927 Riverview Dr, Hermiston, OR 97838,
telephone number (541) 567-1506, being first duly sworn depose and say:

1. I attest that water was used during the previous five years on the entire authorized place of use of the water right subject to transfer as described by the accompanying transfer application. My knowledge of the exercise of the water right is based on (check one):

- Personal observation
- Professional expertise

2. My knowledge is specific to the use of water at the following location(s):

720' N. & 530' W. of SE. Corner Sec 21 → SE 1/4 SE 1/4 Sec. 21, T3N, R29E
370' NE & 530' W. of SE. Corner Sec 21 → SE 1/4 SE 1/4 Sec. 21, T3N, R29E
SE 1/4 SE 1/4
 Section 21
 Township 3 N/S Range 29 E/W

3. The water right was exercised for the authorized purposes and is described as follows:

IRRIGATION OF FIELD CROPS

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

SPRINKLER IRRIGATION SYSTEM

(continues on reverse side)

PLEASE PRINT LEGIBLY OR TYPE. PLEASE BE AS SPECIFIC AS POSSIBLE. ATTACH ADDITIONAL PAGES IF YOU NEED MORE SPACE. SUPPORTING DOCUMENTATION MUST BE ATTACHED.
June 2003

T-9684

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WATER RESOURCES DEPT
SALEM, OREGON

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

- Copy of a water right certificate which has been issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- If the right has not been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2), or
- Other: _____

Signature of Affiant

Date

Subscribed and Sworn to Before Me this 23 day of March, 2004.



Notary Public for Oregon

My Commission Expires

9/20/07

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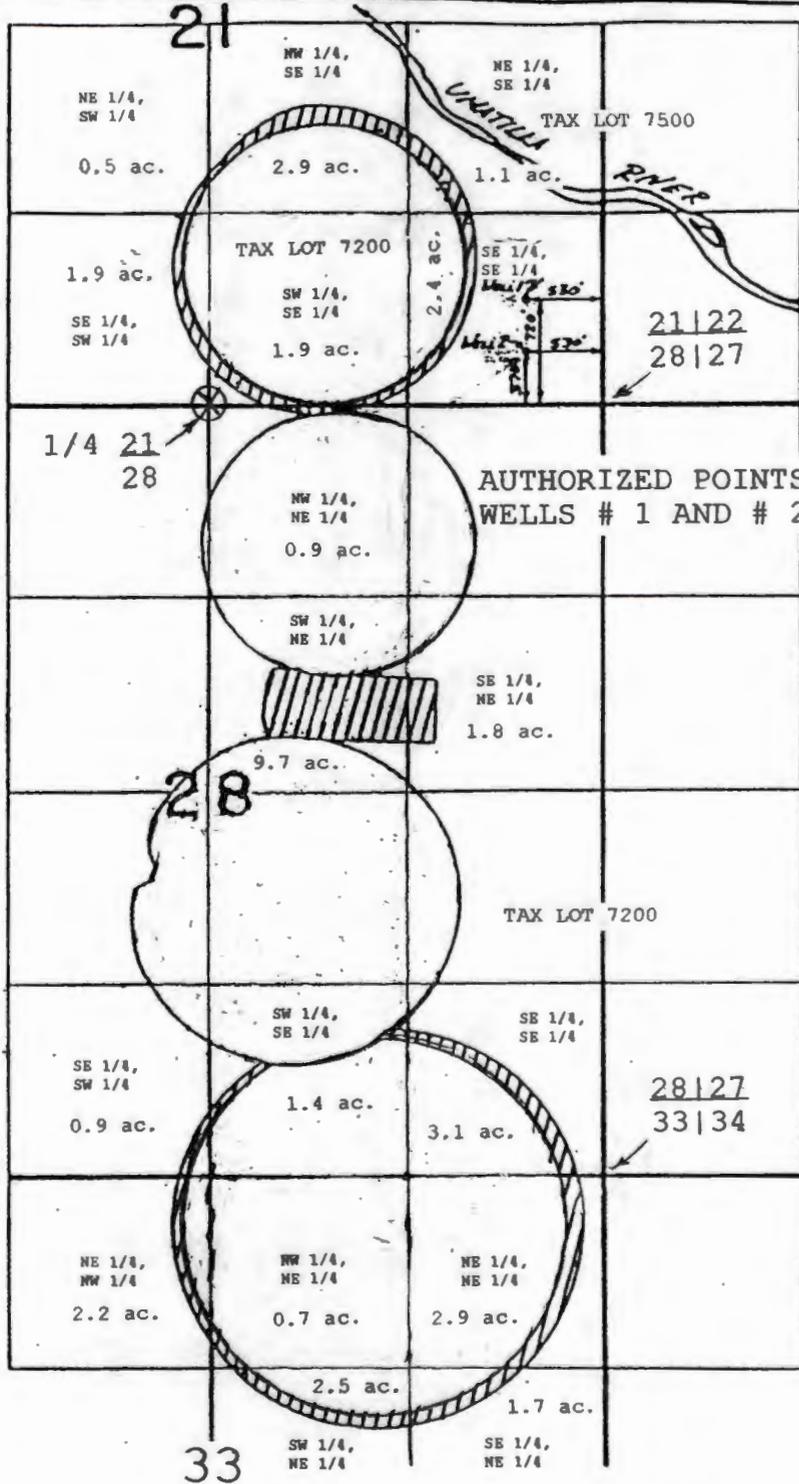
MAR 25 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

PLEASE PRINT LEGIBLY OR TYPE. PLEASE BE AS SPECIFIC AS POSSIBLE. ATTACH ADDITIONAL PAGES IF YOU NEED MORE SPACE. SUPPORTING DOCUMENTATION MUST BE ATTACHED.
June 2003

T-9684

T. 3N.,
R. 29E.,
W.M.



AUTHORIZED POINTS OF APPROPRIATION.
WELLS # 1 AND # 2.

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 APR 08 2004
 WATER RESOURCES DEPT
 SALEM, OREGON

SCALE 1"=1320'

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 28 AND 33, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY

LEGEND

- ⊖ = TRANSFER "FROM" AREA
- ⊗ = CORNER TIED BY SURVEY

T-9684

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
 PERMIT G - 8369 CERTIFICATE 53082
 SECTIONS 21, 27 AND 28, T. 3 N., R. 29 E., W.M.
 UMATILLA COUNTY, OREGON
 APPLICANTS: LLOYD AND LOIS PIERCY

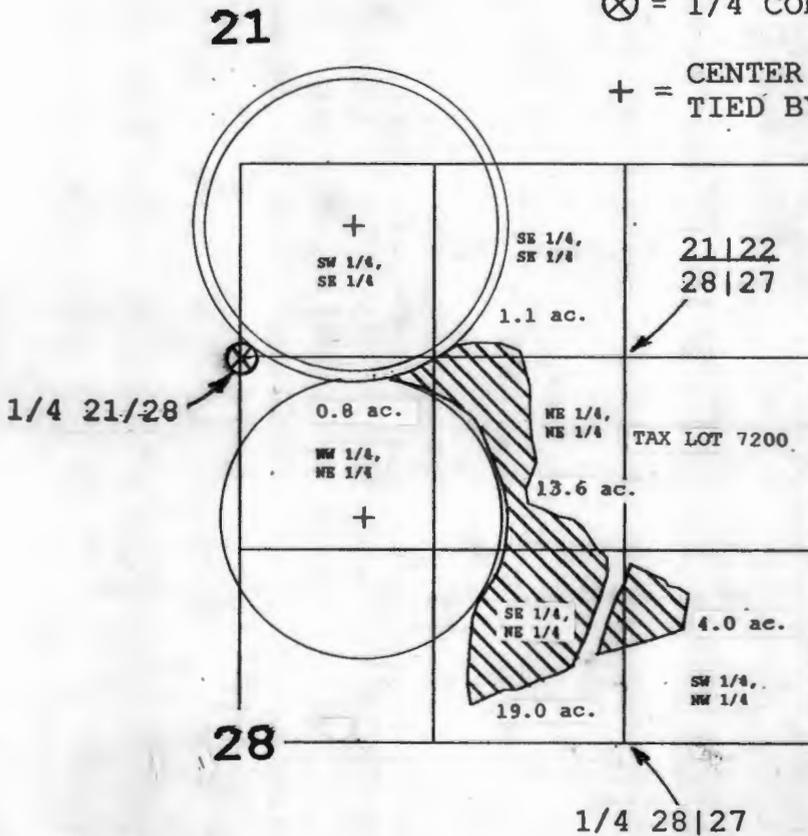


LEGEND

⊗ = TRANSFER "TO" AREA

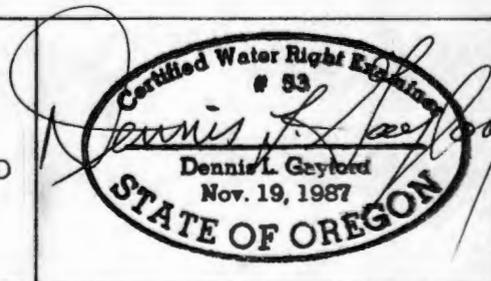
⊗ = 1/4 CORNER TIED BY SURVEY

+ = CENTER OF IRRIGATION CIRCLE TIED BY SURVEY



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 APR 08 2004
 WATER RESOURCES DEPT
 SALEM, OREGON

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.

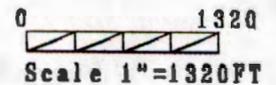


DENNIS L. GAYLORD, CWRE
 71614 S.W. LAKE DRIVE
 PENDLETON, OR 97801
 541 - 276 - 6260



RENEWS JUNE 30, 2003

79684





Lloyd & Lois Piercy
 33927 Riverview Drive
 Hermiston, Oregon 97838

RE: Water Right Transfer Application (Regular and Temporary)

We received the temporary transfer application with fees of \$395.00 and the regular transfer application with fees of \$395.00 on 03/11/2004. We were unable to file these applications. The reasons are listed below.

1. The Certified Water Right Examiner stamp and signature on the transfer application map must be an original.
2. Affidavit for evidence of use must be an original signature.
3. The fee amount for the regular transfer application will be \$350.00, the temporary transfer application will be \$213.50 (Base fee \$175.00 + 38.50 (\$1.00 per acre of land irrigated))
4. **Please review the entire applications and make sure that every line is answered or "N/A" is applied. Incomplete applications will be returned.**

We are returning the applications and checks. You may re-submit the applications once these items have been fixed.

If you have any questions please call the transfer section at 503-986-0883

Sincerely,

Sarah Henderson

Sarah Henderson
 Executive Support

cc: Tony Justus, Watermaster

Enclosures

*3/23/04
 In Return
 we drop
 and papers.
 Thank you
 Lois Piercy*

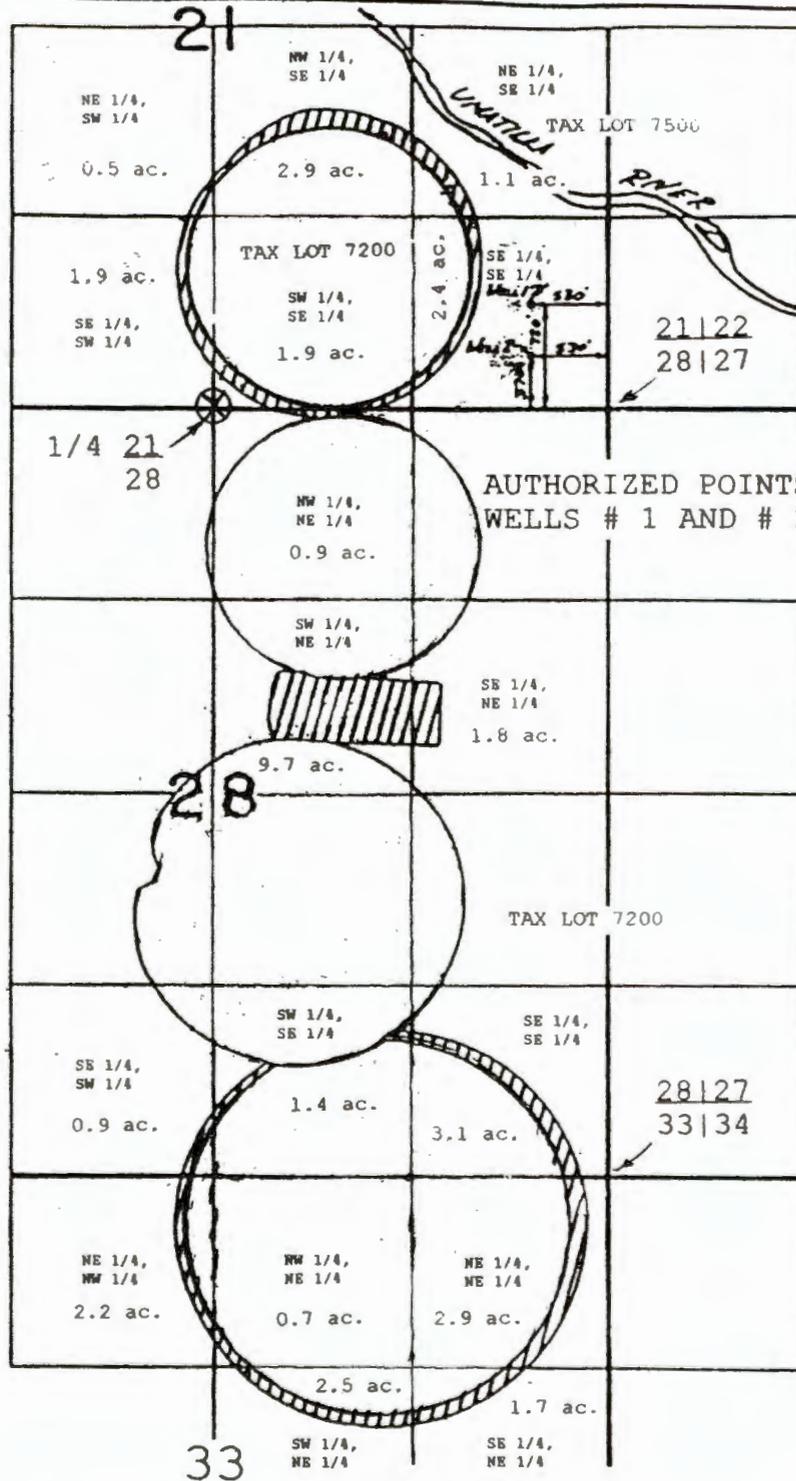
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MAR 25 2004

WATER RESOURCES DEPT
 SALEM, OREGON

T. 3N.,
R. 29E.,
W.M.



AUTHORIZED POINTS OF APPROPRIATION
WELLS # 1 AND # 2.

MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
NEW PLACE OF USE

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SALEM, OREGON

T-9684

PERMIT G - 8369 CERTIFICATE 53082
SECTIONS 21, 28 AND 33, T. 3 N., R. 29 E., W.M.

UMATILLA COUNTY, OREGON

APPLICANTS: LLOYD AND LOIS PIERCY

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WATER RESOURCES DEPT
SALEM, OREGON

LEGEND

- ⊘ = TRANSFER "FROM" AREA
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MAP TO ACCOMPANY WATER RIGHT TRANSFER APPLICATION
 NEW PLACE OF USE
 AFFECTING A PORTION OF
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 UMATILLA COUNTY, OREGON
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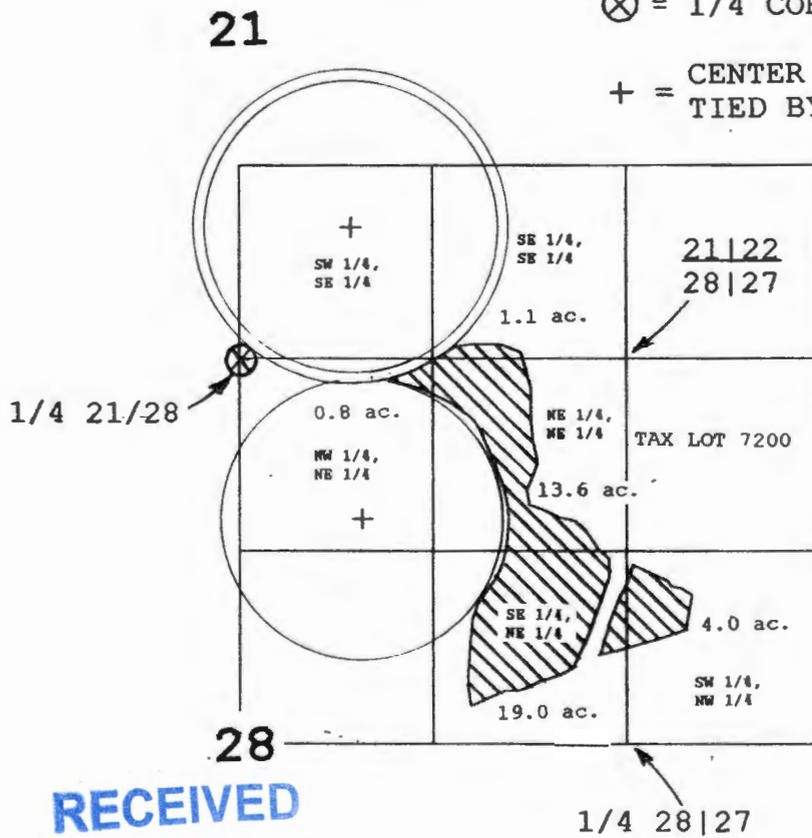


LEGEND

⊗ = TRANSFER "TO" AREA

⊗ = 1/4 CORNER TIED BY SURVEY

+ = CENTER OF IRRIGATION CIRCLE TIED BY SURVEY



RECEIVED

MAR 25 2004

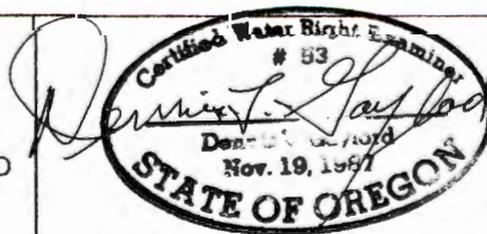
WATER RESOURCES DEPT
SALEM, OREGON

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SALEM, OREGON

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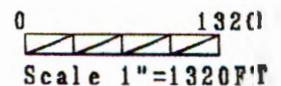


DENNIS L. GAYLORD, CWRE
 71614 S.W. LAKE DRIVE
 PENDLETON, OR 97801
 541 - 276 - 6260



RENEWS JUNE 30, 2003

7.9684



UMATILLA, OREGON

FSA-578 (02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 2003

FARM NUMBER: 3645

FARM AND TRACT DETAIL LISTING

DATE: 06-11-2003

Operator Name and Address ID
LLOYD & LOIS PIERCY JV 4086
33927 RIVER VIEW DR
HERMISTON, OR 97838-7303

Original: _____
Revision: _____
Cropland: 2.065.3
Farmland: 3.024.0

Tract Number	Field Num ID	Irr Prc	Var/ Crop	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/M	Crop Stat	Prod Share	Prod ID	RMA Unit	Opt Unit
0		Ni	OFAV		F FAV	.00				.5000	7143		
Crop Type Prac IU Non-Irrig Irrigated OFAV N 0										.5000	6835		
Photo Number/Legal Description: None													
Cropland: .0 Reported: .0 Difference: .0 Reported D.S.R: .0													
971	1	Ni	WHEAT SWW	Grain		34.70			I	.5000	7143		
	2	Ir	WHEAT HRW	Grain		79.20			I	.5000	7143		
	3	Ir	WHEAT HRW	Grain		64.80			I	.5000	7143		
	4	Ir	PEAS WSD	Seed		10.90			I	.5000	7143		
	5	Ir	PEAS WSD	Seed		85.20			I	.5000	7143		
	6	Ir	PEAS WSD	Seed		136.50			I	.5000	7143		
	7 HY	Ir	GRASS ORG	Forage		13.50			I	.5000	7143		
	8 HY	Ir	GRASS ORG	Forage		74.20			I	.5000	7143		
	13	Ni	WHEAT SWW	Grain		32.50			I	.5000	7143		
	14 HY	Ir	ALFAL	Forage		31.00			I	.5000	7143		
	15 HY	Ir	ALFAL	Forage		8.50			I	.5000	7143		
	16	Ni	FALOW			364.90			I	.5000	7143		
	17	Ni	WHEAT SWW	Grain		124.50			I	.5000	7143		
	18	Ni	FALOW			14.30			I	.5000	7143		
	19	Ni	WHEAT SWW	Grain		401.10			I	.5000	7143		

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SALEM, OREGON

T-9684

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MAR 11 2004

WATER RESOURCES DEPT
SALEM, OREGON

UMATILLA, OREGON

FSA-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 2003

FARM NUMBER: 3645

FARM AND TRACT DETAIL LISTING

DATE: 06-11-2003

Tract Number	Field Num ID	Irr Prc	Crop	Var/Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/M	Crop Stat	Prod Share	Prod ID	RMA Unit	Opt Unit
971	22	Ni	WHEAT	SWW	Grain		50.10			I	.5000	7143	6835	
	23	Ni	FALOW				469.50			I	.5000	7143	6835	
	24	Ir	WHEAT	HRS	Grain		67.00			I	.5000	7143	6835	
	25	Ir	WHEAT	HRS	Grain		2.30			I	.5000	7143	6835	
	26	Ir	FALOW				.60			I	.5000	7143	6835	

Crop Type	Prac	IU	Non-Irrig	Irrigated	Crop Type	Prac	IU	Non-Irrig	Irrigated	Crop Type	Prac	IU	Non-Irrig	Irrigated
ALFAL	I	FG		39.5	FALOW	B		848.7	.6	GRASS	ORG	I	FG	87
PEAS	WSD	I	SD	232.6	WHEAT	HRS	I	GR	69.3	WHEAT	HRW	I	GR	144
WHEAT	SWW	N	GR	642.9										

Photo Number/Legal Description: 7L/3N29-21,22,26-28,33-35/2N29-4

CropLand: 2.065.3 Reported: 2.065.3 Difference: .0 Reported D.S.R: .0

RECEIVED

MAR 25 2004

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAR 11 2004

WATER RESOURCES DEPT
SALEM, OREGON

x.9684

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **66198**

INVOICE # _____

RECEIVED FROM: Jdden Canyon Ranch

APPLICATION	
PERMIT	
TRANSFER	T9684

BY: _____

CASH: CHECK: # 12585 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY) _____	\$
0243	I/S Lease _____	
0244	Muni Water Mgmt. Plan _____	
0245	Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY) _____		\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$ <u>350.00</u>	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
_____	OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD # _____
0210	MONITORING WELLS	\$	CARD # _____
_____	OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
_____	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____	
OBJ. CODE _____	VENDOR # _____	
DESCRIPTION _____		\$

RECEIPT: **66198**

DATED: 3/25/04 BY: Leona Allin