

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



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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? Three List them here: 61848, 61849, & 68536**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2023**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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


Part 4 of 5 – Applicant Information and Signature

F FRANK TIEGS			PHONE NO. 541 481 9454	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 3110			COUNTY MORROW	
CITY PASCO	STATE WA	ZIP 99302	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				
AGENT/BUSINESS NAME WILLIAM PORFILY			PHONE NO. (541) 561-7259	ADDITIONAL CONTACT NO.
ADDRESS P.O. BOX 643			FAX NO.	
CITY STANFIELD	STATE OR	ZIP 97875	E-MAIL WPORFILY@GMAIL.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

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


Applicant signature

Frank Tieg
Print Name (and Title if applicable)

04-20-2023 RECEIVED
Date

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Applicant signature

Print Name (and Title if applicable)

Date

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

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

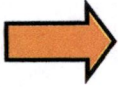
Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME Willow Creek District Improvement Co. Columbia Improvement District	ADDRESS 55805 Hwy 74 501 Columbia Ave NE	ZIP
CITY HEPPNER Boardmand	STATE OR	ZIP 97836 97818

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP

Corrected by email 5/1/2023



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

ENTITY NAME MORROW COUNTY	ADDRESS 100 S COURT ST	
CITY Heppner	STATE OR	ZIP 97836
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Temporary Water Right Transfer Application

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only **one** water right per page. A **separate Form must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

- Certificate Number or other identifying number: **61848**

1. TYPE OF CHANGE(S) PROPOSED

(Check **all** that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change to facilitate a change in Place of Use (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) <input type="checkbox"/> Change in Point of Diversion in Response to an Emergency	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Change a water right to Store Water <input type="checkbox"/> Diminish an irrigation water right (primary) to a supplemental water right

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>61848</u> Certificate Number	<u>G-3777</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	- Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	- Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Far West Farms
- County: Morrow County
- Authorized Use(s) to be Affected by Transfer: Primary Irrigation
- Priority Date(s): 08-7-1967

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*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: 2 Wells

Tributary to: Butter Creek Basin

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – *No Change in Place of Use or Character of Use*

If “Yes”, what are the Permit, Registration or Certificate Numbers? Certificates 61849 & 68536

*Pursuant to ORS 540.510, any “layered” water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

▪ Certificate Number or other identifying number: **61848**

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The following information **must be provided only** for those points of diversion or appropriation that **are involved in the transfer** (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.

A Point of Diversion (POD) describes the location of diversion from a surface water source.
 A Point of Appropriation (POA) describes the location of appropriation from a ground water source or well.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Table I (Authorized Place of Use) and Table II (Proposed Place of Use).

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "OFF or FROM" point(s) of diversion or appropriation)
 Government lot(GOV'T LOT) and donation land claim numbers (DLC) must be included in the table below **only** if the information is reflected on the existing water right.

IF POA, OWRD WELL LOG ID NO. (OR WELL ID TAG NO. L-)	POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
	Well #1	2 N	26 E	20	NW SE		TL 603	2470 ft North & 2910 ft East from the SW Corner Section 20
	Well #3	2 N	26 E	18	NE SE		TL 500	30 ft South & 30 ft West from the East ¼ Corner Section 18

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▪ Certificate Number or other identifying number: 61848

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (Surface water source only.)

If “Yes”, for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department’s web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD WELL NO. AS IDENTIFIED IN TABLE ABOVE	DIAMETER	TYPE AND SIZE OF CASING	NO. OF FEET OF CASING	INTERVALS CASING IS PERFORATED (IN FEET)	SEAL DEPTH	EST. DEPTH TO WATER	EST. DEPTH TO WATER BEARING STRATUM	TYPE OF ACCESS PORT OR MEASURING DEVICE	TOTAL WELL DEPTH
Please See Attached Well Logs									

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▪ Certificate Number or other identifying number: 61848

The following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Location of Existing Authorized Place of Use to be Affected:

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

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

TABLE 1. - AUTHORIZED PLACE OF USE												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USERNAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
Well 1 &3	8/7/1967	Irrigation	2 N	26 E	7	SW NW			Lot 47.88 #2	500	6.3	Frank Tieg
Well 1 &3	8/7/1967	Irrigation	2 N	26 E	7	SE NW			Lot 80 #1	500	7.5	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	7	NE SW			Lot 80 #1	500	7.7	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	7	NW SW			Lot 47.98 #2	500	15.4	Frank Tieg
Well 1 &3	8/7/1967	Irrigation	2 N	26 E	7	SW SW			Lot 48.13 #2	500	10.5	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	7	SE SW			Lot 80 #1	500	2.6	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	17	NW SW				603	5.5	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2N	26 E	17	SWSW				603	2.1	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	18	NE NW			Lot 80 #1	500	13.2	Frank Tieg
Well 1 &3	8/7/1967	Irrigation	2 N	26 E	18	NW NW			Lot 48.26 #2	500	12.5	Frank Tieg
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	19	SE SW			Lot 80 #1	500	1.5	Frank Tieg
Well 1	8/7/1967	Irrigation	2 N	26 E	19	SWSE				500	2.1	Frank Tieg

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& 3												
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	19	SE SE			500	6.8	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	NW NW			500	17.8	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	SW NW			500	8.0	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	30	NE NE			500	21.8	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	30	NW NE			500	0.7	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	30	NE NW		Lot 80 #1	500	15.1	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	30	NW NW		Lot 49.58	500	11.3	Frank Tiegs	
									Sub Total		168.4	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	17	SE SE			603	10.0	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	NE NE			500	31.4	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	NW NE			500	31.4	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	SW NE			500	31.4	Frank Tiegs	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	SE NE			500	31.4	Frank Tiegs	
										135.6		
TOTAL:										304.0		

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- Certificate Number or other identifying number: 61848

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation necessary to facilitate a change in place of use. Measured distances described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:
(i.e., the "ON or TO" point(s) of diversion or appropriation)

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed to facilitate a Change in Place of Use.)

IF POA, OWRD WELL LOG ID NO. (OR WELL ID TAG NO. L-)	POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
N/A								

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▪ Certificate Number or other identifying number: **61848**

If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?

Yes No N/A – No proposed well(s) listed above.

If “Yes”, attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department’s web page at: <http://www.wrd.state.or.us>)

If “No”, describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD WELL NO. AS IDENTIFIED IN TABLE ABOVE	DIAMETER	TYPE AND SIZE OF CASING	NO. OF FEET OF CASING	INTERVALS CASING IS PERFORATED (IN FEET)	SEAL DEPTH	EST. DEPTH TO WATER	EST. DEPTH TO WATER BEARING STRATUM	TYPE OF ACCESS PORT OR MEASURING DEVICE	TOTAL WELL DEPTH
N/A									

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▪ Certificate Number or other identifying number: **61848**

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

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

TABLE II. – PROPOSED PLACE OF USE												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	17	SE SE			603	10.0	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	NE NE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	NW NE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	SW NE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	20	SE NE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	19	SW SW		Lot 49.58 #2	500	24.2	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	2 N	26 E	19	SE SW		Lot 80 #1	500	8.6	Frank Tieg	
										168.4		
Well 1 & 3	8/7/1967	Irrigation	3 N	26 E	30	NE SE			603	5	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	3 N	26 E	30	SE SE			603	5	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	3 N	26 E	31	SW NE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	3 N	26 E	31	SE NE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	3 N	26 E	31	NE SE			500	31.4	Frank Tieg	
Well 1 & 3	8/7/1967	Irrigation	3 N	26 E	31	NW NE			500	31.4	Frank Tieg	
										135.6		
TOTAL:										304.0		

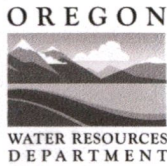
Remarks: _____

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Temporary Water Right Transfer Application

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only **one** water right per page. A **separate Form must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

▪ Certificate Number or other identifying number: **61849**

1. TYPE OF CHANGE(S) PROPOSED

(Check ***all*** that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change to facilitate a change in Place of Use (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Change in Point of Diversion in Response to an Emergency	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Change a water right to Store Water <input type="checkbox"/> Diminish an irrigation water right (primary) to a supplemental water right

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>61849</u> Certificate Number	<u>G-4504</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	- Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	- Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Far West Farms
- County: Morrow County
- Authorized Use(s) to be Affected by Transfer: Supplemental Irrigation
- Priority Date(s): 02-10-1969

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: 2 Wells

Tributary to: Butter Creek Basin

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – *No Change in Place of Use or Character of Use*

If “Yes”, what are the Permit, Registration or Certificate Numbers? Certificates 61848 & 68536

*Pursuant to ORS 540.510, any “layered” water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: **61849**

The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer** (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.

A Point of Diversion (POD) describes the location of diversion from a surface water source.
 A Point of Appropriation (POA) describes the location of appropriation from a ground water source or well.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Table I (Authorized Place of Use) and Table II (Proposed Place of Use).

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "OFF or FROM" point(s) of diversion or appropriation) Government lot(GOV'T LOT) and donation land claim numbers (DLC) must be included in the table below **only** if the information is reflected on the existing water right.

IF POA, OWRD WELL LOG ID NO. (OR WELL ID TAG NO. L-)	POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
	Well #2	2 N	26 E	17	NW NE		TL 603	100 ft South & 1350 ft West from the NE Corner Section 18
	Well #3	2 N	26 E	18	NE SE		TL 500	30 ft South & 30 ft West from the East ¼ Corner Section 18

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▪ Certificate Number or other identifying number: **61849**

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (*Surface water source only.*)

If “**Yes**”, for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department’s web page at:

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

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD WELL NO. AS IDENTIFIED IN TABLE ABOVE	DIAMETER	TYPE AND SIZE OF CASING	NO. OF FEET OF CASING	INTERVALS CASING IS PERFORATED (IN FEET)	SEAL DEPTH	EST. DEPTH TO WATER	EST. DEPTH TO WATER BEARING STRATUM	TYPE OF ACCESS PORT OR MEASURING DEVICE	TOTAL WELL DEPTH
Please See Attached Well Logs									

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Last Revised August 2009

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▪ Certificate Number or other identifying number: **61849**

The following information **must be provided** only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Location of Existing Authorized Place of Use to be Affected:

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

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

TABLE I. – AUTHORIZED PLACE OF USE												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	7	SW NW		Lot 47.88 #2	500	6.3	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	7	SE NW		Lot 80 #1	500	7.5	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	7	NE SW		Lot 80 #1	500	7.7	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	7	NW SW		Lot 47.98 #2	500	15.4	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	7	SW SW		Lot 48.13 #2	500	10.5	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	7	SE SW		Lot 80 #1	500	2.6	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	17	NW SW			603	5.5	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	17	SE SW			603	2.1	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	18	NE NW		Lot 80 #1	500	13.2	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	18	NW NW		Lot 48.26 #2	500	12.5	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	19	SE SW		Lot 80 #1	500	1.5	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	19	SW SE			500	2.1	Frank Tieg	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	19	SE SE			500	6.8	Frank Tieg	

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Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	NW NW			500	17.8	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	SW NW			500	8.0	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	30	NE NE			500	21.8	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	30	NW NE			500	0.7	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	30	NE NW	Lot 80 #1		500	15.1	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	30	NW NW	Lot 49.58		500	11.3	Frank Tiegs
										168.4	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	17	SE SE			603	10.0	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	NE NE			500	31.4	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	NW NE			500	31.4	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	SW NE			500	31.4	Frank Tiegs
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	SE NE			500	31.4	Frank Tiegs
										135.6	
TOTAL:										304.0	

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▪ Certificate Number or other identifying number: **61849**

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation necessary to facilitate a change in place of use. Measured distances described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

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

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

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed to facilitate a Change in Place of Use.)*

IF POA, OWRD WELL LOG ID NO. (OR WELL ID TAG NO. L-)	POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
N/A								

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▪ Certificate Number or other identifying number: **61849**

If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?

Yes No N/A – *No proposed well(s) listed above.*

If “**Yes**”, attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (**NOTE:** You may search for well logs on the Department’s web page at: <http://www.wrd.state.or.us>)

If “**No**”, describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD WELL NO. AS IDENTIFIED IN TABLE ABOVE	DIAMETER	TYPE AND SIZE OF CASING	NO. OF FEET OF CASING	INTERVALS CASING IS PERFORATED (IN FEET)	SEAL DEPTH	EST. DEPTH TO WATER	EST. DEPTH TO WATER BEARING STRATUM	TYPE OF ACCESS PORT OR MEASURING DEVICE	TOTAL WELL DEPTH
N/A									

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▪ Certificate Number or other identifying number: **61849**

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

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

TABLE II. – PROPOSED PLACE OF USE												
POD# or POA#	PRIORITY DATE	USE	LEGAL DESCRIPTION							ACRES	USER NAME	DINN
			TWP	RNG	SEC	QQ	DLC	GOV'T LOT	TAX LOT			
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	17	SE SE			603	10.0	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	NE NE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	NW NE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	SW NE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	20	SE NE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	19	SW SW		Lot 49.58 #2	500	24.2	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	2 N	26 E	19	SE SW		Lot 80 #1	500	8.6	Frank Tiegs	
										168.4		
Well 2 & 3	8/7/1967	Suppl Irr	3 N	26 E	30	NE SE			603	5	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	3 N	26 E	30	SE SE			603	5	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	3 N	26 E	31	SW NE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	3 N	26 E	31	SE NE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	3 N	26 E	31	NE SE			500	31.4	Frank Tiegs	
Well 2 & 3	8/7/1967	Suppl Irr	3 N	26 E	31	NW NE			500	31.4	Frank Tiegs	
										135.6		
TOTAL:										304.0		

T-14229

Remarks: _____

Temporary Transfer Application

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Temporary Water Right Transfer Application

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only **one** water right per page. A **Form must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

- Certificate Number or other identifying number: **68536**

1. TYPE OF CHANGE(S) PROPOSED

(Check **all** that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change to facilitate a change in Place of Use (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) <input type="checkbox"/> Change in Point of Diversion in Response to an Emergency	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Change a water right to Store Water <input type="checkbox"/> Diminish an irrigation water right (primary) to a supplemental water right

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>68536</u>	<u>43877</u>
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	-	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	-	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: **Boardman Farm Inc**
- County: **Morrow County**
- Authorized Use(s) to be Affected by Transfer: **Supplemental Irrigation**
- Priority Date(s): **04-11-1977**

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: **Columbia River**

Tributary to: **Pacific Ocean**

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A – *No Change in Place of Use or Character of Use*

*If “Yes”, what are the Permit, Registration or Certificate Numbers? Certificates **61848 & 61849***

Pursuant to ORS 540.510, any “layered” water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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▪ Certificate Number or other identifying number: **68536**

The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer** (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.

A Point of Diversion (POD) describes the location of diversion from a surface water source.

A Point of Appropriation (POA) describes the location of appropriation from a ground water source or well.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Table I (Authorized Place of Use) and Table II (Proposed Place of Use).

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "OFF or FROM" point(s) of diversion or appropriation) Government lot(GOV" T LOT) and donation land claim numbers (DLC) must be included in the table below **only** if the information is reflected on the existing water right.

IF POA, OWRD WELL LOG ID NO. (OR WELL ID TAG NO. L-)	POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
	Columbia River	4 N	25 E	2	NE NW			South 86 Degrees 32 Minutes 38 Seconds West 2841.57 feet from the NE Corner of Section 2

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▪ Certificate Number or other identifying number: **68536**

▪ Does the water right being transferred involve a ground water source(s)?

Yes No (*Surface water source only.*)

If “**Yes**”, for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department’s web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD WELL NO. AS IDENTIFIED IN TABLE ABOVE	DIAMETER	TYPE AND SIZE OF CASING	NO. OF FEET OF CASING	INTERVALS CASING IS PERFORATED (IN FEET)	SEAL DEPTH	EST. DEPTH TO WATER	EST. DEPTH TO WATER BEARING STRATUM	TYPE OF ACCESS PORT OR MEASURING DEVICE	TOTAL WELL DEPTH
N/A									

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▪ Certificate Number or other identifying number: **68536**

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation necessary to facilitate a change in place of use. Measured distances described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:
(i.e., the "ON or TO" point(s) of diversion or appropriation)

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed to facilitate a Change in Place of Use.)

IF POA, OWRD WELL LOG ID NO. (OR WELL ID TAG NO. L-)	POD# or POA#	TWP	RNG	SEC	QQ	DLC	GOV'T LOT	MEASURED DISTANCES
N/A								

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▪ Certificate Number or other identifying number: **68536**

If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?

Yes No N/A – No proposed well(s) listed above.

If “Yes”, attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department’s web page at: <http://www.wrd.state.or.us>)

If “No”, describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD WELL NO. AS IDENTIFIED IN TABLE ABOVE	DIAMETER	TYPE AND SIZE OF CASING	NO. OF FEET OF CASING	INTERVALS CASING IS PERFORATED (IN FEET)	SEAL DEPTH	EST. DEPTH TO WATER	EST. DEPTH TO WATER BEARING STRATUM	TYPE OF ACCESS PORT OR MEASURING DEVICE	TOTAL WELL DEPTH
N/A									

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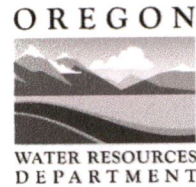
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Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME FRANK TIEGS, LLC			PHONE (HM)	
PHONE (WK) (509) 545-4545		CELL		FAX
ADDRESS P.O. Box 3110				RECEIVED
CITY PASCO	STATE WA	ZIP 99302	E-MAIL** FRANK@FTIEGS.COM	

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2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME COLUMBIA IRRIGATION DISTRICT			PHONE (HM)	
PHONE (WK) (541) 481-9454		CELL		FAX
ADDRESS 501 COLUMBIA AVE NE				
CITY BOARDMAN	STATE OR	ZIP 97875	E-MAIL**	

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	61848	YES <input type="checkbox"/>
2.		-	61849	YES <input type="checkbox"/>
3.		-	68536	YES <input type="checkbox"/>
4.				YES <input type="checkbox"/>

- b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION

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4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Frank Tiegs
Applicant Signature

Frank Tiegs
Name (print)

04-20-2023
Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right **Temporary** transfer application and maps; and

(2) The district/water supplier consents to the proposed water right **Temporary** transfer application.

YES NO

N/A After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO

N/A The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Mark Maynard

Signature of District Manager /Water Supplier

Mark Maynard

Name (print), Title

4/17/23

Date

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss

County of MORROW)

I, FRANK TIEGS, in my capacity as OWNER,
 mailing address P.O. BOX 3110, PASCO, WA 99302

telephone number (509) 545-4545, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # **61848, 61849, & 68536** ; **OR**

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

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

OR

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

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(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): POTATOES, CORN, WHEAT AND GRASS

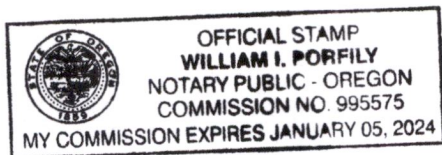
OWRD

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

Frank Rego
Signature of Affiant

04-20-2023
Date

Signed and sworn to (or affirmed) before me this 20 day of April, 2023.



William I. Porfily
Notary Public for Oregon

My Commission Expires: JAN 5, 2024

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

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Umatilla Electric Cooperative

Jan-22	\$	208.24
Feb-22	\$	168.56
Mar-22	\$	245.44
Apr-22	\$	20,465.72
May-22	\$	36,661.40
Jun-22	\$	49,005.06
Jul-22	\$	60,988.41
Aug-22	\$	61,278.28
Sep-22	\$	62,249.18
Oct-22	\$	48,743.03
Nov-22	\$	28,248.79
Dec-22	\$	426.11
	\$	368,688.22

Columbia Basin Electric Cooperative

Jan-22	\$	8,389.50
Feb-22	\$	8,475.74
Mar-22	\$	8,206.52
Apr-22	\$	11,521.23
May-22	\$	14,498.43
Jun-22	\$	17,925.64
Jul-22	\$	25,249.25
Aug-22	\$	18,371.08
Sep-22	\$	21,434.97
Oct-22	\$	10,388.98
Nov-22	\$	9,534.32
Dec-22	\$	8,823.97
	\$	162,819.63

RECEIVED

APR 24 2023

OWRD

T-14229

MORROW COUNTY, OREGON 2006-18322
F-DA 12/26/2006 02:19:46 PM
Cnt=1 Stn=1 BC \$51.00
\$30 00 \$11 00 \$10 00



00002809200600183220060065

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



RECEIVED

APR 24 2023

OWRD

After Recording, Return To:

Baker Produce South, Inc.
c/o Western Mortgage & Realty Co.
P.O. Box 3110
Pasco, WA 99302-3110

Send Tax Statements To:

Baker Produce South, Inc.
c/o Western Mortgage & Realty Co.
P.O. Box 3110
Pasco, WA 99302-3110

MCTC ACCOM

DEED IN LIEU OF FORECLOSURE

FOR VALUE RECEIVED, **ROBERT G. MUELLER** and **LINDA D.**

MUELLER, and **RIVERCREST FARMS, Inc.**, the Grantors, hereby grant and convey unto **BAKER PRODUCE SOUTH, INC.**, a Washington Corporation, the Grantee, whose relevant current address is 6610 W. Court St., Suite #B, Pasco, WA 99301, the real and personal property of the Grantors, located in the County of Morrow, State of Oregon, to wit:

Described on EXHIBIT A attached hereto and made a part hereof (hereinafter referred to as the "Subject Property").

TO HAVE AND TO HOLD, unto the said Grantee, its successors and assigns forever.

This Deed is given in lieu of foreclosure of Grantee's mortgage liens and security interest in and to the Subject Property, however, that Grantee's mortgage liens and security interest in and to the Subject Property shall not be deemed to have merged into this Deed, but shall survive the execution, delivery and recording of this Deed, and

T-14229

Grantee expressly reserves and retains its priority of liens and security interest in and to the Subject Property for the purpose of protecting Grantee against any third party liens, claims or interest, known or unknown, disclosed or undisclosed, liquidated or unliquidated, of whatever kind or nature.

It is expressly covenanted and agreed by and between the parties hereto that by accepting delivery of and/or by recording this Deed, Grantee does not assume any liability arising out of or in connection with the ownership or use of the Subject Property by the Grantors or their predecessors in interest.

The mortgage liens hereinbefore referred to are based upon: 1) A certain Trust Deed dated September 20, 1999 from Robert G. Mueller and Linda D. Mueller ("Mueller"), to Mid-Columbia Title Company ("Mid-Columbia"), as Trustee for the benefit of Bank of America NA, dba Seafirst Bank ("Bank"), as Beneficiary, recorded September 21, 1999 as Microfilm No. M-59265 and re-recorded November 13, 2000 as 2000-2507, Morrow County Microfilm Records of the real property records of Morrow County, Oregon, and amended by document recorded April 2, 2001 as Microfilm No. 2001-684, and as assigned by Bank of America, NA, to Baker Produce South, Inc. pursuant to that certain Assignment of Trust Deed by Beneficiary recorded February 28, 2002 as Microfilm No. 2002-3569 in the Office of the Clerk of Morrow County, Oregon, which encumbers the Subject Property more particularly described therein, together with the indebtedness secured thereby and the benefits and privileges created thereunder; 2) A certain Line of Credit Trust Deed dated October 25, 2000 from Robert G. Mueller and Linda D. Mueller ("Mueller"), to Mid-Columbia Title Company ("Mid-Columbia"), as Trustee for the benefit of Bank of America NA ("Bank"), as Beneficiary, recorded November 7, 2000 as Microfilm No. 2000-2480, Morrow County Microfilm Records of the real property records of Morrow County, Oregon, and as assigned by Bank of America, NA, to Baker Produce South, Inc. pursuant to that certain Assignment of Line of Credit Instrument by Beneficiary recorded February 28, 2002 as Microfilm No. 2002-350 in the Office of the Clerk of Morrow County, Oregon, which encumbers the Subject Property

Deed in Lieu of Foreclosure – Page 2

more particularly described therein, together with the indebtedness secured thereby and the benefits and privileges created thereunder; and, 3) A certain Trust Deed dated March 22, 2001 from Rivercrest Farms, Inc. ("Rivercrest"), to James C. Waggoner ("Waggoner"), as Trustee for the benefit of Bank of America NA ("Bank"), as Beneficiary, recorded April 2, 2001 as Microfilm No. 2001-686, Morrow County Microfilm Records of the real property records of Morrow County, Oregon, and as assigned by Bank of America, NA, to Baker Produce South, Inc. pursuant to that certain Assignment of Trust Deed, Security Agreement and Financing Statement by Beneficiary recorded February 28, 2002 as Microfilm No. 2002-3573 in the Office of the Clerk of Morrow County, Oregon, which encumbers the Subject Property more particularly described therein, together with the indebtedness secured thereby and the benefits and privileges created thereunder. Grantee is further secured by related collateral loan documents from Mueller and Rivercrest to Bank and which were subsequently assigned to Baker Produce South, Inc.

This Deed is absolute in effect and conveys fee simple title of the Subject Property described in Exhibit A to the Grantee and does not operate as a mortgage, trust conveyance or security of any kind.

Grantors do hereby waive, surrender, convey and relinquish any equity of redemption and statutory rights of redemption concerning the Subject Property and the mortgage lien documents described above.

Possession of the Subject Property is hereby surrendered and delivered to Grantee. Grantors are not acting under any misapprehension as to the legal effect of this Deed nor under any duress, undue influence or misrepresentation of Grantee, its agents or attorneys or any other person. At this time there is no person, partnership or corporation other than Grantee, interested in the Subject Property directly or indirectly, in any manner whatsoever, except as aforesaid.

Deed if Lieu of Foreclosure – Page 3

T-14229

IN WITNESS WHEREOF, the Grantors have duly executed this instrument this

____ day of December, 2006.

Robert G. Mueller

Robert G. Mueller

Linda D. Mueller

Linda D. Mueller

Robert G. Mueller

River Crest Farms, Inc.

Robert G. Mueller, President

STATE of Washington)
) ss.
COUNTY of Franklin)

On this 21st day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert G. Mueller and Linda D. Mueller, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Tim M. Tippett

Notary Public in and for the State of Washington

Residing at Pasco

My Commission Expires: 5-9-09

STATE of Washington)
) ss.
COUNTY of Franklin)

I certify that I know or have satisfactory evidence that Robert G. Mueller is the person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Rivercrest Farms, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal the 21st day of December, 2006.



Tim M. Tippett
Name: Tim M. Tippett
Notary Public in and for the
State of Washington
Residing at: Pasco.
My Commission Expires:
5-9-09

EXHIBIT "A" – LEGAL DESCRIPTION

All that certain real property located in Township 2 North, Range 26 East, W.M., in the County of Morrow and State of Oregon, described as follows:

Section 7: All.

Section 18: The West Half and the Southeast Quarter.

Section 19: All.

Section 30: The North Half of the North Half.

MORROW COUNTY, OREGON 2006-16977
CC-AJ 06/21/2006 11:30:22 AM
Cnt=1 Str=1 TJ \$51.00
\$40.00 \$11.00



00001115200600169770080083

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Bobbi Childers - County Clerk

FILED
MORROW COUNTY
COURT
05 APR -7 AM 8:30
CLERK ADMINISTRATOR
BY sw

After Recording return to:
Western Mortgage and Realty Company
PO Box 3110
Pasco, WA 99302

IN THE CIRCUIT COURT OF
THE STATE OF OREGON FOR
MORROW COUNTY

BAKER PRODUCE SOUTH, INC.,

Plaintiff,

v.

PSIII FARMS, L.L.C., RIVERCREST FARMS,
INC., ROBERT G. MUELLER and LINDA D.
MUELLER,

Defendants

and

THE LIQUIDATING TRUST FOR USA
BIOMASS CORPORATION,

Intervenor.

Case No. 03CV213

JUDGMENT

Pursuant to the stipulation of the parties it is hereby Ordered, Adjudged and Decreed as follows:

1) Baker Produce South, Inc. ("Baker") is declared the owner in fee simple absolute free and clear of the claims of any of the parties hereto (including Intervenor) and anyone claiming under them, of the property described in Exhibit A (the "Property").

///

1 2) The receivership is terminated and Glenn Chowning ("Receiver") is released and
2 the Receiver's bond is exonerated.

3 3) All Lessor's interest and obligations in and under the leases from Receiver to
4 Aylett, Pasco Farming, Inc., and Lamb Weston for portions of the Property are vested in Baker
5 as Lessor. Nothing herein shall affect the rights or obligations of the Lessees under any lease
6 executed by Receiver and approved by this Court except all such duties shall run to and all such
7 rights against Baker as if Baker were the initial Lessor.

8 4) The Assignment and Assumption Agreement between Receiver and Baker, a copy
9 of which is attached hereto as Exhibit B, is hereby approved.

10 5) The Receiver's costs and expenses requested in its recent motion in the sum of
11 \$ 3,014.55 are approved. Receiver shall pay over to Baker all remaining funds held in the
12 receivership, including any security deposits or sums held by Receiver's counsel. The Receiver's
13 final accounting and all prior accounting of the Receiver are approved.

14 6) Nothing herein shall effect a merger of the Deed of Trust into the fee as to any
15 person who is unaffected by this judgment.

16 7) Each party shall bear its own fees and expenses.

17 DATED this 4/5 day of 2005.

So ordered:
Respectfully submitted,



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Dated 6-21-06, 2006
TRIAL COURT ADMINISTRATOR
By Jessie L. Woodward

[Signature]
The Honorable Daniel J. Hill
Circuit Court Judge
Morrow County Courthouse

It is so stipulated:

[Signature]
Attorney for The Liquidating Trust for
USA Biomass Corporation # 00222

[Signature]
Attorney for Robert and Linda Mueller and
Rivercrest Farms, Inc. #82406

[Signature]
Attorney for Baker Produce South, Inc.

[Signature]
Attorney for Jerry Moro, Receiver for
PSIII Farms, L.L.C.

EXHIBIT "A"

PARCEL I-A:

Township 3 North, Range 26 East of the Willamette Meridian, Morrow County, Oregon.

Section 30: Beginning at the West Quarter corner of said Section 30;
Thence South $00^{\circ}15'12''$ East a distance of 100.00 feet to the True Point of Beginning;
Thence North $00^{\circ}15'12''$ West along the Westerly line of said Section 30 a distance of 838.17 feet to a point;
Thence South $44^{\circ}16'37''$ East a distance of 1,155.36 feet to a point;
Thence West a distance of 810.00 feet, more or less, to the True Point of Beginning.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL I-C:

Parcel 1 of Partition Plat 1984-3 as recorded in Morrow County Plat records on March 22, 1984 in Book 3 of Plats, Page 38, as receipt No. 150292, Township 3 North, Range 26 East of the Willamette Meridian, Morrow County, Oregon.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL III-B:

Township 2 North, Range 26 East of the Willamette Meridian, Morrow County, Oregon.

Section 18: The Northeast Quarter.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL V-C AND V-D

Plant Site:

Commencing at the Northwest corner of Section 10, Township 4 North, Range 25 East of the Willamette Meridian, Morrow County, Oregon and running: Thence South $1^{\circ}20'10''$ East along the West line of said Section 10 a distance of 554.50 feet to a point; Thence North $88^{\circ}30'30''$ East a distance of 20.00 feet to a point on the Easterly right-of-way of Olson Road, said point also being the True Point of Beginning of this description; Thence South $1^{\circ}29'10''$ East along said Easterly right-of-way a distance of 475.13 feet to a point, said point being on the North right of way line of a utility corridor as shown on the Port of Morrow Food Processing Park Plat; Thence North $88^{\circ}30'21''$ East a distance of 400.00 feet, more or less, along the North line of said Utility corridor, to the Southwest corner of Lot 1, Block 1 of Port of Morrow Food Processing Park; Thence North $1^{\circ}29'10''$ West a

distance of 829.83 feet, more or less, to a point on the Southerly right-of-way line of the Old Columbia River Highway, said point also being the Northwest corner of Lot 1 of Block 1 of the Port of Morrow Food Processing Park; Thence Southwesterly along said Southerly right-of-way along a 11,279.17 foot radius curve to the left, the cord bears South $75^{\circ}05'10''$ West a distance of 333.21 feet, a distance of 353.23 feet to a point; Thence continuing Southwesterly along said Southerly right-of-way along a 75.00 foot radius curve to the left, the cord bears South $38^{\circ}20'30''$ West a distance of 92.01 feet, a distance of 94.04 feet to the True Point of Beginning of this description.

PARCELS V-A AND V-B - Undeveloped

Lots 1 and 2, Block 1, Port of Morrow Food Processing Park. All being in the County of Morrow, State of Oregon.

EXHIBIT "A"

PARCEL B-A:

Township 2 North, Range 28, East of the Willamette Meridian, Morrow County, Oregon.

Section 8: ALL

Section 17: ALL

Section 20: ALL

EXCEPTING THEREFROM all roads and road rights-of-way.

EXHIBIT "A" ATTACHED TO A SECURITY AGREEMENT BETWEEN
PS W FARMS, LLC. AND SEATTLE-FIRST NATIONAL BANK/TRI-CITIES 38
DATED MARCH 28, 1995

STATE OF OREGON }
County of Morrow }

153198

I hereby certify that the within
instrument was received for record.

INDEXED

on 5-15-95 at 10:56 am

and assigned 45204



in the Records of said

County of Morrow

Barbara Bloodworth
County Clerk

#45?

Calvin M. Keen
Deputy

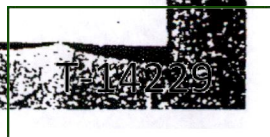


EXHIBIT "A"

PARCEL I-A:

Township 3 North, Range 26 East of the Willamette Meridian, Morrow County, Oregon.

Section 30: Beginning at the West Quarter corner of said Section 30;
Thence South $00^{\circ}15'12''$ East a distance of 100.00 feet to the True Point of Beginning;
Thence North $00^{\circ}15'12''$ West along the Westerly line of said Section 30 a distance of 839.17 feet to a point;
Thence South $44^{\circ}16'57''$ East a distance of 1,155.36 feet to a point;
Thence West a distance of 810.00 feet, more or less, to the True Point of Beginning.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL I-C:

Parcel 1 of Partition Plat 1994-3 as recorded in Morrow County Plat records on March 22, 1994 in Book 3 of Plats, Page 38, as receipt No. 150292, Township 3 North, Range 26 East of the Willamette Meridian, Morrow County, Oregon.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL III-B:

Township 2 North, Range 26, East of the Willamette Meridian, Morrow County, Oregon:

Section 18: The Northeast Quarter.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL V-C AND V-D

Plant Site:

Commencing at the Northwest corner of Section 10, Township 4 North, Range 25 East of the Willamette Meridian, Morrow County, Oregon and running; Thence South $1^{\circ}20'10''$ East along the West line of said Section 10 a distance of 554.50 feet to a point; Thence North $88^{\circ}30'30''$ East a distance of 20.00 feet to a point on the Easterly right-of-way of Olson Road, said point also being the True Point of Beginning of this description; Thence South $1^{\circ}29'10''$ East along said Easterly right-of-way a distance of 475.13 feet to a point, said point being on the North right of way line of a utility corridor as shown on the Port of Morrow Food Processing Park Plat; Thence North $88^{\circ}30'21''$ East a distance of 400.00 feet, more or less, along the North line of said Utility corridor, to the Southwest corner of Lot 1, Block 1 of Port of Morrow Food Processing Park; Thence North $1^{\circ}29'10''$ West a

distance of 629.83 feet, more or less, to a point on the Southerly right-of-way line of the Old Columbia River Highway, said point also being the Northwest corner of Lot 1 of Block 1 of the Port of Morrow Food Processing Park; Thence Southwesterly along said Southerly right-of-way along a 11,279.17 foot radius curve to the left, the cord bears South $75^{\circ}05'10''$ West a distance of 353.21 feet, a distance of 353.23 feet to a point; Thence continuing Southwesterly along said Southerly right-of-way along a 75.00 foot radius curve to the left, the cord bears South $36^{\circ}20'50''$ West a distance of 92.01 feet, a distance of 94.04 feet to the True Point of Beginning of this description.

EXHIBIT "A"

PARCEL II-A:

Township 2 North, Range 26, East of the Willamette Meridian, Morrow County, Oregon.

Section 8: ALL

Section 17: ALL

Section 20: ALL

EXCEPTING THEREFROM all roads and road rights-of-way.

EXHIBIT "A" ATTACHED TO A SECURITY AGREEMENT BETWEEN
PS III FARMS, LLC. AND SEATTLE-FIRST NATIONAL BANK/TRI-CITIES 38
DATED MARCH 29, 1995

STATE OF OREGON } ss. 153128
County of Morrow

I hereby certify that the within
instrument was received for record.

on 5-15-95 at 10:56 am

and assigned 45204

in the Microfilm Records of said
County

Witness My Hand and Seal of County

Barbara Bloodsworth
County Clerk

Barley M. Carl
Deputy

#45?

T-14229

ASSIGNMENT AND ASSUMPTION AGREEMENT

**Between
Glenn Chowning as Receiver
and
Baker Produce South, Inc.**

**I
PARTIES**

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT is entered into between GLENN CHOWNING, Receiver in the case of Baker Produce South, Inc. vs. PS III Farms, LLC, et. al., Morrow County Circuit Court Case #03CV213 ("CHOWNING"), and BAKER PRODUCE SOUTH, INC. ("BAKER PRODUCE"), on the date the Morrow County Circuit Court approves this agreement by court order. CHOWNING and BAKER PRODUCE are referred to in this agreement as the "parties."

**II
RECITALS**

WHEREAS CHOWNING entered into a "Lease of Potato Storage Shed" with Lamb-Weston, Inc. dated September 1, 2004 (the "Lamb-Weston Lease"), where Lamb Weston, Inc. leased a large potato storage shed from CHOWNING for the 2004-2005 crop storage year, and

WHEREAS CHOWNING entered into a "Lease of Potato Storage Shed" with Earl Aylett dated July 14, 2004 (the "Aylett Lease"), where Earl Aylett leased a small potato storage shed from CHOWNING for the 2004-2005 crop storage year, and

WHEREAS CHOWNING entered into a "Lease of Farmground" with Pasco Farming, Inc. dated December 14, 2004 (the "Pasco Farming Lease"), where Pasco Farming Inc. leased certain farmground in Morrow County, Oregon, for the 2005 crop year, and

WHEREAS CHOWNING desires to assign all of his right, title and interest in said leases to BAKER PRODUCE, and

WHEREAS BAKER PRODUCE is willing to assume all of CHOWNING'S duties and obligations under said leases, and

WHEREAS the parties desire to make other agreements with each other as set forth herein.

**III
AGREEMENTS**

NOW THEREFORE, in consideration of the mutual promises, performances, agreements and covenants of the parties contained in this agreement, the parties agree and contract as follows:

1. **Contingencies to Effectiveness of this Agreement.** The parties specifically agree that the effectiveness of this agreement is contingent upon the entry of an order in Morrow County Circuit Court Case #03CV213 which approves this agreement.

2. **Assignment and Assumption of Lamb-Weston Lease.**

a. CHOWNING hereby assigns to BAKER PRODUCE, all of his right, title and interest in the Lamb-Weston Lease, including but not limited to the \$40,000 of rent due in the spring of 2005. CHOWNING warrants and represents that Lamb-Weston has not paid the \$40,000 of rent due in the spring of 2005.

b. BAKER PRODUCE hereby assumes and agrees to perform all of CHOWNING'S duties and obligations under the Lamb-Weston Lease.

c. BAKER PRODUCE shall not disturb Lamb-Weston in its possession of the large potato storage shed, except as might be allowed in the lease.

d. Lamb-Weston is a third party beneficiary of BAKER PRODUCE'S agreement to assume and perform all of CHOWNING'S duties and obligations under the Lamb-Weston lease and the foregoing non-disturbance agreement.

EXHIBIT B
PAGE 1 OF 2
T-14229

3. Assignment and Assumption of Aylett Lease.

- a. CHOWNING hereby assigns to BAKER PRODUCE, all of his right, title and interest in the Aylett Lease and CHOWNING warrants and represents that Aylett has paid all of his rent.
- b. BAKER PRODUCE hereby assumes and agrees to perform all of CHOWNING'S duties and obligations under the Aylett Lease.
- c. BAKER PRODUCE shall not disturb Earl Aylett in his possession of the small potato storage shed, except as might be allowed in the lease.
- d. Earl Aylett is a third party beneficiary of BAKER PRODUCE'S agreement to assume and perform all of CHOWNING'S duties and obligations under the Aylett Lease and the foregoing non-disturbance agreement.

4. Assignment and Assumption of Pasco Farming Lease.

- a. CHOWNING hereby assigns to BAKER PRODUCE, all of his right, title and interest in the Pasco Farming Lease and CHOWNING warrants and represents that Pasco Farming has paid all of its rent.
- b. Concerning said lease, CHOWNING shall do all of the following:
 - (1) Terminate CHOWNING'S UCC Financing Statement filed pursuant to the lease.
 - (2) Have his attorney George Anderson, pay the \$40,000 plus interest Mr. Anderson holds in trust pursuant to the lease over to the assignee landlord BAKER PRODUCE to be held pursuant to the terms of the lease. PASCO FARMING, INC. approves this payment by its agreement given below.
- c. BAKER PRODUCE hereby assumes and agrees to perform all of CHOWNING'S duties and obligations under the Pasco Farming Lease.
- d. BAKER PRODUCE shall not disturb Pasco Farming in its possession of the farmground, except as might be allowed in the lease.
- e. Pasco Farming is a third party beneficiary of BAKER PRODUCE'S agreement to assume and perform all of CHOWNING'S duties and obligations under the Pasco Farming lease and the foregoing non-disturbance agreement.

5. Entire Agreement. This writing contains the entire agreement of the parties concerning the matters in this writing. There are no other agreements between the parties concerning these matters, be they written, oral or otherwise.

READ AND AGREED TO:

Glenn Chowning

 GLENN CHOWNING, Receiver
 Date: 3/22/05, 2005

BAKER PRODUCE SOUTH, INC.
 By: Jan Lep

 Title: Pres
 Date: 3-19-05, 2005
 AGREEMENT OF PASCO FARMING, INC.

PASCO FARMING, INC. hereby instructs the Receiver and his attorney George Anderson to pay the \$40,000 plus interest they hold pursuant to the CHOWNING TO PASCO FARMING lease to BAKER PRODUCE to be held by BAKER PRODUCE pursuant to the terms of said lease. PASCO FARMING, INC. hereby approves this payment.

PASCO FARMING, INC.
 By: Jan Lep

 Title: Pres
 Date: 3-19-05, 2005

EXHIBIT B
 PAGE 2 OF 2

T-14229