

T-8718

T-8718

Name Kenneth Gustafson

By _____

Address 5200 SW Macadam, suite 470
Portland, OR 97201

Change in POU

Date filed March 15, 2001

Date of hearing _____

Place of hearing _____

Date of order 1-20-04 Vol. 59, page 105

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued AUG 24 2007 Vol. _____, page 83483

RR 80564

FPD

DESCRIPTION OF WATER RIGHT

Name of stream Umatilla R / McKay Reservoir

Trib. of Columbia River County of Umatilla

Use Irrigation

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority July 3, 1945

In name of E F Birmingham and Sons

_____ Adjudication, Vol. _____, page _____

App. No. 20936 Per. No. 16393 Cert. No. ~~28484~~ 76631

Certificate cancelled _____

Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>3-15-01</u>	<u>200⁰⁰</u>	<u>43665</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

NOID/ Dale Van Schotack, CWRE

REC'D APR 02 2001

B & G Resources
CACC
LARRY PARSON

T-8718

(208) 378 5346

separate CELL

76631

OWN CONTRACT w/BOR
10/11/01
TOD LARRY RENEWING CONTRACT
SHOULDN'T BE PROBLEM

GERRY-

You were going to
call applicant/CWREC(?)
no need of new
BoI contract.

JERRY G.

Cour Courtney Dyke
@Schroeder



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



PN-3323
WTR-4.00

JUN 11 2009

Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW Macadam, Suite 470
Portland, OR 97239

RECEIVED

JUN 15 2009

Subject: McKay Reservoir Storage Contract No. 14-06-100-1336

WATER RESOURCES DEPT
SALEM, OREGON

Dear Mr. Gustafson:

This is sent in regard to the subject contract that provides B&G Resources, Inc. (B&G) with supplemental irrigation water supply from McKay Reservoir.

Enclosed for your records is a fully executed copy of a letter amendment, signed by the Bureau of Reclamation and you as an authorized representative of B&G. The amendment amends the subject contract to add two quarter-quarter sections to the land description and broaden the description of the place of delivery to a quarter-quarter section as it is our understanding that as the Umatilla River meanders, the river channel changes and the flow of the Umatilla River erodes land described in the contract.

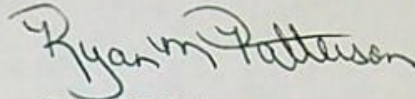
During the environmental approval process for this contract action, our archeologist concurred that there would not be any impacts to Historic Properties based on the understanding that the proposed actions would not require construction, such as the burial of pipe, or changes in the place of use involving land that has not been previously farmed. If these conditions were to occur in the future, then we would require information such as photographs of the area to assess if a cultural resources survey would be needed prior to construction.

Copies of pages 1, 2, and 3 of the contract with the necessary changes made therein are also enclosed. Please attach these enclosures to your copy of the contract which was originally executed November 4, 1957. The Schroeder Law Offices has already paid \$150 to process the contract action.

In the event B&G desires to further change the location of use and acreage, as identified in this contract amendment, a written request such as a draft State transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers, will require the approval of the United States.

An original of the revised letter amendment and the three contract pages and a copy of this letter are being sent to the Schroeder Law Offices per their request. Copies of this letter and the enclosures are being sent to appropriate State and Federal offices. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosures

cc: Ms. Cortney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527 (w/originals of encls)

Watermaster
Oregon Water Resources Department
116 SE Dorion Avenue
Pendleton, OR 97801 (w/copies of encls)

Mr. Gerry Clark, re: water right transfer T-8718
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-4172 (w/copies of encls)

RECEIVED

JUN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO
PN-3323
WTR-4.00

FEB 25 2009

Ms. Courtney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527

Subject: Letter Amendment of McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Ms. Duke:

This is sent in reply to letters from you dated October 22, 2008, and January 20, 2009, relating to the subject McKay Reservoir (McKay) contract between B&G Resources, Inc. and the United States.

In accordance with your request, Reclamation is willing to amend the subject contract to add two quarter-quarter sections to the land description and broaden the description of the place of delivery to a quarter-quarter section. It is our understanding that as the Umatilla River meanders, the river channel changes and the flow of the Umatilla River erodes land described in the contract, and that execution of this letter amendment will accommodate changes that may occur as a result.

In the event that B&G Resources, Inc. desires to further change the location of use and place of delivery, as identified in this contract amendment, a written request such as a draft state transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers and exchanges, will require the approval of the United States.

Accordingly, it is proposed that Articles 6 and 7 of Contract No. 14-06-100-1336 shall hereby be amended to read as follows:

"WATER TO BE PROVIDED BY UNITED STATES

"6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

Section 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$ in T.2 N., R.30 E., Willamette meridian

Section 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
all being in T.2 N., R.30 E., Willamette meridian

Section 7: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
all being in T.2 N., R.31 E., Willamette meridian

RECEIVED

JUN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

Of the land described, 31.6 acres are to be irrigated. The quantity of water to be made available hereunder shall be a 0.1761% proportionate share, as nearly as is reasonably practicable to determine it, of the stored waters actually available from said reservoir, but in no event shall it exceed that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, nor shall it exceed a total amount of 130 acre-feet annually, measured at the point of delivery of said water."

PLACE OF DELIVERY AND MEASUREMENT OF WATER

"7. Water for the purposes hereof shall be made available at the outlet works of McKay Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder is to be diverted at:

NW¼ NE¼, Section 12, T. 2 N., R. 30 E, Willamette meridian

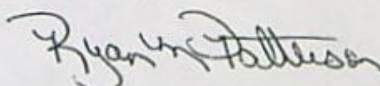
by means of a device satisfactory to the state officer in charge of the distribution of water from Umatilla River. Such device shall be furnished, installed and maintained by and at the expense of the Contractor, but it shall be and remain at all times under the control of the state-appointed watermaster whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from the place of measurement and delivery, McKay Dam, to the place of diversion and losses of water from seepage, evaporation, or other cause, below said point of measurement at McKay Dam, shall be borne by the Contractor."

We have enclosed a copy of pages 1, 2, and 3 of the contract with the necessary changes made therein. If B&G Resources, Inc. concurs with this letter amendment and the enclosed amended pages we ask that an appropriately authorized representative of B&G Resources, Inc. complete the signature and notary pages and that the letter amendment (in duplicate) then be returned to this office along with \$150 to process the contract action.

Upon receipt of the letter amendment (in duplicate) with attested to and notarized signatures and \$150, we will execute and approve it on behalf of the United States and provide an original of it along with the amended pages to you, and will provide copies to the B&G Resources, Inc. and appropriate State and Federal offices.

Your assistance is appreciated. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

RECEIVED

JUN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

B&G Resources, Inc. concurs with Amendment of Contract No. 14-06-100-1336 as described above:

B&G RESOURCES, INC

[Handwritten Signature]
Signature and Title of Authorized Representative

3/18/09
Date

Attested to: *Courtney D Duke*
Signed Name

The above contract action is hereby approved:

Ryan M Patterson
Program Manager, Repayment and Acreage Limitation
Bureau of Reclamation

In Duplicate

Enclosed contract pages 1, 2, and 3

cc: Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW. Macadam, Suite 470
Portland, OR 97239

Watermaster
Oregon Water Resources Department
116 SE. Dorion Avenue
Pendleton, OR 97801

(w/copy of encls to each)

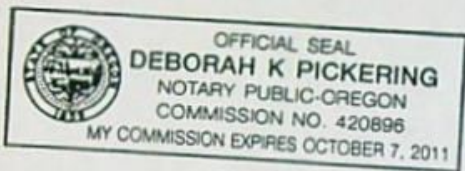
RECEIVED
JUN 15 2009
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)

County of Multnomah : ss

On this 18th day of March, 2009, before me, a notary public, personally appeared Kenneth Gustafson and Curtney D. Duke known to me to be the persons that executed the within and foregoing instrument for which a water supply is to be provided under Contract No. 14-06-100-1336 and have executed this contract document as their free and voluntary act and deed and on oath stated that they are authorized to execute said instrument.

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



Deborah K. Pickering
Notary Public in and for the
State of OREGON
Residing at: Portland, Oregon
My commission expires: October 7, 2011

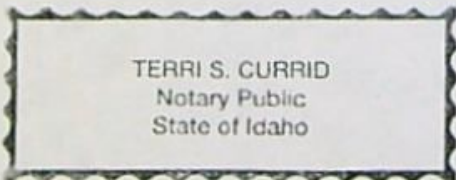
(SEAL)

STATE OF IDAHO)

County of Ada) : ss

On this 11th day of June, 2009, personally appeared before me Ryan Patterson, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



Terri S. Currid
Notary Public in and for the
State of IDAHO
Residing at: Boise, ID
My commission expires: 2/27/2014

(SEAL)

RECEIVED

JUN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

Contract No. 14-06-100-1336

Approved 4/16/57; Amended 2007, 2009

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

CONTRACT FOR MCKAY RESERVOIR STORAGE

THIS CONTRACT, made this 4th day of November, 1957, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, including the act of February 21, 1911 (36 Stat. 925) all of which acts are commonly known and referred to as the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and NOMAD ALFALFA INC. hereinafter referred to as the Contractor,

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, because the United States has heretofore constructed, pursuant to the Federal Reclamation Laws, McKay Dam and Reservoir on McKay Creek, known as McKay Reservoir, for the impounding and storage of water for irrigation purposes; and

3. WHEREAS, the Contractor is the owner of the lands hereinafter described, for which a supply of water stored in McKay Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

RECEIVED

JUN 15 2009

1 - Amended 2007, 2009

WATER RESOURCES DEPT
SALEM, OREGON

DEFINITIONS

4. The following terms used in this contract shall have the following respective meanings:

"Secretary" shall mean the Secretary of the Interior or his duly authorized representative.

"McKay Reservoir" shall mean the entire McKay Dam and Reservoir of the Umatilla Project located on McKay Creek, Oregon, including all works constructed or utilized in connection with such reservoir.

TERM OF CONTRACT

5. This contract shall become effective upon its execution by the Secretary, and shall remain in effect as long as the Contractor pays to the United States, in full, each annual installment of the construction charge obligation and any and all other amounts owing to the United States under this contract.

WATER TO BE PROVIDED BY UNITED STATES

6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

Section 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$ in T.2 N., R.30 E., Willamette meridian

Section 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
all being in T.2 N., R.30 E., Willamette meridian

Section 7: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
all being in T.2 N., R.31 E., Willamette meridian

RECEIVED

JUN 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

PLACE OF DELIVERY AND MEASUREMENT OF WATER

7. Water for the purposes hereof shall be made available at the outlet works of McKay Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder is to be diverted at:

NW¼ NE¼, Section 12, T. 2 N., R. 30 E, Willamette meridian

by means of a device satisfactory to the state officer in charge of the distribution of water from Umatilla River. Such device shall be furnished, installed and maintained by and at the expense of the Contractor, but it shall be and remain at all times under the control of the state-appointed watermaster whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from the place of measurement and delivery, McKay Dam, to the place of diversion and losses of water from seepage, evaporation, or other cause, below said point of measurement at McKay Dam, shall be borne by the Contractor.

RECEIVED

JUN 15 2009

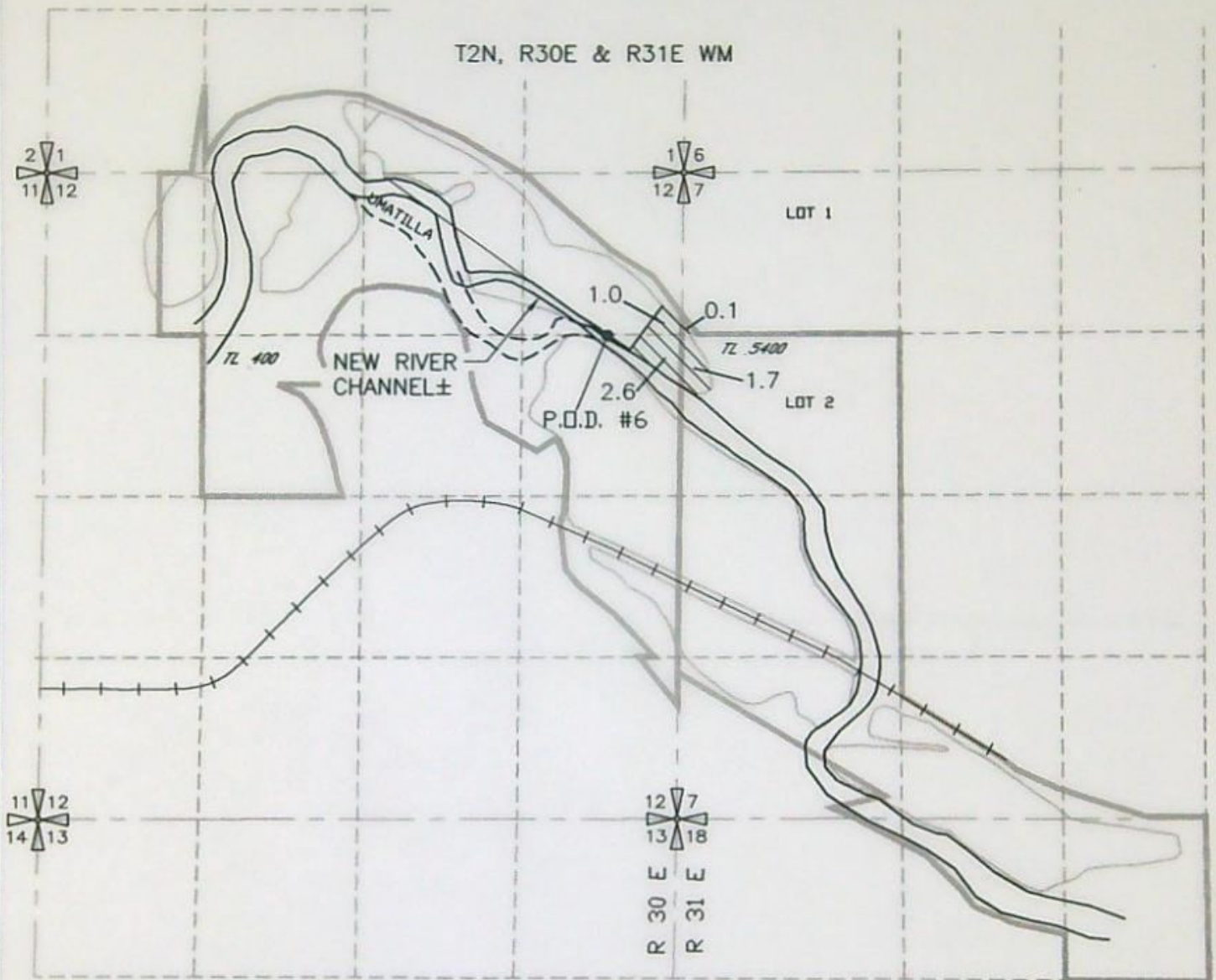
WATER RESOURCES DEPT
SALEM, OREGON

FINAL PROOF MAP
 FOR TRANSFER T-8718
 B&G RESOURCES
 C/O KENNETH E. GUSTAFSON

RECEIVED

FEB 25 2005

WATER RESOURCES DEPT
 SALEM, OREGON

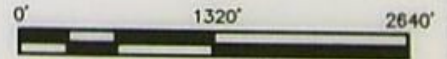


5.4 AC AREA IRRIGATED

TL 5400 TAX LOT

AUTHORIZED POINTS OF DIVERSION
 P.D.D. #6 1330 FEET SOUTH AND 610 FEET WEST
 FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.

Certified Water Right Examiner
 #333 WRE
Dale G. VanSchoorack
 Dale G. VanSchoorack
 May 19, 1992
 11/2/04
 STATE OF OREGON



DRAWING: H:\CAD\AG\3522\032\3522032FP6776.dwg
 PRINTED BY: RogerW on 11/08/04 06:30 AM

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

Consultants, Inc.
 A Tetra Tech Company

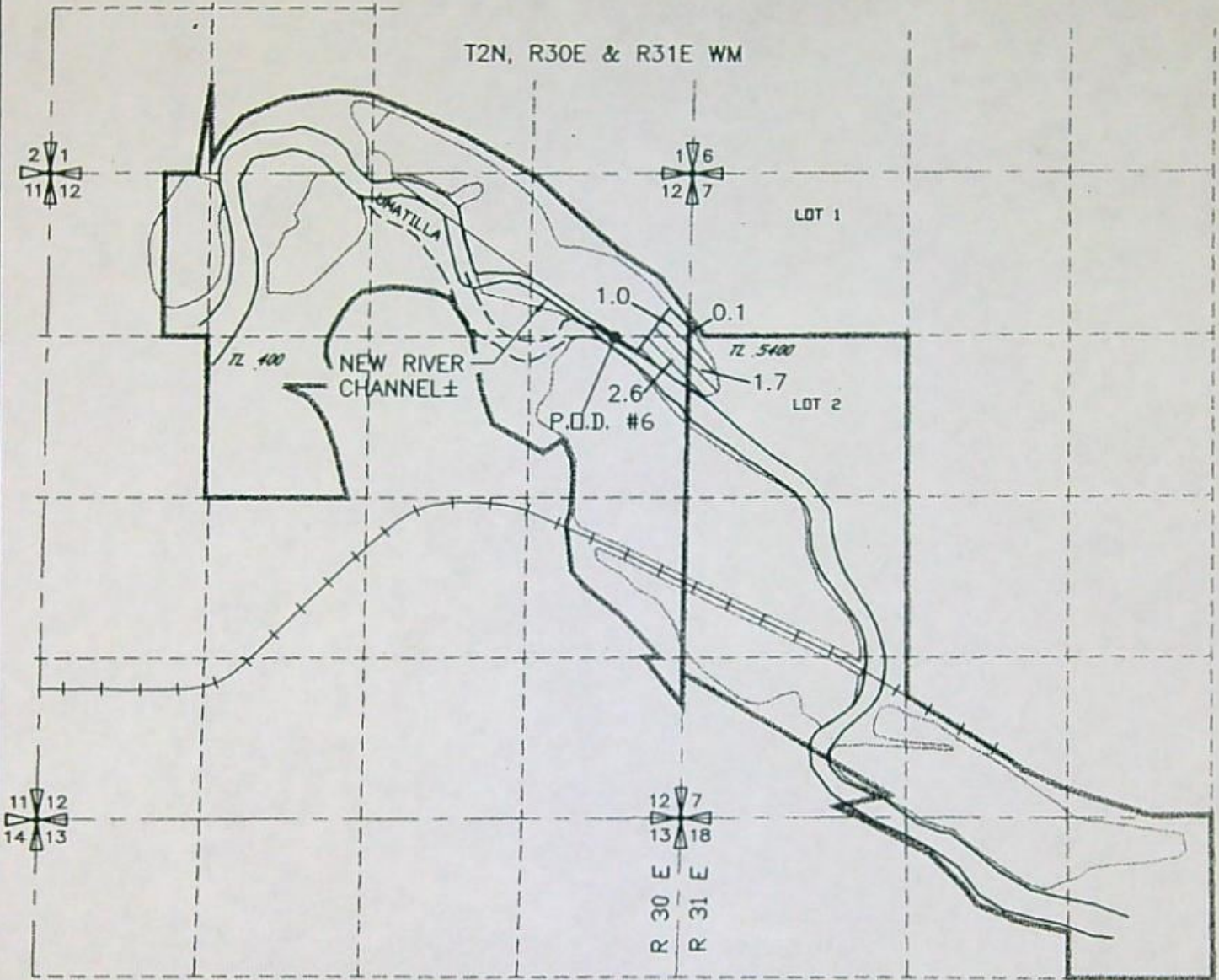
FINAL PROOF MAP
 FOR TRANSFER T-8718
 B&G RESOURCES
 C/O KENNETH E. GUSTAFSON


RECEIVED

FEB 25 2005

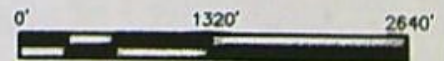
WATER RESOURCES DEPT
 SALEM, OREGON

T2N, R30E & R31E WM




 5.4 AC AREA IRRIGATED
 TL 5400 TAX LOT

AUTHORIZED POINTS OF DIVERSION
 P.D.D. #6 1330 FEET SOUTH AND 610 FEET WEST
 FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.



DRAWING: H:\CAD\AG\3522\032\3522032FP6776.dwg
 PRINTED BY: RogerW on 11/08/04 06:30 AM

 Consultants, Inc.
 A Tetra Tech Company

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



Oregon

Theodore R. Kulongoski, Governor

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

DATE MAILED: May 25, 2007

NOTICE

Reference: Transfer Number: T-8718

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of an order approving the transfer based upon a survey and inspection.

In preparing the proposed certificate, it was noted that the place of use described in the revised Bureau of Reclamation contract does not match the place of use described in the remaining right certificate and the attached proposed certificate. The water user is advised that use of water is also subject to the terms and conditions of the Bureau contract. It is recommended that the contract be updated to reflect the actual place of use developed. A copy of the remaining right certificate is attached (Certificate 80564).

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue a certificate, and if the Director signs the certificate, the recorded certificate of water right will be mailed to you.

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

Sincerely,

Dwight French, Administrator
Water Rights and Adjudication Division

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0000, the Director for reconsideration of the order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

PROPOSED

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OR 97239

confirms the right to use the waters of UMATILLA RIVER AND MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 5.4 ACRES.

This right was perfected under Permit 16393. The date of priority is July 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 12, T 2 N, R 30 E, W.M.; 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER, SECTION 12

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

NE 1/4 NE 1/4 1.0 ACRE
SE 1/4 NE 1/4 2.6 ACRES

SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

LOT 1 (NW 1/4 NW 1/4) 0.1 ACRE
LOT 2 (SW 1/4 NW 1/4) 1.7 ACRES

SECTION 7

TOWNSHIP 2 NORTH, RANGE 31 EAST, W.M.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered January 20, 2004, approving Transfer Application 8718, and together with Certificate 80564, supersedes Certificate 76631, State Record of Water Right Certificates.

Issued _____

PROPOSED

Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number.

T-8718.RA

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B&G RESOURCES, INC.
18270 SW BOONES FERRY ROAD
PORTLAND, OREGON 97227

confirms the right to use the waters of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, tributary of the COLUMBIA RIVER, for IRRIGATION OF 26.2 ACRES.

This right was perfected under Permit 16393. The date of priority is JULY 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.655 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE¼ NE¼, SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M..

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

SW¼ SE¼ 6.1 ACRES
SECTION 1

NE¼ NE¼ 11.1 ACRES
NW¼ NE¼ 8.9 ACRES
SE¼ NE¼ 0.1 ACRE

SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 76631, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 20 2004, approving Transfer Application 8718.

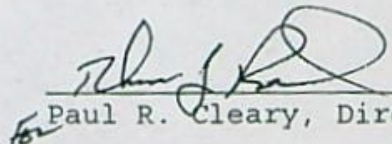
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

JAN 20 2004

Director, affixed _____.


Paul R. Cleary, Director

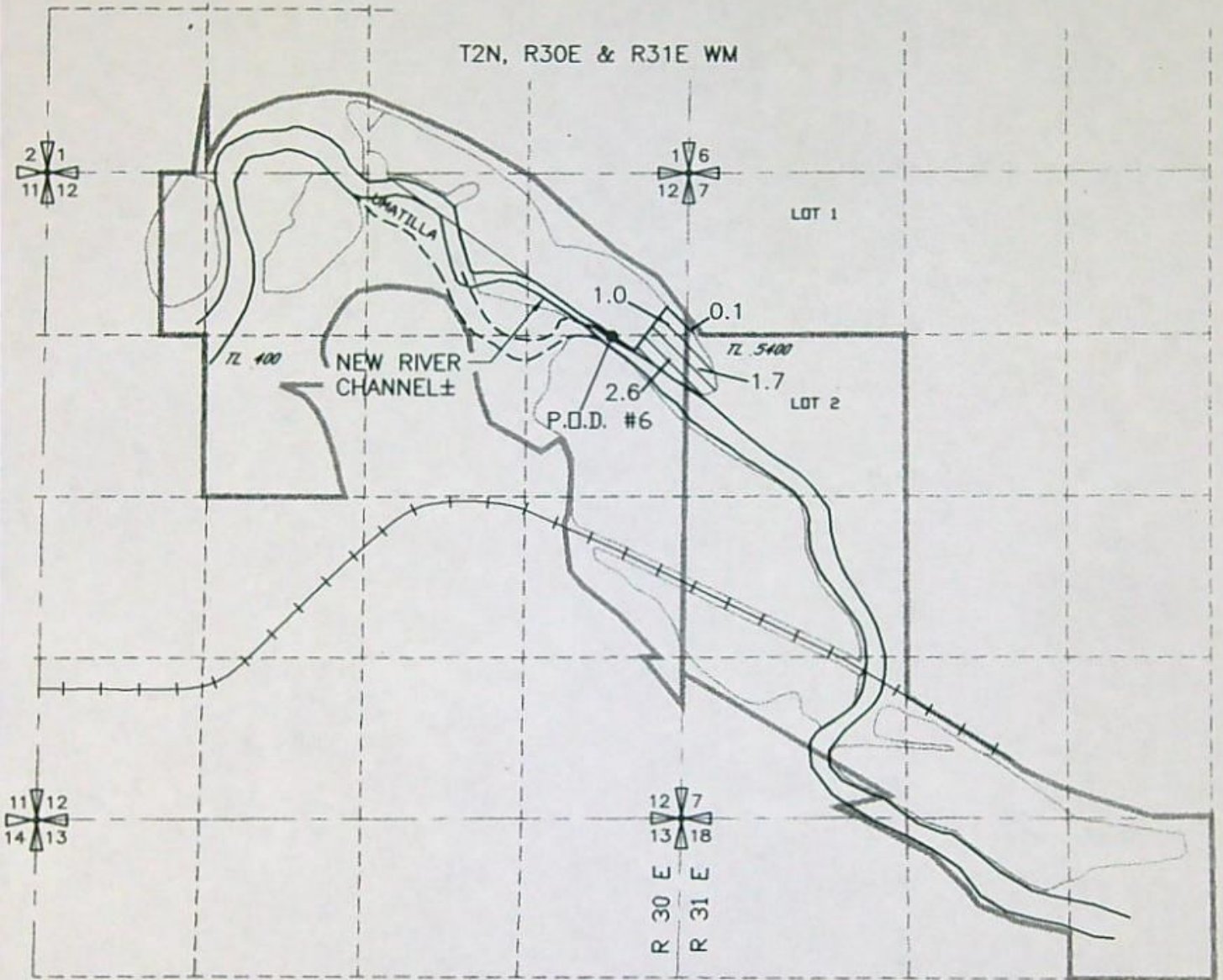
Recorded in State Record of Water Right Certificates numbered 80564.


FINAL PROOF MAP
 FOR TRANSFER T-8718
 B&G RESOURCES
 C/O KENNETH E. GUSTAFSON


RECEIVED

FEB 25 2005

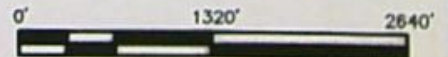
WATER RESOURCES DEPT
 SALEM, OREGON



 5.4 AC AREA IRRIGATED


 TZ 5400 TAX LOT

AUTHORIZED POINTS OF DIVERSION
 P.D.D. #6 1330 FEET SOUTH AND 610 FEET WEST
 FROM THE NE CORNER SECTION 12, T 2 N, R30E, WM.



DRAWING: H:\CAD\AG\3522\032\3522032FP6776.dwg
 PRINTED BY: RogerW on 11/08/04 06:30 AM

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

 **S&M** Consultants, Inc.
 A Tetra Tech Company

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

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OR 97239

confirms the right to use the waters of UMATILLA RIVER AND MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 5.4 ACRES.

This right was perfected under Permit 16393. The date of priority is July 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, SECTION 12, T 2 N, R 30 E, W.M.; 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER, SECTION 12

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

NE 1/4 NE 1/4 1.0 ACRE
SE 1/4 NE 1/4 2.6 ACRES

SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

LOT 1 (NW 1/4 NW 1/4) 0.1 ACRE
LOT 2 (SW 1/4 NW 1/4) 1.7 ACRES

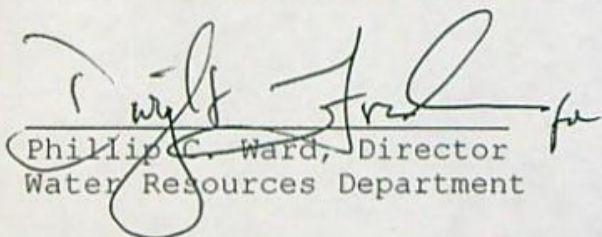
SECTION 7

TOWNSHIP 2 NORTH, RANGE 31 EAST, W.M.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered January 20, 2004, approving Transfer Application 8718, and together with Certificate 80564, supersedes Certificate 76631, State Record of Water Right Certificates.

Issued AUG 24 2007


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83483.

T-8718.RA

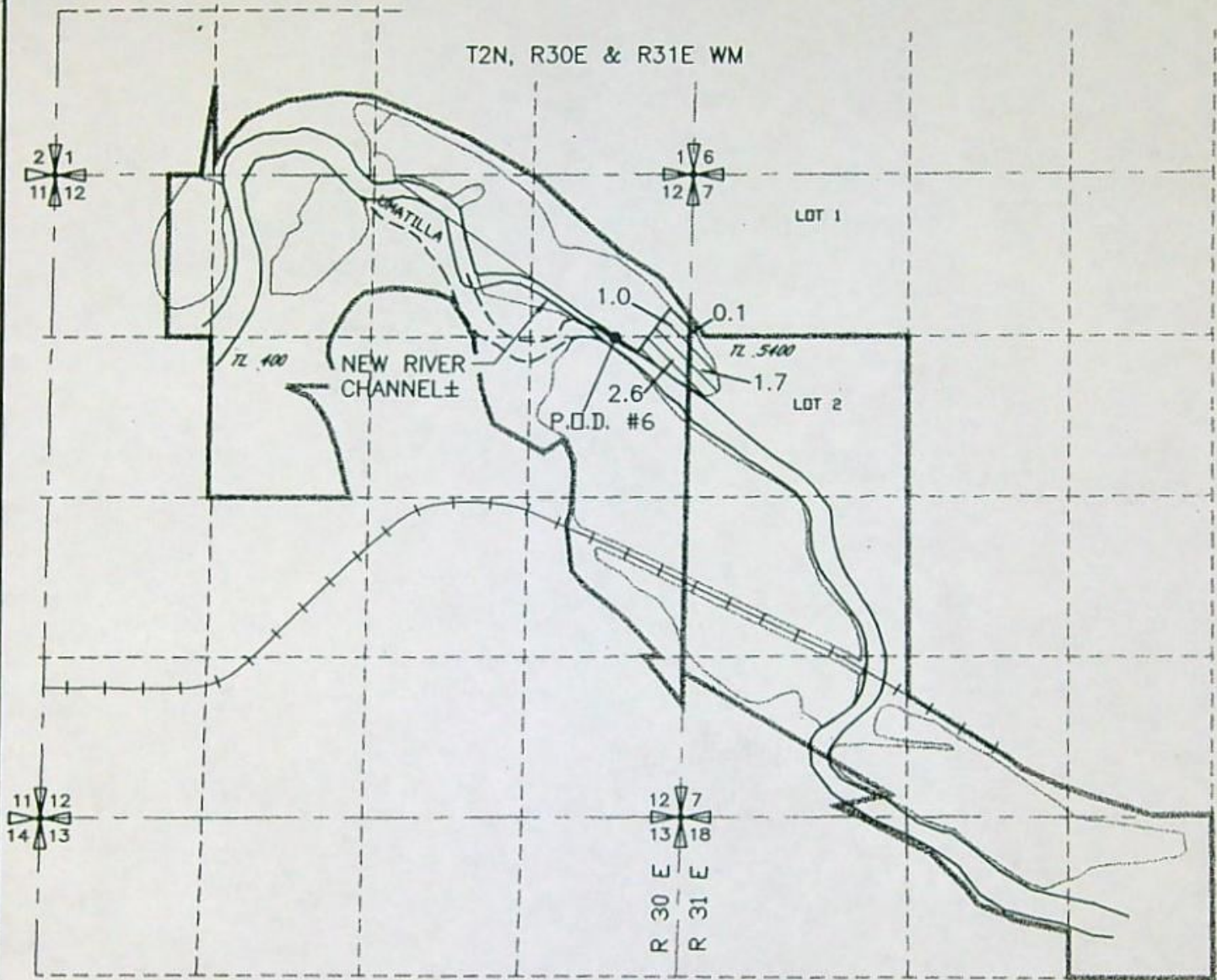
FINAL PROOF MAP
 FOR TRANSFER T-8718
 B&G RESOURCES
 C/O KENNETH E. GUSTAFSON

RECEIVED

FEB 25 2005

WATER RESOURCES DEPT
 SALEM, OREGON

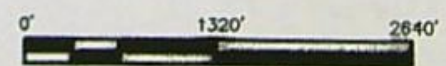
T2N, R30E & R31E WM



 5.4 AC AREA IRRIGATED

TZ 5400 TAX LOT

AUTHORIZED POINTS OF DIVERSION
 P.D.D. #6 1330 FEET SOUTH AND 610 FEET WEST
 FROM THE NE CORNER SECTION 12, T 2 N, R30E, WM.



Certified Water Right Examiner
 #333 WRE
Dale G. VanScheiack
 Dale G. VanScheiack
 May 19, 1992
 11/8/04
 STATE OF OREGON

DRAWING: H:\CAD\AG\3522\032\3522032FP6776.dwg
 PRINTED BY: RogerW on 11/08/04 08:30 AM

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

B&G Consultants, Inc.
 A Tetra Tech Company



Oregon

Theodore R. Kulongoski, Governor

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

Date Mailed: August 24, 2007

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

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

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

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

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

Mailing List for Transfer Certificate

Mailing Date:

Transfer Final Order - T-8718

Certificate - 83483

Transfer Final Order Holder: (include copy of map)

KENNETH E. GUSTAFSON ✓
5200 SW MACADAM, SUITE 470
PORTLAND, OR 97239

Copies Mailed

By: Connie Vance
(STAFF)

on AUG 24 2007
(DATE)

Other persons to receive copies: (Include map)

1. Watermaster #5: ✓
2. William I. Porfily, CWRE ✓
3. Dale G. VanScholack, CWRE # 333 ✓

Copies of Final Certificate to be sent to:

1. Watermaster #5: (include copy of map)
2. Data Center (include copy of map) ✓
3. Water Availability ✓
4. Vault ✓

Record Marking S-File ✓

1. Application # S-20936 ✓
2. Old Certificate # 76631 ✓

Mailing List for Transfer Certificate

Mailing Date:

Transfer Final Order - T-8718

Certificate - Proposed *83483*

Transfer Final Order Holder: (include copy of map)

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470 ✓
PORTLAND, OR 97239

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

5-25-67
JLS { Other persons to receive copies: (Include map)

1. Watermaster #5:
2. William I. Porfily, CWRE
3. Dale G. VanScholack, CWRE # 333

*4. Ms. Courtney Duke, Schroeder Law Offices, P.C., Po Box 12527
Portland, OR 97212*

Copies of Final Certificate to be sent to:

1. Watermaster #5: (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

Record Marking

1. Application # S-20936
2. Old Certificate # 76631



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO:

PN-3323
WTR-4.00

JAN 03 2008

Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW. Macadam, Suite 470
Portland, OR 97239

Subject: McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Mr. Gustafson:

This is sent in regard to the subject contract that provides B&G Resources, Inc. (B&G) with a supplemental irrigation water supply from McKay Reservoir.

Enclosed for your records is a fully executed copy of a revised letter amendment, signed by the Bureau of Reclamation and you as an authorized representative of B&G. The amendment describes 31.6 acres as the place of use for the contract and contains two handwritten revisions initialed by you to the place of use. Copies of pages 1 and 2 of the contract, which also contain the two handwritten and initialed changes, are also enclosed. Please attach these enclosures to your copy of the contract which was originally executed November 4, 1957.

In the event B&G desires to further change the location of use and acreage, as identified in this contract amendment, a written request such as a draft State transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers, will require the approval of the United States.

An original of the revised letter amendment and the two contract pages and a copy of this letter are being sent to the Schroeder Law Offices per their request. Copies of this letter and the enclosures are being sent to appropriate State and Federal offices. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

Sincerely,

ACTING FOR

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

RECEIVED

JAN 07 2008

**WATER RESOURCES DEPT
SALEM OREGON**

Enclosures

cc: Ms. Courtney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527 (w/originals of encls)

Watermaster
Oregon Water Resources Department
116 SE. Dorion Avenue
Pendleton, OR 97801 (w/copies of encls)

Mr. Gerry Clark, re: water right transfer T-8718
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172 (w/copies of encls)

RECEIVED

JAN 07 2008

WATER RESOURCES DEPT
SALEM OREGON

Contract No. 14-06-100-1336

Approved 4/16/57, Amended 2007

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

CONTRACT FOR MCKAY RESERVOIR STORAGE

THIS CONTRACT, made this 4th day of November, 1957, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, including the act of February 21, 1911 (36 Stat. 925) all of which acts are commonly known and referred to as the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and NOMAD ALFALFA INC. hereinafter referred to as the Contractor,

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, because the United States has heretofore constructed, pursuant to the Federal Reclamation Laws, McKay Dam and Reservoir on McKay Creek, known as McKay Reservoir, for the impounding and storage of water for irrigation purposes; and

3. WHEREAS, the Contractor is the owner of the lands hereinafter described, for which a supply of water stored in McKay Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

DEFINITIONS

4. The following terms used in this contract shall have the following respective meanings:

"Secretary" shall mean the Secretary of the Interior or his duly authorized representative.

"McKay Reservoir" shall mean the entire McKay Dam and Reservoir of the Umatilla Project located on McKay Creek, Oregon, including all works constructed or utilized in connection with such reservoir.

TERM OF CONTRACT

5. This contract shall become effective upon its execution by the Secretary, and shall remain in effect as long as the Contractor pays to the United States, in full, each annual installment of the construction charge obligation and any and all other amounts owing to the United States under this contract.

WATER TO BE PROVIDED BY UNITED STATES

6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

6.1 acres, SW 1/4 SE 1/4, Sec. 1, T. 2 N., R. 30 E., Willamette meridian
1.7 acres, SW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
0.1 acres, NW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
12.1 acres, NE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
2.7 acres, SE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
8.9 acres, NW 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian

RECEIVED

JAN 11 2008

WATER RESOURCES DIVISION
SALMON OREGON



United States Department of the Interior



BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY REFER TO:
PN-3323
WTR-4.00

JUL 24 2007

Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW. Macadam, Suite 470
Portland, OR 97239

Subject: Letter Amendment of McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Mr. Gustafson:

This is sent in reply to a letter from Ms. Cortney D. Duke of Schroeder Law Offices, dated June 14, 2007, relating to the subject McKay Reservoir contract.

This is a letter amendment (in duplicate) that must be executed by B&G Resources, Inc., and approved by the United States.

In order to reconcile water rights (which reflect actual use) with the contract, it is necessary to amend the contract. In the event B&G Resources, Inc., desires to further change the location of use and acreage, as identified in this contract amendment, a written request such as a draft state transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers and exchanges, will require the approval of the United States.

Accordingly, it is proposed that Article 6 of Contract No. 14-06-100-1336 shall hereby be amended to read as follows:

WATER TO BE PROVIDED BY UNITED STATES

"6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

6.1 acres, SW 1/4 SE 1/4, Sec. 1, T. 2 N., R. 30 E., Willamette meridian
1.7 acres, SW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
0.1 acres, NW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
12.1 acres, NE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
2.7 acres, SE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
8.9 acres, NW 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian

RECEIVED

JAN 07 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Of the land described, 31.6 acres are to be irrigated. The quantity of water to be made available hereunder shall be a 0.1761% proportionate share, as nearly as is reasonably practicable to determine it, of the stored waters actually available from said reservoir, but in no event shall it exceed that quantity which may be

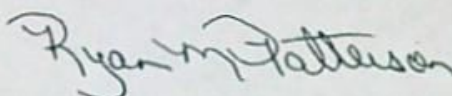
applied beneficially in accordance with good usage in the irrigation of the land above described, nor shall it exceed a total amount of 130 acre-feet annually, measured at the point of delivery of said water."

We have enclosed a copy of pages 1 and 2 of the contract with the necessary changes made therein. If B&G Resources, Inc., concurs with this letter amendment and the enclosed amended pages, we ask that an appropriately authorized representative of B&G Resources, Inc., complete the signature and notary pages and then return the letter amendment and successor-in-interest documents (in duplicate) to this office. The Schroeder Law Offices has already paid \$200 to process the contract action.

Upon receipt of this letter amendment (in duplicate) with attested to and notarized signatures, we will execute and approve them on behalf of the United States and provide an original of them along with the amended pages to you, and will provide copies to the Schroeder Law Offices and appropriate State and Federal offices.

Your assistance is appreciated. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

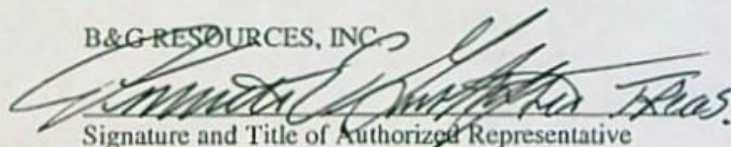
Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

B&G Resources, Inc. concurs with Amendment of Contract No. 14-06-100-1336 as described above:

B&G RESOURCES, INC

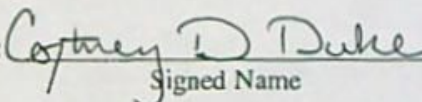


Signature and Title of Authorized Representative

Date

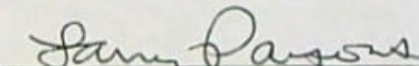
12/12/07

Attested to:



Signed Name

The above contract action is hereby approved:

 ACTING FOR
Program Manager, Repayment and Acreage Limitation
Bureau of Reclamation

In Duplicate

Enclosure

cc: See next page.

cc: Ms. Courtney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527 (w/copies of encl)

Watermaster
Oregon Water Resources Department
116 SE. Dorion Avenue
Pendleton, OR 97801 (w/copies of encl)

Mr. Gerry Clark, re: water right transfer T-8718
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172 (w/copies of encl)

RECEIVED

JAN 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

T-8718



United States Department of the Interior



BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY REFER TO:
PN-3323
WTR-4.00

JUL 24 2007

Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW. Macadam, Suite 470
Portland, OR 97239

Subject: Letter Amendment of McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Mr. Gustafson:

This is sent in reply to a letter from Ms. Cortney D. Duke of Schroeder Law Offices, dated June 14, 2007, relating to the subject McKay Reservoir contract.

This is a letter amendment (in duplicate) that must be executed by B&G Resources, Inc., and approved by the United States.

In order to reconcile water rights (which reflect actual use) with the contract, it is necessary to amend the contract. In the event B&G Resources, Inc., desires to further change the location of use and acreage, as identified in this contract amendment, a written request such as a draft state transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers and exchanges, will require the approval of the United States.

Accordingly, it is proposed that Article 6 of Contract No. 14-06-100-1336 shall hereby be amended to read as follows:

WATER TO BE PROVIDED BY UNITED STATES

"6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

- 6.1 acres, SW 1/4 SE 1/4, Sec. 1, T. 2 N., R. 30 E., Willamette meridian
- 1.7 acres, SW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
- 0.1 acres, NW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
- 12.1 acres, NE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
- 2.7 acres, SE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
- 8.9 acres, NW 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian

RECEIVED

JUL 26 2007

**WATER RESOURCES DEPT
SALEM OREGON**

Of the land described, 31.6 acres are to be irrigated. The quantity of water to be made available hereunder shall be a 0.1761% proportionate share, as nearly as is reasonably practicable to determine it, of the stored waters actually available from said reservoir, but in no event shall it exceed that quantity which may be

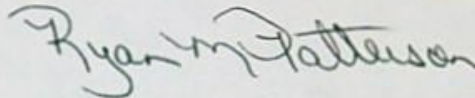
applied beneficially in accordance with good usage in the irrigation of the land above described, nor shall it exceed a total amount of 130 acre-feet annually, measured at the point of delivery of said water."

We have enclosed a copy of pages 1 and 2 of the contract with the necessary changes made therein. If B&G Resources, Inc., concurs with this letter amendment and the enclosed amended pages, we ask that an appropriately authorized representative of B&G Resources, Inc., complete the signature and notary pages and then return the letter amendment and successor-in-interest documents (in duplicate) to this office. The Schroeder Law Offices has already paid \$200 to process the contract action.

Upon receipt of this letter amendment (in duplicate) with attested to and notarized signatures, we will execute and approve them on behalf of the United States and provide an original of them along with the amended pages to you, and will provide copies to the Schroeder Law Offices and appropriate State and Federal offices.

Your assistance is appreciated. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

B&G Resources, Inc. concurs with Amendment of Contract No. 14-06-100-1336 as described above:

B&G RESOURCES, INC.

Signature and Title of Authorized Representative

Date

Attested to: _____
Signed Name

The above contract action is hereby approved:

Program Manager, Repayment and Acreage Limitation
Bureau of Reclamation

In Duplicate

Enclosure

cc: See next page.

RECEIVED

JUL 26 2007

WATER RESOURCES DEPT
SALEM OREGON

cc: Ms. Cortney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527 (w/copies of encl)

Watermaster
Oregon Water Resources Department
116 SE. Dorion Avenue
Pendleton, OR 97801 (w/copies of encl)

Mr. Gerry Clark, re: water right transfer T-8718
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172 (w/copies of encl)

RECEIVED

JUL 26 2007

WATER RESOURCES DEPT
SALEM OREGON

Contract No. 14-06-100-1336

Approved 4/16/57, Amended 2007

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

CONTRACT FOR MCKAY RESERVOIR STORAGE

THIS CONTRACT, made this 4th day of November, 1957, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, including the act of February 21, 1911 (36 Stat. 925) all of which acts are commonly known and referred to as the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and NOMAD ALFALFA INC. hereinafter referred to as the Contractor,

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, because the United States has heretofore constructed, pursuant to the Federal Reclamation Laws, McKay Dam and Reservoir on McKay Creek, known as McKay Reservoir, for the impounding and storage of water for irrigation purposes; and

3. WHEREAS, the Contractor is the owner of the lands hereinafter described, for which a supply of water stored in McKay Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

RECEIVED

JUL 26 2007

WATER RESOURCES DEPT
SALEM, OREGON

DEFINITIONS

4. The following terms used in this contract shall have the following respective meanings:

“Secretary” shall mean the Secretary of the Interior or his duly authorized representative.

“McKay Reservoir” shall mean the entire McKay Dam and Reservoir of the Umatilla Project located on McKay Creek, Oregon, including all works constructed or utilized in connection with such reservoir.

TERM OF CONTRACT

5. This contract shall become effective upon its execution by the Secretary, and shall remain in effect as long as the Contractor pays to the United States, in full, each annual installment of the construction charge obligation and any and all other amounts owing to the United States under this contract.

WATER TO BE PROVIDED BY UNITED STATES

6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

6.1 acres, SW 1/4 SE 1/4, Sec. 1, T. 2 N., R. 30 E., Willamette meridian
1.7 acres, SW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
0.1 acres, NW 1/4 NW 1/4, Sec. 7, T. 2 N., R. 30 E., Willamette meridian
12.1 acres, NE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
2.7 acres, SE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
8.9 acres, NW 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian

RECEIVED

JUL 26 2007

WATER RESOURCES DEPT
SALEM OREGON



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



IN REPLY REFER TO:

PN-3323
WTR-4.00

MAR 15 2007

Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW. Macadam, Suite 470
Portland, OR 97239

Subject: McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Mr. Gustafson:

This is sent in regard to the subject contract that provides B&G Resources, Inc. (B&G) with a supplemental irrigation water supply from McKay Reservoir.

Enclosed for your records are a fully executed original of the document that recognizes B&G as the successor in interest to the subject contract (previously with Nomad Alfalfa Inc.) and an original of our letter amendment, signed by the Bureau of Reclamation and an authorized representative of B&G. The amendment describes 31.6 acres as the place of use for the contract. Copies of pages 1, 2, 3, and 4 of the contract, which contain the amended changes, are also enclosed. Please attach these enclosures to your copy of the contract which was originally executed November 4, 1957.

In the event B&G desires to further change the location of use and acreage, as identified in this contract amendment, a written request such as a draft State transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers and exchanges, will require the approval of the United States.

Copies of this letter and the enclosures are being sent to appropriate State and Federal offices. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

Sincerely,

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

RECEIVED

MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Enclosures

cc: See next page.

cc: Ms. Cortney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527 (w/copies of encls)

Watermaster
Oregon Water Resources Department
116 SE. Dorion Avenue
Pendleton, OR 97801 (w/copies of encls)

Mr. Gerry Clark, re: water right transfer T-8718
Oregon Water Resources Department
725 Summer Street N.E. Suite A
Salem, OR 97301-4172 (w/copies of encls)

RECEIVED

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON

Contract No. 14-06-100-1336

Approved 4/16/57, Amended March 2007

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

CONTRACT FOR MCKAY RESERVOIR STORAGE

THIS CONTRACT, made this 4th day of November, 1957, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, including the act of February 21, 1911 (36 Stat. 925) all of which acts are commonly known and referred to as the Federal Reclamation Laws, between THE UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and NOMAD ALFALFA INC. hereinafter referred to as the Contractor,

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, because the United States has heretofore constructed, pursuant to the Federal Reclamation Laws, McKay Dam and Reservoir on McKay Creek, known as McKay Reservoir, for the impounding and storage of water for irrigation purposes; and

3. WHEREAS, the Contractor is the owner of the lands hereinafter described, for which a supply of water stored in McKay Reservoir is desired to be secured from the United States;

NOW, THEREFORE, in consideration of the premises and the payment by the Contractor to the United States of the charges in the manner hereinafter provided, it is agreed:

RECEIVED

MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

DEFINITIONS

4. The following terms used in this contract shall have the following respective meanings:

“Secretary” shall mean the Secretary of the Interior or his duly authorized representative.

“McKay Reservoir” shall mean the entire McKay Dam and Reservoir of the Umatilla Project located on McKay Creek, Oregon, including all works constructed or utilized in connection with such reservoir.

TERM OF CONTRACT

5. This contract shall become effective upon its execution by the Secretary, and shall remain in effect as long as the Contractor pays to the United States, in full, each annual installment of the construction charge obligation and any and all other amounts owing to the United States under this contract.

WATER TO BE PROVIDED BY UNITED STATES

6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

6.1 acres, SW 1/4 SE 1/4, Sec. 1, T. 2 N., R. 30 E., Willamette meridian
12.1 acres, NE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
11.3 acres, NW 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
2.1 acres, SE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian

RECEIVED

MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

Of the land described, 31.6 acres are to be irrigated. The quantity of water to be made available hereunder shall be a 0.1761% proportionate share, as nearly as is reasonably practicable to determine it, of the stored waters actually available from said reservoir, but in no event shall it exceed that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, nor shall it exceed a total amount of 130 acre-feet annually, measured at the point of delivery of said water.

PLACE OF DELIVERY AND MEASUREMENT OF WATER

7. Water for the purposes hereof shall be made available at the outlet works of McKay Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder is to be diverted at:

1,330 feet south and 610 feet west from the NE Cor. of Sec. 12, T. 2 N., R. 30 E, W. M. by means of a device satisfactory to the state officer in charge of the distribution of water from Umatilla River. Such device shall be furnished, installed and maintained by and at the expense of the Contractor, but it shall be and remain at all times under the control of the state-appointed watermaster whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from the place of measurement and delivery, McKay Dam, to the place of diversion and losses of water from seepage, evaporation, or other cause, below said point of measurement at McKay Dam, shall be borne by the Contractor.

RECEIVED

MAR 19 2007

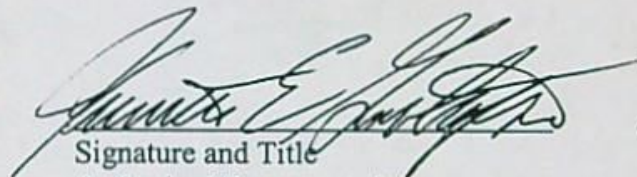
WATER RESOURCES DEPT
SALEM, OREGON

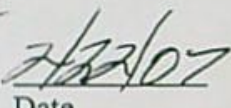
**RECOGNITION OF SUCCESSOR IN INTEREST TO CONTRACT NO. 14-06-100-1336
FOR MCKAY RESERVOIR STORAGE**

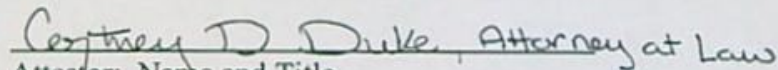
WHEREAS, the United States of America entered into a contract on November 4, 1957, Contract No. 14-06-100-1336, with Nomad Alfalfa Inc. for a supply of stored water in McKay Reservoir for use on lands leased by the contractor and described in the contract, as amended; and

WHEREAS, B&G Resources, Inc. now owns the land to which water was provided under said contract, as amended, and requests that it be recognized as the successor in interest to this contract (mailing address B&G Resources, Inc., Mr. Kenneth Gustafson, 5200 SW. Macadam, Suite 470, Portland, OR 97239);

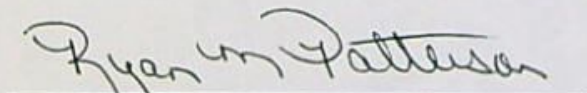
NOW, THEREFORE, all rights and interest in that contract for a 0.1761 percent proportionate share of McKay Reservoir storage hereby is recognized to be held by B&G Resources, Inc. In no event shall the stored waters available from said storage exceed a total amount of 130 acre-feet annually, measured at the outlet works of McKay Reservoir. This contract action is effective only upon the approval thereof by the United States of America as provided in Article 17 of said November 4, 1957, contract.


Signature and Title
Authorized Representative
B&G Resources, Inc.


Date


Attestor: Name and Title
Courtney D. Duke, Attorney at Law

The above contract action is hereby approved:


Program Manager
Repayment and Acreage Limitation
PN Region
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

RECEIVED

MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON)

: ss
County of Multnomah)

On this 22nd day of February, 2007, before me, a notary public, personally appeared Kenneth E. Crustafson and Courtney D. Duke known to me to be the persons that executed the within and foregoing instrument for which a water supply is to be provided under Contract No. 14-06-100-1336 and have executed this contract document as their free and voluntary act and deed and on oath stated that they are authorized to execute said instrument.

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



(SEAL)

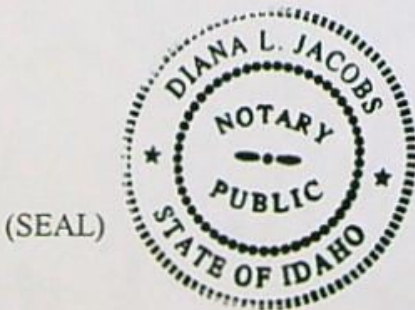
Tara Jackson
Notary Public in and for the
State of OREGON
Residing at: Portland
My commission expires: 11/6/09

STATE OF IDAHO)

: ss
County of Ada)

On this 14 day of March, 2007, personally appeared before me RYAN M. PATTERSON, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



(SEAL)

Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Boise
My commission expires: 5/22/2012

RECEIVED

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



IN REPLY REFER TO:

PN-3323
WTR-4.00

APR 19 2006

Mr. Kenneth Gustafson
B&G Resources, Inc.
5200 SW. Macadam, Suite 470
Portland, OR 97239

Subject: Letter Amendment of McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Mr. Gustafson:

This is sent in reply to letters from Ms. Cortney D. Duke and Ms. Pamela M. Van Horn of Schroeder Law Offices dated March 7, 2006, and March 23, 2006, respectively, relating to the subject McKay Reservoir (McKay) contract.

In addition to this subject letter amendment, we have enclosed a successor-in-interest document for B&G Resources, Inc. (in duplicate) that must be executed by B&G Resources, Inc. and approved by the United States.

It is our understanding that the following information relating to this contract contained in our exchange of correspondence with Ms. Laura Schroeder (letters dated July 9, 2001, November 20, 2001, December 17, 2003, and June 28, 2004) is still accurate.

Although the subject contract provided for the use of McKay water on 190 acres of land, the State of Oregon Certificate of Water Right 76631 describes 31.6 acres as the place of use for this contract. This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45-55, canceling a portion of said water right. The place of use for 5.4 of the 31.6 acres has changed because the flow of the Umatilla River has shifted, changing the river channel.

In order to reconcile water rights (which reflect actual use) with the contract, it is necessary to amend the contract. In the event B&G Resources, Inc. desires to further change the location of use and acreage, as identified in this contract amendment, a written request such as a draft state transfer application shall be submitted to the United States to amend this contract. There is no guarantee that such a request will be approved. Water right actions, including but not limited to transfers and exchanges, will require the approval of the United States.

Accordingly, it is proposed that Explanatory Recital 3 and Articles 6 and 7 of Contract No. 14-06-100-1336 shall hereby be amended to read as follows:

"3. WHEREAS, the Contractor is the owner of lands hereinafter described, for which a supply of water stored in McKay Reservoir is desired to be secured from the United States;"

RECEIVED

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON

WATER TO BE PROVIDED BY UNITED STATES

"6. The United States, so long as McKay Dam and Reservoir can be operated feasibly and economically for the storage of water, shall make available each year to the Contractor during the irrigation season from May 1 to October 1, inclusive, water from McKay Reservoir for irrigation of the land of the Contract described as follows:

6.1 acres, SW 1/4 SE 1/4, Sec. 1, T. 2 N., R. 30 E., Willamette meridian
 12.1 acres, NE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
 11.3 acres, NW 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian
 2.1 acres, SE 1/4 NE 1/4, Sec. 12, T. 2 N., R. 30 E., Willamette meridian

RECEIVED

MAR 19 2007

**WATER RESOURCES DEPT
 SALEM, OREGON**

Of the land described, 31.6 acres are to be irrigated. The quantity of water to be made available hereunder shall be a 0.1761% proportionate share, as nearly as is reasonably practicable to determine it, of the stored waters actually available from said reservoir, but in no event shall it exceed that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, nor shall it exceed a total amount of 130 acre-feet annually, measured at the point of delivery of said water."

PLACE OF DELIVERY AND MEASUREMENT OF WATER

"7. Water for the purposes hereof shall be made available at the outlet works of McKay Reservoir and shall be delivered to the Contractor and measured at that point. The Contractor shall receive said water at said point and shall be wholly responsible for taking said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder is to be diverted at:

1,330 feet south and 610 feet west from the NE Cor. of Sec. 12, T. 2 N., R. 30 E, W. M.

by means of a device satisfactory to the state officer in charge of the distribution of water from Umatilla River. Such device shall be furnished, installed and maintained by and at the expense of the Contractor, but it shall be and remain at all times under the control of the state-appointed watermaster whose representative may at all times have access to it over any lands of the Contractor. The Contractor will stand his proportionate share of all losses incurred in running the stored water from the place of measurement and delivery, McKay Dam, to the place of diversion and losses of water from seepage, evaporation, or other cause, below said point of measurement at McKay Dam, shall be borne by the Contractor."

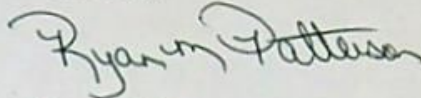
We have enclosed a copy of pages 1, 2, 3, and 4 of the contract with the necessary changes made therein. If B&G Resources, Inc. concurs with this letter amendment, the enclosed amended pages, and the enclosed successor-in-interest document, we ask that an appropriately authorized representative of B&G Resources, Inc. complete the signature and notary pages and then return the letter amendment and successor-in-interest documents (in duplicate) to this office along with a taxpayer identifying number (social security number or employer identification number). The Schroeder Law Offices has already paid \$300 to process the contract actions.

Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Public Law 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government. Because B&G Resources, Inc. is a contractor with the United States (under the subject contract with the Bureau of Reclamation), we are required to ask that a taxpayer identifying number be provided for it.

Upon receipt of the letter amendment and successor-in-interest document (in duplicate) with attested to and notarized signatures, we will execute and approve them on behalf of the United States and provide an original of them along with the amended pages to you, and will provide copies to the Schroeder Law Offices and appropriate State and Federal offices.

Your assistance is appreciated. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

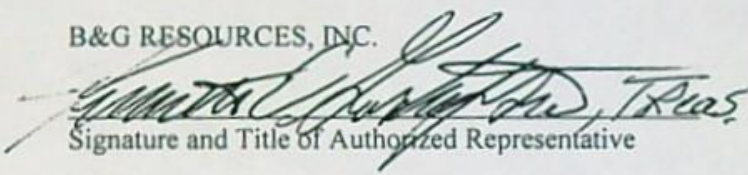
Sincerely,



Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

B&G Resources, Inc. concurs with Amendment of Contract No. 14-06-100-1336 as described above:

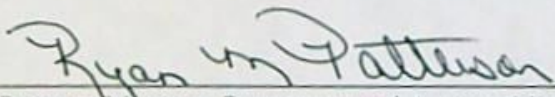
B&G RESOURCES, INC.


Signature and Title of Authorized Representative

2/9/07
Date

Attested to: Cortney D. Duke
Signed Name

The above contract action is hereby approved:


Program Manager, Repayment and Acreage Limitation
Bureau of Reclamation

In Duplicate

Enclosures

cc: Ms. Cortney D. Duke
Schroeder Law Offices, P.C.
P.O. Box 12527
Portland, OR 97212-0527

Watermaster
Oregon Water Resources Department
116 SE. Dorion Avenue
Pendleton, OR 97801
(w/copy of encls to each)

RECEIVED

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B&G RESOURCES, INC.
18270 SW BOONES FERRY ROAD
PORTLAND, OREGON 97227

confirms the right to use the waters of the UMATILLA RIVER and McKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, tributary of the COLUMBIA RIVER, for IRRIGATION OF 26.2 ACRES.

This right was perfected under Permit 16393. The date of priority is JULY 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.655 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE¼ NE¼, SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M..

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

STATE OF OREGON

COUNTY OF UMATILLA ✓

CERTIFICATE OF WATER RIGHT

RECEIVED

OCT 11 2005

WATER RESOURCES DEPT
SALEM, OREGON

THIS CERTIFICATE ISSUED TO

KENNETH E. GUSTAFSON

(cancelled cert was in name of B & G RESOURCES, INC.) - *Delete*

5200 SW MACADAM, SUITE 470

PORTLAND, OR 97239

confirms the right to use the waters of UMATILLA RIVER AND MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 5.4 ACRES. ✓

This right was perfected under Permit 16393. The date of priority is July 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4 SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.;

1330 FEET South & 610 FEET West from the NE corner, Section 12. ✓

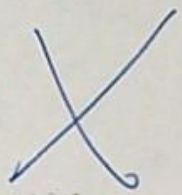
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

	NE 1/4 NE 1/4	1.0 ACRES
	SE 1/4 NE 1/4	2.6 ACRES
SECTION 12	TOWNSHIP 2 NORTH,	RANGE 30 EAST, W.M.
LOT 1	(NW 1/4 NW 1/4)	0.1 ACRES
LOT 2	(SW 1/4 NW 1/4)	1.7 ACRES
SECTION 7	TOWNSHIP 2 NORTH,	RANGE 31 EAST, W.M.



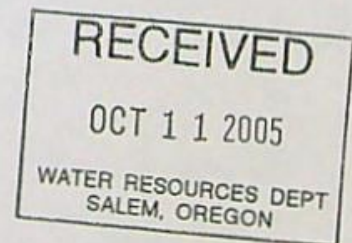
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered January 20, 2004, and together with Certificate 80564, supersedes Certificate 76631, State Record of Water Right Certificates.

opening Transfer Application 8718,

Issued _____

Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number PROPOSED.

T-8718.RA

X-Security: MIME headers sanitized on kettle.wrd.state.or.us

See <http://www.impsec.org/email-tools/sanitizer-intro.html>

for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

Subject: electronic deliverables - Gustafson certificate request - T-8718

Date: Sat, 8 Oct 2005 13:59:38 -0700

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: electronic deliverables - Gustafson certificate request - T-8718

Thread-Index: AcXMSzGF8Vb8pADJTs20GXK9LQ1VoA==

From: "Terry Sprecher" <terry@pbsenv.com>

To: "Gerald Clark (E-mail)" <Gerald.E.CLARK@wrd.state.or.us>

X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us

X-Spam-Status: No, hits=0.8 required=5.0 tests=HTML_30_40,HTML_MESSAGE
autolearn=no version=2.63

X-Spam-Level:

Gerry,

Attached please find the electronic copy of the draft certificate for T-8718 and mailing list. Hard copy deliverables to follow by mail.

Thank you.

<<drft.cert.T-8718.wpd>>

Terry Sprecher, RG, CWRE
PBS Engineering and Environmental
terry@pbsenv.com
(541) 388-9290



drft.cert.T-8718.wpd

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

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH E. GUSTAFSON

~~(cancelled cert was in name of B & G RESOURCES, INC.)~~

5200 SW MACADAM, SUITE 470

PORTLAND, OR 97239

confirms the right to use the waters of UMATILLA RIVER AND MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 5.4 ACRES.

This right was perfected under Permit 16393. The date of priority is July 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4 SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.;
1330 feet South & 610 feet West from NE Cor Sect 12.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

Format →

	NE 1/4 NE 1/4	1.0 ACRES
	SE 1/4 NE 1/4	2.6 ACRES
	SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.	
	lot 1 (NW 1/4 NW 1/4)	0.1 ACRES
	lot 2 (SW 1/4 NW 1/4)	1.7 ACRES
	SECTION 7, TOWNSHIP 2 NORTH, RANGE 31 EAST, W.M.	

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered January 20, 2004, and together with Certificate 80564, supersedes Certificate 76631, State Record of Water Right Certificates.

Issued .

Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number PROPOSED.

T-8718.RA

Mailing List for Certificate

Mailing Date: 10/**/2005

Transfer Final Order - T-8718
Permit --32623--
Certificate -

Transfer Final Order Holder: (include copy of map)

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OR 97239

~~(CANCELLED CERT WAS IN THE NAME OF B & G
RESOURCES, INC.)~~

Copies Mailed

By: _____
(STAFF)

on: 10/**/2005
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster #5: (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

Other persons to receive copies: (Include map)

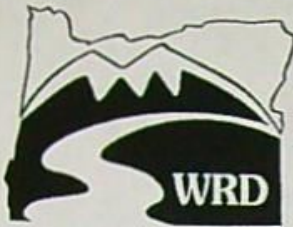
William I. Porfily, Agent
P. O. Box 643
Stanfield, OR 97875

Dale G. VanScholack, CWRE # 333

file 70936

Completion Checklist for CWRE Claims of Beneficial Use

Application # _____
 Permit # _____
 Transfer # 8718
 Date 28 FEB 05
 Reviewer JS



Date Received 25 FEB 05
 CWRE Name D. Van Schelack
 Claim Logged _____
 File Marked _____
 Oversized Map # 8 1/2 - 11

Map Review:

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

Report Review:

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

Other conditions _____

OK to ISS

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

Certificate Issuance Processing Checklist

Map and COBU reviewed
 Conflict check (include copy of plat card printout) Any Conflicts? _____
 Check current ownership

Staff Recommendations:

Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: see COBU

Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: _____

Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

Yes

If "Yes":

Proposed
 Final

Certificate # _____

Mailing list:

Proposed:

Final:

Terry Sprecher

From: Terry Sprecher
Sent: Saturday, October 08, 2005 2:00 PM
To: Gerald Clark (E-mail)
Subject: electronic deliverables - Gustafson certificate request - T-8718

Gerry,

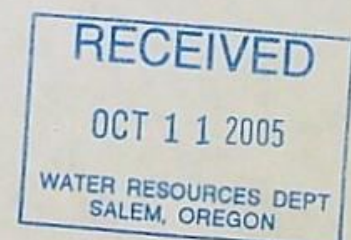
Attached please find the electronic copy of the draft certificate for T-8718 and mailing list. Hard copy deliverables to follow by mail.

Thank you.



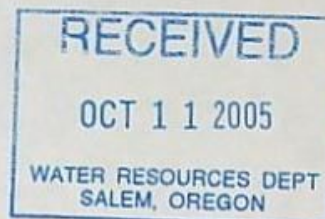
drft.cert.T-8718.w
pd

Terry Sprecher, RG, CWRE
PBS Engineering and Environmental
terry@pbsenv.com
(541) 388-9290



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

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT



THIS CERTIFICATE ISSUED TO

KENNETH E. GUSTAFSON
(cancelled cert was in name of B & G RESOURCES, INC.)
5200 SW MACADAM, SUITE 470
PORTLAND, OR 97239

confirms the right to use the waters of UMATILLA RIVER AND MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 5.4 ACRES.

This right was perfected under Permit 16393. The date of priority is July 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4 SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

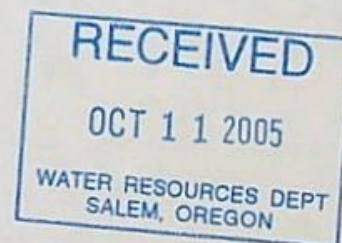
NE 1/4 NE 1/4	1.0 ACRES
SE 1/4 NE 1/4	2.6 ACRES
SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.	
NW 1/4 NW 1/4	0.1 ACRES
SW 1/4 NW 1/4	1.7 ACRES
SECTION 7, TOWNSHIP 2 NORTH, RANGE 31 EAST, W.M.	

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered January 20, 2004, and together with Certificate 80564, supersedes Certificate 76631, State Record of Water Right Certificates.

Issued .

Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number PROPOSED.

T-8718.RA

Mailing List for Certificate

Mailing Date: 10/**/2005

Transfer Final Order - T-8718
Permit - 32623
Certificate -

Transfer Final Order Holder: (include copy of map)

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OR 97239
(CANCELLED CERT WAS IN THE NAME OF B & G RESOURCES, INC.)

Copies Mailed
By: _____ (STAFF)
on: <u>**/**/2005</u> (DATE)

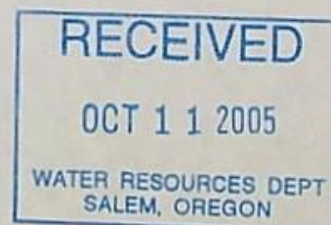
Copies of Final Certificate to be sent to:

1. Watermaster #5: (include copy of map)
2. Data Center (include copy of map)
3. Water Availability

Other persons to receive copies: (Include map)

William I. Porfily, Agent
P. O. Box 643
Stanfield, OR 97875

Dale G. VanScholack, CWRE # 333



RECEIVED

AUG 04 2005

WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

WATER RESOURCES DEPT
SALEM, OREGON

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

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

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

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input type="checkbox"/>	Transfer Application	_____
<input checked="" type="checkbox"/>	Certificate Request	T-8718
<input type="checkbox"/>	Extension of Time Request	_____

Applicant Information

Agent

Applicant: Kenneth E. Gustafson
(Please Print)

Address: 5200 SW Macadam, STE 470
Portland, OR ~~97201~~ 97239

Phone: (503)221-5117

William I Porfily

P.O. Box 643
Stanfield, OR 97875

(541)449-1327

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will notify me, in writing, of the estimates of costs and timeframe for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

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

Signature:  Name: Kenneth E. Gustafson

OWRD USE ONLY

Contractor Assigned: <u>TBS</u>	Total Amount Paid: \$ _____
OWRD Approval: _____	

WILLIAM I. PORFILY

P.O. Box 643

Stanfield, OR 97875

(541) 449-1327

(541)561-7259 Cell

bporfily@gohighspeed.com

November 118, 2005

Gerry Clark
Oregon Water Resources Dept.
725 Summer St. NE STE. A
Salem, OR 97301-1271

RE: T-8718 and Deed for B&G

Gerry:

Enclose please find copy of the
Transfer T-8718. This is per yr
owned the Tax Lot 5400 area where during the final proof mapping we located 1.7 acres
of water rights. At the bottom of page two-top of page three of Exhibit "A" of the Deed
the area represented by Tax Lot 5400 is described.

Please call me (541)449-1327 if you have any questions.

Sincerely

William I. Porfily

Enclosure

Cc: Kenneth Gustafason, 5200 SW Macadam STE 470, Portland, OR 97201
Dale Van Schoiack CWRE, SCM Consultants LLC, 7601 Clearwater AVE. STE 301,
Kennewick, WA 99336
Attorney Laura Schroeder, P.O. Box 12527, Portland, OR 97212

11/7/2005
Spoke w/ Bill Porfily.
He will be working on
getting the amended
BOR contract and
information regarding
ownership and easement
if nec. to TL 5400.

132

involving
G Resources

RECEIVED
NOV 23 2005
WATER RESOURCES DEPT
SALEM, OREGON

WILLIAM I. PORFILY

P.O. Box 643
Stanfield, OR 97875
(541) 449-1327
(541)561-7259 Cell
bporfilv@gohighspeed.com

November 118, 2005

132

Gerry Clark
Oregon Water Resources Dept.
725 Summer St. NE STE. A
Salem, OR 97301-1271

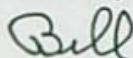
RE: T-8718 and Deed for B&G Resources- Tax Lot 5400

Gerry:

Enclose please find copy of the Deed for the land owned by B&G Resources involving Transfer T-8718. This is per your phone call to me requesting proof that B&G Resources owned the Tax Lot 5400 area where during the final proof mapping we located 1.7 acres of water rights. At the bottom of page two-top of page three of Exhibit "A" of the Deed the area represented by Tax Lot 5400 is described.

Please call me (541)449-1327 if you have any questions.

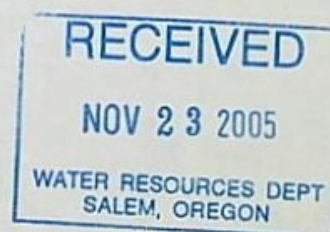
Sincerely



William I. Porfily

Enclosure

Cc: Kenneth Gustafason, 5200 SW Macadam STE 470, Portland, OR 97201
Dale Van Schoiack CWRE, SCM Consultants LLC, 7601 Clearwater AVE. STE 301,
Kennewick, WA 99336
Attorney Laura Schroeder, P.O. Box 12527, Portland, OR 97212



REEL 296-400886

222533

AFTER RECORDING RETURN TO:

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

B&G Resources, Inc.
3132 SE Tindall Circle
Portland, OR 97202

B&G Resources, Inc.
3132 SE Tindall Circle
Portland, OR 97202

STATUTORY BARGAIN AND SALE DEED

Nomad Alfalfa, Inc., an Oregon corporation, and Gloria M. Lewis, an individual, jointly Grantor, conveys to B&G Resources, Inc., an Oregon corporation, Grantee, the following described real property:

The real property described in Exhibit "A" attached hereto, together with all appurtenances thereto, except this deed does not convey any mineral rights relating to the real property which is the subject of this deed.

The true consideration for this conveyance is \$20,000.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

RECEIVED

Executed this 28 day of August, 1996.

AUG 30 1996

UMATILLA COUNTY RECORDS

GRANTOR:

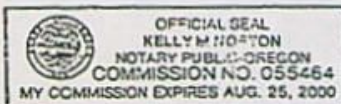
Nomad Alfalfa, Inc.
an Oregon corporation

Gloria M. Lewis, President
Gloria M. Lewis, President
President
Gloria M. Lewis

STATE OF OREGON
County of Multnomah

} SS.

This instrument was acknowledged before me this 28th day of August, 1996, by Gloria Lewis, President of Nomad Alfalfa, Inc., on behalf of the corporation.

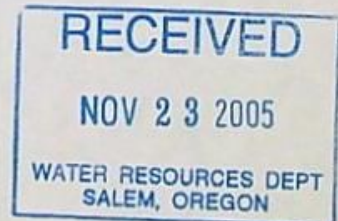


NOTARY PUBLIC FOR OREGON
My Commission Expires: 08/25/00

(Acknowledgments continued on next page)

1 - BARGAIN AND SALE DEED

(1749911/106137/SCN/124661.2)



REEL 296 PAGE 0887

(Acknowledgments continued from next page)

STATE OF OREGON }
County of Washington } ss.

This instrument was acknowledged before me this 25th day of August, 1996, by Gloria Lewis.



Kelly M. Norton
NOTARY PUBLIC FOR OREGON
My Commission Expires: 08-26-2000

2 - BARGAIN AND SALE DEED

(1749811/106137/SCM/124661.2)

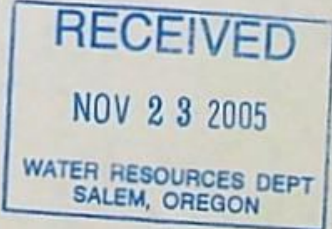


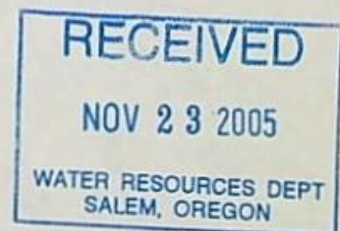
EXHIBIT A

All of those certain parcels of land heretofore acquired by Oregon-Washington Railroad and Navigation Company by Warranty Deed dated December 20, 1933, filed for record February 5, 1934, in Volume 147 of Deeds at Page 144 of the Records of Umatilla County, Oregon, being more particularly described in said deed as follows:

"Parcel One: An irregular shaped tract of land comprising a part of Sections One (1) and Twelve (12), of Township Two (2) North, Range Thirty (30) East of the Willamette Meridian, and a part of Section Seven (7), of Township Two (2) North, Range Thirty-One (31) East of the Willamette Meridian, being more particularly described as follows, to-wit:

Beginning at the southeast corner of said Section One (1); thence north along the east line of said Section One (1), to the northeast corner of the southeast quarter of the southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) thereof; thence west along the north line of the south half of the southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section One (1), to the northwest corner of the said southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); thence south along the west line of the said southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), to an iron monument at a point six hundred eighty-nine (689) feet, more or less, north of the southwest corner thereof; thence south 19°57' west, seven hundred thirty-three (733) feet, more or less, to an iron monument at a point in the north line of said Section Twelve (12), two hundred fifty (250) feet, more or less, west of the northeast corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Twelve (12); thence west along the north line of said Section Twelve (12), to a point nine hundred forty (940) feet east of the northwest corner of said Section Twelve (12); thence south thirteen hundred twenty-four and five tenths (1324.5) feet, to a point in the south line of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Twelve (12), nine hundred forty (940) feet east of the southwest corner of said northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$); thence east along the south line of said northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) to the northwest corner of the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Twelve (12); thence south along the west line of said southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) to the southwest corner thereof; thence east along the south line of said southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) to a

EXHIBIT A



point in the center of the channel of the Umatilla River; thence northwesterly along the said center of the channel of the Umatilla River, to a point which is four hundred sixty-two (462) feet north and three hundred ninety-six (396) feet west of the center of said Section Twelve (12); thence northwesterly in a direct line six hundred twenty (620) feet; to a point on the left bank of said Umatilla River; thence east six hundred (600) feet to a point fifty (50) feet east of the center of the old railroad grade of Oregon-Washington Railroad & Navigation Company; thence along a circular curve to the right, with a radius of five hundred twenty-three and seven tenths (523.7) feet along the old right of way of said Oregon-Washington Railroad & Navigation Company to a point one hundred sixty-five (165) feet south of the south line of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12); thence southeasterly on the southwest side of and along said old right-of-way and terminating at a point forty (40) feet from the high water mark of The Furnish Ditch Company's reservoir, which point bears north five hundred sixty (560) feet from the southeast corner of the southwest quarter of the northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12); thence south 62°16' east fifty-two (52) feet; thence north 33°15' east one hundred forty (140) feet; thence south 59°23' east three hundred ninety-eight (398) feet; thence south 9°48' east three hundred sixty-three (363) feet; thence south 10°30' west three hundred seventeen (317) feet, more or less, to a point on the north boundary line of Oregon-Washington Railroad & Navigation Company's right of way as now located in the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12); said point being three hundred ninety-three (393) feet, more or less, distant southeasterly, measured along said north boundary line of Oregon-Washington Railroad & Navigation Company's right of way, from the west boundary line of said northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$); thence southeasterly along the northerly right of way boundary line of said Oregon-Washington Railroad & Navigation Company as the same is now located through the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12) of Township Two (2) North, Range Thirty (30) East of the Willamette Meridian, and through the southwest quarter (SW $\frac{1}{4}$) and the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian, to a point on the east boundary line of said southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7); thence north along the east boundary line of said southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7), to the northeast corner thereof; thence west along the north boundary line of said southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7), to the southeast corner of the northwest quarter of the southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7); thence north along the east boundary line of said northwest quarter of the southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the southwest quarter of the northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Seven (7), to the

RECEIVED

NOV 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

REF 296-0830

northeast corner of said southwest quarter of the northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Seven (7); thence West along the north boundary line of said southwest quarter of the northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Seven (7), to the section line common to said Section Seven (7) and said Section Twelve (12); thence north along said section line to the southeast corner of said section one (1), the place of beginning; excepting therefrom all that part of the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12) and the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the South Half of the Southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section One (1), that lies outside of the highwater boundary line of The Furnish Ditch Company's Reservoir; also except a piece or parcel of land, containing thirty-five (35) acres, more or less, being all that part of the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7), that lies north of Oregon-Washington Railroad & Navigation Company's right of way and east of a line parallel to and forty (40) feet above the highwater line of The Furnish Ditch Company's Reservoir.

Parcel Two: A tract of land, containing two (2) acres, more or less, being all that part of the northeast quarter of the southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian, lying within The Furnish Ditch Company's Reservoir and extending back from said reservoir a distance of forty (40) feet above the highwater level in said reservoir.

Parcel Three: An irregular shaped tract of land comprising a part of the east half of the southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twelve (12) of Township Two (2) North, Range Thirty (30) East, of the Willamette Meridian, and a part of Sections Seven (7) and Eighteen (18) of Township Two (2) North, Range Thirty-One (31) East of the Willamette Meridian, being more particularly described as follows, to-wit:

Beginning at the southeast corner of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18); thence north along the east line of said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), to the southerly boundary line of Oregon-Washington Railroad & Navigation Company's right of way as now located in the said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18); thence northwesterly along the southerly right of way boundary line of said Oregon-Washington Railroad & Navigation Company as same is now located through the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the west half of the southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of said Section Seven (7), and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12), to a point on the southwesterly boundary line of

RECEIVED

NOV 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

REF 296-0891

the old right of way of said Oregon-Washington Railroad & Navigation Company in the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12), distant fifty (50) feet southwesterly from, measured at right angles to, the center line of the old main track of said Oregon-Washington Railroad & Navigation Company as said old main track was formerly constructed and operated over and across the east half of the southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of said Section Twelve (12) and the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7); thence southeasterly along said southwesterly boundary line of the old right of way, parallel with the center line of said old main track, to a point on the north boundary line of the southeast quarter of the southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12); thence west along the north boundary line of said southeast quarter of the southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12), following said southwesterly boundary line of the old right of way, to a point, distant one hundred (100) feet southwesterly from, measured at right angles to, the center line of said old main track; thence southeasterly, along said southwesterly boundary line of the old right of way, parallel with the center line of said old main track, to a point on the section line common to said Section Twelve (12), Township 2 North, Range 30 East, Willamette Meridian, and said Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian; thence south along the Section line common to said Section Twelve (12) and said Section Seven (7) to the southwest corner of said Section Seven (7); thence east along the section line common to said Section Seven (7) and said Section Eighteen (18) to an iron monument at a point five hundred thirty-eight (538) feet, more or less, west of the northeast corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Eighteen (18); thence south 65°21' east five hundred ninety-two (592) feet, more or less, to an iron monument at a point on the east line of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Eighteen (18), distant two hundred forty-seven (247) feet, more or less, south of the northeast corner thereof; thence continuing south 65°21' east, seven hundred ninety-seven and five tenths (797.5) feet; thence south 40°29' east, one hundred eighty-five (185) feet; thence south 52°17' east, five hundred (500) feet; thence south 79°35' east, eighty and nine tenths (80.9) feet, more or less, to a point in the west line of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), distant ten hundred forty (1040) feet, more or less, south of the quarter section corner common to said Sections Seven (7) and Eighteen (18); thence south along the west line of said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), to the southwest corner thereof; thence east along the south line of said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), to the southeast corner thereof, the place of beginning; excepting therefrom, a piece or parcel of land, containing twenty-six (26) acres, more or less, being all that part of the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7), Township 2 North.

RECEIVED

NOV 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

REF 296-0892

Range 31 East, Willamette Meridian, that lies outside of the highwater boundary line of The Furnish Ditch Company's Reservoir as said Reservoir now exists.

Alternative Description of all Property Above Described

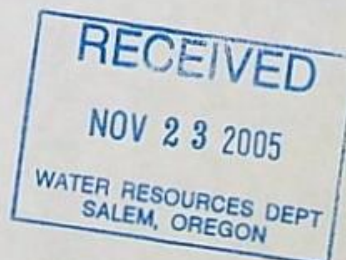
The tracts of land hereinbefore described are hereby further described for greater certainty as follows:

Parcel A: All that property in Section One (1), Township 2 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon, conveyed by Samuel Smith, an unmarried man, to The Furnish Ditch Company, by deed dated February 25, 1909, and recorded in Vol. 58 on page 385 of Deed Records of said Umatilla County; also, all that property in said Section One (1) conveyed by Lee Hummell and Mary L. Hummell, his wife, to The Furnish Ditch Co. by deed dated April 21, 1913 and recorded in Book 82 at page 558 Deed Records of said County; also

All that property in Section Twelve (12), Township 2 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon, as conveyed by Matt Saari, an unmarried man, to The Furnish Ditch Company, by deed dated February 25, 1909, and recorded in Vol. 59 at page 96 of Deed Records of said County; also all that property in said Section Twelve (12) as conveyed by Oregon-Washington Railroad & Navigation Company to Furnish Ditch Company by deed dated February 20, 1912, and recorded in Vol. 78 at page 74 of Deed Records of said County; also all that property in said Section Twelve (12) conveyed by Herman Holverson, husband of Anna Holverson, to The Furnish Ditch Company by deed dated February 27, 1909 and recorded in Book 59 at page 88, Deed Records of said County; also all that property in said Section Twelve (12) conveyed by Anna Holverson, wife of Herman Holverson, to The furnish Ditch Company by deed dated February 27, 1909, recorded in Book 59 at page 91, Deed Records of said County; also

All that property in said Section Twelve (12) conveyed by American National Bank of Pendleton to Furnish Ditch Company by deed dated October 20, 1915, recorded in Book 64 at page 4, Deed Records of said County; also

All that property in said Section Twelve (12) conveyed by James L. Smith and Hattie Smith, his wife, to The Furnish Ditch Company by deed dated December _____, 1913, filed for record on January 3, 1914 and recorded in Book 61 at page 406, Deed Records of said County; excepting therefrom the areas in said Section Twelve (12) conveyed by The Furnish Ditch Co. to Lee Hummell by deed dated May 12, 1915, and recorded in Book 91 at page 211, Deed Records of said County; also except the areas in said Section Twelve (12) conveyed by Furnish Ditch Company to J. A. Turnbow by deed dated August 31, 1912, and recorded in Book 81 at page 192, Deed Records of said County; also except the areas in said Section Twelve (12) conveyed by The Furnish



Ditch Co. to J. A. Turnbow by deed dated December 8, 1914, and recorded in Book 90 at page 90, Deed Records of said County; also except in the area in said Section Twelve (12) and said Section One (1) conveyed by The Furnish Ditch Company to Christopher Stanull by deed dated June 21, 1916, and recorded in Book 95 at page 232, Deed Records of said County; and also except the areas in said Section Twelve (12) conveyed by The Furnish Ditch Company to Oregon-Washington Railroad & Navigation Company by deed dated December 5, 1911, and recorded in Vol. 78 at page 268 of Deed Records of said County;

Parcel B: All that property in Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian, Umatilla County, Oregon, conveyed by Oregon-Washington Railroad & Navigation Company to Furnish Ditch Company by deed dated February 20, 1912, and recorded in Vol. 78 at page 74 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by Herman Holverson, husband of Anna Holverson, to The Furnish Ditch Company by deed dated February 27, 1909, and recorded in Book 59 at page 88 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by Anna Holverson, wife of Herman Holverson, to The Furnish Ditch Company by deed dated February 27, 1909, and recorded in Book 59 at page 91 of Deed Records of said County; also

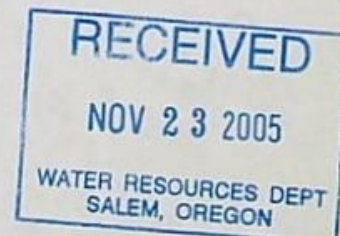
All that property in said Section Seven (7) conveyed by W. M. Smith and Katie Smith, husband and wife, to The Furnish Ditch Company by deed dated February 25, 1909 and recorded in Book 59 on page 89 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by J. L. Smith and Hattie Smith, husband and wife, to The Furnish Ditch Company by deed dated February 25, 1909, and recorded in Book 59 on page 90 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by J. E. Perigo and Mollie E. Perigo, his wife, to The Furnish Ditch Company by deed dated September 2, 1919, and recorded in Book 106 at page 240 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by American National Bank of Pendleton to Furnish Ditch Company by deed dated October 20, 1915 and recorded in Book 94 on page 4, Deed Records of said County; also

All that property in said Section Seven (7) conveyed by Inland Irrigation Co., Inc., to The Furnish Ditch Co. by deed dated August 15, 1919, and recorded in Book 106 at page 219 of Deed Records of said County; excepting therefrom the areas in said Section Seven (7) conveyed by The Furnish Ditch Company to



REEL 296 PAGE 0894

J. E. Perigo by deed dated May 16, 1919 and recorded in Book 106 at page 247, Deed Records of said County; also except the areas in said Section Seven (7) conveyed by The Furnish Ditch Company to Oregon-Washington Railroad & Navigation Company by deed dated December 5, 1911, and recorded in Vol. 78 at page 268, Deed Records of said County; also except the area in said Section Seven (7) conveyed by Furnish Ditch Company to Domatilla Gross by deed dated December 8, 1915, and recorded in Book 94 on page 583, Deed Records of said County.

Parcel C: All that property in Section Eighteen (18), Township 2 North, Range 31 East, Willamette Meridian, Umatilla County, Oregon, conveyed by Inland Irrigation Co., Inc. to The Furnish Ditch Co. by deed dated August 15, 1919, and recorded in Book 106 at page 239, Deed Records of said County; also

All that property in said Section Eighteen (18) conveyed by J. E. Smith Livestock Company to Furnish Ditch Company by deed dated November 14, 1913, and recorded at page 27 in Book 89, Deed Records of said County."

State of Oregon)
)
County of Umatilla)
This instrument was received and recorded on
08-30-96 at 12:35
in the record of document code type DE-885

Location 2296-0886
Document number 1996-222533
Fee 75.00

Office of County Records
Received by G. McArthur
Records Officer

RECEIVED

NOV 23 2005

WATER RESOURCES DEPT
SALEM, OREGON

Subject: Gustafson certificate request for perfecting T8718
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
Date: Mon, 3 Oct 2005 08:28:22 -0700
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Gustafson certificate request for perfecting T8718
Thread-Index: AcXILxbZ/fmie8YsR16yZI9I03axQw==
From: "Terry Sprecher" <terry@pbsenv.com>
To: "Gerald Clark (E-mail)" <Gerald.E.CLARK@wrd.state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=0.0 required=5.0 tests=HTML_MESSAGE autolearn=ham
version=2.63
X-Spam-Level:

Gerry,

I've completed the COBU map and COBU report completion tasks for the Gustafson project.

Couple of minor issues that shouldn't cause a problem:

- tax lot lines in COBU map look slightly different from tax lot lines on county assessor maps, but the discrepancies are in areas away from the irrigated area. The county tax lot maps are not as clear as usual - the error may be in the county maps and not the COBU map. In any event, since the discrepancies are not near the irrigated area, I assume they can be ignored
- system capacity calculations are "interesting", the assumptions for the pump and the assumptions for the sprinkler don't match, and, using the dept calcs, different answers are obtained. However, all calculation results are greater than the allowable rate in the transfer order, so the system can produce the requested amount, and I assume no additional calculation information needs to be requested and we're done with the calculation part.

ok Pump 72 psi = 107 gpm sprinkler @ 70 psi = 103 gpm

Items that may need to be mentioned in a request for additional information letter:

- type of crop raised was not discussed in COBU report *oh*
- no mention is made in the COBU report of the former place of use - is it really dried up? *NA*
- one transfer condition is a contract with the BOR. meeting this condition was not discussed in the COBU report, but a letter was appended to the COBU report from the BOR to a lawyer discussing the contract. The letter is not dated, but is date stamped June 28, 2004. This issue may have been resolved since then? If not, it may not have been satisfied.

the total number of irrigated acres requested in the transfer and proved up in the COBU agree, but the locations are slightly different - the COBU does not discuss the discrepancy, or mention a reason for the change. I can't recall if the certificate gets written up with the proved-up acreage, without any request for clarification of the change. Do we need to ask for more information relating to the irrigated acreage location?

if no conflicts are identified as developed, and w/in ownership

No conflicts were turned up during the conflict check.

if none of the above warrant a letter requesting additional information, I can finish up the project. Will wait to hear from you before proceeding further. Thank you.

Terry Sprecher, RG, CWRE

PBS Engineering and Environmental
terry@pbsenv.com
(541) 388-9290

COBU Beneficial Use Determination Form T 8718 certificate request

- 1) Has the Claim of Beneficial Use report been reviewed? *yes*
- 2) Has the Claim of Beneficial Use map been reviewed? *yes*
- 3) Has a conflict check been completed? *yes*
If apparent conflicts are identified, describe here. *NA*
- 4) Was the use developed within the time lines described in the permit or transfer final order? *yes*
- 5) Were the permit conditions met? *except: former place of use - prove drying up - ok per WRD*
3rd contract - WRD will discuss w/ permittee

If the answer to all the questions above is "yes", complete the worksheet below for each point of diversion or point of appropriation listed in the permit or transfer final order.

Point of Diversion or Appropriation name or number: *only 1 POD*

Final use rates: using WRD pump
 formula 2 72psi & 40' lift = 1.33 cfs,
 using 60psi; same lift = 1.55 cfs = 0.22 cfs
 using sprinkler chart @ 70psi

	PERMIT <i>Transfer to</i>	REPORT
SOURCE	<i>Umatilla River & McKay Reservoir</i>	<i>Umatilla River & McKay Reservoir</i>
POD LOCATION	<i>SE 1/4 NE 1/4 S12, T2N, R30E, W.M.</i>	<i>POD #6, SE 1/4 NE 1/4 S12, T2N, R30E</i>
USE(S)	<i>Irrigation of 5.4 acres</i>	<i>Irrigation of 5.4 acres</i>
WATER Q (permit) <small>transfer F.O.</small>	<i>0.135 cfs</i>	<i>(1/40 cfs pressure) (5.4 acres) = 0.135 cfs</i>
WATER Q (system)	<i>—</i>	<i>0.270 cfs - CURB calculator for pump</i>
WATER Q (use)	<i>—</i>	<i>0.214 cfs " " for sprinklers</i> <i>observed</i> <i>0.134 cfs w/ flowmeter - CURB belt, accurate</i>
POU LOCATION	<i>NE 1/4 NE 1/4 1.00 acres } S12, T</i>	<i>NE NE 12 1.00 acres</i>
POU LOCATION	<i>NW 1/4 NE 1/4 2.40 " } 2N, R30E,</i>	<i>— 0 acres</i>
POU LOCATION	<i>SE 1/4 NE 1/4 2.00 " } W.M.</i>	<i>SE NE 12 2.6 acres</i>
		<i>12N R31E } NW NW 7 0.1 acres</i> <i>SW NW 7 1.7 acres</i>

	DETERMINATION
SOURCE	<i>Umatilla River & McKay Reservoir</i>
POD LOCATION	<i>SE 1/4 NE 1/4 S12 T2N R30E W.M.</i>
USE(S)	<i>Irrigation of 5.4 acres</i>
WATER Q (USE 1)	<i>0.135 cfs</i>
WATER Q (USE 2)	
WATER Q (USE 3)	
POU LOCATION	<i>Same as COBU report & map</i>
POU LOCATION	
POU LOCATION	

RECEIVED
 OCT 11 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

Point of Diversion or Appropriation name or number:

Reimbursement Authority COBU Checklist (CWRE)

Application # _____

Permit # _____

Transfer # T 8718



Contractor's Name *Terry Sprecher*
PBS Engineering and Environmental

This purpose of this checklist is to document the extent the completeness of the referenced file. This worksheet represents the review performed by a contractor. OWRD staff will perform a review and make a recommendation to the Director concerning the extent of beneficial use if any.

Review Results:

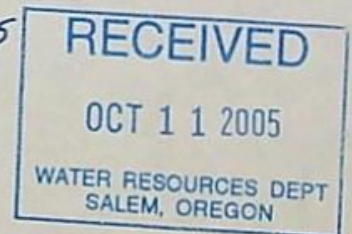
- My review indicates that the use has been developed to the full extent as described in the permit or transfer order.
minor changes in irrigated acres, ok per WRD
- My review indicates that the use has not been developed to the full extent as described in the permit or transfer order and I would recommend the following limitations:
- A copy of the "COBU Beneficial Use Determination Form" is attached.
- My review indicates that the use has not been developed as described in the permit or transfer order for the following reasons:

Proposed Actions:

Send letter recommending extension to cure deficiencies (attach draft copy of letter to this document in addition to an electronic copy submitted to WRD):

Other:

*Per Carol Johnson, Umatilla Co. Planner,
TL 5400 also EFU zone.
Terry C
11/7/2005*



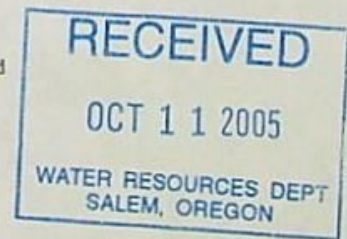
T 8716 certificate request
Comments from Gerry Clark -
10/7/05 please call

Map Review (check map for the following features/items):

- Permanent quality map (mylar or linen) *per WRD*
- CWRE stamp and signature
- Disclaimer
- Application & permit #; or transfer #
- North arrow
- Township, range and section
- Appropriate scale (1" = 1320', 1" = 400', or scale of assessor's map)
- Source
- Point(s) of diversion
- Point(s) of diversion (coordinates) Check with scale
- Conveyances (pump, pipelines, ditches, etc.) Permanent features shown? *no permanent features except for POD*
- Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each legal government subdivision)
- Tax lot lines and numbers *tax lot lines may be slightly off in other portion of TL, but lines in the irrigated area look fine ok ✓*

Report Review:

- Application & permit #; or transfer #
 - CWRE stamp and signature
 - Permittee's signature
 - Time limits
 - Date of survey
 - Type of use *not discussed - Gerry will ask permittee*
 - Extent of use *Crop irrigated was alfalfa per Bill Pordilly pl 11/7/2005*
 - Source(s) of water *period of use ✓*
 - Rate and Duty *incorrect rate in P.3 of COBU - duty not mentioned in COBU but correct rate w/ P.3 of COBU*
 - Diversion rate for each use *different from transfer FO, but total acres match. COBU does not discuss the reason for the change*
 - Description of conveyances system (from POD to POU) *very brief*
 - Diversion works description (pump make, serial model, capacity, and description)
 - System capacity *there's but pump & sprinkler don't agree, nor do their assumptions - all exceed rate allowed in transfer order*
 - Calculated capacity of system *0.214 cfs - which exceeds rate allowed in transfer order*
- OR
- Measured amount of use *not measured*
 - Permit conditions
 - Fish screening *NA*
 - Meter/measuring device *NA*
 - Water use reporting *NA*
 - Other conditions:
 - ? former place of use shall no longer be irrigated *not discussed in COBU*
 - ? the use of water shall be subject to Contract # 14-06-100-1336 w/ the BOR - not discussed in COBU - appended letter dated 2004 sounds like contract is not yet complete *Gerry will discuss w/ permittee*
- Other:
- Conflict Check *complete*
no conflicts identified
- may not be related to proving-up of certificate*



Terry Sprecher

From: Terry Sprecher
Sent: Monday, October 03, 2005 8:28 AM
To: Gerald Clark (E-mail)
Subject: Gustafson certificate request for perfecting T8718

Gerry,

I've completed the COBU map and COBU report completion tasks for the Gustafson project.

Couple of minor issues that shouldn't cause a problem:

- tax lot lines in COBU map look slightly different from tax lot lines on county assessor maps, but the discrepancies are in areas away from the irrigated area. The county tax lot maps are not as clear as usual - the error may be in the county maps and not the COBU map. In any event, since the discrepancies are not near the irrigated area, I assume they can be ignored
- system capacity calculations are "interesting", the assumptions for the pump and the assumptions for the sprinkler don't match, and, using the dept calcs, different answers are obtained. However, all calculation results are greater than the allowable rate in the transfer order, so the system can produce the requested amount, and I assume no additional calculation information needs to be requested and we're done with the calculation part.

Items that may need to be mentioned in a request for additional information letter:

- type of crop raised was not discussed in COBU report
- no mention is made in the COBU report of the former place of use - is it really dried up?
- one transfer condition is a contract with the BOR. meeting this condition was not discussed in the COBU report, but a letter was appended to the COBU report from the BOR to a lawyer discussing the contract. The letter is not dated, but is date stamped June 28, 2004. This issue may have been resolved since then? If not, it may not have been satisfied.

Gerry will do this

may not be related to proving up the certificate

Gerry will do this

the total number of irrigated acres requested in the transfer and proved up in the COBU agree, but the locations are slightly different - the COBU does not discuss the discrepancy, or mention a reason for the change. I can't recall if the certificate gets written up with the proved-up acreage, without any request for clarification of the change. Do we need to ask for more information relating to the irrigated acreage location?

in this case, ok - says Gerry

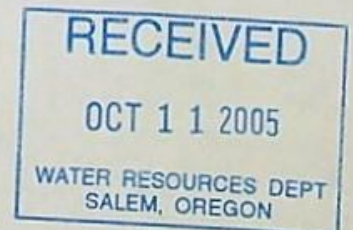
No conflicts were turned up during the conflict check.

if none of the above warrant a letter requesting additional information, I can finish up the project. Will wait to hear from you before proceeding further. Thank you.

Terry Sprecher, RG, CWRE
PBS Engineering and Environmental
terry@pbsenv.com
(541) 388-9290

10/7/05 phone call, afternoon

Gerry says to finish up the draft certificate



Platcard Report

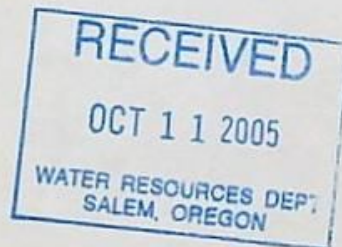
Township 2N Range 30E Section 12

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
①	G9206 04/20/1979	G8631 -		CN						32.9 IS (s) CN	38.0 IS (s) CN				6.3 IS (s) CN							
①	G12698 10/24/1991	G11791 -								32.9 IS (s)	38.0 IS (s)				6.3 IS (s)							
①	S20936 07/03/1945	S16393 -		xfr#: T8718 <i>subject file</i>	1.0 IR	2.4 IR		2.0 IR														
①	S20936 07/03/1945	S16393 28484		CN see transfers	13.4 IR CN	12.8 IR CN		28.6 IR CN	12.6 IR CN	8.8 IR CN								15.6 IR CN				
①	S20936 07/03/1945	S16393 28484		CN xfr#: T7771	13.4 IR CN	12.8 IR		28.6 IR CN	12.6 IR	8.8 IR								15.6 IR				
①	S20936 07/03/1945	S16393 76631		CN xfr#: T8718	12.7 IR CN	12.7 IR CN		0.1 IR CN														
①	S20936 07/03/1945	S16393 80564		xfr#: T8718 <i>RR - see T8718</i>	11.1 IR	8.9 IR		0.1 IR														
①	S33006 03/30/1959	S26122 32699					1.6 IR					21.5 IR	25.2 IR	15.0 IR				2.0 IR				
①	S44660 04/04/1968	S33439 46102		CN	5.2 IR CN																	
①	S49008 12/16/1976	S41362 -				8.6 IR	16.5 IR		3.0 IR			9.0 IR										

Page: 1 2 Next Last

[Return to Platcard Query Screen](#)

Run Time: 3 seconds



no conflicts

Platcard Report

Township 2N Range 30E Section 12

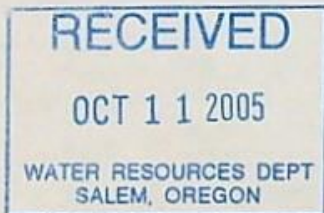
					NE				NW				SW				SE						
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC	
i S52447 09/24/1974	S39444 -									32.9 IR	38.0 IR			6.3 IR									

Page:First Previous 1 2

[Return to Platcard Query Screen](#)

Run Time: 1 seconds

No conflicts

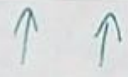


Platcard Report

Township 2N Range 31E Section 7



	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	S20936 07/03/1945	S16393 28484		CN see transfers							7.4 IR CN			32.8 IR CN	17.6 IR CN	15.3 IR CN			0.1 IR CN			
i	S20936 07/03/1945	S16393 28484		CN xfr#: T7771							7.4 IR			32.8 IR	17.6 IR	15.3 IR			0.1 IR			
i	S44660 04/04/1968	S33439 46102		CN									2.3 IR CN	0.1 IR CN		8.8 IR CN		1.8 IR CN	33.0 IR CN	20.1 IR CN		



Page: 1

[Return to Platcard Query Screen](#)

Run Time: 1 seconds

no conflicts

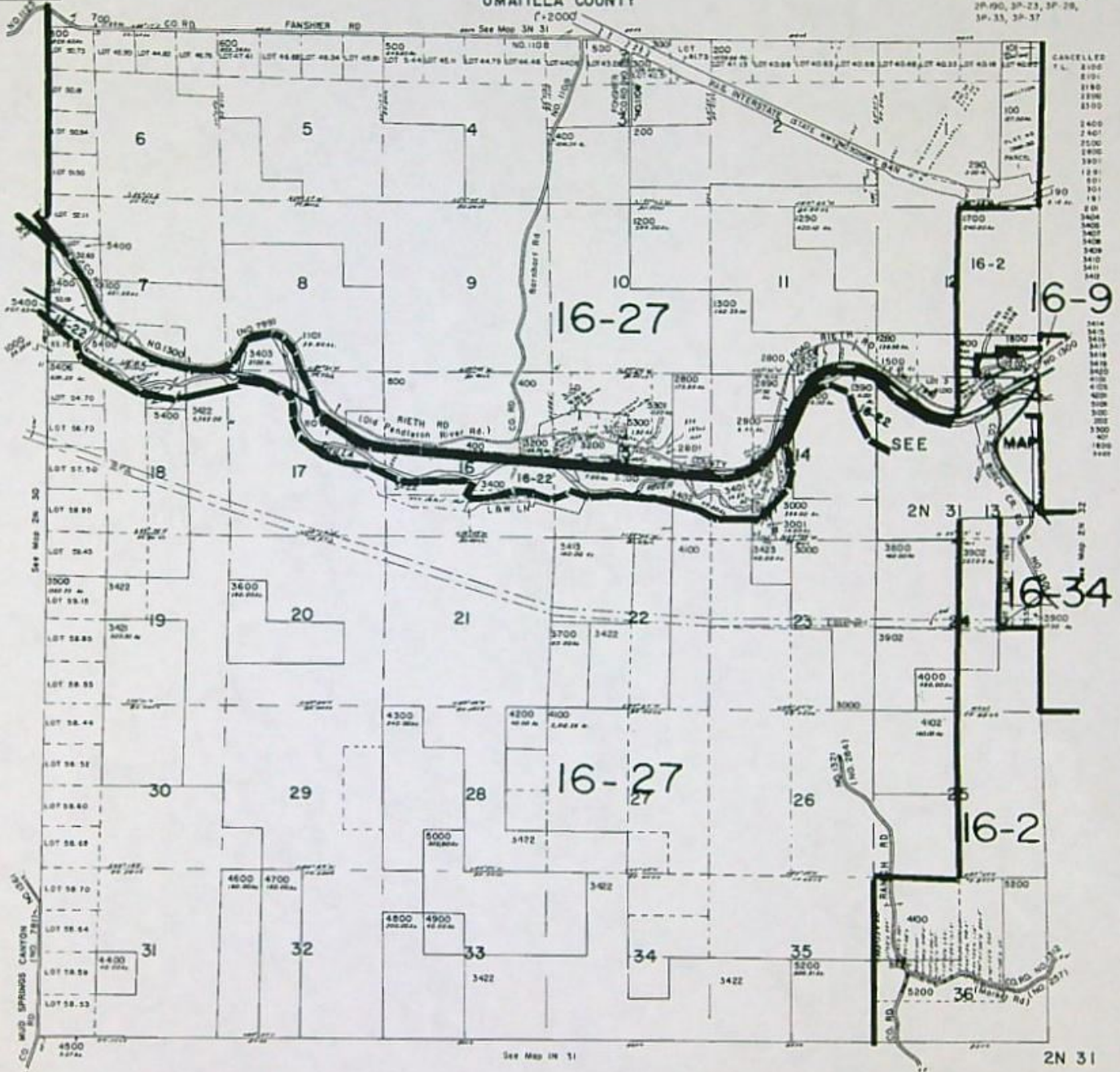


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

T2N. R31 E.W.M
UMATILLA COUNTY
1"-2000'

2N 31

Aerial Photo No 2P-05,
2P-19, 2P-23, 3P-28,
3P-33, 3P-37



- CANCELLED
- T.L. 2100
 - 2101
 - 2180
 - 2280
 - 2300
 - 2400
 - 2401
 - 2500
 - 2501
 - 2502
 - 2503
 - 2504
 - 2505
 - 2506
 - 2507
 - 2508
 - 2509
 - 2510
 - 2511
 - 2512
 - 2513
 - 2514
 - 2515
 - 2516
 - 2517
 - 2518
 - 2519
 - 2520
 - 2521
 - 2522
 - 2523
 - 2524
 - 2525
 - 2526
 - 2527
 - 2528
 - 2529
 - 2530
 - 2531
 - 2532
 - 2533
 - 2534
 - 2535
 - 2536
 - 2537
 - 2538
 - 2539
 - 2540

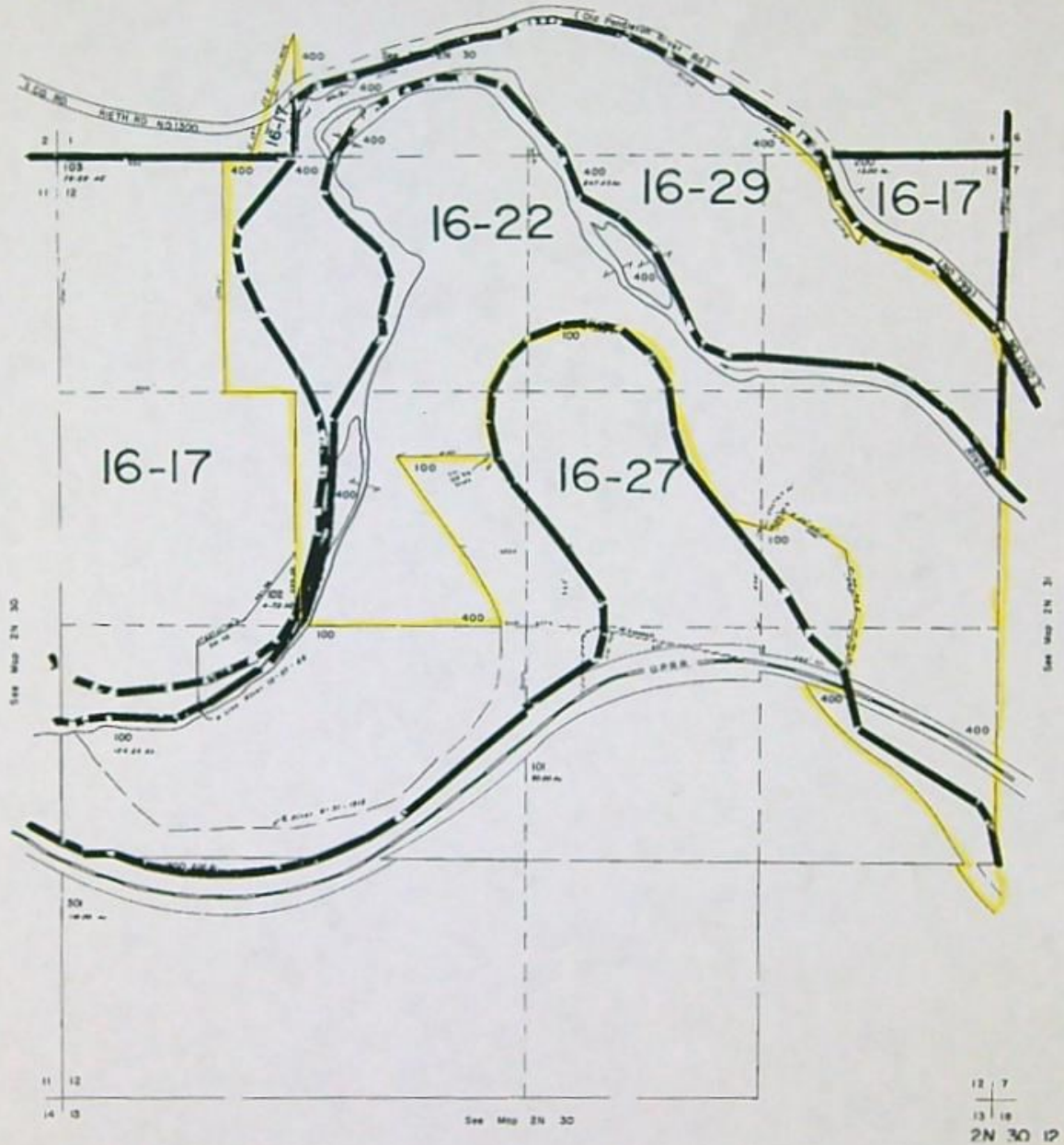
RECEIVED
OCT 11 2005
W. RESOURCE
SALEM, OREGON

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

Sec. 12 T2N. R30EWM
UMATILLA COUNTY
1"=400'

2N 30 12

Aerial Photo No N2-27-83



RECEIVED
OCT 11 2005
WATER RESOURCES DEPT
SALEM, OREGON

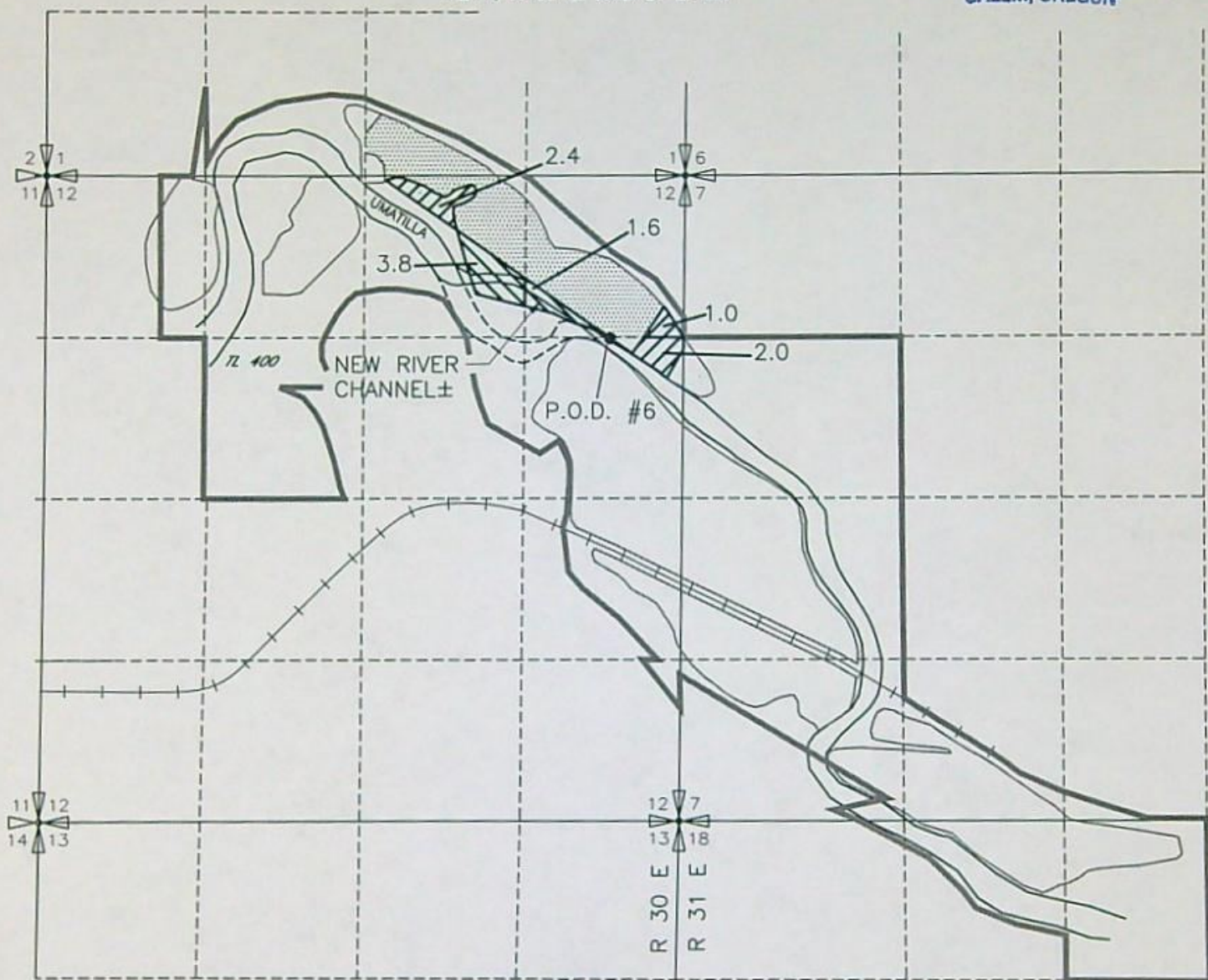
WATER RIGHT TRANSFER MAP FOR KENNETH E GUSTAFSON UNDER PERMIT 16393

T-8718
RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

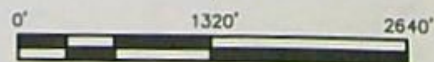
T 2 N, R 30 E. AND 31 E. WM



- FROM
- TO
- AREA REMAINING OF PERMIT 16393 NOT INVOLVED IN THIS TRANSFER

AUTHORIZED POINTS OF DIVERSION

P.O.D. #6 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.



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

3522.132
3522GUTR.DWG
01/15/01

Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses

T-8718

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Kenneth Gustafson
 Address: 5200 SW Macadam, Suite 470
 City: Portland State: OR Zip: 97201 Day Phone: 503-221-5117

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION / ZONING (e.g., Rural Residential / RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
T.L. 400 T2N R30E W.M.	EFU	✓	✓	✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

Umatilla

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
 Cite applicable ordinance section(s): 152.000. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

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

b) Please provide printed name and written signature.

Name: CAROL JOHNSON Date: 1-16-01

Title: Planner Phone: 541 278-4252

Signature: *Carol Johnson*

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

Additional Comments:

Water Resources Department
158 12th NE
Salem, OR 97310
(503) 378-3739

RECEIVED

MAR 15 2001

**WATER RESOURCES DEPT.
SALEM, OREGON**

I:\ADMIN\DCR\WIP\LANDUSE\3522 132.XIF

12/29/00
3522.132

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Kenneth Gustafson
 Address: 5200 SW Macadam, Suite 470
Portland, Oregon 97201
 Phone: 503-221-5124

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project.

Irrigation (crop type, golf course, nursery or greenhouse): Alfalfa and Grains

Livestock (type of livestock, feedlot, slaughterhouse): _____

Residential (# units, single or multi-family, # lots if partition or subdivision): _____

Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____

Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____

Institutional (i.e., school library, etc.): _____

Mining (aggregate, metal, open pit, placer, etc.): _____

Recreation (park, campsite, pond, etc.): _____

Fish and wildlife (pond, hatchery, etc.): _____

Hydropower (dam, reservoir, power generating or transmitting facilities): _____

Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name Sources <u>Umatilla River</u>	<input type="checkbox"/> Cubic feet per second.
<input type="checkbox"/> Reservoir or pond	<input type="checkbox"/> Gallons per minute.
<input type="checkbox"/> Ground Water	<input type="checkbox"/> Acre-Feet
<u>Transfer of 5.4 acres of water rights</u>	

RECEIVED

Water Resources Department, 3850 Portland Rd. NE, Salem, OR 98310
 Phone: 378-3671

MAR 15 2001

Version 10/8/91

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

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

I. General Information

1. Application number: (T-8718) Permit 16393
2. Permit number: T-8718 Permit 16393
- ✓ 3. County: Umatilla
4. Tax Lot Information:

Tax map number	Tax lot number
✓ Sec. 12 T2N, R30E, WM	400
✓ T2N, R31E, WM	5400

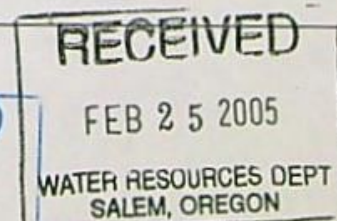
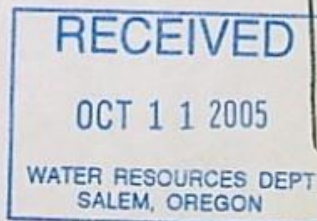
- ✓ 5. Date of Site Inspection: October 7, 2004
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Bob Bauer	Oct. 7, 2004	An Owner
Dick Gustafson	Oct. 7, 2004	An Owner

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

a. Individuals

	Individual 1	Individual 2
Name	Kenneth E. Gustafson	
Mailing Address	5200 SW Macadam, Suite 470	
City/State/Zip	Portland, Oregon 97201 97239	



b. Businesses/Organizations

Name	B & G Resources
Contact Person and Title	Kenneth E. Gustafson
Mailing Address	5200 SW Macadam, Suite 470
City/State/Zip	Portland, Oregon 97201 97239

8. Property owner (current owner information)

c. Individuals

Name	Kenneth E. Gustafson	Bob Bauer
Mailing Address	5200 SW Macadam, Suite 470	5200 SW Macadam, Suite 470
City/State/Zip	Portland, Oregon 97201 97239	Portland, Oregon 97201 97239
Phone #	(503) 221-5117	(503) 221-5117
Fax #	(503) 221-5124	(503) 221-5124
e-mail address	kengus@involved.com	N/A

d. Businesses/Organizations

Name	B & G Resources
Contact Person and Title	Kenneth E. Gustafson
Mailing Address	5200 SW Macadam, Suite 470
City/State/Zip	Portland, Oregon 97201 97239
Phone	(503) 221-5117
Fax	(503) 221-5124
e-mail	kengus@involved.com

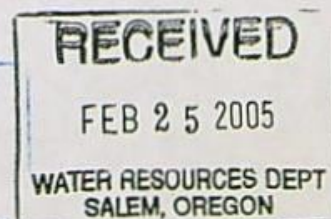
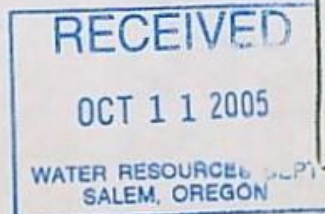
If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

9. If any property described in the permit or transfer final order is not included in this report, identify the owner of record for that property (ORS 537.230(3)):

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

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

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



II. Points of Diversion/Appropriation and Place of Use

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

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

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
P.O.D. #6	N/A	N/A

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

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
✓ Umatilla River and McKay Reservoir	Columbia River

3. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE 1/4 NE 1/4 Sec. 12, Township 2 North, Range 30 East, WM	1330 ft South & 610 ft W from NE Cor. Sec. 12

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
Irrigation ✓	Irrigation Season ✓	0.655 cfs.

Total Quantity of Water 0.655 cfs

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

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NE NE	12	2 N	30 E	Irr.	1.0	1.0
		SE NE	12	2 N	30 E	Irr.	2.6	2.0
	Lot 1	NW NW	7	2 N	31 E	Irr.	0.1	
	Lot 2	SW NW	7	2 N	31 E	Irr.	1.7	
		NWNE	12	2 N	30 E	Irr		2.4
	Total						5.4	5.4

Total Acres Irrigated 5.4 Acres



Groundwater Source Information (Well and Sump)

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-6, can be deleted.

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

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

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

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

System Information:

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

1. Pump information

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
Power Prime	00HH80	483748600134	Centrifugal	3"	3"	12.8"

If a performance curve is available, attach to the claim

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
John Deere	4045Diesel	45	2200	N/A

3. Meter information (if required in permit or transfer final order) *It was not required in Order.*

Make	Serial #	Condition	Current meter reading	Notes
Grain Land	11633	Excellent	5374 Gallons	Observed 60 gpm on flowmeter. Suspect this flow meter to be in error because of pump curve and sprinkler nozzle performance table. 134 cfs

4. Measurement device description

Device description	Condition	Notes
N/A		

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

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
Not Taken			

RECEIVED

OCT 11 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

FEB 25 2005

WATER RESOURCES DEPT
SALEM, OREGON

COBU Version 7104

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
45 hp	unknown	20 ft	20 ft	

7. Provide pump calculations in the box below:

See next page for dept. equation - pump calc's

Given: speed 1700rpm, from pump curve pressure estimated to be 72 psi, efficiency estimated at 40%, and hp produced by engine estimated to be 15hp (1700 rpm). Pipe friction loss estimated at + 10 ft (100gpm in 300ft of 3" hose).

$$Q_{\text{pump}} = \frac{\text{hp} \times 3960 \times \text{eff.}}{\text{TDH}} = \frac{15 \times 3960 \times .40}{221^*} = \frac{23760}{221} = 107 \text{ gpm} \quad \text{observed } 60 \text{ gpm @1700rpm}$$

↳ 0.238 cfs

*20 ft Lift from Umatilla River to Pump + 5 ft fitting & misc +10 ft pipe friction + 20 ft elevation + 72 psi x 2.31(166 ft) = 221 ft

8. Mainline information

Mainline size	Length	Type of pipe
3" portable	1000 ft	hose

9. Handline information

Handline size	Length	Type of pipe
N/A		

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Nelson	100 Series Big Gun	0.65"	60 psi ±	96 gpm (.214 cfs) See Nelson Big Gun table	One	One

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

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

RECEIVED
FEB 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
OCT 11 2005
WATER RESOURCES DEPT
SALEM, OREGON

Pump Capacity Calculation Sheet

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 45
Efficiency = 6.61
Lift = 40
PSI = 72

assumed based on pump curve in COBU - assumption stated

Results Calculated

(hp)(efficiency) = 297.45
Head based on psi = 182.9
Total dynamic head = 222.9
(head + lift)

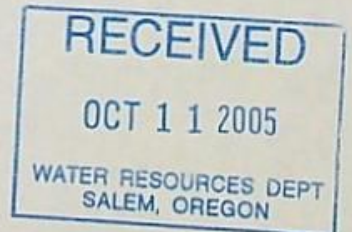
Pump Capacity =

1.33 feet per second

Note - using a PSI of 71 gives 1.35 cfs

Note using a PSI of 60 (in COBU under sprinkler section) gives 1.35 cfs

Nelson chart for 70 PSI = 0.229 cfs



11. Additional notes or comments related to the system:

[Empty box for additional notes or comments]

III. CONDITIONS

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

1. Time Limits:

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

	Date	Explanation
Begin construction	N/A	
Complete construction	N/A	
Complete application of water	Oct. 1, 2005	COBU submitted 12 Feb of 2005

2. Initial Water Level Measurements:

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

✓ a. Was the water user required to submit an initial static water level measurement? YES NO

3. Annual Static Water Level Measurements:

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

✓ a. Was the water user required to submit annual static water level measurements? YES NO NA

4. Measurement, recording, and reporting conditions:

✓ a. Does the permit or transfer final order require the installation of a meter or approved measuring device? YES NO **If "NO", items b through g relating to this section can be deleted.

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

5. Fish Screening and/or By-pass Devices

✓ a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO **If "NO", items b through i relating to this section can be deleted

RECEIVED
OCT 11 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
FEB 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

✓ a. Has a pump test been submitted and approved by the Department? YES—NO NA

b. If no, is the pump test attached to this Claim? YES—NO

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

IV. Conclusions, Signatures

Permit and Transfer Final Order Rates and System Rates Comparisons:

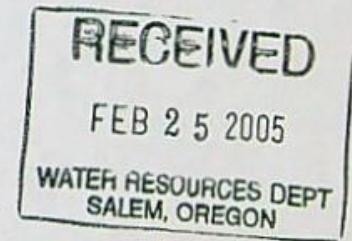
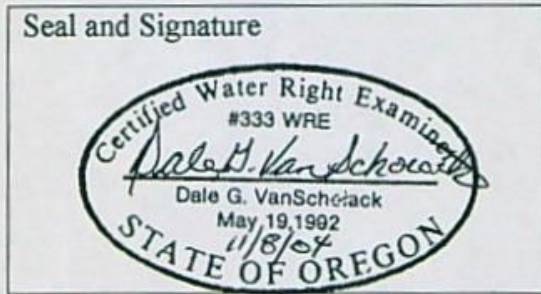
POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
#6	0.135 cfs ✓	0.214 cfs from Nelson Chart		5.4 acres	5.4 acres
		1.55 cfs for pump?			
		0.236 cfs for pump?			

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned.

CWRE Statement, Seal and Signature

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



Land Owners Signature or Acknowledgement

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

[Handwritten Signature]
Signature

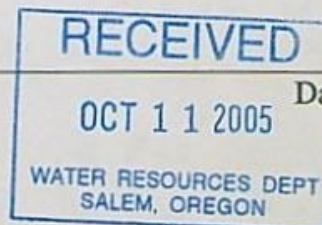
Kenneth E. Gustafson
Print or type name

2/1/05
Date

Signature

Print or type name

Date





GENERAL ENGINEERING DATA

FRICITION LOSS IN LBS. PER 100 FEET OF VARIOUS SIZES OF RUBBER-LINED COTTON HOSE

Gals. Per. Min.	2" Hose		2 1/8" Hose		2 1/4" Hose		2 3/8" Hose		2 1/2" Hose		2 5/8" Hose		2 3/4" Hose		2 7/8" Hose		3" Hose		3 1/2" Hose		4" Hose		
	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	
50	5.11	1.0	4.53	1.0																			
75	7.67	4.0	6.8	2.5	6.05	1	5.4	1															
100	10.2	6.3	9.1	4.2	8.08	3	7.25	2	6.55	1													
125	12.8	10.0	11.3	7.3	10.1	5	9.05	4	8.3	3	7.43	1											
150	15.3	15.5	13.6	11.0	12.1	8	10.9	6	10.0	4.5	8.9	2.5	8.1	1.5	7.4	1							
175	17.9	21.0	15.9	15.0	14.1	11	12.7	8	11.4	6.5	10.4	4	9.5	3.0	8.6	2	7.9	1					
200	20.4	27.0	18.1	20.0	16.2	15	10.5	11	13.1	9.0	11.9	6	10.8	4.5	9.9	3	9.1	2					
225	23.0	34.0	20.4	25.0	18.2	19	16.3	15	14.7	11.5	13.4	8	12.1	6.5	11.1	4.5	10.2	3	7.5	1			
250	25.6	42.0	22.7	32.0	20.2	24	18.1	18	16.3	14.0	14.8	10.5	13.5	8.5	12.4	6	11.4	4.5	8.3	2			
275	28.0	51.0	25.0	38.2	22.2	29	19.9	22	18.0	17.0	16.3	13	14.8	10.5	13.6	8	12.5	6	9.2	2.5			
300	30.6	61.0	27.2	46.0	24.2	34	21.7	26	19.6	20.0	17.8	16	16.2	12.5	14.8	10	13.6	7.5	10.0	3.5			
325	33.3	72.0	29.5	54.0	26.2	40	23.5	31	21.2	23.0	19.3	19	17.5	15.0	16.1	12	14.8	9	10.8	4.5			
350	35.8	84.0	31.8	61.0	28.2	46	25.4	36	22.9	27.0	20.8	21	18.9	17.0	17.3	14	15.9	10.5	11.7	5.0	9	1	
375					30.3	53	27.2	41	24.5	31.0	22.3	25	20.3	19.5	18.6	16	17.1	12.5	12.5	5.8	9.6	1.5	
400					32.3	60	29.0	47	26.2	35.0	23.8	28	21.6	22.0	19.8	18	18.2	14.5	13.3	6.5	10.2	2.0	
425					34.3	68	30.8	53	27.8	40.0	25.2	31	23.0	25.0	21.0	20.5	19.3	16.5	14.2	7.5	10.9	2.5	
450					36.3	76	32.6	59	29.4	45.0	26.7	35	24.3	28.0	22.3	23	20.5	18.5	15.0	8.5	11.5	3.0	
475					38.4	85	34.4	65	31.1	51.0	28.2	39.5	25.6	31.0	23.5	25.5	21.6	20.5	15.8	9.5	12.1	4.0	
500							36.2	72	32.7	56.0	29.7	44	27.0	34.0	24.8	28	22.7	23.0	16.7	10.5	12.8	4.5	
525							38.0	79	34.4	62.0	31.2	48.5	28.4	38.0	26.0	31	23.9	25.0	17.5	11.5	13.4	5.0	
550							40.0	87	36.0	68.0	32.7	53	29.7	42.0	27.2	34	25.0	27.0	18.4	13.0	14.1	5.5	
575									37.6	74.0	34.2	58	31.1	46.0	28.4	37	26.2	29.5	19.2	14.0	14.7	6.2	
600									39.2	80.0	35.6	64	32.4	50.0	29.7	40.5	27.3	32.0	20.0	15.0	15.4	7.0	
625									41.0	87.0	37.1	69	33.8	54.0	31.0	44	28.4	35.0	20.9	16.5	16.0	7.5	
650											38.6	74	35.1	58.0	32.2	47.5	29.6	38.0	21.7	18.0	16.6	8.5	
675											40.2	81	36.5	63.0	33.4	51	30.7	41.0	22.5	19.0	17.3	9.0	
700											41.6	86	37.8	68.0	34.6	55	31.8	44.0	23.4	20.5	17.9	10.0	
725													39.2	73.0	35.9	59	33.0	47.0	24.2	22.0	18.6	11.0	
750													40.5	78.0	37.2	63	34.1	51.0	25.0	23.0	19.2	12.0	
775													42.0	83.0	38.4	67	35.2	55.0	25.9	24.5	19.7	13.0	
800															39.6	72	36.4	59.0	26.7	26.0	20.5	14.0	

negligible

RECEIVED
OCT 11 2005
WATER RESOURCES DEPT
RECEIVED
FEB 25 2005
WATER RESOURCES DEPT

Vel. = Velocity in feet per second. Fric. = Friction loss in pounds per sq. inch pressure. Table shows loss for smooth rubber lining; for rough rubber lining multiply by 2. For linen hose multiply loss by 2.3. From experiments by John R. Freeman M.E.

PERFORMANCE - U.S. UNITS**100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE**

P.S.I.	Nozzle .5"		Nozzle .55"		Nozzle .6"		Nozzle .65"		Nozzle .7"		Nozzle .75"		Nozzle .8"		Nozzle .85"		Nozzle .9"		Nozzle 1.0"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
40	47	191'	57	202'	66	213'	78	222'	91	230'	103	240'	118	250'	134	256'	152	262'	-	-
50	50	205'	64	216'	74	225'	87	235'	100	245'	115	256'	130	265'	150	273'	165	280'	204	300'
60	55	215'	69	227'	81	240'	96	250'	110	260'	126	270'	143	280'	164	288'	182	295'	224	316'
70	60	225'	75	239'	88	252'	103	262'	120	272'	136	282'	155	292'	177	302'	197	310'	243	338'
80	64	235'	79	248'	94	260'	110	273'	128	285'	146	295'	165	305'	189	314'	210	325'	258	354'
90	68	245'	83	258'	100	270'	117	283'	135	296'	155	306'	175	315'	201	326'	223	335'	274	362'
100	72	255'	87	268'	106	280'	123	293'	143	305'	163	316'	185	325'	212	336'	235	345'	289	372'
110	77	265'	92	278'	111	290'	129	303'	150	315'	171	324'	195	335'	222	344'	247	355'	304	380'

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle .7"		Nozzle .8"		Nozzle .9"		Nozzle 1.0"		Nozzle 1.1"		Nozzle 1.2"		Nozzle 1.3"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
50	100	250'	130	270'	165	290'	205	310'	255	330'	300	345'	350	360'
60	110	262'	141	282'	182	302'	225	325'	275	345'	330	360'	385	380'
70	120	280'	155	300'	197	320'	245	340'	295	360'	355	380'	415	395'
80	128	290'	165	310'	210	335'	260	355'	315	375'	380	395'	445	410'
90	135	300'	175	320'	223	345'	275	365'	335	390'	405	410'	475	425'
100	143	310'	185	330'	235	355'	290	375'	355	400'	425	420'	500	440'
110	150	320'	195	340'	247	365'	305	385'	370	410'	445	430'	525	450'
120	157	330'	204	350'	258	375'	320	395'	385	420'	465	440'	545	460'

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle 1.05"		Nozzle 1.1"		Nozzle 1.2"		Nozzle 1.3"		Nozzle 1.4"		Nozzle 1.5"		Nozzle 1.6"		Nozzle 1.75"		Nozzle 1.9"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
60	250	345'	285	355'	330	375'	385	390'	445	410'	515	430'	585	445'	695	470'	825	495'
70	270	360'	310	380'	355	395'	415	410'	480	430'	555	450'	630	460'	755	495'	890	515'
80	290	375'	330	395'	380	410'	445	430'	515	450'	590	470'	675	485'	805	515'	950	535'
90	310	390'	350	410'	405	425'	475	445'	545	465'	625	485'	715	505'	850	535'	1005	555'
100	325	400'	370	420'	425	440'	500	460'	575	480'	660	500'	755	520'	900	550'	1060	575'
110	340	410'	390	430'	445	450'	525	470'	605	495'	695	515'	790	535'	945	565'	1110	590'
120	355	420'	405	440'	465	460'	545	480'	630	505'	725	530'	825	550'	985	580'	1160	605'
130	370	425'	425	445'	485	480'	565	490'	655	515'	755	540'	860	560'	1025	590'	1210	620'

PERFORMANCE - METRIC UNITS**100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE**

NOZZLE DIAMETER	0.5"		0.55"		0.6"		0.65"		0.7"		0.75"		0.8"		0.85"		0.9"		1.0"											
	12.7mm	14.0mm	15.2mm	16.5mm	17.8mm	19.1mm	20.3mm	21.6mm	22.9mm	25.4mm	27.9mm	30.5mm	33.0mm	35.5mm	38.1mm	40.6mm	44.5mm	48.3mm	52.1mm											
* PRESSURE Kgf/cm ²	L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M											
3.5	3.00	10.8	58.5	3.73	13.4	62.8	4.33	15.8	66.1	5.09	18.3	66.8	5.84	21.0	71.4	6.71	24.1	74.5	7.64	27.5	77.5	8.74	31.5	79.5	9.67	34.8	81.4	11.9	42.8	88.1
4.0	3.40	12.2	64.3	4.25	15.3	69.6	5.00	18.0	71.8	5.96	21.1	74.8	6.82	24.1	77.8	7.89	27.2	81.0	8.96	31.2	82.8	10.05	36.2	86.4	11.2	42.4	86.6	13.6	49.5	94.8
5.0	3.79	13.6	69.0	4.72	17.0	72.7	5.59	20.1	76.4	6.58	23.0	80.2	7.62	27.5	84.4	8.65	31.2	86.7	9.91	34.9	90.4	11.20	40.5	92.5	12.5	45.2	94.7	15.5	55.6	103
6.0	4.17	15.0	73.6	5.14	18.5	77.4	6.12	22.1	80.7	7.19	25.9	85.0	8.25	30.1	88.7	9.51	34.3	91.0	10.9	38.2	94.7	12.35	44.5	97.7	13.7	48.5	101	18.0	60.5	109
7.0	4.53	16.3	77.6	5.52	19.9	81.6	6.61	23.8	85.0	7.75	27.9	89.3	9.02	32.5	93.0	10.3	37.0	96.1	11.7	41.3	99.0	13.3	48.0	102.2	14.8	53.5	105	18.2	65.5	113
8.0	4.89	17.6	81.7	5.84	21.0	85.7	7.07	25.5	89.3	8.25	29.7	94.0	9.64	34.8	97.0	10.95	39.4	100.7	12.5	44.1	103	14.22	51.2	105.8	15.9	57.2	109	19.5	70.2	116

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	0.7"		0.8"		0.9"		1.0"		1.1"		1.2"		1.3"								
	17.8mm	20.3mm	22.9mm	25.4mm	27.9mm	30.5mm	33.0mm	35.5mm	38.1mm	40.6mm	44.5mm	48.3mm	52.1mm								
PRESSURE Kgf/cm ²	L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M								
3.5	6.39	23.0	76.0	8.29	29.8	82.0	10.5	37.8	88.0	13.0	46.9	95.0	15.9	57.1	101	19.0	68.3	105	22.3	80.1	110
4.0	6.81	24.6	79.6	8.66	31.2	85.5	11.2	42.1	91.8	13.9	50.1	97.8	16.9	61.0	104	20.1	71.0	109	23.6	86.7	114
5.0	7.63	27.5	85.4	9.91	35.7	91.6	12.6	45.2	98.6	15.6	56.0	105	18.9	68.2	111	22.7	81.7	117	26.6	95.8	121
6.0	8.36	30.1	89.7	10.9	38.1	96.7	13.8	48.5	104	17.0	61.3	110	20.8	74.7	117	24.9	89.5	120	29.1	105	128
7.0	9.03	32.5	95.0	11.7	42.2	101	14.9	53.5	108	18.4	66.3	114	22.4	80.7	122	26.8	96.6	128	31.5	113	134
8.0	9.66	34.8	99.3	12.5	46.1	106	15.9	57.2	112	19.7	70.1	118	24.0	86.3	126	28.7	103	132	33.7	121	138
9.0	10.2	36.9	104	13.3	47.9	110	16.8	60.6	117	20.9	75.1	123	25.4	91.5	131	30.4	110	137	35.7	129	143

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	1.05"		1.1"		1.2"		1.3"		1.4"		1.5"		1.6"		1.75"		1.9"													
	26.7mm	27.9mm	30.5mm	33.0mm	35.5mm	38.1mm	40.6mm	44.5mm	48.3mm	52.1mm	55.9mm	60.6mm	64.5mm	70.2mm	76.2mm	82.3mm	88.5mm													
PRESSURE Kgf/cm ²	L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M		L/S M ³ /H M													
4.0	15.5	53.7	104	17.8	63.9	106	20.3	73.1	112	23.8	85.8	117	27.5	98.9	131	32.3	116	136	36.1	130	144	41.0	144	154	47.0	164	174	53.7	184	194

Bill Porfily

Nelson

RECEIVED
 FEB 25 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

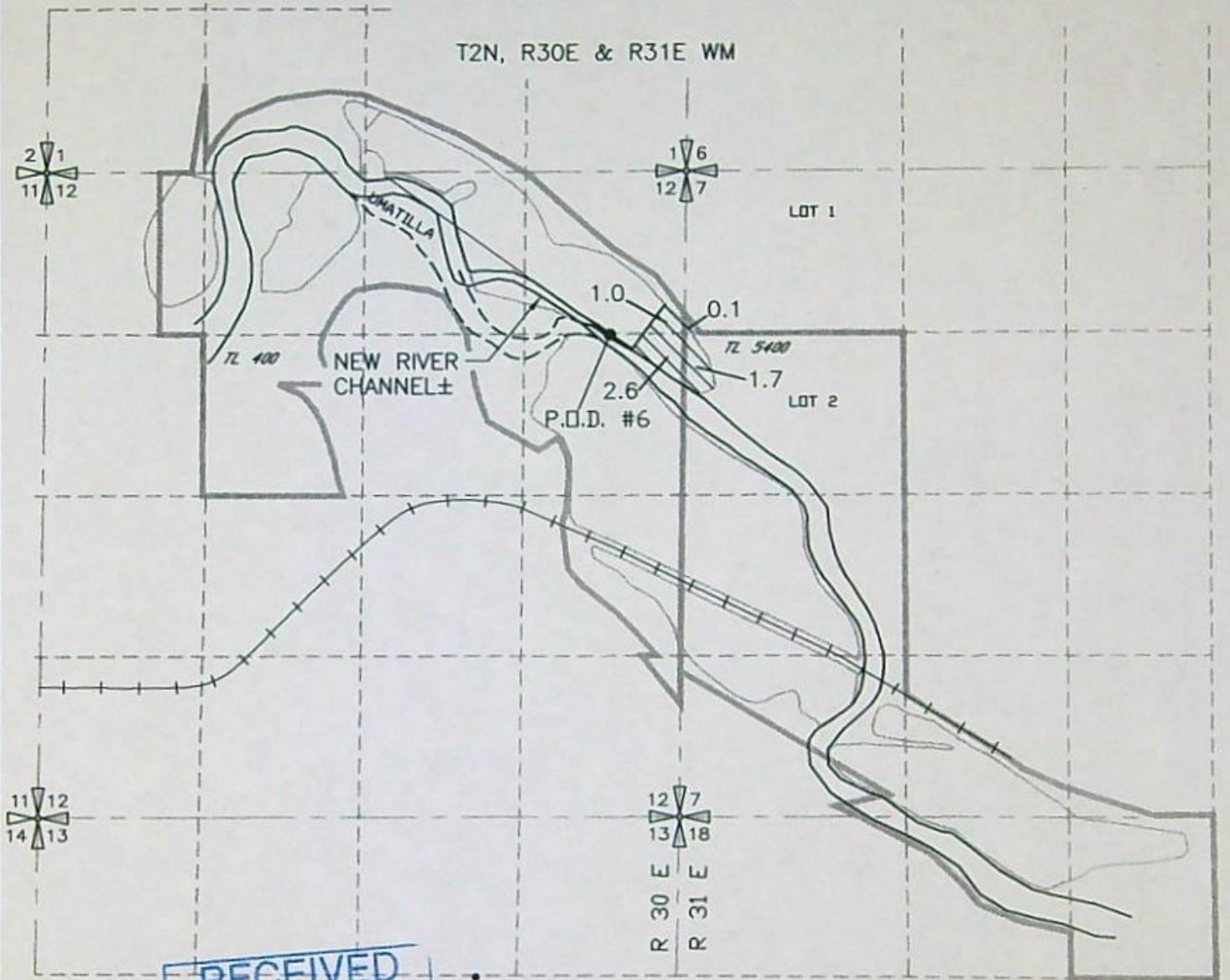
RECEIVED
 OCT 1 1 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

FINAL PROOF MAP
 FOR TRANSFER T-8718
 B&G RESOURCES
 C/O KENNETH E. GUSTAFSON


RECEIVED

FEB 25 2005

WATER RESOURCES DEPT
 SALEM, OREGON

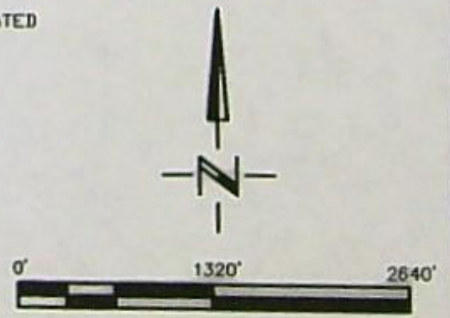


RECEIVED
 OCT 11 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

 5.4 AC AREA IRRIGATED
 TL 5400 TAX LOT


AUTHORIZED POINTS OF DIVERSION
 P.O.D. #6 1330 FEET SOUTH AND 610 FEET WEST
 FROM THE NE CORNER SECTION 12, T 2 N, R30E, WM.

Certified Water Right Examiner
 #333 WRE
Dale G. VanSchoorack
 Dale G. VanSchoorack
 May 19, 1992
 11/8/04
 STATE OF OREGON



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

DRAWING: H:\CAD\AG\3522\032\3522032FP6776.dwg
 PRINTED BY: RogerW on 11/08/04 06:30 AM

 Consultants, Inc.
 A Tetra Tech Company

T-8718

RECEIVED

MAR 15 2001

TRANSFER AFFIDAVIT

WATER RESOURCES DEPT.
SALEM, OREGON

County of Multnomah
Umatilla)
) SS
State of Oregon)

I, Kenneth Gustafson, Owner of the property in the attached transfer, being duly sworn, depose and say:

1. The information contained in the attached application and map for transfer is true and accurate to the best of my knowledge;
2. I have used the water over the last five years in accordance with the terms and conditions of the Certificate; and,
3. The land from which the water use subject to transfer is removed shall receive no water under the transferred water rights.

Date this 14th day of March of 2001.

Kenneth Gustafson, Owner
Owner

Owner

Kenneth Gustafson personally appeared before me and the above statements are true to the best of his knowledge.



Mitzi Eichner
Notary Public of Oregon

My commission expires 1-24-2003

T-8718



State of Oregon
Water Resource Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199

Application for Water Right TRANSFER

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR:

Please check one

Water Right Transfer Temporary Transfer Permit Amendment

Historic Point of Diversion Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Kenneth Gustafson
First Last

Address: 5200 SW Macadam, Suite 470

Portland Oregon 97201
City State Zip

Phone: 503-221-5117
Home Work Other

*Fax: 503-221-5125 *E-Mail address: kenqus@involved.com

*Optional information

2. TYPE OF CHANGE

Use Place of Use Point of Diversion Point of Appropriation

Reason for change: Umatilla River has and is eroding away the area I want to transfer water rights from.

Is the land within an irrigation or other water district? Yes No

If yes, include district name: N/A

For Department Use

App. No. _____ Permit No. _____ Date _____

Transfer Application/1

T-8719

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate or Decree: E.F. Burlington and Sons

Decree: N/A

Not applicable

Permit Number: 16393 Certificate Number: 28484

Not applicable

Not applicable

Priority Date: July 3, 1945 Authorized Use: Irrigation

Source of Water: Umatilla River
McKay Reservoir County: Umatilla

Are there other sources listed on the water right? Yes No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
P.O.D. #6 1330' S & 610' W from NE Cor. Sec. 12	SE NE	12	2N	30E W.M.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4	Tax Lot Number	Acres
2N	30E W.M.	12		NE NE	400	1.6
2N	30E W.M.	12		NW NE	400	3.8

Are there other lands described in the water right? Yes No

Are there other water rights associated with this land? Yes No
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):
20 hp electrical pump and 1/2 mile of wheel line.

System capacity (in cfs): 0.80 cfs

T-8718

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

4. PROPOSED CHANGES TO THE WATER RIGHT

Change in Use:

Proposed use: N/A

Change in Point of Diversion or Point of Appropriation:

- Change**
Old point of diversion or point of appropriation will not be used for this portion of the water right.
- Additional**
Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation:

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

Location of Proposed Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4	Tax Lot Number	Acres
2N	30E W.M.	12		NE NE	400	1.0
2N	30E W.M.	12		NW NE	400	2.4
2N	30E W.M.	12		SE NE	400	2.0

Remarks: _____

RECEIVED

F-8719

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Use/Place of Use

Answer only
if for change
in Use or
Place of
Use.

Are the lands free of encumbrances? Yes No

If no, name of encumbrance holder: Gloria Lewis

If no, application must include written permission for the transfer from the encumbrance holder.

Landowners

Answer only
if applicant
is not the
landowner.

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for change in point of diversion or point of appropriation only.

Landowners: N/A

(List all landowners shown on deed.)

Address (es): _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Receiving Landowner

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Name: N/A

Address: _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.

Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

T-8719

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
 - In EFU zone or irrigation district.
 - Change in place of use only.
 - No structural changes needed, including diversion works, delivery facilities, other structures.
 - Irrigation only.
- List all affected governments (city, county, state, tribal, federal):

Map:

- Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

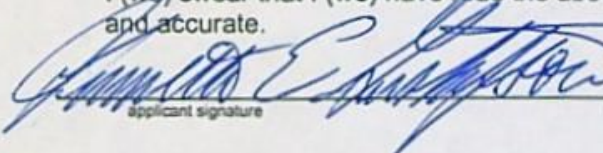
- If application is for a change in point of appropriation or change from surface water to ground water, attached copies of all water well reports. If reports are not available, describe construction details including well depth, static water level and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed \$200.00
- See instruction book for fee schedule.*

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.


Kenneth E. Gustafson
2/4/01

applicant signature

name (print)

date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

ORDER AND CERTIFICATE CHECK LIST

RECORD MARKING (Support Staff)

File Folder () ## T-8718
S-20936

Permit () ## _____

Certificate () ## 76631

Trans App Register ()
Trans Name Index ()

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

COPIES MADE Order () Certificate ()

File () () Data Center () () Watermaster () () Applicant () ()

ISWR Liason () () _____ Water Use Reporting () () _____

CWRE () () Dale VanSchoiack I.District () () _____

Other () () _____ Other () () _____

SEND copy of application map to watermaster _____

LETTER TO:

Applicant () CWRE () VanSchoiack

I.D. () _____ Other () _____

EMAIL PROCESSOR

NWR () NCR () SWR () SCR () ER ()

ENCLOSURES

Special Order () Vol 59 Page 105
() Vol _____ Page _____

Certificate () 80564
() _____
() _____

DATE SIGNED: 1-20-04

FILE SET-UP

File Number	Set - Up Date	For Whom
_____	<u>10-1-05</u>	<u>CBU</u> <u>10-1-06</u>
_____	_____	_____
_____	_____	_____

SEND TO:

Fiscal Section () Other () _____

NOTES: _____

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 550.510 through 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8718 submitted by

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OREGON 97201.

The right to be modified, as evidenced by a PORTION of Certificate 76631 was perfected under Permit 16393 with a date of priority of JULY 3, 1945. The right allows the use of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for the IRRIGATION OF 5.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 cubic foot per second, if available at the authorized point of diversion; SE¼ NE¼, SECTION 12, T 2 N, R 30 E, W.M.; or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

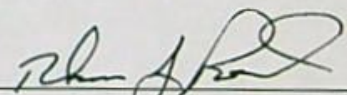
Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 76631 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed JAN 20 2004.


For Paul R. Cleary, Director

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B&G RESOURCES, INC.
18270 SW BOONES FERRY ROAD
PORTLAND, OREGON 97227

confirms the right to use the waters of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, tributary of the COLUMBIA RIVER, for IRRIGATION OF 26.2 ACRES.

This right was perfected under Permit 16393. The date of priority is JULY 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.655 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE¼ NE¼, SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M..

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

I-8718

Name Kenneth Gustafson

By

Address 5200 SW Macadam, suite 470

Portland, OR 97201

Change in Pool

Date filed March 15, 2001

Date of hearing

Place of hearing

Date of order 1-20-04 Vol. 59, page 105

Date for application of water

Proof mailed

Proof received

Certificate issued

RR 80564

DESCRIPTION OF WATER RIGHT

Name of stream Umatilla R / McKay Reservoir

Trib. of Columbia River County of Umatilla

Use Irrigation

Quantity of water No. of acres

Name of ditch

Date of priority July 3, 1945

In name of E F Birmingham and Sons

..... Adjudication, Vol., page

App. No. 20936 Per. No. 16893 Cert. No. ~~28484~~ 76631

Certificate cancelled

Notation made on record by

3-15

TOTAL

REMARKS

NOID / Dale Van Schotack, CWKE

REC'D APR 02 2001

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 550.510 through 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8718 submitted by

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OREGON 97201.

The right to be modified, as evidenced by a PORTION of Certificate 76631 was perfected under Permit 16393 with a date of priority of JULY 3, 1945. The right allows the use of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for the IRRIGATION OF 5.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 cubic foot per second, if available at the authorized point of diversion; SE¼ NE¼, SECTION 12, T 2 N, R 30 E, W.M.; or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, shall be limited to a diversion of ONE-FORTIETH 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 4.5 acre-feet per acre for each irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

The authorized place of use is as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.60 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.80 ACRES
SECTION 12
TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

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

The applicant proposes to CHANGE THE PLACE OF USE to:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.00 ACRE
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.40 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.00 ACRES
SECTION 12
TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

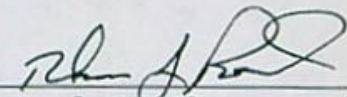
1. The proposed change shall be completed on or before October 1, 2005.
2. The former place of use shall no longer be irrigated as part of this water right.

3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 76631 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed JAN 20 2004.



For Paul R. Cleary, Director

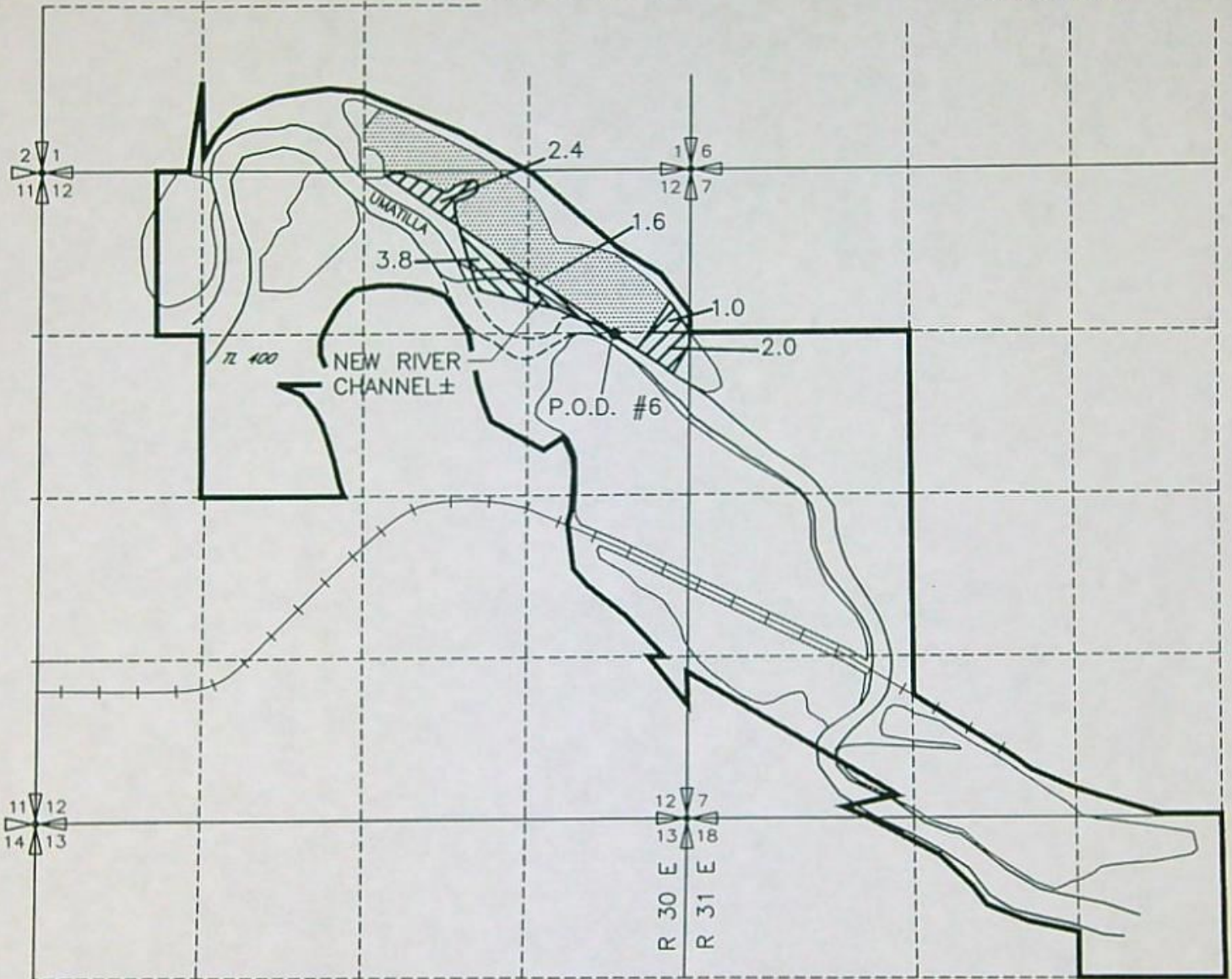
WATER RIGHT TRANSFER MAP
FOR
KENNETH E GUSTAFSON
UNDER PERMIT 16393




T-8718
RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

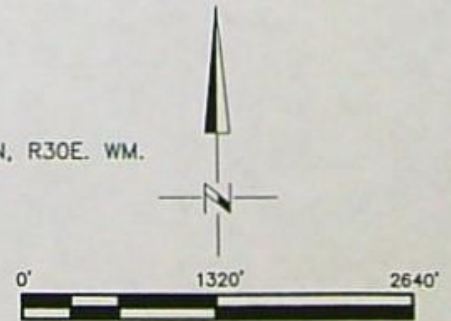
T 2 N, R 30 E. AND 31 E. WM



-  FROM
-  TO
-  AREA REMAINING OF PERMIT 16393 NOT INVOLVED IN THIS TRANSFER

AUTHORIZED POINTS OF DIVERSION

P.O.D. #6 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.



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

SCM Consultants, Inc.

Architects & Engineers
Kennewick, WA 99336

3522.132
3522GUTR.DWG
01/15/01

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.1 ACRES
SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.1 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE

SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 76631, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 20 2004, approving Transfer Application 8718.

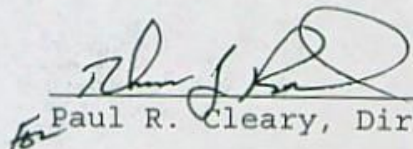
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

JAN 20 2004

Director, affixed _____.


for Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80564.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B & G RESOURCES, INC.
18270 SW BOONES FERRY RD.
PORTLAND, OR 97227

confirms the right to use the water of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application Number R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for IRRIGATION of 31.6 ACRES.

The right was perfected under PERMIT 16393. The date of priority is JULY 3, 1945. The amount of water to which such right is entitled for the purposes aforesaid is limited to an amount actually beneficially used for said purpose and shall not exceed 0.79 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall further be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.1 ACRES
SECTION 1
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRES
SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W. M.

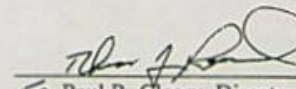
This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45 - 55, canceling a portion of said water right.

The issuance of this superseding certificate does not confirm the status of the water right in regards 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.

NOV 07 2000

WITNESS the signature of the Water Resources Director, affixed _____


for Paul R. Cleary, Director

S20936.GLN

Recorded in State Record of Water Right Certificates numbered 76631.

T87102.P04

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

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

I. General Information

1. Application number: **T-8718 Permit 16393**
2. Permit number: **T-8718 Permit 16393**
3. County: **Umatilla**
4. Tax Lot Information:

Tax map number	Tax lot number
Sec. 12 T2N, R30E, WM	400
T2N, R31E, WM	5400

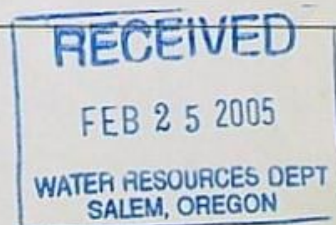
5. Date of Site Inspection: **October 7, 2004**
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Bob Bauer	Oct. 7, 2004	An Owner
Dick Gustafson	Oct. 7, 2004	An Owner

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

a. Individuals

	Individual 1	Individual 2
Name	Kenneth E. Gustafson	
Mailing Address	5200 SW Macadam, Suite 470	
City/State/Zip	Portland, Oregon 97201 97239	



b. Businesses/Organizations

Name	B & G Resources
Contact Person and Title	Kenneth E. Gustafson
Mailing Address	5200 SW Macadam, Suite 470
City/State/Zip	Portland, Oregon 97201 97239

8. Property owner (current owner information)

c. Individuals

Name	Kenneth E. Gustafson	Bob Bauer
Mailing Address	5200 SW Macadam, Suite 470	5200 SW Macadam, Suite 470
City/State/Zip	Portland, Oregon 97201 97239	Portland, Oregon 97201 97239
Phone #	(503) 221-5117	(503) 221-5117
Fax #	(503) 221-5124	(503) 221-5124
e-mail address	kengus@involved.com	N/A

d. Businesses/Organizations

Name	B & G Resources
Contact Person and Title	Kenneth E. Gustafson
Mailing Address	5200 SW Macadam, Suite 470
City/State/Zip	Portland, Oregon 97201 97239
Phone	(503) 221-5117
Fax	(503) 221-5124
e-mail	kengus@involved.com

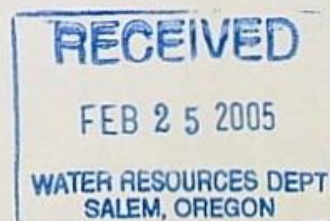
If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

9. If any property described in the permit or transfer final order is not included in this report, identify the owner of record for that property (ORS 537.230(3)):

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

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

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



II. Points of Diversion/Appropriation and Place of Use

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

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

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
P.O.D. #6	N/A	N/A

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

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
Umatilla River and McKay Reservoir	Columbia River

3. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE 1/4 NE 1/4 Sec. 12, Township 2 North, Range 30 East, WM	1330 ft South & 610 ft W from NE Cor. Sec. 12

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
Irrigation	Irrigation Season	0.655 cfs.

Total Quantity of Water 0.655 cfs

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

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NE NE	12	2 N	30 E	Irr.	1.0	
		SE NE	12	2 N	30 E	Irr.	2.6	
	Lot 1	NW NW	7	2 N	31 E	Irr.	0.1	
	Lot 2	SW NW	7	2 N	31 E	Irr.	1.7	

Total Acres Irrigated 5.4 Acres

Groundwater Source Information (Well and Sump)

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-6, can be deleted.

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

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

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

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

System Information:

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

1. Pump information

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
Power Prime	00HH80	483748600134	Centrifugal	3"	3"	12.8"

If a performance curve is available, attach to the claim

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
John Deere	4045Diesel	45	2200	N/A

3. Meter information (if required in permit or transfer final order) *It was not required in Order.*

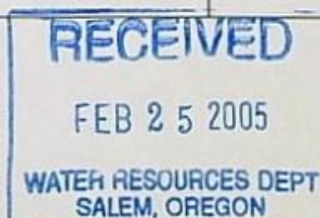
Make	Serial #	Condition	Current meter reading	Notes
Grain Land	11633	Excellent	5374 Gallons	Observed 60 gpm on flowmeter. Suspect this flow meter to be in error because of pump curve and sprinkler nozzle performance table.

4. Measurement device description

Device description	Condition	Notes
N/A		

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

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
Not Taken			



6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
45 hp	unknown	20 ft	20 ft	

7. Provide pump calculations in the box below:

Given: speed 1700rpm, from pump curve pressure estimated to be 72 psi, efficiency estimated at 40%, and hp produced by engine estimated to be 15hp (1700 rpm). Pipe friction loss estimated at + 10 ft (100gpm in 300ft of 3" hose).

$$Q_{\text{pump}} = \frac{\text{hp} \times 3960 \times \text{eff.}}{\text{TDH}} = \frac{15 \times 3960 \times .40}{221^*} = \frac{23760}{221} = 107 \text{ gpm} \quad \text{observed 60 gpm @1700rpm}$$

*20 ft Lift from Umatilla River to Pump + 5 ft fitting & misc +10 ft pipe friction + 20 ft elevation + 72 psi x 2.31(166 ft) = 221 ft

8. Mainline information

Mainline size	Length	Type of pipe
3" portable	1000 ft	hose

9. Handline information

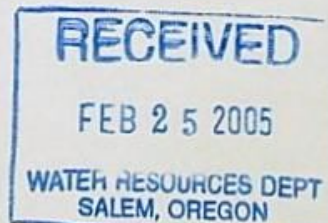
Handline size	Length	Type of pipe
N/A		

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Nelson	100 Series Big Gun	0.65"	60 psi ±	96 gpm (.214 cfs) See Nelson Big Gun table	One	One

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

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



11. Additional notes or comments related to the system:

III. CONDITIONS

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

1. Time Limits:

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

	Date	Explanation
Begin construction	N/A	
Complete construction	N/A	
Complete application of water	Oct. 1, 2005	

2. Initial Water Level Measurements:

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

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

3. Annual Static Water Level Measurements:

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

a. Was the water user required to submit annual static water level measurements? ~~YES~~ NO NA

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
 YES NO **If "NO", items b through g relating to this section can be deleted.

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

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO **If "NO", items b through i relating to this section can be deleted



6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

- a. Has a pump test been submitted and approved by the Department? YES—NO NA
- b. If no, is the pump test attached to this Claim? YES—NO

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

IV. Conclusions, Signatures

Permit and Transfer Final Order Rates and System Rates Comparisons:

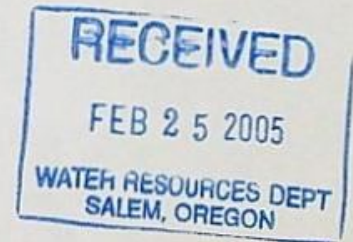
POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
#6	0.135 cfs	0.214 cfs from Nelson Chart		5.4 acres	5.4 acres

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned.

CWRE Statement, Seal and Signature

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



Land Owners Signature or Acknowledgement

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

Kenneth E. Gustafson **Kenneth E. Gustafson** 2/1/05
 Signature Print or type name Date

 Signature Print or type name Date



GENERAL ENGINEERING DATA

FRICION LOSS IN LBS. PER 100 FEET OF VARIOUS SIZES OF RUBBER-LINED COTTON HOSE

Gals Per. Min.	2" Hose		2 1/8" Hose		2 1/4" Hose		2 3/8" Hose		2 1/2" Hose		2 5/8" Hose		2 3/4" Hose		2 7/8" Hose		3" Hose		3 1/2" Hose		4" Hose	
	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.	Vel.	Fric.
50	5.11	1.0	4.53	1.0																		
75	7.67	4.0	6.8	2.5	6.05	1	5.4	1														
100	10.2	6.3	9.1	4.2	8.08	3	7.25	2	6.55	1												
125	12.8	10.0	11.3	7.3	10.1	5	9.05	4	8.3	3	7.43	1										
150	15.3	15.5	13.6	11.0	12.1	8	10.9	6	10.0	4.5	8.9	2.5	8.1	1.5	7.4	1						
175	17.9	21.0	15.9	15.0	14.1	11	12.7	8	11.4	6.5	10.4	4	9.5	3.0	8.6	2	7.9	1				
200	20.4	27.0	18.1	20.0	16.2	15	10.5	11	13.1	9.0	11.9	6	10.8	4.5	9.9	3	9.1	2				
225	23.0	34.0	20.4	25.0	18.2	19	16.3	15	14.7	11.5	13.4	8	12.1	6.5	11.1	4.5	10.2	3	7.5	1		
250	25.6	42.0	22.7	32.0	20.2	24	18.1	18	16.3	14.0	14.8	10.5	13.5	8.5	12.4	6	11.4	4.5	8.3	2		
275	28.0	51.0	25.0	38.2	22.2	29	19.9	22	18.0	17.0	16.3	13	14.8	10.5	13.6	8	12.5	6	9.2	2.5		
300	30.6	61.0	27.2	46.0	24.2	34	21.7	26	19.6	20.0	17.8	16	16.2	12.5	14.8	10	13.6	7.5	10.0	3.5		
325	33.3	72.0	29.5	54.0	26.2	40	23.5	31	21.2	23.0	19.3	19	17.5	15.0	16.1	12	14.8	9	10.8	4.5		
350	35.8	84.0	31.8	61.0	28.2	46	25.4	36	22.9	27.0	20.8	21	18.9	17.0	17.3	14	15.9	10.5	11.7	5.0	9	1
375					30.3	53	27.2	41	24.5	31.0	22.3	25	20.3	19.5	18.6	16	17.1	12.5	12.5	5.8	9.6	1.5
400					32.3	60	29.0	47	26.2	35.0	23.8	28	21.6	22.0	19.8	18	18.2	14.5	13.3	6.5	10.2	2.0
425					34.3	68	30.8	53	27.8	40.0	25.2	31	23.0	25.0	21.0	20.5	19.3	16.5	14.2	7.5	10.9	2.5
450					36.3	76	32.6	59	29.4	45.0	26.7	35	24.3	28.0	22.3	23	20.5	18.5	15.0	8.5	11.5	3.0
475					38.4	85	34.4	65	31.1	51.0	28.2	39.5	25.6	31.0	23.5	25.5	21.6	20.5	15.8	9.5	12.1	4.0
500							35.2	72	32.7	56.0	29.7	44	27.0	34.0	24.8	28	22.7	23.0	16.7	10.5	12.8	4.5
525							38.0	79	34.4	62.0	31.2	48.5	28.4	38.0	26.0	31	23.9	25.0	17.5	11.5	13.4	5.0
550							40.0	87	36.0	68.0	32.7	53	29.7	42.0	27.2	34	25.0	27.0	18.4	13.0	14.1	5.5
575									37.6	74.0	34.2	58	31.1	46.0	28.4	37	26.2	29.5	19.2	14.0	14.7	6.2
600									39.2	80.0	35.6	64	32.4	50.0	29.7	40.5	27.3	32.0	20.0	15.0	15.4	7.0
625									41.0	87.0	37.1	69	33.8	54.0	31.0	44	28.4	35.0	20.9	16.5	16.0	7.5
650											38.6	74	35.1	58.0	32.2	47.5	29.6	38.0	21.7	18.0	16.6	8.5
675											40.2	81	36.5	63.0	33.4	51	30.7	41.0	22.5	19.0	17.3	9.0
700											41.6	86	37.8	68.0	34.6	55	31.8	44.0	23.4	20.5	17.9	10.0
725													39.2	73.0	35.9	59	33.0	47.0	24.2	22.0	18.6	11.0
750													40.5	78.0	37.2	63	34.1	51.0	25.0	23.0	19.2	12.0
775													42.0	83.0	38.4	67	35.2	55.0	25.9	24.5	19.7	13.0
800															39.6	72	36.4	59.0	26.7	26.0	20.5	14.0

negligible

RECEIVED
FEB 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

Vel. = Velocity in feet per second. Fric. = Friction loss in pounds per sq. inch pressure. Table shows loss for smooth rubber lining; for rough rubber lining multiply by 2. For lined hose multiply loss by 2.3. From experiments by John R. Freeman M.E.

PERFORMANCE - U.S. UNITS

100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle .5"		Nozzle .55"		Nozzle .6"		Nozzle .65"		Nozzle .7"		Nozzle .75"		Nozzle .8"		Nozzle .85"		Nozzle .9"		Nozzle 1.0"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
40	47	191'	57	202'	66	213'	78	222'	91	230'	103	240'	118	250'	134	256'	152	262'	-	-
50	50	205'	64	215'	74	225'	87	235'	100	245'	115	256'	130	265'	150	273'	165	280'	204	300'
60	55	215'	69	227'	81	240'	96	250'	110	260'	126	270'	143	280'	164	288'	182	295'	224	316'
70	60	225'	75	238'	88	250'	103	263'	120	275'	136	283'	155	295'	177	302'	197	310'	243	338'
80	64	235'	79	248'	94	260'	110	273'	128	285'	146	295'	165	305'	189	314'	210	325'	258	354'
90	68	245'	83	258'	100	270'	117	283'	135	295'	155	306'	175	315'	201	326'	223	335'	274	362'
100	72	255'	87	268'	106	280'	123	293'	143	305'	163	316'	185	325'	212	336'	235	345'	289	372'
110	75	265'	92	278'	111	290'	129	303'	150	315'	171	324'	195	335'	222	344'	247	355'	304	380'

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle .7"		Nozzle .8"		Nozzle .9"		Nozzle 1.0"		Nozzle 1.1"		Nozzle 1.2"		Nozzle 1.3"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
50	100	250'	130	270'	165	290'	205	310'	255	330'	300	345'	350	360'
60	110	265'	143	285'	182	305'	225	325'	275	345'	330	365'	385	380'
70	120	280'	155	300'	197	320'	245	340'	295	360'	355	380'	415	395'
80	128	290'	165	310'	210	335'	260	355'	315	375'	380	395'	445	410'
90	135	300'	175	320'	223	345'	275	365'	335	390'	405	410'	475	425'
100	143	310'	185	330'	235	355'	290	375'	355	400'	425	420'	500	440'
110	150	320'	195	340'	247	365'	305	385'	370	410'	445	430'	525	450'
120	157	330'	204	350'	258	375'	320	395'	385	420'	465	440'	545	460'

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle 1.05"		Nozzle 1.1"		Nozzle 1.2"		Nozzle 1.3"		Nozzle 1.4"		Nozzle 1.5"		Nozzle 1.6"		Nozzle 1.75"		Nozzle 1.9"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
60	250	345'	285	355'	330	375'	385	390'	445	430'	515	430'	585	445'	695	470'	825	495'
70	270	360'	310	380'	355	395'	415	410'	480	430'	555	450'	630	465'	755	495'	890	515'
80	290	375'	330	395'	380	410'	445	430'	515	450'	590	470'	675	485'	805	515'	950	535'
90	310	390'	350	410'	405	425'	475	445'	545	465'	625	485'	715	505'	855	535'	1005	555'
100	325	400'	370	420'	425	440'	500	460'	575	480'	660	500'	755	520'	900	550'	1060	575'
110	340	410'	390	430'	445	450'	525	470'	605	495'	695	515'	790	535'	945	565'	1110	590'
120	355	420'	405	440'	465	460'	545	480'	630	505'	725	530'	825	550'	985	580'	1160	605'
130	370	425'	425	445'	485	465'	565	485'	655	515'	755	540'	860	560'	1025	590'	1210	620'

PERFORMANCE - METRIC UNITS

100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	0.5"		0.55"		0.6"		0.65"		0.7"		0.75"		0.8"		0.85"		0.9"		1.0"											
	12,7mm		14,0mm		15,2mm		16,5mm		17,8mm		19,1mm		20,3mm		21,6mm		22,9mm		25,4mm											
PRESSURE Kglcm ²	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M									
3.5	3.00	10.8	59.5	3.73	13.4	62.6	4.33	15.6	66.1	5.09	18.3	66.8	5.84	21.0	71.4	6.71	24.1	74.5	7.64	27.5	77.5	8.74	31.5	79.5	9.67	34.8	81.4	11.9	42.8	86.1
4.0	3.40	12.2	64.3	4.25	15.3	67.8	5.00	18.0	71.8	5.86	21.1	74.8	6.82	24.8	77.8	7.73	27.8	81.0	8.66	31.2	82.8	10.05	36.2	86.4	11.2	40.4	86.6	13.6	48.5	94.8
5.0	3.79	13.6	69.0	4.72	17.0	72.7	5.59	20.1	76.4	6.56	23.6	80.2	7.62	27.5	84.4	8.66	31.2	86.7	9.91	34.9	90.4	11.26	40.5	92.5	12.5	45.2	94.7	15.5	55.6	103
6.0	4.17	15.0	73.4	5.14	18.5	77.3	6.12	22.1	80.7	7.19	25.9	85.0	8.35	30.1	88.7	9.51	34.3	91.8	10.9	38.2	94.7	12.05	44.5	97.7	13.7	49.5	101	16.8	60.5	109
7.0	4.53	16.3	77.6	5.52	19.9	81.6	6.61	23.8	85.0	7.75	27.9	89.3	9.02	32.5	93.0	10.3	37.0	96.1	11.7	41.3	99.0	13.3	48.0	102.2	14.8	53.5	105	18.2	65.5	113
8.0	4.89	17.6	81.7	5.84	21.0	85.7	7.07	25.5	89.3	8.25	29.7	90.1	9.64	34.8	97.3	10.95	39.4	99.7	12.5	44.1	103	14.22	51.2	105.8	15.9	57.2	109	19.5	70.2	116

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	0.7"		0.8"		0.9"		1.0"		1.1"		1.2"		1.3"								
	17,8mm		20,3mm		22,9mm		25,4mm		27,9mm		30,5mm		33,0mm								
PRESSURE Kglcm ²	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M						
3.5	6.39	23.0	76.0	8.29	29.8	82.0	10.5	37.8	86.0	13.0	46.9	95.0	15.9	57.1	101	19.0	68.3	105	22.3	80.1	110
4.0	6.83	24.8	79.6	8.86	31.9	85.8	11.2	40.4	91.8	13.9	50.1	97.8	16.8	61.0	104	20.3	73.0	109	23.8	85.7	114
5.0	7.63	27.5	85.4	9.91	35.7	91.6	12.6	45.2	98.6	15.6	56.0	105	18.9	68.2	111	22.7	81.7	117	26.6	95.8	121
6.0	8.36	30.1	89.7	10.9	39.1	96.7	13.8	49.5	104	17.0	61.3	110	20.8	74.7	117	24.9	89.5	123	29.1	105	128
7.0	9.03	32.5	95.0	11.7	42.2	101	14.9	53.5	108	18.4	66.3	114	22.4	80.7	122	26.8	96.6	128	31.5	113	134
8.0	9.86	34.8	99.3	12.5	45.1	105	15.9	57.2	112	19.7	70.8	118	24.0	86.3	126	28.7	103	132	33.7	121	138
9.0	10.2	36.9	104	13.3	47.9	110	16.8	60.6	117	20.9	75.1	123	25.4	91.5	131	30.4	110	137	35.7	129	143

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	1.05"		1.1"		1.2"		1.3"		1.4"		1.5"		1.6"		1.75"		1.9"										
	26,7mm		27,9mm		30,5mm		33,0mm		35,6mm		38,1mm		40,6mm		44,5mm		48,3mm										
PRESSURE Kglcm ²	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M	L/S	M ³ /H	M									
4.0	15.5	55.7	104	17.8	63.9	106	25.3	73.1	112	25.8	85.8	117	27.5	98.9	123	32.2	116	129	36.1	130	134	42.9	154	141	50.7	183	149
5.0	17.3	62.3	111	19.9	71.4	117	29.9	84.7	121	30.7	98.4	126	32.7	113.8	128	37.1	130.8	136	41.9	149.8	141	49.7	178.8	148	58.7	213.8	156

Bill Porfily

Nelson

RECEIVED
FEB 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

POWER PRIME PUMPS



HH-80 Vacuum Assist Self Priming Pump

HH-80 SIZE 3" x 3"

- 450 GPM MAX
- 300 FT HEAD MAX

**POWER
PRIME
PUMPS™**

FEATURES

- Solids handling capabilities to 1" diameter maximum
- Continuous self priming
- Unattended dry running capability
- Suction lift of 28 ft.
- Skid or trailer mounted
- Stainless Steel and CD4MCu* Pump Options

TECHNICAL

- The HH-80 is close coupled to a John Deere 4039D or 4045D diesel fueled engine with 12 volt electric starting.
- The pump and engine are skid or trailer mounted with lifting bracket and integral minimum 24-hour capacity fuel tank.
- A belt driven compressor is fitted to operate the air-ejector priming system.
- Other brands of diesel engines and electric power options are available.

MATERIAL SPECIFICATIONS

- Standard build is 316 stainless steel open impellers and replaceable wear plates.
- Pump shaft is 431 stainless. All other major pump components are spheroidal graphite iron.
- The mechanical seal has solid silicon carbide mating faces and is oil bath lubricated.
- Suction and discharge flanges are 3" ANSI 150# FF.
- Stainless steel and other materials are available for the major pump components as an option.

AVAILABLE PRESSURE AT VARIOUS RPM (PSI)
(Bold Type Indicates Peak Performance Zone)
(Multiply PSI X 2.31 for Discharge Head in Feet)

GPM	PSI			
	1600 MIN	1800	2000	2200 MAX
450			73	89
425	46	58	79	97
400	50	64	84	103
350	56	71	92	113
300	61	77	100	121
250	63	80	102	125
200	65	82	104	128
150	65	84	105	129
100	66	84	105	130
50	65	82	104	129

HH-80 Performance Data - (@10" Hg Suction Lift)

*CD4MCu is a highly corrosive and abrasive resistant alloy

Fuel consumption: 3.63 GPH @ 2,200 RPM

FRF-HH 80-10M-7/98-RR

RECEIVED
FEB 25 2005
WATER RESOURCES DEPT
SALEM, OREGON



RAIN FOR RENT

Postal Box 2248 • Bakersfield CA 93303

742-7246 • 805 399-9124 • FAX 805 393-1542

Internet: www.rainforrent.com

Power Prime Pumps

CURVE : C950518

PUMP : HH-80

SUCTION
75mm (3")

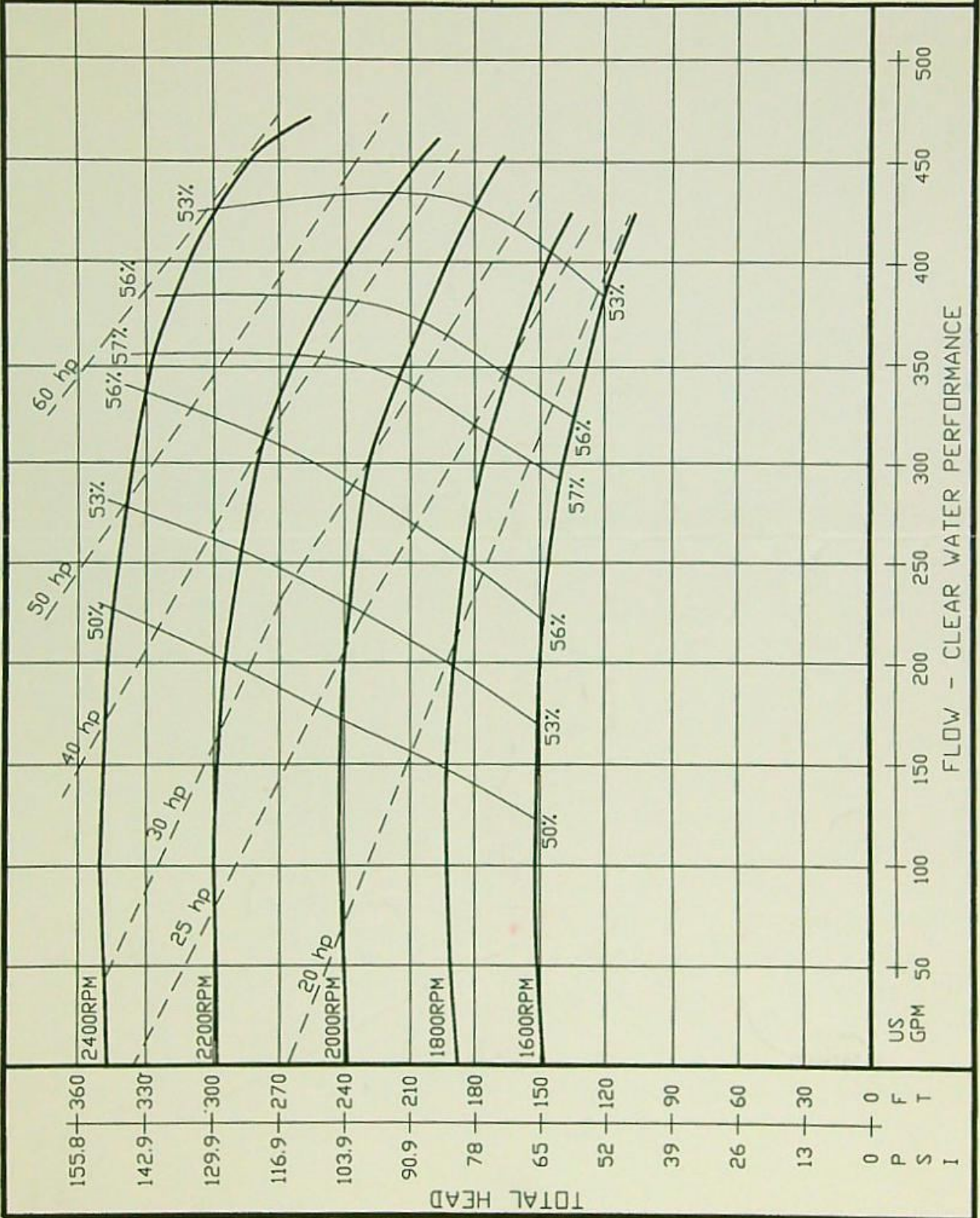
DISCHARGE
75mm (3")

MAX. SPHERE
25mm (1")

IMPELLER
3 VANE

IMPELLER
ø325mm (12.8")

IMPELLER &
WEAR PLATES
316 S/S



FLOW - CLEAR WATER PERFORMANCE

US
GPM

155.8 — 360
142.9 — 330
129.9 — 300
116.9 — 270
103.9 — 240
90.9 — 210
78 — 180
65 — 150
52 — 120
39 — 90
26 — 60
13 — 30
0 — 0
P
S
I

TOTAL HEAD



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

JUN 28 2004

IN REPLY
REFER TO:

PN-3323
WTR-4.00

T-8718

Ms. Laura A. Schroeder
Schroeder Law Offices, P.C.
PO Box 12527
Portland OR 97212-0527

Subject: Request for Amendment of McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Ms. Schroeder:

This is sent in reply to your letter dated December 17, 2003, relating to the subject McKay Reservoir (McKay) contract between the United States and Nomad Alfalfa. We apologize for the delay in responding to your letter.

We will send a successor-in-interest document and an amendment of the subject contract to you and to B&G Resources, Inc. following receipt of \$200 for our costs of preparing and processing the documents. There is no need for you to draft the documents as our office does this to ensure they are consistent with our policies and contracts.

We ask that if the location of the 31.6 acres, or the diversion point, or the name and address of B&G Resources, Inc. that were described in the replacement contract sent to you in our last correspondence on this contract (dated November 20, 2001) have changed, that you send this information to us with the \$200. If subsequent changes are needed to the two contract documents, then we will charge \$200 to make the changes. We did not receive the attached correspondence mentioned in the body of your December 17, 2003, letter. We assume that the following water right information contained in our November 20, 2001 letter is still accurate and ask that that you notify us if it is not.

Although the subject contract provides for the use of McKay water on 190 acres of land, the State of Oregon Certificate of Water Right 76631 describes 31.6 acres as the place of use for this contract. This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45-55, canceling a portion of said water right.

RECEIVED

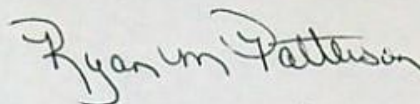
JUN 30 2004

WATER RESOURCES DEPT
SALEM, OREGON

In your July 9, 2001, letter you requested a contract amendment to change the place of use for 5.4 of the 31.6 acres because the flow of the Umatilla River has shifted, changing the river channel. You enclosed a copy of an application for a water right transfer (T-8718) with the Oregon Water Resources Department (OWRD) to properly align the acres. The transfer application listed both the "to" and "from" land as located in Tax Lot Number 400 and the lands are also within the quarter-quarter sections described in the contract.

Your assistance is appreciated. Should you have any questions, please contact Mr. Larry Parsons at the above address or telephone 208-378-5346.

Sincerely,



Ryan M. Patterson
Program Manager
Lands and Repayment

cc: B&G Resources, Inc.
Mr. Kenneth Gustafson
5200 SW Macadam, Suite 470
Portland OR 97201

Watermaster
Oregon Water Resources Department
116 SE Dorian Avenue
Pendleton OR 97801

Water Rights Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED

JUN 30 2004

WATER RESOURCES DEPT
SALEM, OREGON

Paul needs time with you -

11:00 AM -

Theresa -

503-281-4100

T-8718

C-28484

Name wrong

Teresa - Schroed
503-281-4100

~~###~~

Ken Gustafson

ownership
update form

APP# 20936

8718

and we go by what names
on the app for the Pub Not
unless directed otherwise -
which we found none -

~~Paul needs time with you -~~

~~11:00 AM -~~

Theresa -

503-281-4100

T-8718

C-28484

Name wrong on Pub Notice

B+G Resources

~~F-7494 * final map~~

wants to change name to
original cert was B+G

but App was Kenneth G.

and we go by what names
on the app for the Pub Not
unless directed otherwise -
which we found none -

Letter stated representation
and name change
and renoticed!



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO:

PN-3323
WTR-4.00

NOV 20 2001

WATER RESOURCES DEPT.
SALEM, OREGON

NOV 26 2001

RECEIVED

Ms. Laura A. Schroeder
Schroeder Law Offices, P.C.
PO Box 12527
Portland OR 97212-0527

Subject: Request for Amendment of McKay Reservoir Storage Contract No. 14-06-100-1336

Dear Ms. Schroeder:

This is sent in reply to your letter dated July 9, 2001, relating to the subject McKay Reservoir (McKay) contract between the United States and Nomad Alfalfa. We apologize for the delay in sending this response.

Although your letter requested amendment of McKay Contract No. 0-07-10-W0794 (with Lewis Livestock Company), we believe you desire to amend Contract No. 14-06-100-1336 with Nomad Alfalfa as we understand that B&G Resources, Inc., has acquired the lands served under the subject contract.

Although the subject contract provides for the use of McKay water on 190 acres of land, the State of Oregon Certificate of Water Right 76631 describes 31.6 acres as the place of use for this contract. This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45-55, canceling a portion of said water right.

In your letter you requested a contract amendment to change the place of use for 5.4 of the 31.6 acres because the flow of the Umatilla River has shifted, changing the river channel. You enclosed a copy of an application for a water right transfer (T-8718) with the Oregon Water Resources Department (OWRD) to properly align the acres. The transfer application listed both the "to" and "from" land as located in Tax Lot Number 400, and the lands are also within the quarter-quarter sections described in the contract.

In order to reconcile the above-mentioned OWRD water rights with the contract and transfer the use of McKay water to B&G Resources, Inc., it is necessary to enter into a replacement contract.

We have enclosed three copies of a form of replacement contract for the subject contract. It is our understanding that B&G Resources, Inc., is the owner of the 31.6 acres of the land described therein that would have a State water right to receive McKay water upon completion of the water right transfer. If this is the case and B&G Resources, Inc., desires to receive a supply of stored

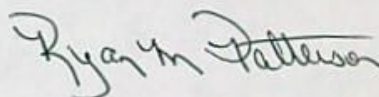
water from McKay Reservoir for this land, we ask that appropriately authorized representatives for B&G Resources, Inc., sign two of the enclosed contracts, have their signatures notarized, and return both originals along with payment of our \$100 fee for preparation of the contract to this office, Attention: PN-3323.

Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government. Because B&G Resources, Inc., would be a contractor with the United States, we are required to ask that they provide their taxpayer identifying number (social security number or employer identification number).

Following receipt of the contract, \$100 fee, and completion of our public notification and environmental compliance procedures, we would then execute the contract and provide copies to you and appropriate State and Federal offices.

Your assistance is appreciated. Should you have any questions, please contact Larry Parsons at the above address or telephone (208) 378-5346.

Sincerely,



Ryan M. Patterson
Program Manager
Lands and Repayment

Enclosure (in triplicate)

cc: B&G Resources, Inc.
Mr. Kenneth Gustafson
5200 SW Macadam, Suite 470
Portland OR 97201
(w/encl)

Water Rights Division
Oregon Water Resources Department
158 12th Street NE
Salem OR 97310
(w/o encl)

Watermaster
Oregon Water Resources Department
116 SE Dorian Avenue
Pendleton OR 97801
(w/o encl)

RECEIVED

NOV 26 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-8718



State of Oregon
Water Resource Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199

Application for Water Right TRANSFER

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR:

Please check one

Water Right Transfer Temporary Transfer Permit Amendment

Historic Point of Diversion Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Kenneth Gustafson
First Last

Address: 5200 SW Macadam, Suite 470

Portland Oregon 97201
City State Zip

Phone: 503-221-5117
Home Work Other

*Fax: 503-221-5125 *E-Mail address: kengus@involved.com

*Optional information

2. TYPE OF CHANGE

Use Place of Use Point of Diversion Point of Appropriation

Reason for change: Umatilla River has and is eroding away the area I want to transfer water rights from.

Is the land within an irrigation or other water district? Yes No

If yes, include district name: N/A

For Department Use

App. No. _____ Permit No. _____ Date _____

T-8718

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate or Decree: E.F. Burlington and Sons

Decree: N/A
 Not applicable

Permit Number: 16393 Certificate Number: 28484
 Not applicable Not applicable

Priority Date: July 3, 1945 Authorized Use: Irrigation

Source of Water: Umatilla River
McKay Reservoir County: Umatilla

Are there other sources listed on the water right? Yes No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
P.O.D. #6 1330' S & 610' W from NE Cor. Sec. 12	SE NE	12	2N	30E W.M.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4	Tax Lot Number	Acres
2N	30E W.M.	12		NE NE	400	1.6
2N	30E W.M.	12		NW NE	400	3.8

Are there other lands described in the water right? Yes No

Are there other water rights associated with this land? Yes No
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):
20 hp electrical pump and 1/2 mile of wheel line.

System capacity (in cfs): 0.80 cfs

T-8718

RECEIVED

4. PROPOSED CHANGES TO THE WATER RIGHT

MAR 15 2001

WATER RESOURCES DEPT. SALEM, OREGON

Change in Use:

Proposed use: N/A

Change in Point of Diversion or Point of Appropriation:

Change Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation:

Table with 5 columns: Coordinates (from recognized survey corner), 1/4 1/4 Section, Section, Township, Range. Row 1 contains N/A.

Location of Proposed Place of Use:

Table with 7 columns: Township, Range, Section, Government Lot or DIC, 1/4 1/4, Tax Lot Number, Acres. Contains 3 rows of data.

Remarks: [Lined area for handwritten notes]

F-8718

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in Use or
Place of
Use.

Use/Place of Use

Are the lands free of encumbrances? Yes No

If no, name of encumbrance holder: Gloria Lewis

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is not the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for change in point of diversion or point of appropriation only.

Landowners: N/A
(List all landowners shown on deed.)

Address (es): _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: N/A

Address: _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.

Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

T-8719

MAR 15 2001

6. EXHIBITS

WATER RESOURCES DEPT. SALEM, OREGON

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
 - In EFU zone or irrigation district.
 - Change in place of use only.
 - No structural changes needed, including diversion works, delivery facilities, other structures.
 - Irrigation only.
- List all affected governments (city, county, state, tribal, federal):

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- If application is for a change in point of appropriation or change from surface water to ground water, attached copies of all water well reports. If reports are not available, describe construction details including well depth, static water level and information necessary to establish the ground water body developed or proposed to be developed.

Map:

- Water Right Transfer: Must be prepared by a Certified Water Right Examiner.
- All others: Need not be prepared by a Certified Water Right Examiner.

Fees:

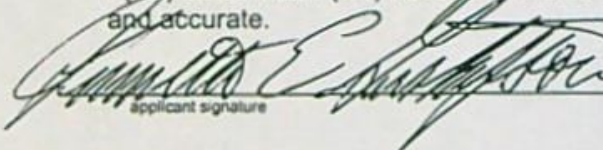
- Amount enclosed \$200.00
See instruction book for fee schedule.

Deed:

- Must accompany all applications, except permit amendment requests.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

 Kenneth E. Gustafson 2/4/01
applicant signature name (print) date

applicant signature name (print) date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

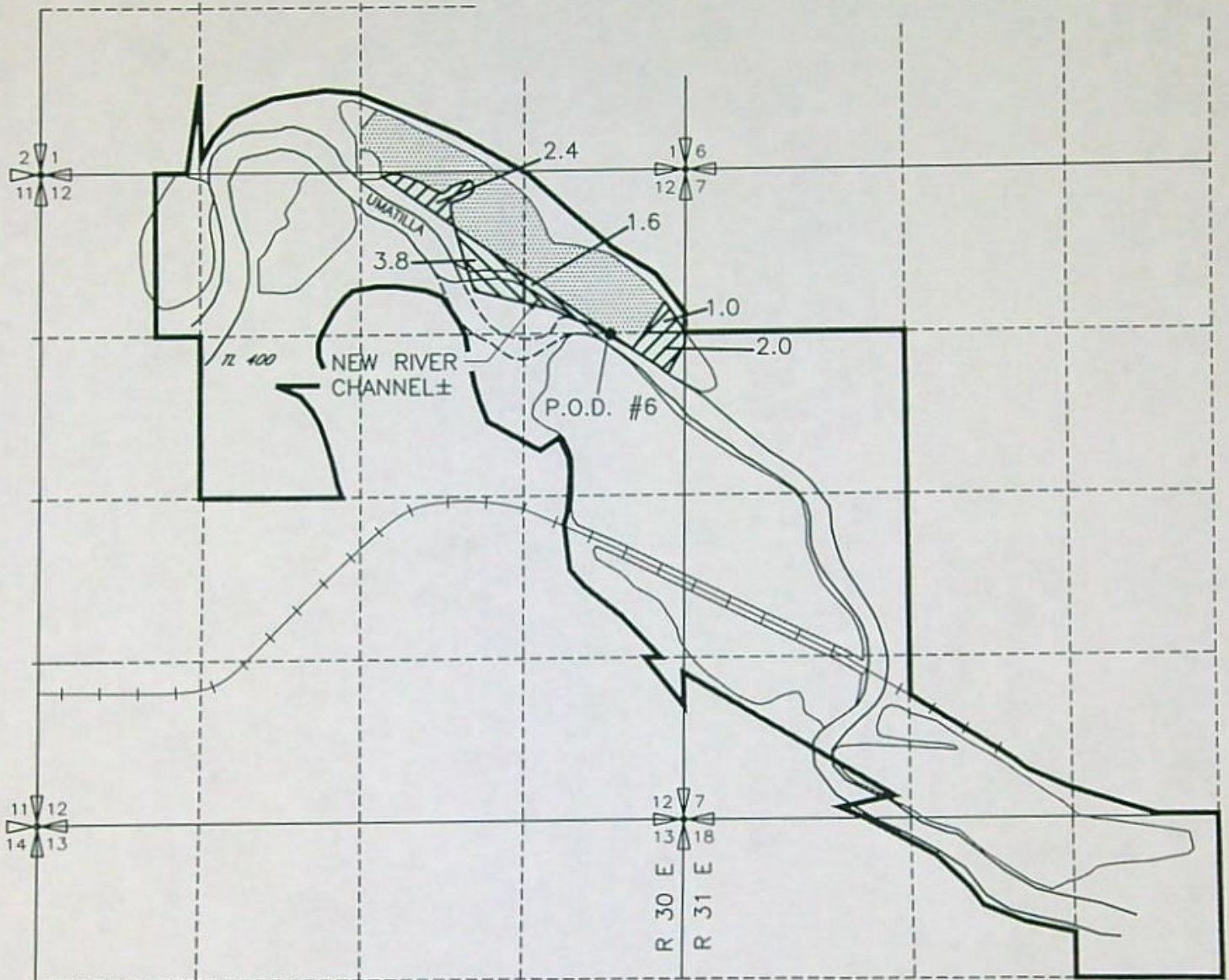
WATER RIGHT TRANSFER MAP FOR KENNETH E GUSTAFSON UNDER PERMIT 16393

T 2 N, R 30 E. AND 31 E. WM

T-8718
RECEIVED

MAR 15 2001

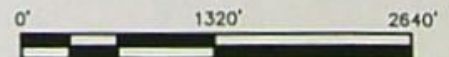
WATER RESOURCES DEPT.
SALEM, OREGON



- FROM
- TO
- AREA REMAINING OF PERMIT 16393 NOT INVOLVED IN THIS TRANSFER

AUTHORIZED POINTS OF DIVERSION

P.O.D. #6 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.



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

3522.132
3522GU TR.DWG
01/15/01

T-8718

Name Kenneth Gustafson

By

Address 5200 SW Macadam, suite 470
Portland, OR 97201

Change in POU

Date filed March 15, 2001

Date of hearing

Place of hearing

Date of order Vol., page

Date for application of water

Date proof mailed

Date proof received

Date certificate issued Vol., page

DESCRIPTION OF WATER RIGHT

Name of stream Umatilla R. / McKay Reservoir

Trib. of Columbia River County of Umatilla

Use Irrigation

Quantity of water No. of acres

Name of ditch

Date of priority July 3, 1945

In name of E F Burlington and Sons

..... Adjudication, Vol., page

App. No. 20936 Per. No. 16393 Cert. No. 28484

Certificate cancelled

Notation made on record by

FEES PAID

Date	Amount	Receipt No.
<u>3-15-01</u>	<u>200⁰⁰</u>	<u>43665</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NO ID / Dale Van Schotack, CWRE

76631

April 3rd, 2001

Transfer Applications (cont'd)

County: UMATILLA
Transfer: 8718
Certificate: 28484
Priority Date: 7-3-1945
Name: (KENNETH GUSTAFSON
Address: 5200 SW MACADAM SUITE 470; PORTLAND, OR 97201
Change: POU
Source: UMATILLA R/MCKAY RESERVOIR
Authorized POU: T2N R30E 12
Proposed POU: T2N R30E 12

County: JACKSON
Transfer: 8719
Certificate: 17197
Priority Date: 1878
Name: HJ HANSCOM & TERRY MATLOCK
Address: PO BOX 2033; WHITE CITY, OR 97503
Change: POU/APOD
Source: SALT CREEK
Authorized POD: T36S R2E 7
Proposed POD: T36S R2E 7
Authorized POU: T36S R1E 13
Proposed POU: T36S R2E 18
T36S R2E 18

County: COOS
Transfer: 8720
Certificate: 62413
Priority Date: 9-20-1983
Name: PAT & SVEN BACKMAN
Address: 94194 W HERITAGE HILLS; NORTH BEND, OR 97459
Change: POD
Source: UNNAMED STREAM
Authorized POD: T23S R12W 5
Proposed POD: T23S R12W 5

County: UMATILLA
Transfer: 8721
Certificate: 2582
Priority Date: 1890
Name: CITY OF PENDLETON
Address: 500 SW DORION AVE; PENDLETON, OR 97801
Change: USE/POU/POD
Source: UMATILLA RIVER
Authorized USE: IRRIGATION
Proposed USE: MUNICIPAL WATER SUPPLY
Authorized POD: T2N R32E 10
Proposed POD: T2N R32E 12
Authorized POU: T2N R32E 10
Proposed POU: T2N R32E 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16,
17, 18, 20, 21
T2N R31E 1, 13
T3N R31E 36
T3N R32E 31, 32



Oregon

Theodore R. Kulongoski, Governor

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

February 3, 2004

Kenneth E. Gustafson
5200 SW Macadam, Suite 470
Portland, Oregon 97201

REFERENCE: File T-8718

Enclosed is a copy of the order approving your water right transfer application T-8718.

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

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

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

Sincerely,

Sarah Henderson

For DOUG PARROW
Natural Resource Specialist

DP:sh

Enclosures

cc: Tony Justus, Watermaster
Dale VanSchoiack, CWRE
Ken Dowden, North Central Region

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 550.510 through 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8718 submitted by

KENNETH E. GUSTAFSON
5200 SW MACADAM, SUITE 470
PORTLAND, OREGON 97201.

The right to be modified, as evidenced by a PORTION of Certificate 76631 was perfected under Permit 16393 with a date of priority of JULY 3, 1945. The right allows the use of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for the IRRIGATION OF 5.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.135 cubic foot per second, if available at the authorized point of diversion; SE¼ NE¼, SECTION 12, T 2 N, R 30 E, W.M.; or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, shall be limited to a diversion of ONE-FORTIETH 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 4.5 acre-feet per acre for each irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

The authorized place of use is as follows:

NE¼ NE¼ 1.60 ACRES
NW¼ NE¼ 3.80 ACRES
SECTION 12
TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

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

The applicant proposes to CHANGE THE PLACE OF USE to:

NE¼ NE¼ 1.00 ACRE
NW¼ NE¼ 2.40 ACRES
SE¼ NE¼ 2.00 ACRES
SECTION 12
TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

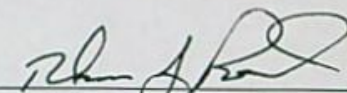
1. The proposed change shall be completed on or before October 1, 2005.
2. The former place of use shall no longer be irrigated as part of this water right.

3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Certificate 76631 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed JAN 20 2004.


For Paul R. Cleary, Director

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B&G RESOURCES, INC.
18270 SW BOONES FERRY ROAD
PORTLAND, OREGON 97227

confirms the right to use the waters of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application R-7526 and Permit R-584, tributary of the COLUMBIA RIVER, for IRRIGATION OF 26.2 ACRES.

This right was perfected under Permit 16393. The date of priority is JULY 3, 1945. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.655 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE¼ NE¼, SECTION 12, TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M..

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet 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.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

SW¼ SE¼ 6.1 ACRES
SECTION 1

NE¼ NE¼ 11.1 ACRES
NW¼ NE¼ 8.9 ACRES
SE¼ NE¼ 0.1 ACRE

SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 76631, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 2 0 2004, approving Transfer Application 8718.

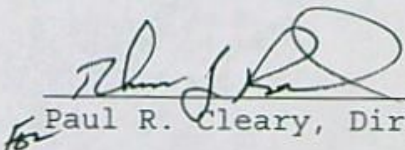
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

JAN 2 0 2004

Director, affixed _____.


Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80564.

THIS IS RIGHT SUBJECT TO TRANSFER
0.025 cfs per acre

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B & G RESOURCES, INC.
18270 SW BOONES FERRY RD.
PORTLAND, OR 97227

confirms the right to use the water of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application Number R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for IRRIGATION of 31.6 ACRES.

The right was perfected under PERMIT 16393. The date of priority is JULY 3, 1945. The amount of water to which such right is entitled for the purposes aforesaid is limited to an amount actually beneficially used for said purpose and shall not exceed 0.79 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 NE 1/4, Section 12, Township 2 North, Range 30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall further be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

SW 1/4 SE 1/4	6.1 ACRES
SECTION 1	
NE 1/4 NE 1/4	12.7 ACRES
NW 1/4 NE 1/4	12.7 ACRES
SE 1/4 NE 1/4	0.1 ACRES
SECTION 12	

T-8718

RR

6.1
11.1
8.9
0.1

-1.6
-3.8

TOWNSHIP 2 NORTH, RANGE 30 EAST, W. M.

26.2 acres @ 0.665 cfs

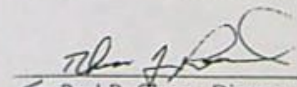
This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45 - 55, canceling a portion of said water right.

The issuance of this superseding certificate does not confirm the status of the water right in regards 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.

NOV 07 2000

WITNESS the signature of the Water Resources Director, affixed _____


for Paul R. Cleary, Director

S20936.GLN

Recorded in State Record of Water Right Certificates numbered 76631.

T8-8; Pca

INTEROFFICE MEMO

FIELD SERVICES DIVISION WATER RESOURCES DEPARTMENT

DATE: November 21, 2003

TO: Paul R. Cleary, Director

FROM: Ken Dowden, N. C. Region Transfer Specialist

SUBJECT: Approval of Transfer Application T-8718 (Kenneth Gustafson)

Pursuant to ORS. 540.510 to 540.531, Kenneth Gustafson made application and requested to CHANGE THE PLACE OF USE for a portion of an existing water right Certificate 76631.

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

I recommend that the transfer be approved.

*Ready to go
over type
cleared. mt.
12/5/03*

T-8718



State of Oregon
Water Resource Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199

Application for Water Right TRANSFER

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR:

Please check one

Water Right Transfer Temporary Transfer Permit Amendment

Historic Point of Diversion Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: Kenneth Gustafson
First Last

Address: 5200 SW Macadam, Suite 470

Portland Oregon 97201
City State Zip

Phone: 503-221-5117
Home Work Other

*Fax: 503-221-5125 *E-Mail address: kengus@involved.com

*Optional information

2. TYPE OF CHANGE

Use Place of Use Point of Diversion Point of Appropriation

Reason for change: Umatilla River has and is eroding away the area I want to transfer water rights from.

Is the land within an irrigation or other water district? Yes No

If yes, include district name: N/A

For Department Use

App. No. _____ Permit No. _____ Date _____

T-8718

RECEIVED

MAR 15 2001

3. CURRENT WATER RIGHT INFORMATION

WATER RESOURCES DEPT.
SALEM, OREGON

Name on Permit, Certificate or Decree: E.F. Burlington and Sons (C# 28484)

B & G RESOURCES, INC.

Decree: N/A

Not applicable

Permit Number: 16393 ✓

Not applicable

Certificate Number: 28484 76631

Not applicable

Priority Date: July 3, 1945 ✓

Authorized Use: Irrigation ✓

Source of Water: Umatilla River
McKay Reservoir ✓

County: Umatilla ✓

Are there other sources listed on the water right? Yes No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
P.O.D. #6 1330' S & 610' W from NE Cor. Sec. 12	SE NE	12	2N	30E W.M.

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4	Tax Lot Number	Acres
2N	30E W.M.	12		NE NE	400	1.6
2N	30E W.M.	12		NW NE	400	3.8

Are there other lands described in the water right? Yes No

Are there other water rights associated with this land? Yes No

If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):
20 hp electrical pump and 1/2 mile of wheel line.

System capacity (in cfs): 0.80 cfs

T-8718

RECEIVED

4. PROPOSED CHANGES TO THE WATER RIGHT

MAR 15 2001

WATER RESOURCES DEPT
SALEM, OREGON

Change in Use:
Proposed use: N/A

Change in Point of Diversion or Point of Appropriation:

Change
Old point of diversion or point of appropriation will not be used for this portion of the water right.

Additional
Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation:

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

Location of Proposed Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4	Tax Lot Number	Acres
2N	30E W.M.	12		NE NE	400	1.0
2N	30E W.M.	12		NW NE	400	2.4
2N	30E W.M.	12		SE NE	400	2.0



MAP
OKAY

Remarks: _____

F-8718

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in Use or
Place of
Use.

Use/Place of Use

Are the lands free of encumbrances? Yes No

If no, name of encumbrance holder: Gloria Lewis

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is not the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for change in point of diversion or point of appropriation only.

Landowners: N/A
(List all landowners shown on deed.)

Address (es): _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: N/A

Address: _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.

Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

RECEIVED

T-8719

MAR 15 2001

6. EXHIBITS

WATER RESOURCES DEPT. SALEM, OREGON

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- Enclosed
- Not needed: (must meet the following four requirements)
 - In EFU zone or irrigation district.
 - Change in place of use only.
 - No structural changes needed, including diversion works, delivery facilities, other structures.
 - Irrigation only.
- List all affected governments (city, county, state, tribal, federal):

Map:

- Water Right Transfer: Must be prepared by a Certified Water Right Examiner.
- All others: Need not be prepared by a Certified Water Right Examiner.

Deed:

- Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

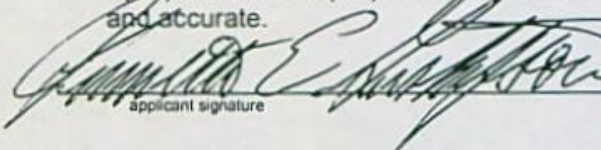
- If application is for a change in point of appropriation or change from surface water to ground water, attached copies of all water well reports. If reports are not available, describe construction details including well depth, static water level and information necessary to establish the ground water body developed or proposed to be developed.

Fees:

- Amount enclosed \$200.00
- See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

 Kenneth E. Gustafson 2/4/01
applicant signature name (print) date

applicant signature name (print) date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

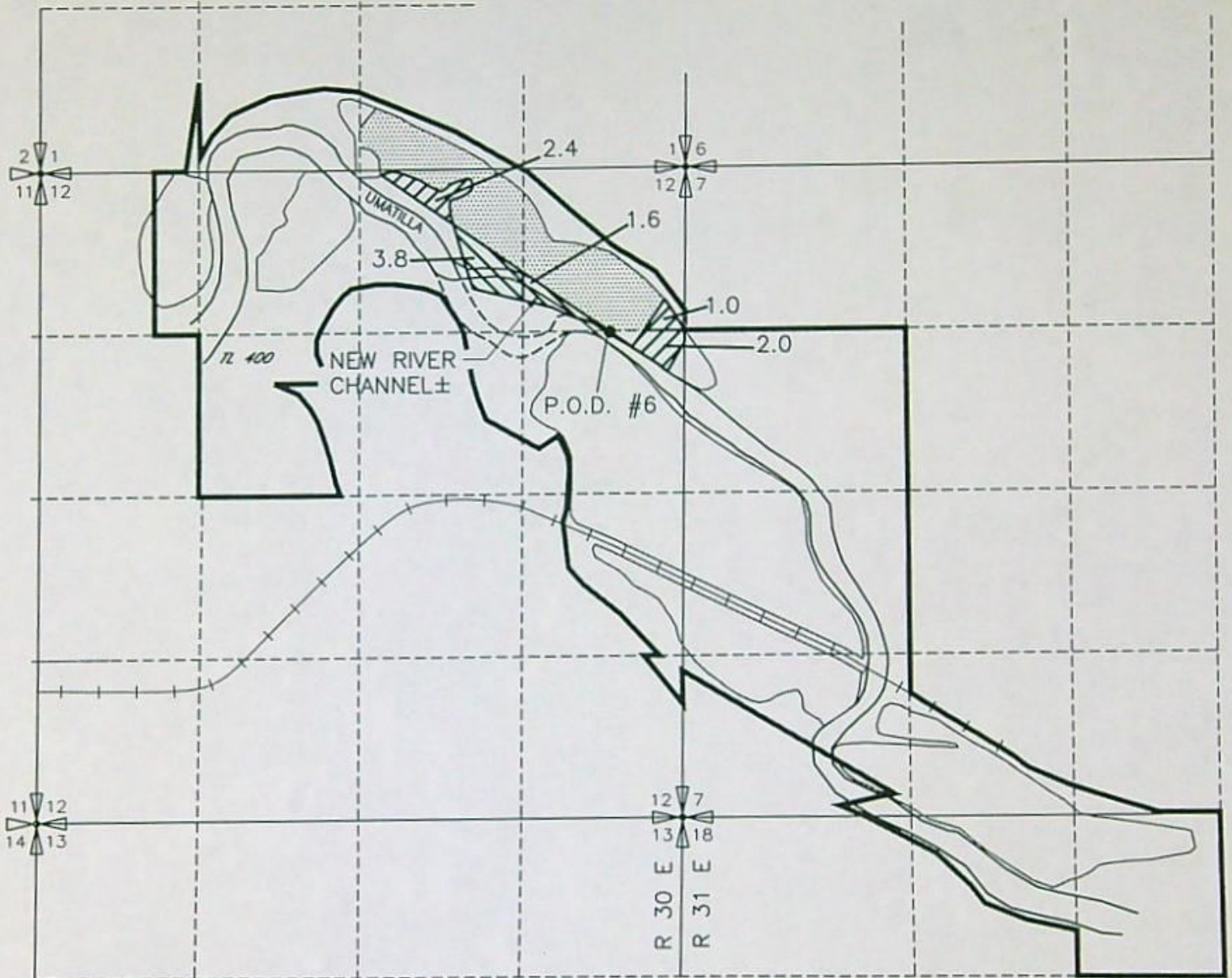
WATER RIGHT TRANSFER MAP
FOR
KENNETH E GUSTAFSON
UNDER PERMIT 16393




T-8718
RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

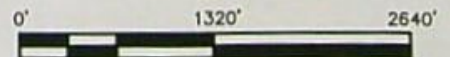
T 2 N, R 30 E. AND 31 E. WM



-  FROM
-  TO
-  AREA REMAINING OF PERMIT 16393 NOT INVOLVED IN THIS TRANSFER

AUTHORIZED POINTS OF DIVERSION

P.O.D. #6 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.



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

3522.132
3522GUTR.DWG
01/15/01

SCM Consultants, Inc.

Architects & Engineers
Kennewick, WA 99336

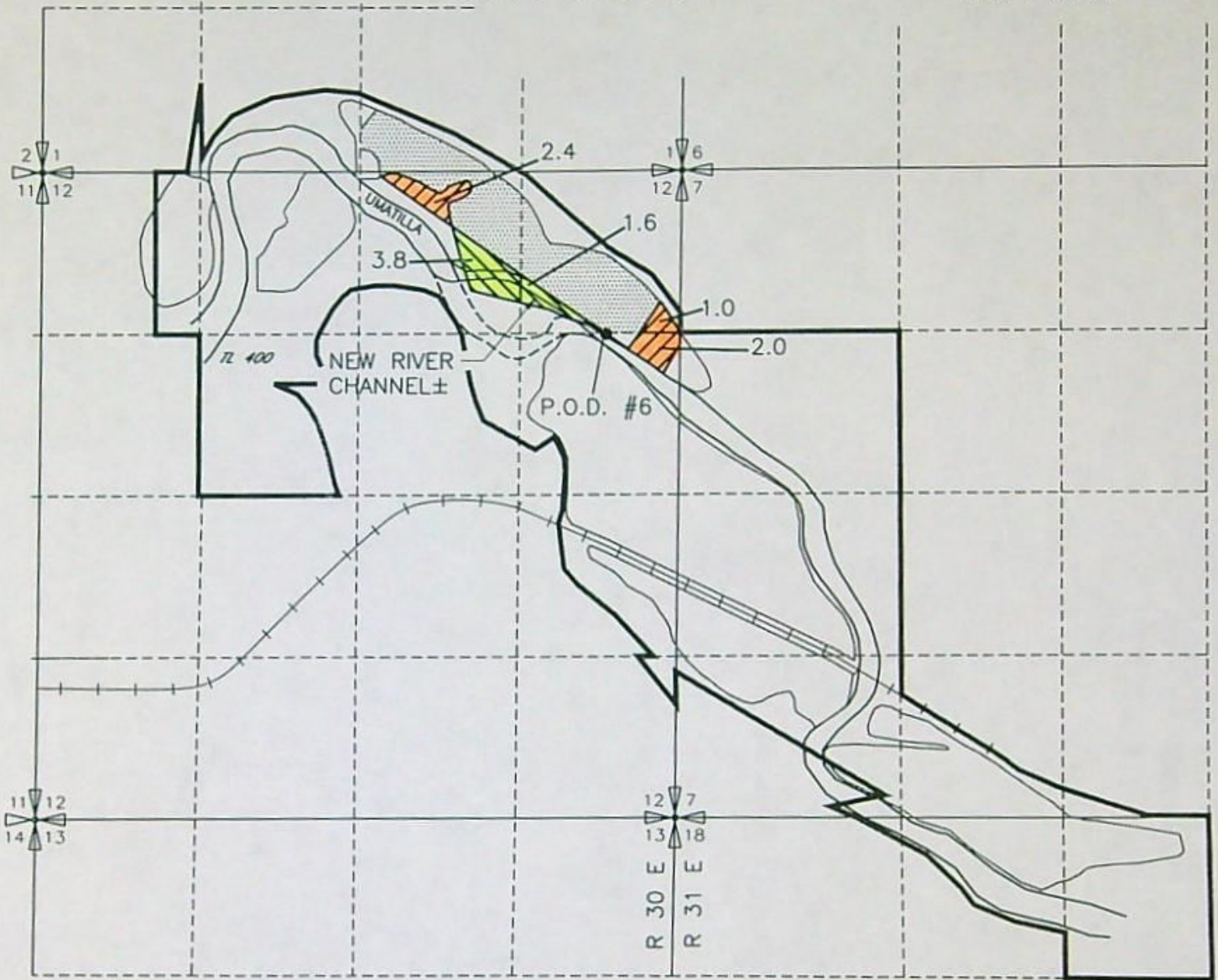
WATER RIGHT TRANSFER MAP FOR KENNETH E GUSTAFSON UNDER PERMIT 16393

T-8718
RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

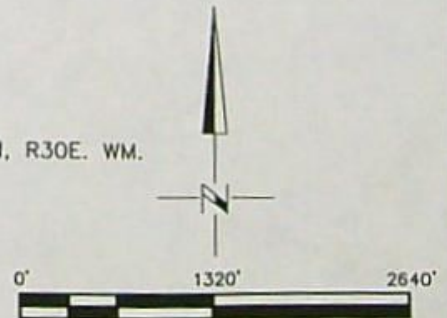
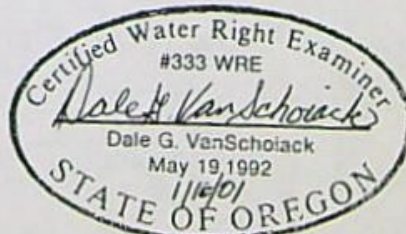
T 2 N, R 30 E. AND 31 E. WM



- FROM
- TO
- AREA REMAINING OF PERMIT 16393 NOT INVOLVED IN THIS TRANSFER

AUTHORIZED POINTS OF DIVERSION

P.O.D. #6 1330 FEET SOUTH AND 610 FEET WEST FROM THE NE CORNER SECTION 12, T 2 N, R30E. WM.



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

SCM
Consultants, Inc.

Architects & Engineers
Kennelick, WA 99336

3522.132
3522GUTR.DWG
01/15/01

Platcard Report

Township 2N Range 30E Section 12 of (1, 12)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
i	G9206 04/20/1979	G8631 -		CN						32.9 IS (s) CN	38.0 IS (s) CN			6.3 IS (s) CN									
i	G12698 10/24/1991	G11791 -								32.9 IS (s)	38.0 IS (s)			6.3 IS (s)									
i	S20936 07/03/1945	S16393 28484		CN	13.4 IR CN	12.8 IR CN		28.6 IR CN	12.6 IR CN	8.8 IR CN							15.6 IR CN						
OK	S20936 07/03/1945	S16393 76631			12.7 IR	12.7 IR		0.1 IR					SUBJECT RIGHT										
i	S33006 03/30/1959	S26122 32699					1.6 IR					21.5 IR	25.2 IR	15.0 IR			2.0 IR						
i	S44660 04/04/1968	S33439 46102		CN	5.2 IR CN																		
NCR	S49008 12/16/1976	S41362 -				8.6 IR	16.5 IR		3.0 IR			9.0 IR											
i	S52447 09/24/1974	S39444 -								32.9 IR	38.0 IR			6.3 IR									

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 725 Summer St NE, Suite A • Salem, OR 97301-1271 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 1 seconds

NCR

Platcard Report

Township 2N Range 30E Section 1 of (1, 12)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
①	G5732 02/22/1972	G4962 44900													6.6 IR								
①	G9206 04/20/1979	G8631 -		CN											4.6 IS (s) CN								
①	G12698 10/24/1991	G11791 -													4.6 IS (s)								
①	S20936 07/03/1945	S16393 28484		CN												1.4 IR CN			6.8 IR CN				
OK ①	S20936 07/03/1945	S16393 76631			<i>REMAINING RIGHT</i>																		
①	S44660 04/04/1968	S33439 46102		CN															1.0 IR CN		21.7 IR CN		
①	S52447 09/24/1974	S39444 -													4.6 IR								

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 725 Summer St NE, Suite A • Salem, OR 97301-1271 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 2 seconds

NCR

T-8719

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

3522.132

15 January 2001

Bernadette Williams
WATER RESOURCES DEPARTMENT
158 12th Street NE
Salem, Oregon 97310-0210

RE: TRANSFER OF WATER RIGHTS DESCRIBED IN PERMIT 16393

Dear Ms. Williams:

I, Gloria Lewis, as the mortgage holder of the land located in Tax Lot 400, Section 12, Township 2 North, Range 30 East W.M., consent to the transfer of Water Right described in Permit 16393. These water rights are located on 5.4 acres of land that has and is currently being washed away by the Umatilla River. It is in my best interest as mortgage holder to consent to Kenneth Gustafson transferring these 5.4 acres to other areas on Tax Lot 400.

Sincerely,

Gloria M. Lewis

Gloria Lewis

cc: William I. Porfily
DGV
File

REC'D APR 02 2001



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO: Ken Dowden
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 4/3/01

FROM: X WATERMASTER, DISTRICT # 5
GROUNDWATER SECTION

(SIGNATURE) [Signature]
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 8718

A change in: POU POD POA USE of water.

In the name(s) of Kenneth Gustafson

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- _____ (1) PRIOR to the diverting of water at the new point of diversion . . .
- _____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

Oregon Department of Fish and Wildlife
Transfer Comment Form

Reference: Transfer # 8718

We have reviewed the application for transfer and provide the following comments:

Please check one of the boxes related to potential injury to water rights.

- There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.
- We believe that the transfer would injure the instream or other water right(s) on _____, tributary to _____. The nature of the injury is as follows: _____

(Please attach any available supporting information.)

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

↑
All Stream POD's
Should Be Screened

Jon Germond
Signature
Jon Germond
Printed Name
ASST. Fish Biologist
Title

Please return this form to Ken Dowden, Water Resources Department, 116 SE Dorion,
PENDLETON OR 97801 by April 28, 2001.

Transfer should be conditioned to require
A NMIC/ODPW Approves Fish Screen + By-Pass
Device. Applicant is Eligible for Screen Cost-Share
Under ODPW Fish Screening Cost-Share Program.
See Attached Sheets for Further Information.

THIS IS RIGHT SUBJECT TO TRANSFER

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B & G RESOURCES, INC.
18270 SW BOONES FERRY RD.
PORTLAND, OR 97227

confirms the right to use the water of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application Number R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for IRRIGATION of 31.6 ACRES.

The right was perfected under PERMIT 16393. The date of priority is JULY 3, 1945. The amount of water to which such right is entitled for the purposes aforesaid is limited to an amount actually beneficially used for said purpose and shall not exceed 0.79 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall further be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.1 ACRES
SECTION 1
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRES
SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W. M.

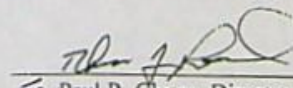
This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45 - 55, canceling a portion of said water right.

The issuance of this superseding certificate does not confirm the status of the water right in regards 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.

NOV 07 2000

WITNESS the signature of the Water Resources Director, affixed _____



for Paul R. Cleary, Director

S20936.GLN

Recorded in State Record of Water Right Certificates numbered 76631.

T8718A.POL

STATE OF OREGON

COUNTY OF UMATILLA

Superseded by

Cert. No. 76431

PARTIAL CANCELLATION
Sp. Or. V. 53 p. 45

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. P. BURLINGHAM & SONS

of Forest Grove, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Umatilla River and McKay Reservoir constructed under Application No. R-7526, Permit No. R-584, a tributary of Columbia River for the purpose of irrigation of 191.6 acres

under Permit No. 16393 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 3, 1945

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 4.79 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T. 2 N., R. 30 E., W.M.; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18; T. 2 N., R. 31 E., W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fourtieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $\frac{1}{4}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to contract No. 14-06-100-1336 with the Bureau of Reclamation, a copy of which is on file in the office of the State Engineer,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- | | |
|--|--|
| 1.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 7.4 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 6.8 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 32.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| Section 1 | 17.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 13.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 15.3 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ |
| 12.8 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 0.1 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 28.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ | Section 7 |
| 12.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 10.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 8.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 8.4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 15.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ | Section 18 |
| Section 12 | T. 2 N., R. 31 E., W.M. |
| T. 2 N., R. 30 E., W.M. | |

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

WITNESS the signature of the State Engineer, affixed

this date. APRIL 5 1961

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 20, page 28481

T8718 L Pou.

T7771 T7772

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

B & G RESOURCES, INC.
18270 SW BOONES FERRY RD.
PORTLAND, OR 97227

confirms the right to use the water of the UMATILLA RIVER and MCKAY RESERVOIR, constructed under Application Number R-7526 and Permit Number R-584, tributary to the COLUMBIA RIVER, for IRRIGATION of 31.6 ACRES.

The right was perfected under PERMIT 16393. The date of priority is JULY 3, 1945. The amount of water to which such right is entitled for the purposes aforesaid is limited to an amount actually beneficially used for said purpose and shall not exceed 0.79 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-FORTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall further be limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The use of water shall be subject to Contract Number 14-06-100-1336, or successor contract, with the Bureau of Reclamation.

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.1 ACRES
SECTION 1
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.7 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRES
SECTION 12

TOWNSHIP 2 NORTH, RANGE 30 EAST, W. M.

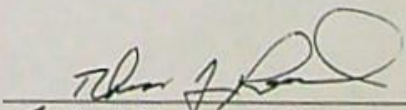
This certificate describes that portion of the water right confirmed by Certificate 28484, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director on Contested Case Hearing PC 97-15, entered January 25, 1999, and recorded at Special Order Volume 53, Pages 45 - 55, canceling a portion of said water right.

The issuance of this superseding certificate does not confirm the status of the water right in regards 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.

NOV 07 2000

WITNESS the signature of the Water Resources Director, affixed _____



Paul R. Cleary, Director

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

T-8718

REEL 296-0886

222533

AFTER RECORDING RETURN TO:

UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO:

B&G Resources, Inc.
3132 SE Tindall Circle
Portland, OR 97202

B&G Resources, Inc.
3132 SE Tindall Circle
Portland, OR 97202

STATUTORY BARGAIN AND SALE DEED

Nomad Alfalfa, Inc., an Oregon corporation, and Gloria M. Lewis, an individual, jointly Grantor, conveys to B&G Resources, Inc., an Oregon corporation, Grantee, the following described real property:

The real property described in Exhibit "A" attached hereto, together with all appurtenances thereto, except this deed does not convey any mineral rights relating to the real property which is the subject of this deed.

The true consideration for this conveyance is \$20,000.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

RECEIVED

Executed this 28 day of August, 1996.

AUG 30 1996

UMATILLA COUNTY
RECORDS

GRANTOR:

Nomad Alfalfa, Inc.
an Oregon corporation

Gloria M. Lewis, President
Gloria M. Lewis, President

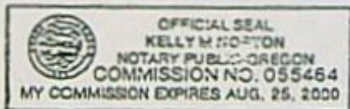
President
Gloria M. Lewis

STATE OF OREGON

County of Multnomah

} ss.

This instrument was acknowledged before me this 28th day of August, 1996, by Gloria Lewis, President of Nomad Alfalfa, Inc., on behalf of the corporation.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 08/25/00

(Acknowledgments continued on next page)

REEL 296 PAGE 0887

(Acknowledgments continued from next page)

STATE OF OREGON

County of Washington

} ss.

This instrument was acknowledged before me this 25th day of August, 1996, by Gloria Lewis.



Kelly M. Hutton
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: 08/29/00

2 - BARGAIN AND SALE DEED

(1749811/106137/SCM/124661.2)

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A

All of those certain parcels of land heretofore acquired by Oregon-Washington Railroad and Navigation Company by Warranty Deed dated December 20, 1933, filed for record February 5, 1934, in Volume 147 of Deeds at Page 144 of the Records of Umatilla County, Oregon, being more particularly described in said deed as follows:

"Parcel One: An irregular shaped tract of land comprising a part of Sections One (1) and Twelve (12), of Township Two (2) North, Range Thirty (30) East of the Willamette Meridian, and a part of Section Seven (7), of Township Two (2) North, Range Thirty-One (31) East of the Willamette Meridian, being more particularly described as follows, to-wit:

Beginning at the southeast corner of said Section One (1); thence north along the east line of said Section One (1), to the northeast corner of the southeast quarter of the southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) thereof; thence west along the north line of the south half of the southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section One (1), to the northwest corner of the said southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); thence south along the west line of the said southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), to an iron monument at a point six hundred eighty-nine (689) feet, more or less, north of the southwest corner thereof; thence south 19°57' west, seven hundred thirty-three (733) feet, more or less, to an iron monument at a point in the north line of said Section Twelve (12), two hundred fifty (250) feet, more or less, west of the northeast corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Twelve (12); thence west along the north line of said Section Twelve (12), to a point nine hundred forty (940) feet east of the northwest corner of said Section Twelve (12); thence south thirteen hundred twenty-four and five tenths (1324.5) feet, to a point in the south line of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Twelve (12), nine hundred forty (940) feet east of the southwest corner of said northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$); thence east along the south line of said northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) to the northwest corner of the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Twelve (12); thence south along the west line of said southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) to the southwest corner thereof; thence east along the south line of said southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) to a

EXHIBIT A

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

REEL 296 0889

point in the center of the channel of the Umatilla River; thence northwesterly along the said center of the channel of the Umatilla River, to a point which is four hundred sixty-two (462) feet north and three hundred ninety-six (396) feet west of the center of said Section Twelve (12); thence northwesterly in a direct line six hundred twenty (620) feet; to a point on the left bank of said Umatilla River; thence east six hundred (600) feet to a point fifty (50) feet east of the center of the old railroad grade of Oregon-Washington Railroad & Navigation Company; thence along a circular curve to the right, with a radius of five hundred twenty-three and seven tenths (523.7) feet along the old right of way of said Oregon-Washington Railroad & Navigation Company to a point one hundred sixty-five (165) feet south of the south line of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12); thence southeasterly on the southwest side of and along said old right-of-way and terminating at a point forty (40) feet from the high water mark of The Furnish Ditch Company's reservoir, which point bears north five hundred sixty (560) feet from the southeast corner of the southwest quarter of the northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12); thence south 62°16' east fifty-two (52) feet; thence north 33°15' east one hundred forty (140) feet; thence south 59°23' east three hundred ninety-eight (398) feet; thence south 9°48' east three hundred sixty-three (363) feet; thence south 10°30' west three hundred seventeen (317) feet, more or less, to a point on the north boundary line of Oregon-Washington Railroad & Navigation Company's right of way as now located in the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12); said point being three hundred ninety-three (393) feet, more or less, distant southeasterly, measured along said north boundary line of Oregon-Washington Railroad & Navigation Company's right of way, from the west boundary line of said northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$); thence southeasterly along the northerly right of way boundary line of said Oregon-Washington Railroad & Navigation Company as the same is now located through the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12) of Township Two (2) North, Range Thirty (30) East of the Willamette Meridian, and through the southwest quarter (SW $\frac{1}{4}$) and the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian, to a point on the east boundary line of said southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7); thence north along the east boundary line of said southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Seven (7), to the northeast corner thereof; thence west along the north boundary line of said southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7), to the southeast corner of the northwest quarter of the southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7); thence north along the east boundary line of said northwest quarter of the southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the southwest quarter of the northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Seven (7), to the

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

REF 296-0890

northeast corner of said southwest quarter of the northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Seven (7); thence West along the north boundary line of said southwest quarter of the northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Seven (7), to the section line common to said Section Seven (7) and said Section Twelve (12); thence north along said section line to the southeast corner of said section one (1), the place of beginning; excepting therefrom all that part of the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12) and the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the South Half of the Southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section One (1), that lies outside of the highwater boundary line of The Furnish Ditch Company's Reservoir; also except a piece or parcel of land, containing thirty-five (35) acres, more or less, being all that part of the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7), that lies north of Oregon-Washington Railroad & Navigation Company's right of way and east of a line parallel to and forty (40) feet above the highwater line of The Furnish Ditch Company's Reservoir.

Parcel Two: A tract of land, containing two (2) acres, more or less, being all that part of the northeast quarter of the southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian, lying within The Furnish Ditch Company's Reservoir and extending back from said reservoir a distance of forty (40) feet above the highwater level in said reservoir.

Parcel Three: An irregular shaped tract of land comprising a part of the east half of the southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twelve (12) of Township Two (2) North, Range Thirty (30) East, of the Willamette Meridian, and a part of Sections Seven (7) and Eighteen (18) of Township Two (2) North, Range Thirty-One (31) East of the Willamette Meridian, being more particularly described as follows, to-wit:

Beginning at the southeast corner of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18); thence north along the east line of said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), to the southerly boundary line of Oregon-Washington Railroad & Navigation Company's right of way as now located in the said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18); thence northwesterly along the southerly right of way boundary line of said Oregon-Washington Railroad & Navigation Company as same is now located through the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the southeast quarter of the southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the west half of the southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of said Section Seven (7), and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12), to a point on the southwesterly boundary line of

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

REEL 296 PAGE 0891

the old right of way of said Oregon-Washington Railroad & Navigation Company in the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12), distant fifty (50) feet southwesterly from, measured at right angles to, the center line of the old main track of said Oregon-Washington Railroad & Navigation Company as said old main track was formerly constructed and operated over and across the east half of the southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of said Section Twelve (12) and the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7); thence southeasterly along said southwesterly boundary line of the old right of way, parallel with the center line of said old main track, to a point on the north boundary line of the southeast quarter of the southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12); thence west along the north boundary line of said southeast quarter of the southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Twelve (12), following said southwesterly boundary line of the old right of way, to a point, distant one hundred (100) feet southwesterly from, measured at right angles to, the center line of said old main track; thence southeasterly, along said southwesterly boundary line of the old right of way, parallel with the center line of said old main track, to a point on the section line common to said Section Twelve (12), Township 2 North, Range 30 East, Willamette Meridian, and said Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian; thence south along the section line common to said Section Twelve (12) and said Section Seven (7) to the southwest corner of said Section Seven (7); thence east along the section line common to said Section Seven (7) and said Section Eighteen (18) to an iron monument at a point five hundred thirty-eight (538) feet, more or less, west of the northeast corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Eighteen (18); thence south 65°21' east five hundred ninety-two (592) feet, more or less, to an iron monument at a point on the east line of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section Eighteen (18), distant two hundred forty-seven (247) feet, more or less, south of the northeast corner thereof; thence continuing south 65°21' east, seven hundred ninety-seven and five tenths (797.5) feet; thence south 40°29' east, one hundred eighty-five (185) feet; thence south 52°17' east, five hundred (500) feet; thence south 79°35' east, eighty and nine tenths (80.9) feet, more or less, to a point in the west line of the northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), distant ten hundred forty (1040) feet, more or less, south of the quarter section corner common to said Sections Seven (7) and Eighteen (18); thence south along the west line of said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), to the southwest corner thereof; thence east along the south line of said northwest quarter of the northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Eighteen (18), to the southeast corner thereof, the place of beginning; excepting therefrom, a piece or parcel of land, containing twenty-six (26) acres, more or less, being all that part of the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Seven (7), Township 2 North,

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

REEL 296-10892

Range 31 East, Willamette Meridian, that lies outside of the highwater boundary line of The Furnish Ditch Company's Reservoir as said Reservoir now exists.

Alternative Description of all Property Above Described

The tracts of land hereinbefore described are hereby further described for greater certainty as follows:

Parcel A: All that property in Section One (1), Township 2 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon, conveyed by Samuel Smith, an unmarried man, to The Furnish Ditch Company, by deed dated February 25, 1909, and recorded in Vol. 58 on page 385 of Deed Records of said Umatilla County; also, all that property in said Section One (1) conveyed by Lee Hummell and Mary L. Hummell, his wife, to The Furnish Ditch Co. by deed dated April 21, 1913 and recorded in Book 82 at page 558 Deed Records of said County; also

All that property in Section Twelve (12), Township 2 North, Range 30 East, Willamette Meridian, Umatilla County, Oregon, as conveyed by Matt Saari, an unmarried man, to The Furnish Ditch Company, by deed dated February 25, 1909, and recorded in Vol. 59 at page 96 of Deed Records of said County; also all that property in said Section Twelve (12) as conveyed by Oregon-Washington Railroad & Navigation Company to Furnish Ditch Company by deed dated February 20, 1912, and recorded in Vol. 78 at page 74 of Deed Records of said County; also all that property in said Section Twelve (12) conveyed by Herman Holverson, husband of Anna Holverson, to The Furnish Ditch Company by deed dated February 27, 1909 and recorded in Book 59 at page 88, Deed Records of said County; also all that property in said Section Twelve (12) conveyed by Anna Holverson, wife of Herman Holverson, to The Furnish Ditch Company by deed dated February 27, 1909, recorded in Book 59 at page 91, Deed Records of said County; also

All that property in said Section Twelve (12) conveyed by American National Bank of Pendleton to Furnish Ditch Company by deed dated October 20, 1915, recorded in Book 94 at page 4, Deed Records of said County; also

All that property in said Section Twelve (12) conveyed by James L. Smith and Hattie Smith, his wife, to The Furnish Ditch Company by deed dated December ____, 1913, filed for record on January 3, 1914 and recorded in Book 61 at page 406, Deed Records of said County; excepting therefrom the areas in said Section Twelve (12) conveyed by The Furnish Ditch Co. to Lee Hummell by deed dated May 12, 1915, and recorded in Book 91 at page 211, Deed Records of said County; also except the areas in said Section Twelve (12) conveyed by Furnish Ditch Company to J. A. Turnbow by deed dated August 31, 1912, and recorded in Book 81 at page 192, Deed Records of said County; also except the areas in said Section Twelve (12) conveyed by The Furnish

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

REF 295-0893

Ditch Co. to J. A. Turnbow by deed dated December 8, 1914, and recorded in Book 90 at page 90, Deed Records of said County; also except in the area in said Section Twelve (12) and said Section One (1) conveyed by The Furnish Ditch Company to Christopher Stanull by deed dated June 21, 1916, and recorded in Book 95 at page 232, Deed Records of said County; and also except the areas in said Section Twelve (12) conveyed by The Furnish Ditch Company to Oregon-Washington Railroad & Navigation Company by deed dated December 5, 1911, and recorded in Vol. 78 at page 268 of Deed Records of said County;

Parcel B: All that property in Section Seven (7), Township 2 North, Range 31 East, Willamette Meridian, Umatilla County, Oregon, conveyed by Oregon-Washington Railroad & Navigation Company to Furnish Ditch Company by deed dated February 20, 1912, and recorded in Vol. 78 at page 74 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by Herman Holverson, husband of Anna Holverson, to The Furnish Ditch Company by deed dated February 27, 1909, and recorded in Book 59 at page 88 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by Anna Holverson, wife of Herman Holverson, to The Furnish Ditch Company by deed dated February 27, 1909, and recorded in Book 59 at page 91 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by W. M. Smith and Katie Smith, husband and wife, to The Furnish Ditch Company by deed dated February 25, 1909 and recorded in Book 59 on page 89 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by J. L. Smith and Hattie Smith, husband and wife, to The Furnish Ditch Company by deed dated February 25, 1909, and recorded in Book 59 on page 90 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by J. E. Perigo and Mollie E. Perigo, his wife, to The Furnish Ditch Company by deed dated September 2, 1919, and recorded in Book 106 at page 240 of Deed Records of said County; also

All that property in said Section Seven (7) conveyed by American National Bank of Pendleton to Furnish Ditch Company by deed dated October 20, 1915 and recorded in Book 94 on page 4, Deed Records of said County; also

All that property in said Section Seven (7) conveyed by Inland Irrigation Co., Inc., to The Furnish Ditch Co. by deed dated August 15, 1919, and recorded in Book 106 at page 239 of Deed Records of said County; excepting therefrom the areas in said Section Seven (7) conveyed by The Furnish Ditch Company to

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

REEL 296 PAGE 0894

J. E. Perigo by deed dated May 16, 1919 and recorded in Book 106 at page 247, Deed Records of said County; also except the areas in said Section Seven (7) conveyed by The Furnish Ditch Company to Oregon-Washington Railroad & Navigation Company by deed dated December 5, 1911, and recorded in Vol. 78 at page 268, Deed Records of said County; also except the area in said Section Seven (7) conveyed by Furnish Ditch Company to Domatilla Gross by deed dated December 8, 1915, and recorded in Book 94 on page 583, Deed Records of said County.

Parcel C: All that property in Section Eighteen (18), Township 2 North, Range 31 East, Willamette Meridian, Umatilla County, Oregon, conveyed by Inland Irrigation Co., Inc. to The Furnish Ditch Co. by deed dated August 15, 1919, and recorded in Book 106 at page 239, Deed Records of said County; also

All that property in said Section Eighteen (18) conveyed by J. E. Smith Livestock Company to Furnish Ditch Company by deed dated November 14, 1913, and recorded at page 27 in Book 89, Deed Records of said County."

State of Oregon)
)
County of Umatilla)
This instrument was received and recorded on
08-30-96 at 12:35
in the record of document code type 0E-065

Location #296-0886
Document number 1996-222533
Fee 75.00

Office of County Records
Received by G. McArthur
 Records Officer

RECEIVED

MAR 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
 WATER RESOURCES DEPARTMENT

RECEIPT # **43665**

158 12TH ST. N.E.
 SALEM, OR 97310-0210
 378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: B & G Resources
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-8718

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

0407	MISCELLANEOUS	\$
0410	COPY & TAPE FEES	\$
0408	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)	\$

PCA # 606111

WATER RIGHTS:		EXAM FEE	RECORD FEE	
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ <u>200.00</u>	0206	\$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE	
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
------	------------------	----

0467 HYDRO ACTIVITY

0233	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231	HYDRO LICENSE FEE (FW/WRD)		\$
	HRDRO APPLICATION		\$

RECEIPT # **43665**

DATED 3-15-01 BY: *Miguel*



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 27, 2001

Kenneth Gustafson
5200 SW Macadam, Suite 470
Portland, Oregon 97201

REFERENCE: Transfer 8718

On 03-15-2001 we received your water right transfer application requesting a change in Place of Use for use of water from Umatilla River and McKay Reservoir. The application was accompanied by \$ 200.00. Our receipt 43665 is enclosed.

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

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

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

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

If you have any questions, please call the Transfer Section, (800)624-3199 or (503)378-3739.

cc: Watermaster #5, Tony Justus
CWRE, Dale Van Schoiack

enclosure

TRANSFER CHECK OFF LIST

TRANSFER FILE # 8718
DATE RECEIVED March 15, 01
DATE MONEY SLIPPED 3-15-01
DATE RECEIPTED 3-15-01
VALID WATER RIGHT? Yes X No
TEMP ALT AC (Greg) IRR DIST (Greg) PERM AMEND (Kelly) DIV 15 X (Bernie Assigns)
TEMP Div 15 (Bernie) ISWR Bernie COPIES TO LIAISON

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) NO

FOLDER FILLED OUT* X
INDEX CARD X
ENTERED IN DB X
TYPE BLACK BOOK X (And color code)
RECORD MONEY/RECEIPT # X
CONTENTS MARKED X
COLOR CODED Yes
4 COPIES MADE & STAMPED

CERTIFICATE MARKED X
CERTIFICATE COPIED X
PULL APPLICATIONS X
APP FOLDER MARKED X
FINAL PROOF MAP COPIED X
PERMIT MARKED
PERMIT COPIED
PERMIT MAP COPIED
DECREE MARKED
DECREE COPIED
ADJUDICATION MAP COPIED

ENTRIES CHECKED CHECKED BY INIT FOLDER
PUBLIC NOTICE DATE 4-3-01 (PREPARED & COPIED) X
LETTER SENT Irrigation District (copy of app & map)
COPY TO WM
BLUE FORM TO WM Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist
COPY TO GW POA, APOA, or [SW TO GW ONLY(as POD)]
BLUE FORM TO GW Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink hist
COPY TO CWRE
LETTER TO ODFW ALL Surface water POU/USE (POD and APOD FISH SCREENS)
TRANSFER SENT TO: SW --- NCR --- SCR --- ER

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

March 27, 2001

Jon Germond
Oregon Department of Fish and Wildlife
73471 Mytinger Lane
Salem, OR 97801

Reference: Transfer # 8718

Enclosed for your review is a copy of a water right transfer application from **Umatilla River/McKay Reservoir**, tributary of **Columbia River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Salem office

Attention: Ken Dowden
Water Resources Department
116 SE DORION
PENDLETON OR 97801

by April 28, 2001 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)278-5456.

Enclosure

cc: Wm # 5, Tony Justus
Applicant

County: UMATILLA
Transfer: 8718
Certificate: 28484
Priority Date: 7-3-1945
Name: KENNETH GUSTAFSON
Address: 5200 SW MACADAM SUITE 470; PORTLAND, OR 97201
Change: POU
Source: UMATILLA R/MCKAY RESERVOIR
Authorized POU: T2N R30E 12
Proposed POU: T2N R30E 12