

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 87374**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(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"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- 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 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), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Hermiston		PHONE NO. 541-561-7607	ADDITIONAL CONTACT NO. Roy Bicknell
ADDRESS 180 N.E. 2nd Street			FAX NO.
CITY Hermiston	STATE Oregon	ZIP 97838	E-MAIL rbicknell@hermiston.or.us
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Anderson Perry & Associates, Inc.		PHONE NO. 541-963-8309	ADDITIONAL CONTACT NO.
ADDRESS 1901 N. Fir Street			FAX NO.
CITY La Grande	STATE Oregon	ZIP 97850	E-MAIL bmahon@andersonperry.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:
The City of Hermiston has purchased water right Certificate 87374 from the Port of Umatilla. This water right (0.39 cubic feet per second [cfs]) is currently utilized to irrigate 31.4 acres. The point of appropriation (POA) is Well No. 3 (UMAT-2507). This transfer will change the POA from Well No. 3 to Well No. 6 (UMAT-5450). The place of use will be transferred from the 31.4 acres of irrigation to the City of Hermiston's municipal water service area. The character of use will be transferred from irrigation to municipal.

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

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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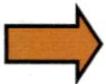
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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **Hermiston Herald**.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



Roy Bicknell
Applicant signature

Roy Bicknell
Print Name (and Title if applicable)

9-11-23 **RECEIVED**
Date **OCT 03 2023**

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME Not applicable		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

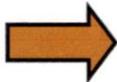
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**)

IRRIGATION DISTRICT NAME Not applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Not applicable	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME City of Hermiston	ADDRESS 180 N.E. 2nd Street	
CITY Hermiston	STATE Oregon	ZIP 97838

ENTITY NAME Umatilla County	ADDRESS 216 S.E. 4th Street, Room 104	
CITY Pendleton	STATE Oregon	ZIP 97801

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 87374

Description of Water Delivery System

System capacity: **0.39** cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **See attached description.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA 1 (Well No. 3)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT-2507	4	N	28	E	23	SW	NE	200	1,350 feet south, 1,330 feet west from northeast corner, Section 23
POA 2 (Well No. 6)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UMAT-5450	4	N	28	E	24	SE	NW	400	105 feet north, 435 feet west from quarter corner, Section 24
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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

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

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

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	N	28	E	23	SW	NE	200		31.4	Irrigation	POA 1	02/25/1977		4	N	28	E	24	SE	NW	400		N/A	Municipal	POA 2	08/15/1984
							TOTAL ACRES:	31.4												TOTAL ACRES:						

Additional remarks: See attached description.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **See Attachment 1.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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City of Hermiston, Oregon
Application for Permanent Water Right Transfer
Additional Descriptions

Part 5 of 5 - Water Right Information, page 8 of 10
Description of Water Delivery System

The Port of Umatilla's water right Certificate 87374 has enabled consistent fresh well water pumping since the well was put into use in 1979. The water has been put to beneficial use by irrigating 31.4 acres of crop land. The well and piping infrastructure supply a 180-degree irrigation pivot. Attachment 2 includes a Google Earth map of the irrigated acres of the certificate.

Table 2. Description of Changes to Water Right Certificate No. 87374, Additional Remarks

The change requested to this certificate is to transfer Certificate No. 87374 from POA 1 (Well No. 3) to POA 2 (Well No. 6) and change the character of use from irrigation to municipal. The place of use for municipal water will be the urban growth boundary of the City of Hermiston. See Attachment 1, Figures 1 and 2.

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ATTACHMENT 1
Transfer Application Maps

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Glen Chandler

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Monday, August 28, 2023 10:38 AM
To: Glen Chandler
Subject: RE: Hermiston city water right transfer

**This email contains an attachment from outside of the organization.
Please exercise caution when opening this attachment.**

Good Morning Glen,

The Department grants a map scale waiver for the attached Figure #2 transfer application map.

Please include a copy of this e-mail when the transfer application is submitted to the Department.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
(He/Him/His)
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

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Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Glen Chandler <gchandler@andersonperry.com>
Sent: Monday, August 28, 2023 10:14 AM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: Hermiston city water right transfer

You don't often get email from gchandler@andersonperry.com. [Learn why this is important](#)

Kelly,

Here are the two maps we intend to submit with the permanent water rights transfer. We had to make the figure 2, Hermiston-Urban Growth Boundary map even smaller to fit on a standard 8.5 x11. Scale is now 0-6000. Can you give me a map scale waiver for figure 2 map if its required?

Thank you.
Glen

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ATTACHMENT 2
Evidence of Use Affidavit and
Supporting Documentation

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of Umatilla)

I, Kim B. Puzey, in my capacity as General Manager, Port of Umatilla,
 mailing address P.O. Box 879, Umatilla, Oregon 97882
 telephone number (541) 922-3224, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 87374; **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)
87374	4	N	28	E	WM	23	SW NE	--	31.4

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)

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

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

Signature of Affiant

Date

September 20, 2023

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



Joel E. Barajas
 Notary Public for Oregon

Notary Public for Oregon

My Commission Expires: March 23, 2026

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

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Certificate 87374

Evidence of Use
Aerial Photograph 4/2021
POA 1 (well #3) with Pivot

Legend

Google Earth

E Cook Ave

SE 10th St

SE 10th St

SE Campbell Dr

1000 ft



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E Penney Ave

Meyer Distribution

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ATTACHMENT 3
Land Use Information (Municipal)

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Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

Applicant(s): City of Hermiston

Mailing Address: 180 N.E. 2nd Street

City: Hermiston State: Oregon Zip Code: 97838 Daytime Phone: 541-561-7607

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
4N	28E	24	SE NW	400	Commercial C-2/M-1	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Municipal water
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Hermiston urban growth boundary, Umatilla County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: 0.39 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Groundwater will be used as a municipal water source for the City of Hermiston within the urban growth boundary.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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OWRD 14335 - WR/FS

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. **Cite applicable ordinance section(s):** 157.155(A)(18)HZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	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

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

No concerns noted.

Name: CLINTON SPENCER Title: CITY PLANNER
 Signature:  Phone: 541 667-5025 Date: 9/11/23
 Government Entity: City of Hermiston

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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ATTACHMENT 4
Well Information

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OWRD

14335 - -

Well Report Query Results *GPS points, where available are at the far right of the table. Click link to view on map*

Well Log: UMAT 5450

Well Log	Details	T-R-S/ Q-Q-Q	Taxlot	Street of Well	Owner	Company	Special Standards	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Constructor	Startcard	Well Id #	New	Abandon	Deepen	Alteration	Conversion	Domestic	Irrigation	Community	Livestock	Industrial	Injection	Thermal	Dewatering	Piezometer	Latitude/ Longitude
UMAT 5450 Groundwater Info	Details	4.00N-28.00E-24 SE-NW		HWY 395; LOT 4 BLK 1		CITY OF HERMISTON 180 N E 2ND HERMISTON OR 97838		W	215.00	1500.00	380.0	2500.0	09/26/1990	11/02/1990	WALLACE, PATRICK	21804	✓							✓							45.8134, -119.2608	

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 OWRD 14335 -

STATE OF OREGON
WATER WELL REPORT
 (as required by ORS 537.765)

NOV - 2 1990

(START CARD) #

21804

(1) OWNER:

Name City of Hermiston
 Address 180 NE 2nd
 City Hermiston State OR Zip 97138

Well Number: CALEM

(9) LOCATION OF WELL by legal description:

County Umatilla Latitude _____ Longitude _____
 Township 4N N or S, Range 28E E or W, WM.
 Section 24 SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Tax Lot _____ Lot 4 Block 1 Subdivision _____
 Street Address of Well (or nearest address) Hwy. 395, south of Hermiston Foods

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 1500 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Material	Amount	
Diameter	From To	From	To		sacks or pounds	
24"	0 228	Cement	0 650	500 sacks		
19"	228 650					
15"	650 1085					
10"	1085 1500					

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From To	Gauge	Steel		Plastic		Welded		Threaded	
			Steel	Plastic	Welded	Threaded	Welded	Threaded		
Casing: 16"	0 2 650	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
2500+	42		1 hr.
(pump test by Layne Pump, Pasco, WA)			

Temperature of water 32°C Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom Coffey Lab

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(10) STATIC WATER LEVEL:

380 ft. below land surface. Date 8-22-90
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 215

From	To	Estimated Flow Rate	SWL
160	225	50	58
447	468	100+	58
(Cont.)			

(12) WELL LOG:

Material	From	To	SWL
Silty-sand	0	10	
Brown clay with round cobbles	10	13	
Brown claystone	13	68	
Silty brown clay	68	97	
Brown clay with some gravel	97	115	
Gray clay	115	142	
Brown clay	142	160	
Sandy brown clay	160	225	WB
Gray basalt, hard	225	315	
Soft brown basalt	315	322	
Gray basalt, med.	322	360	
Green clay	360	394	
Gray basalt	394	447	
Red basalt with green soapstone	447	468	WB
Gray basalt, hard	468	538	
Red basalt	538	547	
Gray basalt	547	559	
Red basalt with green soapstone	559	571	
(Cont.)			

Date started 6-28-90 Completed 9-26-90

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

WWC Number _____

Signed _____ Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1218

Signed Patrick Wallace Date 10-26-90

#05

Umatilla
5450

440/28E/24 bd

WATER RESOURCES DEPARTMENT

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STATE OF OREGON
WATER WELL REPORT
 (as required by ORS 537.765)

WMA 5450

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Pg. 2

(START CARD) # *21804*

(1) OWNER: *City of Hermiston*
 Well Number: *6 SALEM*
 Name: *City of Hermiston*
 Address: _____
 City: _____ State: _____ Zip: _____

(9) LOCATION OF WELL by legal description:
 County: _____ Latitude: _____ Longitude: _____
 Township: _____ N or S, Range: _____ E or W, WM.
 Section: _____ 1/4 _____ 1/4
 Tax Lot: _____ Lot: _____ Block: _____ Subdivision: _____
 Street Address of Well (or nearest address): _____

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well _____ ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele./pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
			1 hr.

Temperature of water _____ Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(10) STATIC WATER LEVEL:
 _____ ft. below land surface. Date _____
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
<i>716</i>	<i>765</i>	<i>500+</i>	<i>380</i>
<i>1065</i>	<i>1075</i>	<i>800+</i>	<i>380</i>
<i>(Cont.)</i>			

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
<i>Gray basalt</i>	<i>571</i>	<i>605</i>	
<i>Red & gray basalt with green soapstone</i>	<i>605</i>	<i>616</i>	
<i>Red basalt</i>	<i>616</i>	<i>625</i>	
<i>Black basalt, med.</i>	<i>625</i>	<i>659</i>	
<i>Gray basalt, hard</i>	<i>659</i>	<i>716</i>	
<i>Porous gray basalt with green soapstone</i>	<i>716</i>	<i>765</i>	<i>WB</i>
<i>Gray basalt, hard</i>	<i>765</i>	<i>814</i>	
<i>Soft red & gray basalt</i>	<i>814</i>	<i>829</i>	
<i>Gray basalt, hard</i>	<i>829</i>	<i>998</i>	
<i>Soft gray basalt with green soapstone</i>	<i>998</i>	<i>1014</i>	
<i>Gray basalt</i>	<i>1014</i>	<i>1042</i>	
<i>Black basalt, med. hard</i>	<i>1042</i>	<i>1065</i>	
<i>Soft gray basalt with green soapstone</i>	<i>1065</i>	<i>1075</i>	<i>WB</i>
<i>Gray basalt</i>	<i>1075</i>	<i>1230</i>	
<i>Black basalt</i>	<i>1230</i>	<i>1246</i>	
<i>(Cont.)</i>			

Date started _____ Completed _____

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
 WWC Number _____
 Signed _____ Date _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 WWC Number *1218*
 Signed *Patrick Wallace* Date *10-26-90*

Well Report Query Results *GPS points, where available are at the far right of the table. Click link to view on map*

Well Log: UMAT 2507

Well Log	Details	T-R-S/ QQ-Q	Taxlot	Street of Well	Owner	Company	Special Standards	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Constructor	Startcard	Well Id #	New	Abandon	Deepen	Alteration	Conversion	Domestic	Irrigation	Community	Livestock	Industrial	Injection	Thermal	Dewatering	Piezometer	Latitude/ Longitude
UMAT 2507 Groundwater Info	Details	4.00N-28.00E-23 SW-NE			COOK, VERNON	COOK, IVAN RT 1 BOX 1961 HERMISTON OR 97838		W	235.00	1180.00	280.0	1800.0	10/16/1979	11/23/1979	WALLACE, EVERETT H			✓						✓								45.8168, -119.2749

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UMAT 2507

Attachment for Well #00-79

Material	From	To	SWL
Sand	0	10	
Gravel Conglomerate	10	190	
Black Basalt	190	235	
Black w/yellow Bassalt	235	255	Water
Black hard	255	360	
Black w/Blue	360	385	Water
Black	385	405	
Black w/green & yellow	405	415	Water
Black	415	425	
Black w/green	425	458	Water
Black	458	505	
Black w/blue & red	505	520	Water
Black	520	590	
Black w/blue & Yellow	590	625	Water
Black & Grey	625	664	
Black w/blue	664	685	
Black	685	710	
Black w/blue & yellow	710	728	
Grey	728	775	
Black w/yellow & green	775	790	
Black	790	820	
Black w/ blue	820	843	
Black	843	850	
Hard Grey	850	1010	
Black	1010	1030	
Hard Grey	1030	1077	
Black, yellow	1077	1103	
Black	1103	1125	
Hard Grey	1125	1140	
Black	1140	1165	
Hard Grey	1165	1160	

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 SALEM, OREGON

water

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 OWRD

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 FEB 23 1980
 WATER RESOURCES DEPT
 SALEM, OREGON

ATTACHMENT 5
Water Right Certificate

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OWRD

14335 -

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORT OF UMATILLA
PO BOX 879
UMATILLA, OR 97882

confirms the right to use the waters of A WELL in the UMATILLA RIVER BASIN for IRRIGATION OF 31.4 ACRES.

This right was perfected under Permit G-7183. The date of priority is FEBRUARY 25, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed **0.39 CUBIC FOOT PER SECOND (CFS)** from WELL 3, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

TWP	RNG	MER	SEC	Q-Q	WELL #	MEASURED DISTANCES
4 N	28 E	WM	23	SW NE	3	1350 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 23

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:

TWP	RNG	MER	SEC	Q-Q	WELL #	ACRES
4 N	28 E	WM	23	NE NE	3	31.4

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

This certificate, together with Certificate 87368 and Certificate 87373, describes that portion of the water right confirmed by Certificate 79889, State Record of Water Right Certificates, NOT modified by the provisions of orders of the Water Resources Director approving Transfer Applications T-11254, T-11255 and T-11256, entered JAN 05 2012, and recorded at Special Order Volume 85, Pages 859 to 870.

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14335

87374

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. 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.

WITNESS the signature of the Water Resources Director, affixed JAN 05 2012.



Dwight French, Water Right Services Division Administrator, for
PHILLIP C. WARD, DIRECTOR

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OWRD

ATTACHMENT 6
Water Right Purchase Agreement

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OCT 03 2023

OWR 14335

David M. Blanc
dblanc@blancfirm.com
*Licensed in OR & WA

Nick R. Blanc
nblanc@blancfirm.com
*Licensed in OR & CA

The
BLANC FIRM
LLC

132 SE Court Ave.
Pendleton, OR 97801
Phone: (541) 215-4810
Fax: (541) 215-6609
www.blancfirm.com

October 13, 2022

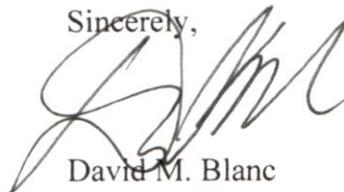
VIA FIRST CLASS MAIL

Rich Tovey
The City of Hermiston
180 NE 2nd Street
Hermiston, OR 97838

RE: Recorded Quitclaim Deed and Water Right Purchase and Sale Agreement:

Enclosed are the original recorded Quitclaim Deed and Water Right Purchase and Sale Agreement with the Port of Umatilla.

Sincerely,



David M. Blanc

w/encl.

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00004277202274801990050053

Office of County Records

Steve Churchill



WHEN RECORDED MAIL TO:

The City of Hermiston
180 NE 2nd Street
Hermiston, OR

MAIL TAX STATEMENT

TO: NO CHANGE

Space Above This Line for Recorder's Use

**QUITCLAIM DEED
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

1. The Port of Umatilla ("Grantor") is the former owner of the real property described in Exhibit A-1 ("Property").
2. The water right ("Water Right") appurtenant to the Property is described as Water Right Certificate 87374, issued to the Port of Umatilla for irrigation of 31.4 acres, with a priority date of February 25, 1977.
3. Grantor retained ownership of the Water Right in the deed recorded on May 27, 2022 with instrument number 2022-7410573 at the Umatilla Office of County Records.
4. The City of Hermiston ("Grantee") and Grantor have entered into a separate written agreement to purchase Grantor's interest in the Water Right.
5. Grantor releases and quitclaims to Grantee all rights to and all interests it holds in the Water Right and in any supplemental water rights appurtenant to the Property.
6. Consideration for this Quitclaim Deed is provided under the terms of a separate written agreement.
7. After recording, this Quitclaim Deed provides Property successors-in-interest with notice that the Property no longer benefits from the Water Right.

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8. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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OWBD 14335 -

Grantor:

[Handwritten signature]

Date October 11, 2022

By: Kim B. Puzey, General Manager, The Port of Umatilla

State of Oregon)

) ss.

County of Umatilla)

This instrument was acknowledged before me on October 11, 2022 by Kim B. Puzey, General Manager, The Port of Umatilla.



[Handwritten signature]
My Commission Expires 2/20/2024

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OWRD 14335 -

Exhibit A-1
Property

The Northeast Quarter of the Northeast Quarter of Section 23, Township 4 North, Range 28, East of the Willamette Meridian, in the City of Hermiston, Umatilla County, Oregon:

EXCEPTING THEREFROM any portion lying within the County Road right of way.

ALSO EXCEPTING THEREFROM that portion dedicated to the City of Hermiston by Dedication Deed recorded March 22, 2021 as Instrument No. 2021-7170626.

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OWRD 14335 - =

Water Right Purchase and Sale Agreement

This Water Right Purchase and Sale Agreement (“Agreement”) is between the Port of Umatilla and the City of Hermiston (“City”).

Recitals

- A. The Port is the owner of irrigation water right certificate 87374 (“Water Right”). The Water Right is within the Stage Gulch Critical Groundwater Area, Subarea A.
- B. The Port sold the property to which the Water Right is appurtenant and retained the Water Right as evidenced by the statutory warranty deed recorded on May 27, 2022, with instrument number 2022-7410573 at the Umatilla Office of County Records.
- C. The Port wishes to sell the Water Right and the City wishes to purchase and utilize the Water Right.
- D. WestWater Research, LLC prepared the Valuation of Oregon Water Right Certificate 87374, dated March 30, 2022, for the City (“Water Right Valuation”) upon which the parties have based the Purchase Price, as defined below, and which details the restrictions and uncertainties associated with future use and transfer of the Water Right.

Terms

1. **Effective Date.** The Effective Date is the date that the last signature is applied to this Agreement.
2. **Purchase Price.** On the Effective Date, the City will pay the Port \$66,000.00 for the Water Right.
3. **Conveyance Mechanism.** On the Effective Date, the Port will provide the City with a signed and notarized version of the quitclaim deed attached as Attachment A. Quitclaim Deed (“Quitclaim Deed”) conveying all interests it holds in the Water Right.
4. **Cost of Water Right Valuation.** On the Effective Date, the Port will pay the City \$3,938.75 for reimbursement of half the cost of the Water Right Valuation.
5. **Recording and Recording Costs.** The City will sign, notarize, and record the Quitclaim Deed with the Umatilla County Office of County Records and pay recording costs.

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OWFD 14335 -

6. **Transfer Application.** At the request of the City, the Port will provide all information, documents, authorizations, and consents that it is legally able to provide to facilitate the permanent transfer application that the City intends to file with Oregon Water Resources Department (“OWRD”).
7. **No Warranty.** The Port does not make any warranties or representations regarding the ability of the City to transfer the character of use or to subsequently use the Water Right for the purposes it desires.
8. **Notice.** Notice under this Agreement will be effective upon delivery of a communication by both electronic mail and first-class US mail to the addresses listed below. Notice will be effective as of the date of the electronic mail so as receipt is confirmed by the receiving party with a reply electronic mail, or other two days following mailing by first-class US mail.

Notice to the Port of Umatilla	Notice to the City of Hermiston
Port of Umatilla PO Box 879 Umatilla, OR 978882 Attn: Port Manager Telephone: (541) 922-3224 Email: kimpuzey@uci.net	City of Hermiston 180 NE 2 nd Street Hermiston, OR Attn: Mark Morgan Telephone: (541) 567-5521 Email: mmorgan@hermiston.or.us
With a copy to:	With a copy to:
David Blanc The Blanc Firm, LLC 132 Southeast Court Avenue Pendleton, OR 97801 Email: dblanc@blancfirm.com	Richard S. Tovey City Attorney 235 E. Gladys Ave. Hermiston, OR 97838 rtovey@hermiston.or.us

9. **Modification.** This Agreement may not be amended or modified other than by written agreement signed by the parties.
10. **Survival.** If any provision in this Agreement or its application is deemed invalid or unenforceable, such determination will not affect the remaining provisions of this Agreement which will remain valid and enforceable.
11. **Merger.** This Agreement constitutes the entire agreement among the parties regarding the Water Right. This Agreement supersedes all prior communications among the parties regarding the subject matter of this Agreement.

RECEIVED

OCT 03 2013
14385 -

OWRD

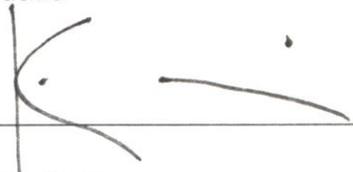
12. Signature Authority. The signatories below represent that they have the authority on behalf of their respective party to enter into this Agreement and bind the principal.

13. Choice of Law. This Agreement is formed under and controlled by Oregon law.

14. Counterparts. The Agreement and Quitclaim may be executed in one or more separate counterparts. All counterparts when taken together will constitute one and the same agreement.

15. Signatures.

Port of Umatilla

By: 
Name: Kim B. Puzey
Title: General Manager
Date: 10/11/2022

City of Hermiston

By: 
Name: Byron D. Smith
Title: City Manager
Date: 10/11/22

RECEIVED

OCT 03 2023

14335-0WRD

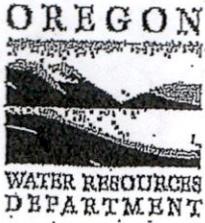
Exhibit A
Quitclaim Deed

RECEIVED

OCT 03 2023

OWRD

14335 -



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: City of Hermiston
180 N. E. 2nd St, Hermiston OR 97838

Transaction Type: Perm. Transfer

Fees Received: \$ 4020.00

Cash Check: Check No. 177188

Name(s) on Check: Same as above

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

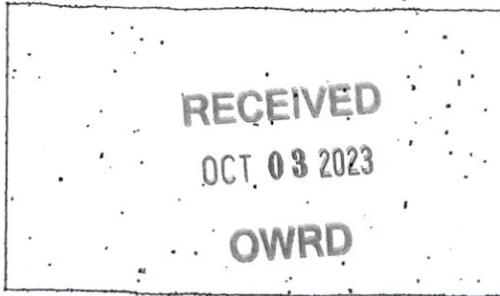
Sincerely,
OWRD Customer Service Staff

Submission received by: Cone
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

14335 -



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14335 -

Oregon Water Resources Department
 Transfer Fee Calculation for Permanent (Non-District) Transfer

Today's Date: Wednesday, October 4, 2023

Fee Calculation

Base Fee (includes one type of change to one water right for up to 1 cfs) \$1,360.00

Fill in information below-- Check each box that applies.

Types of Change Proposed:

- Place of Use
- Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD
- Character of Use

\$2,180.00

Enter total number of water rights included in transfer.

\$0.00

Check this box if you propose to add or change a well, or change from a surface water POD to a well.

\$480.00

Enter total number of groundwater wells (POAs) included in transfer.

\$0.00

Check this box if you propose to change the place of use or character of use for a NON-irrigation right.

Check this box if you propose to change the place of use or character of use for an irrigation right.

Enter the following for the primary certificates on the land included in the transfer.

(If a supplemental certificate also covers the same land as an included primary right, only list the primary.)

Certificate #	Total acres in the water right	# of acres to be transferred	Total cfs in the water right certificate	OR If certificate does not list cfs, enter 1/___ cfs per acre	Transfer cfs
<input style="width: 50px;" type="text" value="87374"/>	<input style="width: 50px;" type="text" value="31.4"/>	<input style="width: 50px;" type="text" value="31.4"/>	<input style="width: 50px;" type="text" value=".39"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text" value="0.39"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>

Total Transfer CFS(rounded up to the next whole cfs): 1.00

Subtotal: \$4,020.00

Check each box that applies.

- The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.
- The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

Transfer Fee: **1,443.28**

Permanent Transfer Application Intake Checklist

Transfer # T- 14335

Reviewer Corie Date 10/4/23	Type of Change(s) Proposed: <input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input checked="" type="checkbox"/> POA <input type="checkbox"/> APOA <input checked="" type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input type="checkbox"/> SW to GW
Calculated Fee \$ Use fee calculator on back of this form	Fee Received \$
Certificate(s): 87374	Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes: Within Umatilla Co. No form U available to submit.	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have ALL of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?		

Map Requirements: OAR 690-380-3100			
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Has the map been completed and signed by a CWRE?
5.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Map Waiver? The map waiver must be issued by the Department		
Notes:			

Attachments: OAR 690-380-3000			
6.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?
7.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	Land Use Form included and signed by the County?		
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	Consent Form included, signed, and notarized?		
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	District: Place of use is in <u>or</u> near an irrigation district?		
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
	If Yes, is Form D included? Name of the District		
10.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	For changes in POA/APOA – are the well logs included?		
11.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
	For change in POU within Umatilla County, Supplemental Form U included?		

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.