

T-12820

T-12820

Name Lamb Weston, Inc.Address 78153 Westland Road
Hermiston, OR. 97838Change in APOADate Filed 3/16/2018Initial notice date 3/27/2018

DPD issued date

PD issued date 4/4/2019PD notice date 4/9/2019Date of FO 5-28-2019 Vol 113 Page 199

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of Umatilla R.Use Industrial (Food Processing)County Umatilla

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G-51681Per # G-4947Cert # 43933PR Date 1/21/1972

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

Date

Amount

Receipt #

3-16-18\$1,570.001261161/14/19252.96128937

FEES REFUNDED

Date

Amount

Receipt #

Assignments:

RECEIVED AUG 06 2018 VS

Irrigation District

Agent Dr. Paul Wattenburger, CWRE; IRZ Consulting

CWRE

CC's list Umatilla County



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

March 13, 2023

Lamb Weston, Inc
78153 Westland Rd
Hermiston, OR 97838

On March 9, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Transfer T-12820

The COBU included a report and map. In the future the Department will review your submittal. At that time, we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-12820

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer:Corie L.
Transfer #:T-12820	
Date Received:3/9/23	
CWRE Name:Paul Wattenburger	
Priority Date (s):1/21/1972	

Fees Required:

- ☐ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☐ NO ☒ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.
- Fill in

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

<h1 style="margin: 0;">MONEY SLIP</h1>			
DATE:		RECEIPT #:	
ACCEIVED FROM		APPLICATION	
		PLUMB	
		TRANSFER	
CASH <input type="checkbox"/> CHECK <input type="checkbox"/> OTHER (IDENTIFY) _____		TOTAL RECEIVED _____	
0401 TREASURY		478 MISC CASH/ST	
0407 COMES _____ OTHER (IDENTIFY) _____			
0243 INTERMEDIATE		0243 Misc Water Mgmt Plan	
0401 TREASURY		478 MISC SPECIAL ADULT	
<div style="display: flex; justify-content: space-between;"> <div> <p>0407 MISCELLANEOUS</p> <p>0407 COPY & TAPE FEES</p> <p>0410 RESEARCH FEES</p> <p>0409 MISC REVENUE (IDENTIFY)</p> <p>0242 DEPOSIT (LAB IDENTIFY)</p> <p>0240 EXTENSION OF TIME</p> <p>0201 WATER RIGHTS</p> <p>0203 GROUND WATER</p> <p>0205 WADSWORTH</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 150px; text-align: center;">4611</div> <div> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> </div> </div>			
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	
0205 WADSWORTH		0204	
0201 WATER RIGHTS		SAMPLE FEE	
0203 GROUND WATER		0201	

Fill in App
or Transfer
Number

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee or transfer holder (OAR 690-014-0100)

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

**CLAIM OF
BENEFICIAL USE**
for Transfer New or Additional
POA Only



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later. Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

**SECTION 1
GENERAL INFORMATION**

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both. **YES** **NO**
If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION #
T-12820

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Lamb Weston, Inc.		PHONE NO. 541-303-2493	ADDITIONAL CONTACT NO.
ADDRESS 78153 Westland Rd.			
CITY Hermiston	STATE OREGON	ZIP 97838	E-MAIL Marc.mccoy@lambweston.com

4. Date of Site Inspection:

February 24th, 2023

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Kayla Boylan	2/24/2023	Environmental Manager

6. County

Umatilla

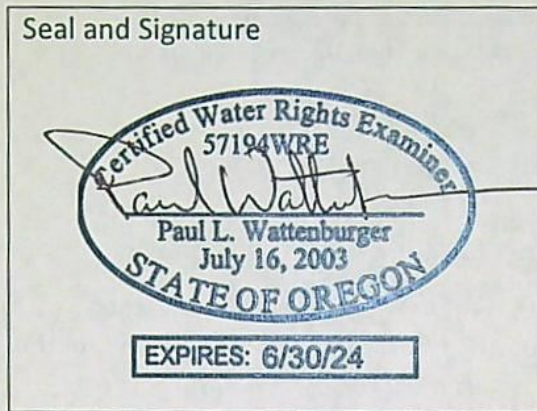
7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)): **None**

RECEIVED
MAR 09 2023
OWRD
SALEM, OREGON

SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME Paul Wattenburger		PHONE NO. 541-567-0252	ADDITIONAL CONTACT NO. 541-571-1112
ADDRESS IRZ Consulting, 500 North 1st Street			
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL paul@irz.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Marc McCoy	Plant Manager	3-6-23

RECEIVED

MAR 09 2023

**OWRD
SALEM, OREGON**

SECTION 3

CLAIM DESCRIPTION

Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well #2	UMAT 2402		Martin Well No. 1 within the UMATILLA RIVER BASIN
Well #2 (Deepened)	UMAT 2401		
Well #3	UMAT 2601		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings) *If well logs are available, items A and B below can be deleted*

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

YES **NO**

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
	2.66 CFS		
Well #2		3.09 CFS	2.90 CFS
Well #3		2.67 CFS	2.99 CFS

RECEIVED

MAR 09 2023

**OWHD
SALEM, OREGON**

SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

YES ☒ NO ☐

If "YES" you will need to copy and complete a separate Section 4.

POA Name or Number this section describes (only needed if there is more than one):

Well #2

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Fairbanks-Morse	11H	82180027	Turbine		

2. Motor Information

MANUFACTURER	HORSEPOWER
	60

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
60	20	85		3.09 CFS

4. Provide pump calculations:

$BHP = 60hp$. Using a pump efficiency of 80%; $WHP = BHP \times Eff_{pump} = 60 \times .80 = 48 hp$
 $TDH = (psi \times 2.31) + Lift + Friction Losses = (20 psi \times 2.31) + 85 + 6 = 137 ft$.
 $WHP = [Q(gpm) \times TDH(ft) / 3960]$, or $Q(gpm) = WHP \times 3960 / TDH(ft)$
 $Q(gpm) = 48 hp \times 3960 / 137 feet = 1,387 gpm = 3.09 cfs$.

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 (IN CFS)
			1,302 GPM = 2.90 CFS

Reminder: For pump calculations use the reference information at the end of this document.

B. Groundwater Source Information (Well and Sump)

YES ☐ NO ☒

RECEIVED

MAR 09 2023

OWHD
SALEM, OREGON

POA Name or Number this section describes (only needed if there is more than one):

Well #3

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Worthington	12H	VTP-37043	Turbine		

2. Motor Information

MANUFACTURER	HORSEPOWER
U.S.	50

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50	29	61		2.67 CFS

4. Provide pump calculations:

BHP = 50hp. Using a pump efficiency of 80%; $WHP = BHP \times \text{Eff}_{\text{pump}} = 50 \times .80 = 40 \text{ hp}$
 $TDH = (\text{psi} \times 2.31) + \text{Lift} + \text{Friction Losses} = (29 \text{ psi} \times 2.31) + 61 + 4 = 132 \text{ ft.}$
 $WHP = [Q(\text{gpm}) \times TDH(\text{ft}) / 3960, \text{ or }, Q(\text{gpm}) = WHP \times 3960 / TDH(\text{ft})]$
 $Q(\text{gpm}) = 40 \text{ hp} \times 3960 / 132 \text{ feet} = 1,200 \text{ gpm} = 2.67 \text{ cfs.}$

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 (IN CFS)
			1,342 GPM = 2.99 CFS

Reminder: For pump calculations use the reference information at the end of this document.

B. Groundwater Source Information (Well and Sump)

YES ☒ NO

C. Additional notes or comments related to the system:

Under this transfer (T-12820) the maximum combined total instantaneous rate for the three wells is 2.66 cfs. Under a separate transfer (T-12871) the maximum combined total instantaneous rate for the three wells is 3.02 cfs. Therefore, the maximum combined total instantaneous rate for the three wells is 5.68 cfs for the two transfers together.

The Measured Water Amount for Well #2 was the maximum flow meter reading on the second date of inspection (2/24/2023) and for Well #3 is a flow meter reading on the first date of inspection (7/19/2019) at open discharge. Well #3 was not running on the second date of inspection.

RECEIVED
MAR 09 2023
OWRD
SALEM, OREGON

RECEIVED

MAR 09 2023

OWRD
SALEM, OREGON

SECTION 5 CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	May 28, 2019	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2020	May 28, 2019 (System was fully in place on the date of issuance.)

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES ☒ NO

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES ☒ NO

If "NO", items b through f relating to this section may be deleted.

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

b. Has a meter been installed?

YES ☒ NO

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well #2	Edress+Hauser	T801C416000	New/Working		June 2022
Well #3	Sparling		Works – Well Off	59670500	

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES ☒ NO

If "NO", item b relating to this section may be deleted.

5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards?

YES ☒ NO

b. Was submittal of a ground water monitoring plan required?

YES ☒ NO

c. Other conditions?

YES

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

Condition: "The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation."

The flow meters are read daily and a running total of water usage is tracked.

Discharge is controlled by throttling at well heads.

SECTION 6 ATTACHMENTS

RECEIVED

MAR 09 2023

OWRD
SALEM, OREGON

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
COBU Map	Map showing the locations of the wells and connection pipelines.
UMAT 2402	Well Log for Well #2
UMAT 2401	Well Log for Well #2 Deepening
UMAT 2601	Well Log for Well #3

SECTION 7 CLAIM OF BENEFICIAL USE MAP

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

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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

The base map was prepared using geo-referenced, high-resolution aerial imagery from USDA-NAIP (2016 & 2020) and Section Lines from the Bureau of Land Management database. Reference as confirmed using a GPS and distances were checked against the Umatilla County tax lot maps.

Map Checklist

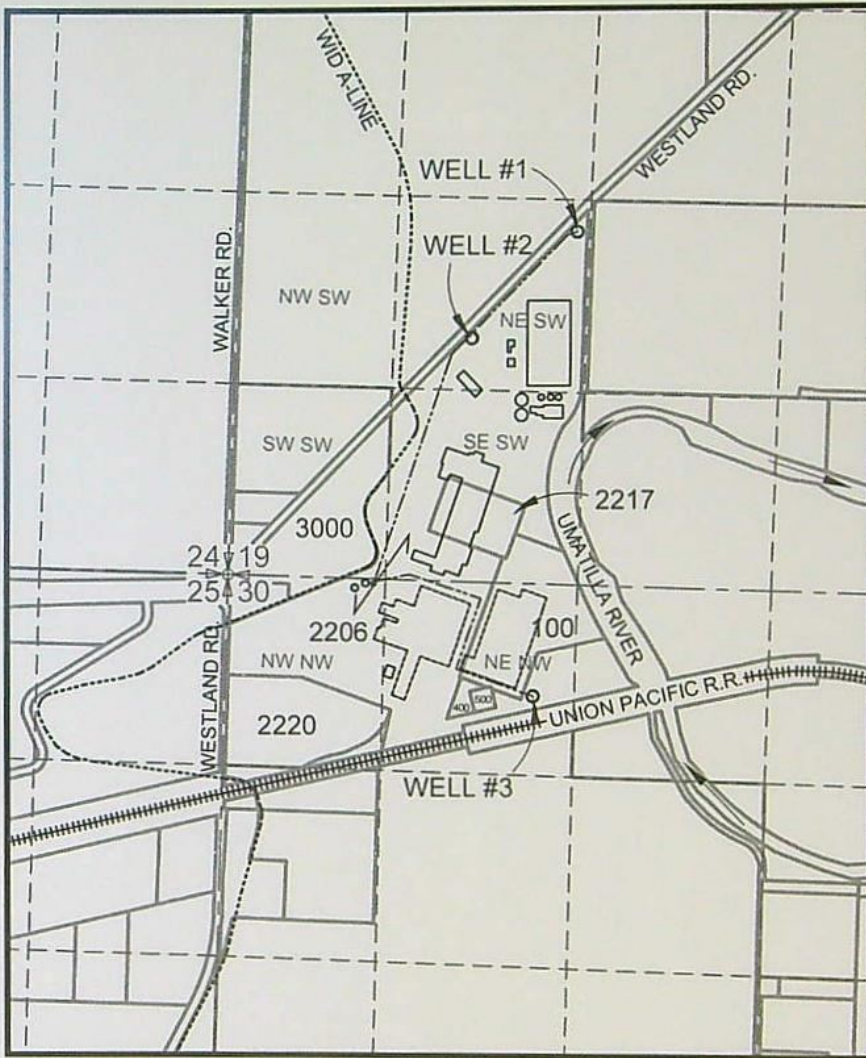
Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

RECEIVED
MAR 09 2023
OWRD
SALEM, OREGON

Township 4 North, Range 28 East, W.M.
Sections 19 & 30
UMATILLA COUNTY



LEGEND

SYMBOLS

- SECTION LINES
 - Q-Q SECTION LINES
 - TAX LOTS
 - IRRIGATION CANAL
 - ===== RAILROAD
 - PLANT BUILDINGS
 - BURIED PIPELINES
 - WELLS
- NOTE: FLOW METERS ARE LOCATED AT WELLS.



SCALE
1" = 1320'

POINTS OF APPROPRIATION

AUTHORIZED:

WELL #2 - 1680' N & 1640' E FROM SW COR. OF SEC. 19

ADDITIONAL:

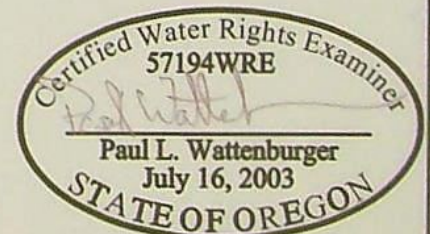
WELL #1 - 2430' N & 2340' E FROM SW COR. OF SEC. 19

WELL #3 - 776.5' S & 2141.5' E FROM NW COR. OF SEC. 30

**WATER RIGHT
COBU MAP**
for Transfer T-12871
in the name of
Lamb-Weston, Inc.
February 24th, 2023

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

RECEIVED
MAR 09 2023
OWRD
SALEM, OREGON



EXPIRES: 6/30/24

NOTICE TO WATER WELL CONTRACTOR

The original and first
of this report are to
be filed with the

UMAT 2402

RECEIVED
FEB 14 1972

WATER WELL REPORT

STATE OF OREGON

UMAT
2402

State Well No.

HN/78E-19ca

State Permit No.

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date
of well completion.

STATE ENGINEER

SALEM, OREGON

(Please type or print)

(Do not write above this line)

G-5720

(1) OWNER:

Name Lamb-Nestor Inc
Address John Gruppe manager. Post of
24 matilla The Navy Crest

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☒ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
2" Diam. from 0 ft. to 19 ft. Gage 250
18" Diam. from 0 ft. to 135.10 ft. Gage 375
" Diam. from ft. to ft. Gage

(5) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills Knife
Size of perforations 1/2 in. by 3 in.
360 perforations from 80 ft. to 95 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Lane Pump
Yield: 1500 gal./min. with 25 ft. drawdown after 4 hrs.

Ball test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 22 in.
Diameter of well bore below seal 18 in.
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal 6 sacks
Brand name of bentonite National
Number of pounds of bentonite per 100 gallons
of water 25 lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Lincoln Driller's well number _____
1/4 1/4 Section 19 T. 4N R. 28E W.M.

Bearing and distance from section or subdivision corner

T.O. Martin No. 2

(11) WATER LEVEL: Completed well.

Depth at which water was first found 72 ft.

Static level 62 ft. below land surface. Date 2-7-72

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 15 1/2

Depth drilled 137 ft. Depth of completed well 137 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Surface sand brown	0	5	
coarsest gravel & boulders	5	72	
gravel	72	95	62
clay + sand yellow	95	100	62
sand + gravel	100	103	62
sand black	103	121	62
rock black broken	121	122	62
sand fine gravel	122	126	62
broken rock & clay	126	135	62
rock grey hard	135	137	62

RECEIVED

MAR 09 2023

OWNED
SALEM, OREGON

Work started 1-14 19 72 Completed 2-7 19 72

Date well drilling machine moved off of well 2-8 19 72

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] R.E. Allison Date 2-10, 19 72
(Drilling Machine Operator)

Drilling Machine Operator's License No. 300

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Allison Drilling Co.
(Person, firm or corporation) (Type or print)

Address R2 Box 309-C Hemiston

[Signed] R.E. Allison
(Water Well Contractor)

Contractor's License No. 419 Date 2-10, 19 72

filled hole from 130 to 103 with cement (40 sacks)

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

APR 10 1973 State Well No.

STATE ENGINEER

SALEM, OREGON State Permit No.

8-6869

4N/28E-30

(1) OWNER:

Name Lamb - Newton, Inc.
Address Box 705 Hermiston, Ore.

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☒ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

18" Diam. from 0 ft. to 84 1/2 ft. Gage 375"
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used mills knife
Size of perforations 1/2 in. by 3 in.
231 perforations from 45 ft. to 55 ft.
341 perforations from 60 ft. to 75 ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? lane

Yield: 1200 gal./min. with 17 ft. drawdown after one hr.

Baller test 700 gal./min. with 12 ft. drawdown after 16 hrs.

Artesian flow g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used cement

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 22 in.

Diameter of well bore below seal 18 in.

Number of sacks of cement used in well seal 10 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons

of water _____ lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Marion Driller's well number _____
1/4 Section 30 T. 4N R. 28E W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found from 43 to 55 ft.

Static level 40 ft. below land surface. Date 3-23-73

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 16
Depth drilled 98 ft. Depth of completed well 98 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Surface sand brown	0	2	
Reddish clay	2	26	
Cement gravel	26	43	
Gravel	43	55	40
Gravel	55	60	"
Gravel sand + gravel	60	68	"
Gravel	68	74	"
Black sand + gravel	74	83	"
rock black broken	83	96	"
rock grey hard	96	98	"

RECEIVED

MAR 09 2023

OWHD
SALEM, OREGON

Work started 3-9 1973 Completed 3-23 1973

Date well drilling machine moved off of well 3-26 1973

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] R. B. Allison Date 4-4 1973
(Drilling Machine Operator)

Drilling Machine Operator's License No. 300

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Allison Drilling Co.
(Person, firm or corporation) (Type or print)

Address P.O. Box 309 Hermiston, Ore.

[Signed] R. B. Allison
(Water Well Contractor)

Contractor's License No. 479 Date 4-4 1973

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45056-113



March 6, 2023

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

RE: Lamb Weston Hermiston Claim of Beneficial Use Transfer 12820 and 12871

To whom it may concern:

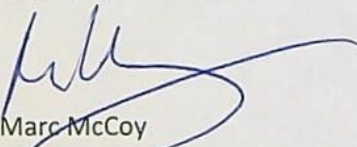
Lamb Weston Hermiston is filing two Claims of Beneficial Use (COBU) for the Transfer Applications T-12820 and T-12871.

The site was inspected by Mr. Paul Wattenburger, Certified Water Rights Examiner #57194WRE, on July 19, 2019 and February 24, 2023.

A polyester film COBU map and well logs for UMAT 2403 (Well 1), UMAT 2402 (Well 2), UMAT 2401 (Well 2 Deepening), and UMAT 2601 (Well 3) are included as attachments.

If you have any questions, please contact Kayla Boylan, Environmental Manager at 541-303-2711 or via email at kayla.boyland@lambweston.com.

Sincerely,



Marc McCoy
Plant Manager

Attachments: As noted

Ecc: Kayla Boylan

RECEIVED

MAR 09 2023

OWRD
SALEM, OREGON



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

May 28, 2019

LAMB WESTON INC.
78153 WESTLAND RD
HERMISTON, OR 97838

REFERENCE: Transfer Application T-12820

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

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of 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(s) within the time allowed.

You are required to hire a Certified Water Rights 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 complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Stacy H. Phillips

Water Right Services Support

Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. #5 (via email)
Dr Paul Wattenburger Cwre, Agent
Umatilla County

Enclosure



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

In the Matter of Transfer Application)	FINAL ORDER
T-12820, Umatilla County)	APPROVING ADDITIONAL POINTS
)	OF APPROPRIATION

Authority

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

Applicant

LAMB WESTON, INC.
78153 WESTLAND RD.
HERMISTON, OR 97838

Agent

DR. PAUL WATTENBURGER, CWRE
IRZ CONSULTING
500 NORTH FIRST STREET
HERMISTON, OR 97838

Findings of Fact

1. On March 16, 2018, Lamb Weston Inc., filed an application for additional points of appropriation under Certificate 43933. The Department assigned the application number T-12820.
2. Notice of the application for transfer was published on March 27, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 26, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12820. The draft Preliminary Determination cover letter set forth a deadline of October 26, 2018, for the applicant to respond. On October 29, 2018, the attorney for the applicant requested additional time to remit the ownership report. The Department approved and extended the date to November 12, 2018, by which the applicant must submit the reports of ownership and written response to the draft Preliminary Determination.
4. On November 12, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

5. On April 4, 2019, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12820 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 9, 2019, and in the East Oregonian newspaper on April 13 and 20, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The right to be transferred is as follows:

Certificate: 43933 in the name of LAMB-WESTON, INC. (perfected under Permit G-4947)

Use: INDUSTRIAL (FOOD PROCESSING)

Priority Date: JANUARY 21, 1972

Rate: 2.66 CUBIC FEET PER SECOND (CFS)

Source: MARTIN WELL No. 1 within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	19	NE SW	2430 FEET NORTH AND 2340 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

INDUSTRIAL				
Twtp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	19	SE SW
4 N	28 E	WM	30	NE NW

7. Transfer Application T-12820 proposes two additional points of appropriation southwest approximately 1000 feet to Well No. 2 and south 3200 feet to Well No. 3 located:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	19	NE SW	WELL No. 2 - 1680 FEET NORTH AND 1640 FEET EAST FROM THE SW CORNER OF SECTION 19
4 N	28 E	WM	30	NE NW	WELL No.3 - 776.5 FEET SOUTH AND 2141.5 FEET EAST FROM THE NW CORNER OF SECTION 30

8. The Department reviewed whether the proposed additional points of appropriation would lead to enlargement of the right, or cause injury to nearby existing rights. The Department has determined the magnitude of pumping is not expected to prevent nearby wells from accessing their usual and accustomed amount of water. It has also determined there will not be injury to existing downstream water rights, considering the water right subject to transfer has been used for over 30 years and is subject to all terms and conditions of the Ordinance Critical Ground Water Area. Stream depletion impacts from Well #1 are already equilibrated, therefore the proposed additional wells will not change the net stream depletion as conditioned herein.

9. The Department finds, based on the information provided, that the proposed (existing) points of appropriation, Well No. 2 (UMAT 2402) and Well No. 3 (UMAT 2601) develop the same (source) aquifer as that of the original authorized Well No. 1 (UMAT 2403) and comply with the Department's administrative rule under OAR 690-380-2110 (2) and OAR 690-380-4010(2)(e).

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years prior to the submittal of Transfer Application T-12820 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A well, pump, pipeline, and delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12820.
12. The proposed change, as conditioned, would not result in enlargement of the right, as long as the use of the two additional points of appropriation (Well Nos. 2 and 3), used together with authorized Martin Well No. 1, are limited to a maximum combined total instantaneous rate of 2.66 cfs under this right at any one time and does not exceed the maximum annual duty allowed for the original use, being 1922.38 acre-feet per year.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

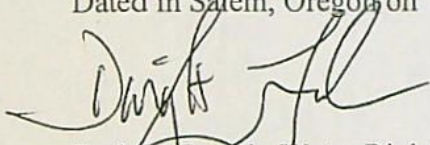
The additional points of appropriation proposed in Transfer Application T-12820 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-12820 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 43933 and any related decree.
3. Water right Certificate 43933 is cancelled.
4. The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

5. The amount of water diverted from Martin Well No. 1, Well No. 2 and Well No. 3 for year-round industrial use under this right is limited to a maximum combined total instantaneous rate of not to exceed 2.66 cfs at any one time from the wells and is further restricted to a maximum total annual duty of 1922.38 acre-feet per year.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 28 2019**



Dwight French, Water Right Services Administrator, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **MAY 29 2019**

Water Right Transfer Cover Sheet

Transfer T-12820

Transfer Specialist: KOD

Transfer Type: Regular

Applicant Name/Address: LAMB WESTON INC. 78153 WESTLAND ROAD HERMISTON, OR 97838	Agent Name/Address: PAUL WATTENBURGER 500 N 1ST ST HERMISTON, OR 97838	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: County Of Umatilla
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	G-5681	G-4947	43933	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: March 16, 2018	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1570.00	WM District: 5	ODFW District:
Initial Notice: March 27, 2018	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent:	

Processing Dates & Actions

Deficiency Contacts: _____

DPD Mailed: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

☐ WM measurement contact sheet sent, or ☐ N/A

PD Signed: 4/4/2019

PD Weekly Notice: 4/9/2019

Newspaper quote requested: _____

☐ not required

Request for news \$ sent: _____

News \$ received: 1/14/2019

Request to publish sent to newspaper: 4/5/2019

Affidavit of publication received: _____

East Oregonian

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: <u>PKS</u>	Coordinator: <u>PKS</u>
Date: _____	Date: <u>4-1-2019</u>	Date: <u>5-21-2019</u>
Signature Bin Date: _____	Signature Bin Date: <u>4-4-19</u>	Signature Bin Date: _____
Comments/Special Issues: <u>APOA</u>		

Special Order Volume: Vol 113 Pages 109-202 Final Order Signature Date: 5-28-19

Notice of FO email'd to processors 5-29-19

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

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } ss

I, Chloe Boyett being duly
sworn, depose and say that I am the
principal clerk of the publisher of the
East Oregonian, eastoregonian.com,
a newspaper of general circulation,
as defined by ORS 193.010 and
193.020; that the

**EO-9846 Notice of Preliminary
Determ**

a printed copy of which is hereto
annexed; was published in the
entire issue of said newspaper for 2
successive and consecutive issues in
the following issues:
04/13/2019, 04/20/2019

**EO-9846
NOTICE OF PRELIMINARY
DETERMINATION**

for
Water Right Transfer T-12820
T-12820 filed by Lamb Weston
Inc, 78153 Westland Rd., Herm-
iston, OR 97838, proposes ad-
ditional points of appropriation
under Certificate 43933. The
right allows the use of 2.66 cubic
foot per second (cfs) from Mar-
tin Well No. 1 in Sec. 19, T4N,
R28E, WM, for Industrial (Food
Processing) uses within Sects.
19 and 30, T4N, R28E, WM.
The applicant proposes two ad-
ditional wells within Sects. 19
and 30, T4N, R28E, WM. The
Water Resources Department
proposes to approve the trans-
fer, based on the requirements
of ORS Chapter 540 and OAR
690-380-5000. The Water Re-
sources Department proposes
to approve the transfer, based
on the requirements of ORS
Chapter 540 and OAR 690-380-
5000.

Any person may file, jointly or
severally, a protest or standing
statement within 30 days after
the last date of newspaper publi-
cation of this notice 04/13/2019.
Call (503) 986-0815 to obtain
additional information. If no pro-
tests are filed, the Department
will issue a final order consistent
with the preliminary determina-
tion.

April 13th, 20th, 2019

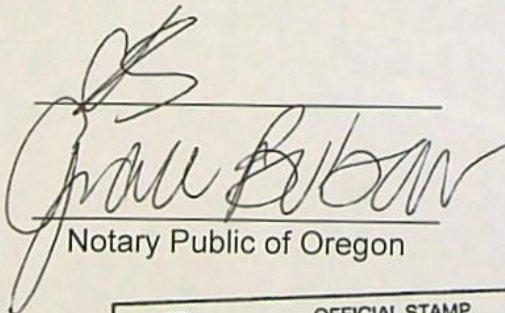
**EO-9846
NOTICE OF PRELIMINARY
DETERMINATION**

for
Water Right Transfer T-12820
T-12820 filed by Lamb Weston
Inc, 78153 Westland Rd., Herm-
iston, OR 97838, proposes ad-
ditional points of appropriation
under Certificate 43933. The
right allows the use of 2.66 cubic
foot per second (cfs) from Mar-
tin Well No. 1 in Sec. 19, T4N,
R28E, WM, for Industrial (Food
Processing) uses within Sects.
19 and 30, T4N, R28E, WM.
The applicant proposes two ad-
ditional wells within Sects. 19
and 30, T4N, R28E, WM. The
Water Resources Department
proposes to approve the trans-
fer, based on the requirements
of ORS Chapter 540 and OAR
690-380-5000. The Water Re-
sources Department proposes
to approve the transfer, based
on the requirements of ORS
Chapter 540 and OAR 690-380-
5000.

Any person may file, jointly or
severally, a protest or standing
statement within 30 days after
the last date of newspaper publi-
cation of this notice 04/13/2019.
Call (503) 986-0815 to obtain
additional information. If no pro-
tests are filed, the Department
will issue a final order consistent
with the preliminary determina-
tion.

April 13th, 20th, 2019

Subscribed and sworn to before me
on this **23rd day of April, A.D. 2019**


Notary Public of Oregon



RECEIVED
APR 30 2019
OWRD



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 2, 2019

Applicant

LAMB WESTON INC
78153 WESTLAND ROAD
HERMISTON OR 97838

Agent

DR. PAUL WATTENBURGER CWRE
IRZ CONSULTING
500 NORTH FIRST STREET
HERMINSTON OR 97838

SUBJECT: Water Right Transfer Application T-12820

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12820. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the East Oregonian newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@oregon.gov if I may be of assistance.

Sincerely,

Kelly Starnes
Transfer Program Analyst
Transfer and Conservation Section

cc: Transfer Application file T-12820
Gregory M. Silbernagel, Watermaster District 5 (via e-mail)
Paul Wattenburger, CWRE/Agent for applicant (via e-mail)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12820, Umatilla County)	PROPOSING APPROVAL OF
)	ADDITIONAL POINTS OF
)	APPROPRIATION

Authority

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

Applicant

LAMB WESTON, INC.
78153 WESTLAND RD.
HERMISTON, OR 97838

Agent

DR. PAUL WATTENBURGER, CWRE
IRZ CONSULTING
500 NORTH FIRST STREET
HERMISTON, OR 97838

Findings of Fact

1. On March 16, 2018, Lamb Weston Inc., filed an application for additional points of appropriation under Certificate 43933. The Department assigned the application number T-12820.
2. Notice of the application for transfer was published on March 27, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 26, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12820. The draft Preliminary Determination cover letter set forth a deadline of October 26, 2018, for the applicant to respond. On October 29, 2018, the attorney for the applicant requested additional time to remit the ownership report. The Department approved and extended the date to November 12, 2018, by which the applicant must submit the reports of ownership and written response to the draft Preliminary Determination.
4. On November 12, 2018, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

5. The right to be transferred is as follows:

Certificate: 43933 in the name of LAMB-WESTON, INC. (perfected under Permit G-4947)

Use: INDUSTRIAL (FOOD PROCESSING)

Priority Date: JANUARY 21, 1972

Rate: 2.66 CUBIC FEET PER SECOND (CFS)

Source: MARTIN WELL No. 1 within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	19	NE SW	2430 FEET NORTH AND 2340 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

INDUSTRIAL				
Twp	Rng	Mer	Sec	Q-Q
4 N	28 E	WM	19	SE SW
4 N	28 E	WM	30	NE NW

6. Transfer Application T-12820 proposes two additional points of appropriation southwest approximately 1000 feet to Well No. 2 and south 3200 feet to Well No. 3 located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	19	NE SW	WELL No. 2 - 1680 FEET NORTH AND 1640 FEET EAST FROM THE SW CORNER OF SECTION 19
4 N	28 E	WM	30	NE NW	WELL No. 3 - 776.5 FEET SOUTH AND 2141.5 FEET EAST FROM THE NW CORNER OF SECTION 30

7. The Department reviewed whether the proposed additional points of appropriation would lead to enlargement of the right, or cause injury to nearby existing rights. The Department has determined the magnitude of pumping is not expected to prevent nearby wells from accessing their usual and accustomed amount of water. It has also determined there will not be injury to existing downstream water rights, considering the water right subject to transfer has been used for over 30 years and is subject to all terms and conditions of the Ordinance Critical Ground Water Area. Stream depletion impacts from Well #1 are already equilibrated, therefore the proposed additional wells will not change the net stream depletion as conditioned herein.
8. The Department finds, based on the information provided, that the proposed (existing) points of appropriation, Well No. 2 (UMAT 2402) and Well No. 3 (UMAT 2601) develop the same (source) aquifer as that of the original authorized Well No. 1 (UMAT 2403) and comply with the Department's administrative rule under OAR 690-380-2110 (2) and OAR 690-380-4010(2)(e).

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years prior to the submittal of Transfer Application T-12820 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A well, pump, pipeline, and delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12820.
11. The proposed change, as conditioned, would not result in enlargement of the right, as long as the use of the two additional points of appropriation (Well Nos. 2 and 3), used together with authorized Martin Well No. 1, are limited to a maximum combined total instantaneous rate of 2.66 cfs under this right at any one time and does not exceed the maximum annual duty allowed for the original use, being 1922.38 acre-feet per year.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

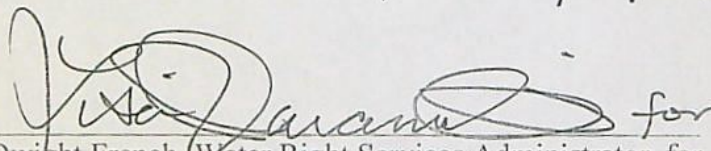
The additional points of appropriation proposed in Transfer Application T-12820 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12820 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-12820 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 43933 and any related decree.*
3. *Water right Certificate 43933 is cancelled.*
4. *The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *The amount of water diverted from Martin Well No. 1, Well No. 2 and Well No. 3 for year round industrial use under this right is limited to a maximum combined total instantaneous rate of not to exceed 2.66 cfs at any one time from the wells and is further restricted to a maximum total annual duty of 1922.38 acre-feet per year.*

6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 4th day of April, 2019.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

Transfer / Data Center ROUTE SLIP

(...in between PD Peer Review and PD issuance)

1. Transfer Caseworker:

- Attach PD and RR (if any) to the front of the Transfer file and give to Transfer Support

Transfer Number:	T- 12820
Caseworker:	
Is a Living Certificate Involved? → If YES... list Living Certificate number(s) HERE: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Date delivered to T-Support:	

2. Transfer Support:

Date Received from Caseworker:	3/26/2019
<input type="checkbox"/> Update Transfer/Data Center Tracking Log (...file sent to Data Center)	
Date Delivered to Data Center:	3/26/2019

3. Data Center:

Date Received from T-Support:	3/26/19	mca
<input type="checkbox"/> WRIS entry and mapping in ARCGIS. Any discrepancies noted? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO → If YES... Data Center routes back to Caseworker for re-review.		
<ul style="list-style-type: none"> • Date file sent back to CW for re-review: _____ <input type="checkbox"/> Modified OR <input type="checkbox"/> Determined should not be modified • Date CW returns file to Data Center: _____ • Date WRIS entry & ARCGIS Mapping completed: 3/27/19 		
Date Delivered to T-Support:	3/29/19	

4. Transfer Support:

Date Received from Data Center:	
<input type="checkbox"/> Update Transfer/Data Center Tracking Log (...file received back from Data Center)	
Date Delivered back to Caseworker:	

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **128937**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Lamb Weston

BY: _____

CASH: ☐ CHECK: ☒ 31500 7156 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-12820

TOTAL REC'D \$ 252.96

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 252.96

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **128937**

DATED: 1/14/19

BY: Gilmer

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **128937**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Lamb Weston

BY: _____

CASH: ☐ CHECK: ☒ 31500 7156 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-12820

TOTAL REC'D \$ 252.96

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46117 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 252.96

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **128937**

DATED: 1/14/19

BY: Gilmer

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Lamb Weston

P.O. Box 1900 Pasco, WA 99302-1900

3150007756

0005054632

01/09/19

T12820NOTICE
T-12820 Notice

11/13/18 2784969

N

0.00

252.96

RECEIVED

JAN 14 2019

OWRD



Oregon
Kate Brown, Governor

RECEIVED

JAN 14 2019

OWRD

Water Resources Department
North Central Region
116 S.E. Dorion Avenue
Pendleton, OR 97801
Phone (541) 278-5456
Fax (541) 278-0287

November 13, 2018

Applicant
LAMB WESTON, INC.
78153 WESTLAND RD.
HERMISTON, OR 97838

Agent
DR. PAUL WATTENBURGER, CWRE
IRZ CONSULTING
500 NORTH FIRST STREET
HERMISTON, OR 97838

Reference: Water Right Transfer Application T-12820

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$252.96 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-12820 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than 12/13/2018.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the East Oregonian newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by 12/13/2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 541-278-5456 or Ken.D.Dowden@oregon.gov if I may be of assistance.

Sincerely,

Ken Dowden
Transfer Specialist
North Central Region

cc: Transfer Application file T-12820

5106026275
E

X-----

Attached is a check for \$252.96 (PCA #46117) for Newspaper Notice for Transfer T-12820 made out to Oregon Water Resources Department (or WRD)

- "for T-12820 NOTICE" written on front of check

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 12820

GW Reviewer

J. Woody

Date Review Completed:

7-3-2018

~~6-5-2018~~

JLW

Summary of Enlargement (Same Source) Review:

☐ The proposed transfer fails to keep the original place of use from receiving water from the same source.

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source.

Summary of Well Construction Assessment:

☐ The proposed POA does not have a well log.

☐ The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-12820

Applicant Name: Lamb Weston, Inc.

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Jen Woody

Date of Review: 7/3/2018

Date Reviewed by GW Mgr. and Returned to WRSD: _____

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: Certificate 43933 authorizes one well, Well #1/UMAT 2403 for industrial food processing. Transfer T-12820 proposes to add Well #2/UMAT 2402 and Well #3/UMAT 2601 to the certificate. There is an error in Table 1 that calls Well #3/UMAT 2396, but a conversation with the applicant's agent determined that the intended APOA is actually Well #3/UMAT 2601.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: All three wells are completed in sand, gravel and clay of the catastrophic flood deposits (Wozniak, 1995).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No See Section 2.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: The APOAs are up to 2000 feet closer to neighboring wells in the same aquifer. This will increase well to well interference at those neighboring wells.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: As shown in Figure 2, the location of APOAs will result in less than one foot of additional drawdown at neighboring well (UMAT 5956). Because there are at least 60 feet of available aquifer thickness, this is not expected to prevent nearby wells from accessing their usual and accustomed amount of water.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☒ Yes ☐ No Comments: Adding a well 500 feet closer to the Umatilla River than the authorized POAs will increase stream depletion by approximately 2% of the pumping rate after one year of pumping (see Figure 3a, Hunt 1999 model results). However, after 365 days, stream depletion has not reached equilibrium. After 1,000 days, the difference in stream depletion between Well 1, located 1270 feet from the Umatilla River and Well 3, located 770 feet from the Umatilla River is negligible. Considering the water right in question has been used for at least 30 years, the stream depletion impacts from Well 1 are already equilibrated and therefore the proposed APOAs will not change the net stream depletion.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Umatilla River

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: See comments in Section 5a.

6. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
7. Any additional comments: _____

References

Hunt, B., 1999, Unsteady stream depletion from ground water pumping: Ground Water, v. 37, no. 1, p. 98-102.

Theis, C.V., 1941, The effect of a well on the flow of a nearby stream: American Geophysical Union Transactions, v. 22, pt.3, p. 734-738.

Wozniak, Karl C., 1995, Chapter 2: Hydrogeology, in Hydrogeology, Groundwater Chemistry and Land Uses in the Lower Umatilla Basin Groundwater Management Area; Oregon Department of Environmental Quality Final Review Draft.

T-12820 Lamb Weston
T4N/R28E-Section 19 & 30

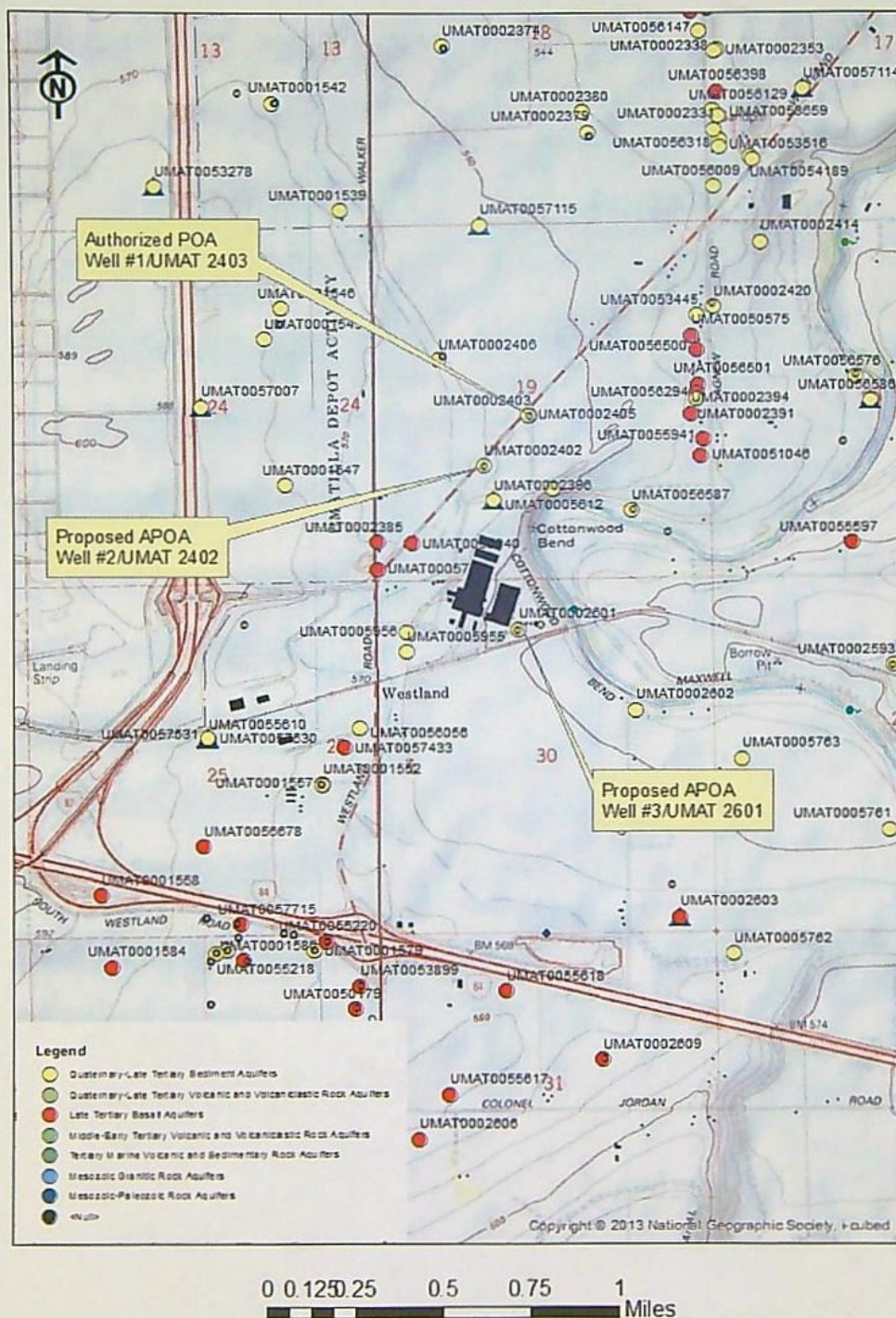
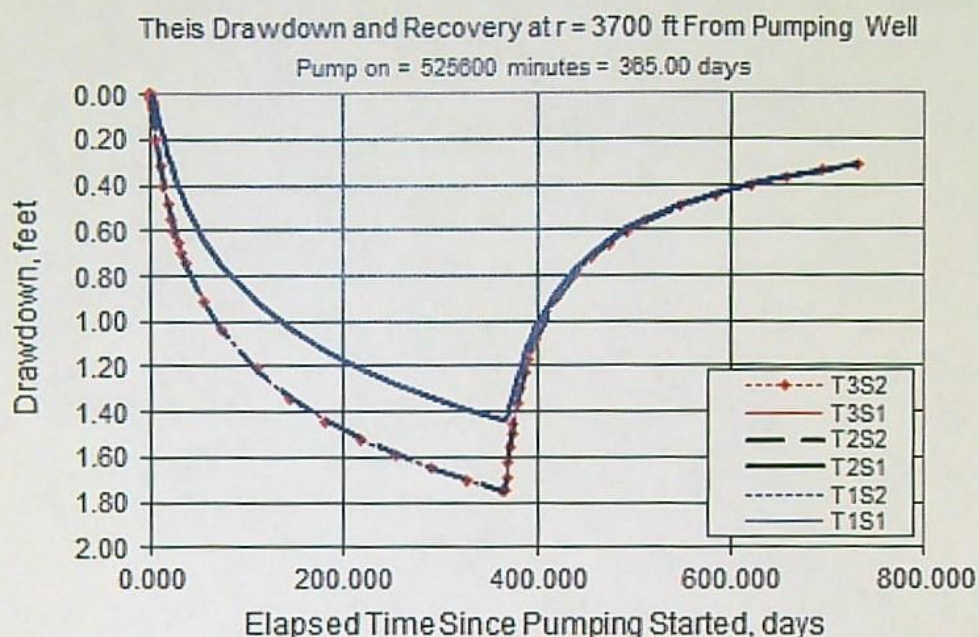


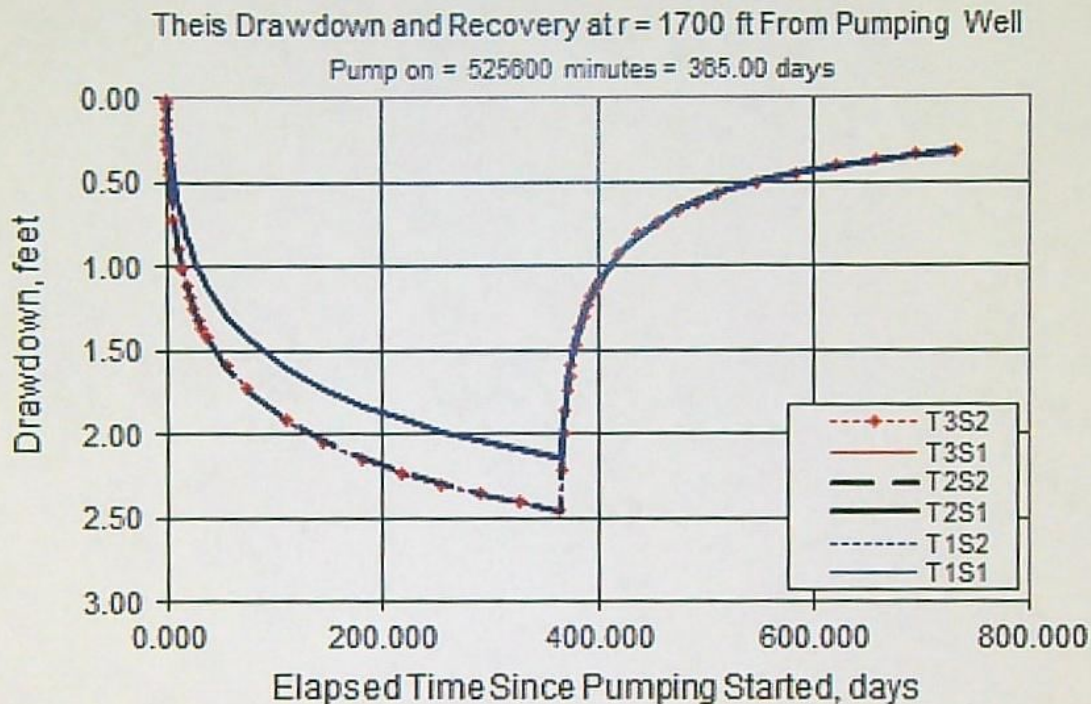
Figure 1. Well locations

Figure 2a. Drawdown by the currently authorized POA (UMAT 2403) at a nearby well (UMAT 5956) located 3700 feet away is approximately 1.8 feet after 365 days of pumping at 5 cfs.



Input Data:		Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t			365		d	
Radial distance from pumped well:	r			3700.00		ft	Q conversions
Pumping rate	Q			5.0		cfs	2,244.00 gpm
Hydraulic conductivity	K		1,000	1,000	1,000	ft/day	5.00 cfs
Aquifer thickness	b			75		ft	300.00 cfm
Storativity	S_1			0.20000			432,000.00 cfd
	S_2			0.10000			9.92 af/d
Transmissivity Conversions		T_f2pd	75,000	75,000	75,000	ft ² /day	
		T_ft2pm	52.0833	52.0833	52.0833	ft ² /min	
		T_gpdft	561,000	561,000	561,000	gpd/ft	

Figure 2b. Drawdown by proposed APOA (UMAT 2601) at a nearby well (UMAT 5956) located 1700 feet away is approximately 2.4 feet after 365 days of pumping at 5 cfs. This represents an increase in drawdown of less than one foot.

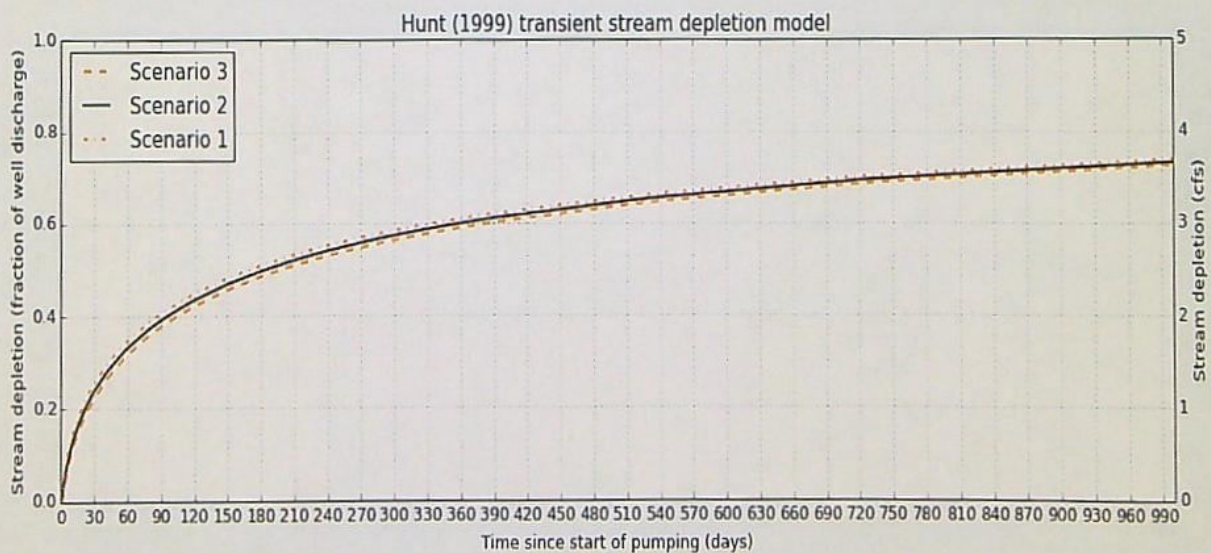


Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		365		d	
Radial distance from pumped well:	r		1700.00		ft	Q conversions
Pumping rate	Q		5.0		cfs	2,244.00 gpm
Hydraulic conductivity	K	1,000	1,000	1,000	ft/day	5.00 cfs
Aquifer thickness	b		75		ft	300.00 cfm
Storativity	S_1		0.20000			432,000.00 cfd
	S_2		0.10000			9.92 at/d
Transmissivity Conversions	T_ftpd	75,000	75,000	75,000	ft ² /day	
	T_ftpm	52.0833	52.0833	52.0833	ft ² /min	
	T_gpdft	561,000	561,000	561,000	gpd/ft	

Figure 3. After 1,000 days of pumping, the difference in stream depletion between the authorized POA and the proposed additional POAs is negligible. Since the authorized POA has been in use for approximately 30 years, stream depletion impacts are equilibrated and there will be no effective change in stream depletion from the proposed APOAs.

Application type:	T
Application number:	12871
Well number:	1
Stream Number:	1
Pumping rate (cfs):	5
Pumping duration (days):	1000

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	770	1030	1270	ft
Aquifer transmissivity	T	75000	75000	75000	ft ² /day
Aquifer storativity	S	0.2	0.2	0.2	-
Aquitard vertical hydraulic conductivity	Kva	1	1	1	ft/day
Not used		10.0	20.0	30.0	
Aquitard thickness below stream	babs	3	3.0	3	ft
Not used		0.2	0.2	0.2	
Stream width	ws	50	50	50	ft





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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12820

Review Due Date: _____

Applicant Name: Lamb Weston, Inc

Proposed Changes: ☐ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Greg Silbernagel, Paul Hendricks

Date of Review: Jul. 31, 2018

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: This is an APOA transfer to add existing wells to the certificate. We currently regulate for hydraulic connectivity in this area for wells within 1/4 mile of the Umatilla River. The additional wells being proposed are within 1/4 mile of the Umatilla River.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
☒ Yes ☐ No If "Yes", explain: Defer to groundwater review for determination of hydraulic connected with PSI. Due to the proximity to the Umatilla River, the additional demand on wells closer to the Umatilla could result in regulation of downstream and upstream Umatilla River water rights.
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☒ Yes ☐ No If "Yes", describe how the rights would be affected and list the rights most affected: If PSI, additional demand on river will cause regulation to occur earlier for upstream and downstream users. There would be significant impacts to West Extension Irrigation District, other lower Umatilla River users and other hydraulically connected wells that we regulate off in this area.
6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____ ☒ N/A
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____ ☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No
9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain: _____
10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? ☒ Yes ☐ No If "Yes", explain: Groundwater review to determine hydraulic connectivity and PSI is needed.
12. What alternatives may be available for addressing any issues identified above: If hydraulic connectivity with PSI is determined, a collaborative meeting with Region Manager, Watermaster, Groundwater staff and applicant to discuss if any options exist.
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked below:
- ☐ A Headgate should be required prior to diverting water.
- ☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter*, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) or ☐ at each new point of diversion/appropriation.*
- b. *The water user shall maintain the meters or measuring devices in good working order.*
- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- ☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
- a. *Before water use may begin under this order, the water user shall install staff gages*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
- b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

*** The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

☐ Weir

☐ Parshall Flume

☐ Other: _____

☐ Submerged Orifice

☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12820

☒ In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

☒ at each point of diversion/appropriation (new and existing) or

☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg Silbernagel

District: 5

Address: 118 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)278-5456

Email: Greg.M.Silbernagel@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

DOWDEN Ken D * WRD

From: Flyg, Neal <Neal.Flyg@lambweston.com>
Sent: Monday, November 12, 2018 9:14 AM
To: DOWDEN Ken D * WRD
Cc: Becker, Kevin; Toevs, Ian
Subject: FW: response to dPD's on Lamb Weston transfer applications

Ken,

I am in agreement with the terms and conditions of the draft preliminary determinations in T-12820 and T-12871 (Water Right Transfer Applications).

Thanks,

Neal Flyg

From: Becker, Kevin
Sent: Monday, November 12, 2018 8:40 AM
To: Flyg, Neal <Neal.Flyg@lambweston.com>
Cc: Toevs, Ian <Ian.Toevs@lambweston.com>
Subject: FW: response to dPD's on Lamb Weston transfer applications

Neal-

I need to ask you to e-mail Ken Dowden at ken.d.dowden@oregon.gov simply stating that you agree to the terms and conditions of the draft preliminary determinations in T-12820 and T-12871 (Water Right Transfer Applications).

This is needed to get approval for the water right transfers. See below for conversation with Ken and Ian Toevs. Thanks, Kevin

From: Toevs, Ian
Sent: Friday, November 09, 2018 1:35 PM
To: DOWDEN Ken D * WRD <Ken.D.Dowden@oregon.gov>
Cc: Becker, Kevin <Kevin.Becker@lambweston.com>
Subject: RE: response to dPD's on Lamb Weston transfer applications

Great, thanks Ken!

Ian Toevs
8701 W. Gage Blvd. | Kennewick, WA 99336
t +1 509.736.2573 | m +1 208.731.4515

From: DOWDEN Ken D * WRD <Ken.D.Dowden@oregon.gov>
Sent: Friday, November 9, 2018 1:03 PM
To: Toevs, Ian <Ian.Toevs@lambweston.com>
Subject: RE: response to dPD's on Lamb Weston transfer applications

Ian, an e-mail is plenty sufficient!

PIONEER TITLE COMPANY

126 S.E. Court Avenue P.O. Box 128 Phone 541-276-4431 / Fax 541-276-2007

PENDLETON OREGON 97801

Pioneer Escrow, Inc.
178 S. Main
Milton-Freewater, OR 97862
Ph. 541-938-3327
Fx. 541-938-5089



Pioneer Escrow, Inc.
P.O. Box 187/630 S. Hwy 395
Hermiston, OR 97838
Ph. 541-567-9743
Fx. 541-567-7307

Pioneer Escrow, Inc.
132 S.E. Court Avenue P.O. Box 1538 Ph. 541-276-5114 / Fx. 541-276-0484
Pendleton, OR 97801

INVOICE

Customer

Name Knutzen Engineering
Address 3602 W 36th Avenue
City Kennewick State WA ZIP 99337
Attention Paul Knutzen

Invoice Date 08/02/17
Our Order No. 96861
Your Order No. n/a
Customer Lamb Weston

Quantity	Description	Unit Price	Total
1	Ownership & Encumbrance Report w/Easements	\$600.00	\$600.00
		Sub Total	\$600.00

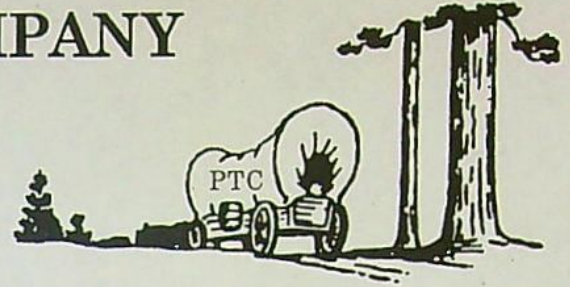
THESE THREE
REPORTS of OWNERSHIP
ARE FOR BOTH
TRANSFER FILES:
T-12820
T-12871

Make checks payable to:
Pioneer Title Company
126 SE Court Avenue
Pendleton, OR 97801

THANK YOU FOR YOUR BUSINESS

PIONEER TITLE COMPANY

P.O. Box 128
126 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-4431
Fx: (541) 276-2007



PIONEER ESCROW, INC.
P.O. Box 187 • 630 S. Hwy 395
Hermiston, OR 97838
Ph: (541) 567-9743
Fx: (541) 567-7307

PIONEER ESCROW, INC.
178 S. Main St.
Milton-Freewater, OR 97862
Ph: (541) 938-3327
Fx: (541) 938-5089

PIONEER ESCROW, INC.
P.O. Box 1538 • 132 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-5114
Fx: (541) 276-0484

To: Knutzen Engineering
3602 W 36th Avenue
Kennewick, WA 99337

Order No: 96861
Your No : n/a
Owner : LAMB WESTON
Report : O&E Report

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
Ownership and Encumbrance Report w/easements			\$600.00

We hereby certify that we have searched our Tract Indices as to the following described property:

SEE ATTACHED DESCRIPTION

And as of July 26, 2017, at 5 o'clock P.M., we find that the last document of record runs to:

LAMB-WESTON, INC., a Delaware corporation
as to a fee simple interest

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

NOTE I: 2016-2017 Taxes, \$206,222.10, paid in full.
Code No. 8-3, Map No. 4N-28C, Tax Lot 2206, Serial No. 118203 (Tract I)

NOTE II: 2016-2017 Taxes, \$35,244.44, paid in full.
Personal Property Account, Serial No. 125073
Assessed to: Conagra Foods Lamb Weston (Tract I)

NOTE III: 2016-2017 Taxes, \$350,650.85, paid in full.
Code No. 8-3, Map No. 4N-28C, Tax Lot 2206M1, Serial No. 164258
Improvement only account assessed to: Conagra Foods Lamb Weston Inc. (Tract I)

NOTE IV: 2016-2017 Taxes (Non-Assessable).
Code No. 8-3, Map No. 4N-28C, Tax Lot 2206M2, Serial No. 162396
Improvement only account assessed to: Conagra Foods Lamb Weston Inc. (Tract I)

NOTE V: 2016-2017 Taxes, \$198.20, paid in full.
Code No. 8-3, Map No. 4N-28C, Tax Lot 2217, Serial No. 118205 (Tract II)

NOTE VI: 2016-2017 Taxes, \$18.02, paid in full.
Code No. 8-3, Map No. 4N-28-30, Tax Lot 300, Serial No. 139645 (Tract III)

1. 2017-2018 Taxes, which are a lien on July 1, 2017, but not yet payable.
(First 1/3 due and payable November 15, 2017. Amounts not yet available)
2. Assessments of any taxing authority that levies taxes or assessments on real property or by the public records, proceedings by a public agency which may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
3. The premises herein described are within the boundaries of the Westland Irrigation District, and this property is therefore subject to all easements, ditches, levies and assessments thereof.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of the Umatilla River and any adverse claim based upon the assertion that some portion of said lands have been removed from or brought within the boundaries thereof by an avulsive movement of the Umatilla River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
5. Reservations, including the terms and provisions thereof, contained in Deed,
Grantor : Umatilla County
Recorded : April 28, 1959, Book 254, Page 81, Deed Records and
Amended : April 7, 1994, Microfilm Reel 251, Page 960, Office of Umatilla County Records.
6. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : February 7, 1964, Book 274, Page 626, Deed Records and
Amended : November 7, 1994, Microfilm Reel 262, Page 954, Office of Umatilla County Records.
7. Easement, including the terms and provisions thereof,
Grantee : Cascade Natural Gas Corporation
Recorded : November 27, 1972, Book 324, Page 640 and
Amended : September 10, 1975, Book 349, Page 654, Deed Records and
Amended : July 21, 1994, Microfilm Reel 257, Page 401, Office of Umatilla County Records.
8. Easement, including the terms and provisions thereof,
Grantee : Cascade Natural Gas Corporation
Recorded : October 10, 1975, Book 350, Page 602, Deed Records and
Amended : July 21, 1994, Microfilm Reel 257, Page 401, Office of Umatilla County Records.
9. Easements, including the terms and provisions thereof, contained in Deed,
Grantee : The Terminal Ice & Cold Storage Company
Recorded : October 23, 1975, Book 351, Page 219, Deed Records.

10. Easement, including the terms and provisions thereof,
Grantee : Oregon-Washington Railroad & Navigation Company
Recorded : July 18, 1983, Microfilm Reel 103, Page 1935, Office of
Umatilla County Records.
11. Easement, including the terms and provisions thereof,
Grantee : Westland Irrigation District
Recorded : February 23, 1990, Microfilm Reel 189, Page 1128 and
Amended : June 30, 1994, Microfilm Reel 256, Page 213, Office of
Umatilla County Records.
12. Encroachments, including the terms and provisions thereof, contained in
Agreement,
First Party : Union Pacific Railroad Company
Second Party : Port of Umatilla, etal
Recorded : August 29, 1994, Microfilm Reel 258, Page 1605, Office of
Umatilla County Records.
13. Easements as shown on Partition Plat No. 1994-37,
Recorded : November 3, 1994, Instrument No. 1994-200513, Office of
Umatilla County Records.
14. Easement for ingress and egress purposes, including the terms and
provisions thereof,
Grantee : Hermiston Generating Company, L.P.
Recorded : November 7, 1994, Microfilm Reel 262, Page 969, Office of
Umatilla County Records.
15. Easement for parking and storage purposes, including the terms and
provisions thereof,
Grantee : Hermiston Generating Company, L.P.
Recorded : November 7, 1994, Microfilm Reel 262, Page 984, Office of
Umatilla County Records.
16. Easement, including the terms and provisions thereof,
Grantee : Cascade Natural Gas Corporation
Recorded : November 29, 1994, Microfilm Reel 263, Page 1310, Office of
Umatilla County Records.
17. Easement, including the terms and provisions thereof,
Grantee : Cascade Natural Gas Corporation
Recorded : November 30, 1994, Microfilm Reel 263, Page 1399 and
Re-recorded : February 13, 1996, Microfilm Reel 284, Page 1520, Office of
Umatilla County Records.
18. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : December 19, 1995, Microfilm Reel 282, Page 438, Office of
Umatilla County Records.

19. Easement for vehicular access purposes, including the terms and provisions thereof, contained in Deed,
Grantee : Umatilla Electric Cooperative
Recorded : December 2, 1999, Instrument No. 1999-3620056, Office of Umatilla County Records.
20. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative
Recorded : December 18, 2000, Instrument No. 2000-3800160, Office of Umatilla County Records.

NOTE VII: Property Address: 78153 Westland Road, Hermiston, Oregon 97838

This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY



Jeremy S. Parker
Title Officer

Tract I

Parcel 2, PARTITION PLAT NO. 1994-37 (Instrument No. 1994-200513, Office of Umatilla County Records) located in Sections 19 and 30, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

Excepting therefrom that tract of land conveyed to Umatilla Electric Cooperative by Deed recorded in Instrument No. 1999-3620056, Office of Umatilla County Records.

Tract II

A tract of land being described as commencing at the Southwest corner of Section 19, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon; thence North $75^{\circ}57'20''$ East, a distance of 1,428.78 feet to the True Point of Beginning for this description; thence North $18^{\circ}11'00''$ East, a distance of 389 feet; thence South $71^{\circ}49'00''$ East, a distance of 571.10 feet; thence South $18^{\circ}11'00''$ West, a distance of 389 feet; thence North $71^{\circ}49'00''$ West, a distance of 571.10 feet to the point of beginning.

Tract III

A strip of land 20 feet wide, located in the North Half of the Northwest Quarter of Section 30, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, said strip extending Northeasterly from the North line of the Oregon-Washington Railroad & Navigation Company's right-of-way, which is a straight line parallel with and 50 feet distant Northwesterly (when measured at right angles) from the centerline of the main track of said Railroad Company (as now constructed and operated) to a straight line drawn at right angles to the hereinafter described centerline of lead track at the end thereof, being 10 feet in width (when measured at right angles and/or radially) on each side of the centerline of said lead track, the centerline of said lead track along and beyond a strip of land hereby described being described as beginning at a point of switch in the centerline of the main tract of said Railroad Company at Railroad Survey Station 423+99.9, which is a point in said centerline that is 2,163.20 feet distant Southwesterly from the North-South centerline of said Section 30 (when measured along the centerline of said main track); thence Northeasterly along a No. 10 turnout to the left (having a radius of 950.09 feet through a frog angle of $5^{\circ}44'$ and a tangent thereto) a distance of 90.38 feet; thence Northeasterly along a straight line tangent to the end of the last described turnout, a distance of 73.92 feet; thence Northeasterly along a tangent curve to the left (having a radius of 410.28 feet) a distance of 104.53 feet; thence Northeasterly along a straight line tangent to the end of the last described curve, a distance of 9.61 feet; thence Northeasterly along a tangent curve to the right (having a radius of 410.28 feet) a distance of 31.21 feet; thence Northeasterly along a straight line tangent to the end of the last described curve, a distance of 68.79 feet, more or less, to the end of said curve; thence Northeasterly along a straight line tangent to the end of the last described curve, a distance of 28.11 feet; thence Northeasterly along a tangent curve to the right (having a radius of 573.69 feet) a distance of 63.60 feet; thence Northeasterly along a straight line tangent to the end of the last described curve, a distance of 41.23 feet; thence Northeasterly along a tangent curve to the left (having a radius of 573.69 feet) a distance of 63.60 feet; thence Northeasterly along a straight line tangent to the end of the last described curve, a distance of 277 feet; thence Northeasterly along a tangent curve to the right (having a radius of 1,910.08 feet) a distance of 58.33 feet; thence Northeasterly along a straight line tangent to the end of the last described curve, a distance of 509.17 feet to the point of terminus for this centerline description.

STRIP of LAND
ALONG RR TRACK
(ROW)

PIONEER TITLE COMPANY

PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY. This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

TYPES OF INFORMATION. Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

USE OF INFORMATION. We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

FORMER CUSTOMERS. Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

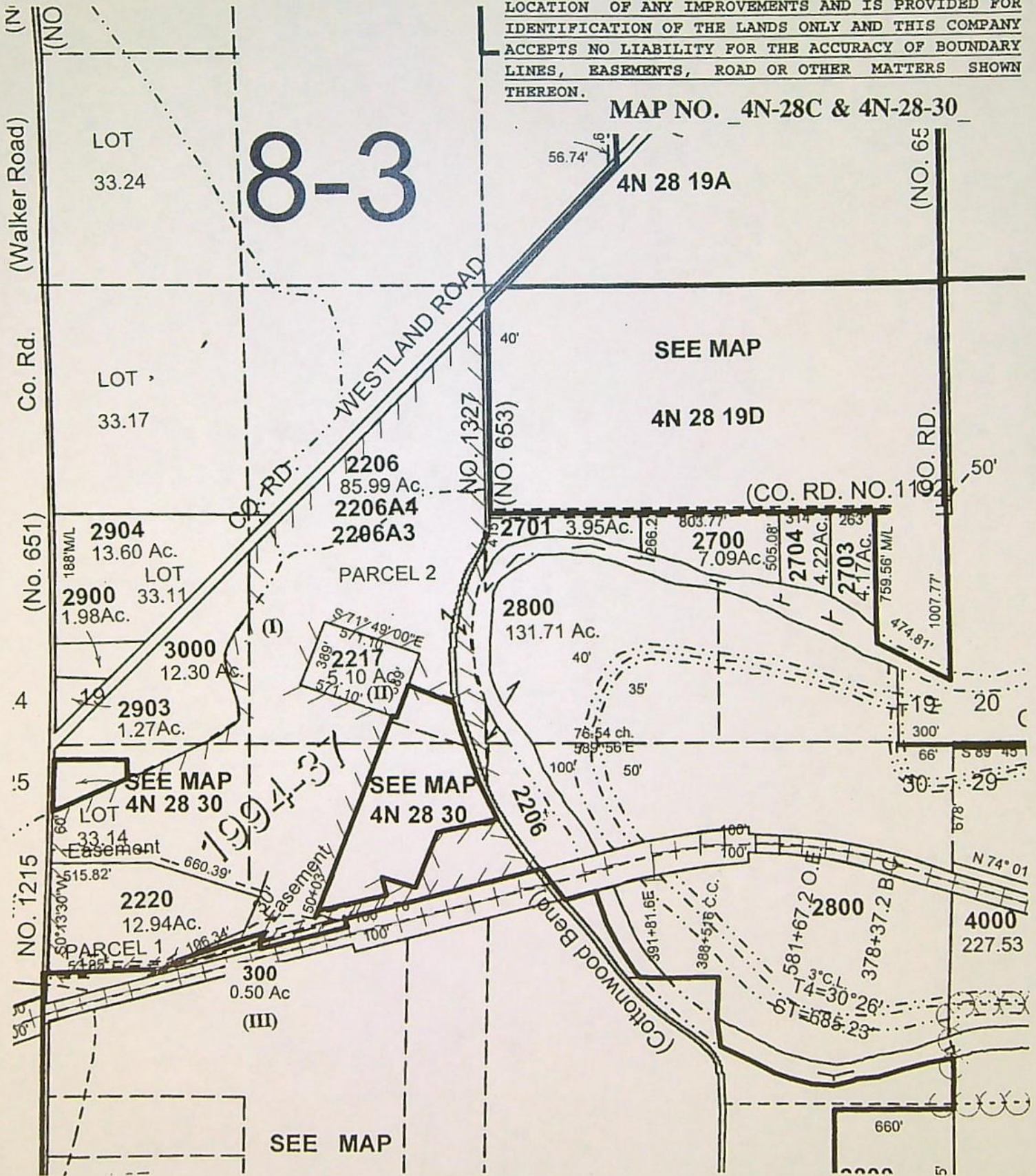
CONFIDENTIALITY AND SECURITY. We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Pioneer Title Company

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW THE LOCATION OF ANY IMPROVEMENTS AND IS PROVIDED FOR IDENTIFICATION OF THE LANDS ONLY AND THIS COMPANY ACCEPTS NO LIABILITY FOR THE ACCURACY OF BOUNDARY LINES, EASEMENTS, ROAD OR OTHER MATTERS SHOWN THEREON.

MAP NO. 4N-28C & 4N-28-30

8-3



Umatilla County
Received: 7/24/2018



Lamb Weston, Inc.
c/o Karima Tomasino
PO Box 1900
Pasco, WA 99302-1900

Seller's Name and Address

Umatilla County Counsel
216 SE 4th Street
Pendleton, OR 97801

Buyer's Name and Address

After recording, return to:

Umatilla County Counsel
216 SE 4th Street
Pendleton, OR 97801

Until requested otherwise, send all tax
statements to:

Non-Assessable Property
(Umatilla County Tax Lot
_____)

State of Oregon
County of Umatilla



Instrument received
and recorded on
7/24/2018 2:05:54 PM

is

in the record of instrument
code type DE

at
rded in

Instrument number 2018-6740558
Fee \$0.00

ception

Office of County Records

affixed.

Steve Churchill

Records Officer
1083807 P4

uty

SPACE RESERVED FOR RECORDER'S USE

The true and actual consideration for this conveyance is none.

DEDICATION DEED

LAMB WESTON, INC., Grantor, conveys and warrants to **UMATILLA COUNTY, OREGON**, a political subdivision of the State of Oregon Grantee, over which the public has a right of use for road and utility purposes, the following described real property:

THAT PORTION OF PARCEL 2, PARTITION PLAT 1994-37, SITUATE IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19. THENCE NORTH 89°22'45" EAST 76.56 FEET ALONG THE SOUTHWEST CORNER OF SAID SECTION 19 TO THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89°22'45" WEST 76.56 FEET ALONG SAID RIGHT OF WAY MARGIN OF WESTLAND ROAD; THENCE SOUTH 39°50'02" EAST 220.19 FEET ALONG SAID RIGHT OF WAY MARGIN;

STRIP (DIAGONAL)
ALONG WESTLAND RD.

THENCE NORTH 47°49'25" WEST 6.00 FEET ALONG SAID RIGHT OF WAY MARGIN; THENCE NORTH 42°10'35" EAST 2834.66 FEET ALONG SAID RIGHT OF WAY MARGIN TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 42°10'35" EAST 40.29 FEET ALONG SAID RIGHT OF WAY MARGIN TO THE WESTERLY RIGHT OF WAY MARGIN OF COTTONWOOD BEND ROAD; THENCE SOUTH 1°07'16" EAST 74.28 FEET ALONG SAID RIGHT OF WAY MARGIN; THENCE NORTH 17°54'40" WEST 37.71 FEET; THENCE NORTH 63°13'55" WEST 18.93 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 772 SQUARE FEET, MORE OR LESS

SUBJECT to any and all water rights, rights of way, roads, easements, and any other matters of record.

The true and actual consideration for this conveyance is none.

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

If Grantor is a corporation, this has been signed by authority of the Board of Directors.

[SIGNATURE ON FOLLOWING PAGE]

DATED this 20 day of June, 2018.

GRANTOR(S):

LAMB WESTON, INC.

By: Mark Schuster
MARK SCHUSTER / VP FINANCE LW
[Print Name/Title]

STATE OF OREGON)
)
COUNTY OF UMATILLA)

On this 20 day of June, 2018, before me, the undersigned Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Mark Schuster, to me known to be the VP of Finance of LAMB WESTON, INC., the corporation that executed the foregoing document and acknowledged the same to be the free and voluntary act of said corporation for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said document on behalf of said corporation.



Joya I. Smith
NOTARY PUBLIC for the State of Oregon
My Commission Expires 08/03/2021

DEDICATION AS PUBLIC ROAD ACCEPTED:

UMATILLA COUNTY

George L. Murdock
George L. Murdock, Chair

William J. Elfering
William J. Elfering, Commissioner

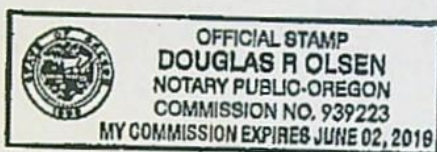
W. Lawrence Givens
W. Lawrence Givens, Commissioner

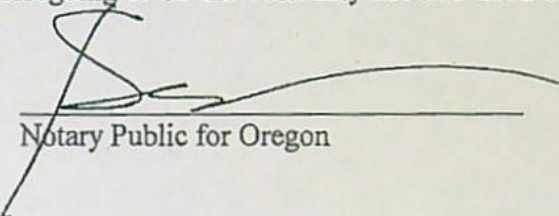


State of Oregon)
) ss
County of Umatilla)

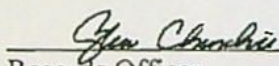
July 23, 2018.

Personally appeared before me the within named George L. Murdock, William J. Elfering, and W. Lawrence Givens, and acknowledged the foregoing to be the voluntary act and deed of Umatilla County, Oregon.




Notary Public for Oregon

ATTEST:
Office of County Records


Records Officer



254 81

THIS 137 (originally) PAGE
REPORT FROM PIONEER TITLE
IS CONGREGATION OF MANY,
MANY NATURAL GAS, ELECTRIC
UTILITY, RAILROAD EASEMENTS
AND RIGHT OF WAYS. INCLUDES
~~LAND~~ DESCRIPTIONS OF
WESTLAND JRD DIST. ^{CANAL} SURVEYS/
EASEMENTS, and (- fiber optic cable,
HERBERTSON POWER
GENERATORS)

VIEW PAGE by PAGE IN ELECTRONIC
COPY. +50

Jessie M. Bell
County Clerk, Shelby County,
Allegan
By *Wm. J. H. H. H. H. H.*

274-626

CONFIDENTIAL (S)

www.rps.org.uk

WARRANTY DEED

33A153

LETA M. WALDRON GLENN and GEORGE S. MARTIN and LAQUITA J. MARTIN, husband and wife as tenants by the entirety, hereinafter called Grantors, survey to LAND-WESTON, INC., a Delaware corporation, all that real property situated in the County of Umatilla, State of Oregon, described as:

TRACT I: (Unsettled)

That portion of the southwest quarter of the southwest quarter of Section 36, lying south and east of Westland Irrigation District Canal and North of S.W. 1/4 & S. 1/4, Section 36, right of way, Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon.

EXCEPTING any and all water rights of way and roads.

TRACT II: (Unsettled)

That portion of the southwest quarter of the southwest quarter of Section 36, lying east and south of the Westland Canal, in Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon.

EXCEPTING any and all water rights of way and roads.

CONVEY TO:

Grantment, including the terms and provisions thereof, granted by Leta M. Glenn, et al., to Umatilla Electric Cooperative Association, dated November 7, 1943, recorded February 7, 1944 in Book 274, Page 424, Deed Records.

and covenant that Grantors are the owners of the above-described property free of all encumbrances except as noted above, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is THIRTY-ONE THOUSAND THREE HUNDRED THIRTY-FOUR AND NO/100 (\$31,334.00) DOLLARS.

The foregoing recital of consideration is true as I verily believe.

DATED this 17th day of April, 1972.

Leta M. Waldron Glenn
Leta M. Waldron Glenn

George S. Martin
George S. Martin

Laquita J. Martin
Laquita J. Martin

BOOK 320 PAGE 351

STATE OF OREGON)
County of Umatilla)

April 17, 1972.

Personally appeared the above-named LETA M. WALDRON GLENN and GEORGE S. MARTIN and LAQUITA J. MARTIN, husband and wife, and acknowledged the foregoing instrument to be their free and voluntary act.

Before me: LETA M. WALDRON GLENN

Leta M. Waldron Glenn
Leta M. Waldron Glenn
My commission expires: _____



STATE OF OREGON,
County of Umatilla,

BEFORE ME, a Notary Public, on this 17th day of April, 1972, at Umatilla, Oregon, I have seen the within instrument and the signers thereof, and they have acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Witness my hand and the seal of my office at Umatilla, Oregon, this 17th day of April, 1972.

Filed for record APR 20 1972 H. J. & A. M.
JESSE H. BELL County Clerk

WARRANTY DEED

33A154

THOMAS G. MARTIN and ALVIN L. MARTIN, as tenants in common, each as to an undivided one-half interest, hereinafter called Grantors, survey to LAND-WESTON, INC., a Delaware corporation, all that real property situated in the County of Umatilla, State of Oregon, described as:

All that portion of the east half of the southwest quarter of Section 36, lying south and east of County Road No. 449;

Also, all that portion of the northeast quarter of the southwest quarter of Section 36, lying southerly of the S.W. 1/4 & S. 1/4, Section 36, right of way;

Also, all that portion of the southwest quarter of the northeast quarter of Section 36, lying westerly of the Umatilla River and northerly of the S.W. 1/4 & S. 1/4, Section 36, right of way;

All being in Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon.

EXCEPTING any and all water rights of way and roads.

Subject to:

Mineral reservations, including the terms and provisions thereof, as contained in Deed from Umatilla County, a public corporation, to Westland Irrigation District, a Municipal corporation, dated July 23, 1954, recorded April 19, 1955 in Book 274, Page 41, Deed Records.

and covenant that Grantors are the owners of the above-described property free of all encumbrances except as noted above, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is SEVENTY THOUSAND AND NO/100 (\$70,000.00) DOLLARS.

The foregoing recital of consideration is true as I verily believe.

DATED this 17th day of April, 1972.

Thomas G. Martin
Thomas G. Martin

Alvin L. Martin
Alvin L. Martin

BOOK 320 PAGE 352

STATE OF OREGON)
County of Umatilla)

April 17, 1972.

Personally appeared the above-named THOMAS G. MARTIN and ALVIN L. MARTIN and acknowledged the foregoing instrument to be their free and voluntary act. Before me:

James P. Smith
James P. Smith
My commission expires: 11-30-74



Filed for record APR 20 1972 H. J. & A. M.
JESSE H. BELL County Clerk

LAND-WEED, INC., a Delaware corporation, Grantor,
conveys to UNATILLA ELECTRIC COOPERATIVE ASSOCIATION, an Oregon
cooperative corporation, all that real property situated in
Unatilla County, State of Oregon, described as:

Beginning at the section corner common to
Sections 24 and 25, Township 4 North, Range 27, and
Sections 28 and 29, Township 4 North, Range 27,
S.W. 1/4, Chance south 77°12'45" west 112.75 feet
thence south 85°11'30" west 168.32 feet to a point
on the northerly right of way line of the Oregon-
Washington Railroad a Washington Co. thence north
75°41' east along said northerly right of way line
1147.88 feet thence north 14°19' west 18 feet thence
north 75°41' west 18 feet thence north 14°19'
west 75 feet to the True Point of Beginning of
this description thence southeasterly north 14°19'
west 138 feet thence north 75°41' east 130 feet
thence south 14°19' west 130 feet thence south 75°41'
east 130 feet to the point of beginning.

All being in the south half of the northwest
quarter of the northwest quarter of Section 29, Town-
ship 4 North, Range 27, east of the Willamette
Meridian, in the County of Unatilla, State of Oregon.
EXCEPTING any and all water rights of way and
roads and also subject to mineral reservations con-
tained in Deed from Unatilla County to Western
Oregon District dated July 22, 1918 recorded
April 28, 1919 in Book 254, page 81, Deed Records.

and covenants that Grantor is the owner of the above-described
property free of all encumbrances except those mentioned above,
and Grantor will warrant and defend the same against all persons
who may lawfully claim the same except as shown above.

The true and actual consideration for this transfer
is \$525.00.

The foregoing recital of consideration is true as
I verily believe.

DATED this 11th day of May, 1972.

LAND-WEED, INC., a Delaware
corporation

ATTEST:
By [Signature]
Assistant Secretary

STATE OF OREGON)
County of Multnomah) ss:

May 11, 1972.

Personally appeared A. E. Smith and

A. E. Smith, who, being sworn, stated that they are
the Vice President and Assistant Secretary of Weeds Corporation
and that the seal affixed hereto is its seal and that this deed
was voluntarily signed and sealed in behalf of the corporation
by authority of its Board of Directors. Before me:

[Signature]
Notary Public for Oregon
My commission expires 12/18/73

Filed for record MAY 21 1972
JESSE M. MILL
County Clerk

BOX 324 BOX 640

344096

RIGHT OF WAY CONTRACT

Line No.
Map No.
State
County
Book
Page
W. O. No.

For and in consideration of the sum of Ten Thousand Dollars cash, the receipt of which is hereby acknowledged, and in
witness whereof, the parties have hereunto signed their hands and affixed their seals, the date of this deed,
to be paid at the time and in the manner hereinafter set forth.

LAND-WEED, INC., a Delaware corporation

Grantor to UNATILLA ELECTRIC COOPERATIVE ASSOCIATION, a Oregon
beneficiary of this deed, the receipt of which is hereby acknowledged, and in witness whereof, the parties have hereunto signed their hands and affixed their seals, the date of this deed,
to be paid at the time and in the manner hereinafter set forth.

UNATILLA, State of OREGON

"SEE ATTACHED DESCRIPTION"

Section 29, Township 4 North, Range 27 East, W. 1/4, together with the right of
gravel and gravel and for use as a gravel pit, or for any other purpose, the receipt of which is hereby acknowledged, and in
witness whereof, the parties have hereunto signed their hands and affixed their seals, the date of this deed,
to be paid at the time and in the manner hereinafter set forth.

Grantor shall have the right to use and enjoy the above described premises, subject to the right to have gravel and
gravel and gravel and for use as a gravel pit, or for any other purpose, the receipt of which is hereby acknowledged, and in
witness whereof, the parties have hereunto signed their hands and affixed their seals, the date of this deed,
to be paid at the time and in the manner hereinafter set forth.

It is agreed that the obligation of Grantor to make any payment hereunder shall be satisfied by delivery of such pay-
ment to any of the Grantees for the benefit of all Grantees.

Any payment made by Grantor shall be made under collection, and at the time of collection thereof, be held
in trust for the benefit of the Grantees.

The Grantee shall have the right to assign this grant in whole or in part including, without limitation, the right
to assign under any power of attorney or to assign to or for the benefit of any person.

The terms, conditions and provisions of this contract shall be binding upon the heirs, assigns, executors, administrators,
personal representatives, successors and assigns of the parties hereto.

TO HAVE AND TO HOLD the above described premises unto and to the heirs, assigns, executors, administrators, successors and assigns of such
party as shall be constructed and so long thereafter as a pipeline is maintained thereon.

IN WITNESS whereof the Grantee have hereunto signed their hands and affixed their seals, the date of this deed.

By [Signature] V.P. (Seal)
By [Signature] (Seal)
By [Signature] (Seal)

BOX 324 BOX 641

STATE OF OREGON)
County of Multnomah) ss:

On this 11th day of May, 1972, before me, the undersigned
Notary Public in and for the State of Oregon, duly commissioned
and sworn personally appeared A. E. Smith and A. E. Smith,
to me known to be the Vice President and Assistant Secretary respectively of
WEEDS CORPORATION, a Delaware Corporation,
the corporation that executed the foregoing instrument, and acknowledged to me that they executed and signed the same as their
true and lawful act and deed for the use and purpose therein expressed.

I, the undersigned, a Notary Public in and for the State of Oregon, do hereby certify that the foregoing instrument was duly executed and signed by the persons whose names are subscribed
thereon, and that they are the true and lawful act and deed for the use and purpose therein expressed.

[Signature]
Notary Public in and for the State of Oregon
My commission expires 12/18/73

(Acknowledgment by Corporation, Partner, Natural Person, Successor, or Trust)

On this day personally appeared before me, the undersigned, the persons described in and who
executed the within and foregoing instrument, and duly acknowledged to me that they executed and signed the same as their
true and lawful act and deed for the use and purpose therein expressed.

GIVEN under my hand and official seal this 11th day of May, 1972.

Notary Public in and for the State of Oregon

My Commission expires 12/18/73

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

By [Signature] (Seal)

324 230

LAND-WESTON, INC., a Delaware corporation

DESCRIPTION

PARCEL I:

That portion of the Northwest Quarter of the Northwest Quarter of Section 30, lying South and East of Westland Irrigation District Canal and North of O.W.P. & N. Railroad Co., right of way, Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon;

EXCEPTING any and all water rights of way and roads.

PARCEL II:

All that portion of the East Half of the Southwest Quarter of Section 19, lying South and East of County Road No. 849;

ALSO, all that portion of the Northwest Quarter of the Northwest Quarter of Section 30, lying West of the O.W.P. & N. Co. Railroad right of way;

ALSO, all that portion of the Northwest Quarter of the Northwest Quarter of Section 30, lying West of the Umatilla River and North of the O.W.P. & N. Co. Railroad right of way;

All being in Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon;

EXCEPTING any and all water rights of way and roads.

ALSO EXCEPTING that tract of land conveyed to Umatilla Electric Cooperative Association by deed recorded in Book 371, page 140, Deed Records.

Said easement will be 20 feet wide located 10 feet on and along the following centerline description:

Commencing at the Northwest corner of Section 30, Township 4 North, Range 28 East, U.M., Umatilla County, Oregon; thence S 0° 13' 42" E along the West line of said Section 30, 12 feet; thence S 89° 45' 20" E 28 feet to the true point of beginning of the easement; thence S 89° 45' 20" E 304.75 feet; thence S 71° 47' E 302.09 feet; thence S 19° 41' E 121.91 feet; thence S 19° 41' E 203.24 feet; thence S 11° 51' 10" E 181.79 feet to a point 30 feet West of the centerline of the Umatilla River; thence S 11° 51' 10" E 181.79 feet to the centerline of County Road No. 849; thence Northwesterly parallel with said centerline along the east of a line to the left, having a 360.25 foot width and subtended by a chord bearing S 19° 19' 34" E 220.18 feet; thence S 0° 27' 20" E parallel with said centerline 128.15 feet to the Southern line of County Road No. 849 and the terminus of said easement centerline.

Filed for record 11/22/1974 at 11:22 A.M. JESSIE M. HILL County Clerk

342 230

CORRECTION DEED

364701

LAND-WESTON, INC., a Delaware corporation, conveys to ANAC Foods, Inc., a Delaware corporation, all that real property situated in Umatilla County, State of Oregon, described as follows:

PARCEL I:

That portion of the northwest quarter of the southwest quarter of Section 30, lying south and east of Westland Irrigation District Canal and North of O.W.P. & N. Railroad Co., right of way, Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon;

EXCEPTING any and all water rights of way and roads.

That portion of the southwest quarter of the southwest quarter of Section 19, lying west and south of the Westland Canal, in Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon;

EXCEPTING any and all water rights of way and roads.

SUBJECT TO: Easement, including the terms and provisions thereof, granted by Leta M. Galletta, et al., to Umatilla Electric Cooperative Association, dated November 7, 1963, recorded February 7, 1964 in Book 276, Page 626, Deed Records.

PARCEL II:

All that portion of the east half of the southwest quarter of Section 19, lying south and east of County Road No. 149;

Also, all that portion of the southeast quarter of the southwest quarter of Section 30, lying north of the O.W.P. & N. Co. Railroad right of way;

Also, all that portion of the northwest quarter of the northwest quarter of Section 30, lying west of the Umatilla River and north of the O.W.P. & N. Co. Railroad right of way;

All being in Township 4 North, Range 28, East of the Willamette Meridian, in the County of Umatilla, State of Oregon;

EXCEPTING any and all water rights of way and roads.

SUBJECT TO: Mineral Reservations, including the terms and provisions thereof, as contained in Deed from Umatilla

-1-

342 231

County, a public corporation, to Westland Irrigation District, a Municipal corporation, dated July 22, 1959, recorded April 18, 1959, in Book 254, Page 51, Deed Records.

PARCEL III:

Township 4 North, Range 27, E.W.M.

Parcel A: Section 1: East half.

Parcel B: Section 12: Southwest quarter of northeast quarter, lying and being west of the Westland Canal.

EXCEPTING THEREFROM any and all water rights of way and roads;

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

SUBJECT TO:

1. Reservations as contained in United States Patent to the Northern Pacific Railway Company, dated April 11, 1894, recorded January 14, 1937 in Book 24, Page 235, Deed Records.

2. Reservations, as contained in Deed from the Northern Pacific Railway Company, to J. Frank Matson, dated June 17, 1905, recorded July 17, 1905 in Book 45, Page 115, Deed Records.

3. Easement, including the terms and provisions thereof, granted by Umatilla County, Oregon, to Umatilla Electric Cooperative Association, dated April 4, 1938, recorded April 15, 1938 in Book 150, Page 132, Deed Records.

4. Easement, including the terms and provisions thereof, granted by Umatilla County, Oregon, to Umatilla Electric Cooperative Association, dated October 25, 1943, recorded January 18, 1945 in Book 160, Page 587, Deed Records.

5. Oil and Gas Lease, including the terms and provisions thereof, between Marvin Leonard, Lessor, and Pacific Gas & Oil Reserve, Inc., a Washington corporation, dated April 12, 1959, recorded June 16, 1959 in Book 245, Page 333, Deed Records.

PARCEL IV:

Township 4 North, Range 27 E.W.M., Section 12, the north one-half of the northeast quarter and the southwest quarter of the northeast quarter.

Township 4 North, Range 28 E.W.M., Section 4, fractional north one-half of the northeast

342 232

quarter, southwest quarter of the northeast quarter, and fractional west one-half.

Approximately 539.26 acres.

This is a Correction Deed made without consideration.

The foregoing recital as concerns consideration is true as I verily believe.

Signed by authority of the Board of Directors, with the seal of said corporation affixed, this 22nd day of November, 1974.



LAND-WESTON, INC., a Delaware corporation

By *[Signature]*
K. C. Knecht
Vice President-Treasurer

STATE OF OREGON)
County of Washington)

[Signature], 1974.

Personally appeared A. C. NEWELL, who, being sworn, stated that he is the Vice President-Treasurer of grantor corporation and that the seal affixed hereto is its seal and that this deed was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors.

Before me,



[Signature]
Notary Public for Oregon
My Commission expires: *[Signature]*

Filed for record 11/27/74 at 11:27 A.M. JESSIE M. HILL County Clerk

-2-

AMFAC FOODS, INC.

AN EASEMENT 20 FEET WIDE LYING 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON; THENCE SOUTH 0°11'40" WEST ALONG THE WEST LINE OF SAID SECTION 736.13 FEET; THENCE SOUTH 89°46'20" EAST 528.71 FEET; THENCE SOUTH 71°49' EAST 992.59 FEET; THENCE NORTH 75°41' EAST 29.13 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 18°11' EAST 1479.34 FEET; THENCE SOUTH 71°49' EAST 78.74 FEET TO THE TERMINUS OF THIS EASEMENT.

ALSO AN EASEMENT 20 FEET WIDE LYING 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON; THENCE SOUTH 0°11'40" WEST ALONG THE WEST LINE OF SAID SECTION 736.13 FEET; THENCE SOUTH 89°46'20" EAST 528.71 FEET; THENCE SOUTH 71°49' EAST 992.59 FEET; THENCE NORTH 75°41' EAST 29.13 FEET; THENCE NORTH 18°11' EAST 1479.34 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 71°49' EAST 51.00 FEET TO THE TERMINUS OF THIS EASEMENT.

Filed for record OCT 10 1935 at 2:22 p.m. County Clerk
JESSIE M. MILL

EXHIBIT A

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

PARTIAL 1:

Commencing at the Northwest corner of Section 30, Township 4 North, Range 28, E. W. M. and running thence South 89° 46' 20" East a distance of 1819.82 feet to the true point of beginning; thence South 18° 11' 00" East a distance of 31.58 feet; thence South 71° 49' 00" East a distance of 29.13 feet; thence South 18° 11' 00" East a distance of 185.72 feet; thence South 71° 49' 00" East a distance of 275.72 feet to a point on the westerly right of way line of County Road No. 433; thence along said westerly right of way line South 28° 54' 12" East a distance of 152.19 feet; thence continuing along said westerly right of way line, along a 3769.78 foot radius curve to the left, the chord bears South 21° 44' 40" East 176.38 feet a distance of 376.28 feet; thence leaving said westerly right of way South 71° 49' 00" West a distance of 185.25 feet to the point of beginning.

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

ALL EASEMENT NO. 1:

1. 1975-76 (real property taxes).
2. The premises herein described are within the boundaries of the Westland Irrigation District, and this property is therefore subject to all assessments, levies and assessments thereof.

RESERVING THEREFROM:

RESERVED EASEMENT NO. 1:

The perpetual right and easement to maintain, operate and use a well water line under and across a two-foot strip of land which is five feet on each side of a centerline described as follows:

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 33 feet to the point of beginning; thence South 71° 49' 00" East 416 feet; thence South 43° 11' 00" East 48 feet; thence South 13° 49' 00" East 33 feet to a point on the East line of PARCEL 1.

RESERVED EASEMENT NO. 2:

The perpetual right and easement to maintain, operate and use auxiliary sewer lines under and across a two-foot strip of land which is five feet on each side of centerlines described as follows:

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 33 feet to the point of

WARRANTY DEED AND GRANT AND SUBDIVISION OF EASEMENTS

16-3375

AMFAC FOODS, INC., a Delaware corporation, Grantor, assigns and warrants to THE TERMINAL ICE & COOL STORAGE COMPANY, as Grantee corporation, Grantee, the following-described real property, free of encumbrances, situated in Umatilla County, Oregon, to-wit:

PARTIAL 1:

Commencing at the Northwest corner of Section 30, Township 4 North, Range 28, E. W. M. and running thence South 89° 46' 20" East a distance of 1739.82 feet to the true point of beginning; thence South 18° 11' 00" East a distance of 31.58 feet; thence South 71° 49' 00" East a distance of 29.13 feet; thence South 18° 11' 00" West a distance of 185.72 feet; thence South 71° 49' 00" West a distance of 275.72 feet to the Eastern line of that tract of land belonging to Umatilla Electric Cooperative Association, recorded in Book 211, Page 148, Grant Number; thence South 14° 24' 20" West along the Eastern line of said Umatilla Electric Tract, 11.74 feet; thence South 71° 49' 00" West along the Northern line of said Umatilla Electric Tract, 20.00 feet; thence South 13° 49' 00" West a distance of 286.18 feet to the point of beginning.

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

PARTIAL 2:

Commencing at the Northwest corner of Section 30, Township 4 North, Range 28, E. W. M. and running thence South 89° 46' 20" East a distance of 1739.82 feet to the true point of beginning; thence South 18° 11' 00" East a distance of 31.58 feet; thence South 71° 49' 00" East a distance of 29.13 feet; thence South 18° 11' 00" West a distance of 185.72 feet; thence South 71° 49' 00" West a distance of 275.72 feet to the Eastern line of that tract of land belonging to Umatilla Electric Cooperative Association, recorded in Book 211, Page 148, Grant Number; thence South 14° 24' 20" West along the Eastern line of said Umatilla Electric Tract, 11.74 feet; thence South 71° 49' 00" West along the Northern line of said Umatilla Electric Tract, 20.00 feet; thence South 13° 49' 00" West a distance of 286.18 feet to the point of beginning.

beginning; thence South 71° 49' 00" East 487 feet; thence South 43° 11' 00" East 48 feet to a point on the East line of the land conveyed heretofore by Grantor to Grantee.

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 33 feet; thence South 71° 49' 00" East 33 feet to the point of beginning; thence South 13° 49' 00" East 33 feet to a concrete block fireplace chimney building.

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 33 feet to the point of beginning; thence South 71° 49' 00" East 33 feet to a wellhead.

RESERVED EASEMENT NO. 3:

The perpetual right and easement to maintain, operate and use a fire sprinkler main under and across a two-foot strip of land which is five feet on each side of a centerline described as follows:

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 143 feet to the point of beginning; thence South 43° 11' 00" East 33 feet; thence South 18° 11' 00" East 33 feet.

RESERVED EASEMENT NO. 4:

The perpetual right and easement to maintain, operate and use a concrete water line under and across a two-foot strip of land which is five feet on each side of centerlines described as follows:

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 117 feet to the point of beginning; thence South 71° 49' 00" East 33 feet; thence South 13° 49' 00" East 33 feet; thence South 13° 49' 00" East 33 feet to the entrance to a tunnel under the drainage's old storage warehouse.

From the Southwest corner of PARCEL 1 described above bear North 18° 11' 00" East 182 feet; thence South 18° 11' 00" East 33 feet to the point of beginning; thence South 71° 49' 00" East 33 feet; thence South 13° 49' 00" East 33 feet; thence South 13° 49' 00" East 33 feet to the entrance to a tunnel under the drainage's old storage warehouse.

RESERVED EASEMENT NO. 5:

The perpetual right and easement to maintain, operate and use a line under and across a two-foot strip of land which is five feet on each side of centerlines described as follows:

REV 351 REG 219

Page 2.

Along line North 14° 11' 00" East a distance of 335 feet to the true point of beginning of the easement; thence North 71° 49' 30" West 15 feet; thence North 14° 11' 00" East 15 feet; thence South 71° 49' 30" West 15 feet; thence South 14° 11' 00" East 15 feet to the point of beginning of the easement.

GRANTED EASEMENT NO. 3

The perpetual right and easement upon, over and across the land of the Grantor hereinafter specifically described for the purpose of constructing, reconstructing, maintaining, erecting, operating and using a sign or signs designating and advertising the Grantor's facilities located on the lands conveyed hereunder, such land subject to the easement being described as follows:

Beginning at the intersection of the easterly right-of-way line of County Road No. 431 and the South line of the Northwest one-quarter of the Northwest one-quarter of Section 20, Township 4 North, Range 28 East, W. 4. East 1/4 right-of-way 711.48 feet to the centerline of the Welland Irrigation Canal; thence North 44° 33' 00" East along said centerline 1053.43 feet; thence a 330.00 foot radius curve to the left, the chord bears North 14° 41' 38" East 219.88 feet; a distance of 745.43 feet; thence continuing along said centerline along said centerline North 14° 41' 38" East 219.88 feet; a distance of 37' 11" East 240.42 feet; a distance of 273.91 feet; thence continuing along said centerline North 14° 41' 38" East 116.43 feet to a point on the North-South centerline of the Southwest one-quarter of Section 19, Township 4 North, Range 28 East, W. 4. thence North 9° 14' 15" East along said North-South centerline 392.01 feet to a point on the Southerly right-of-way line of County Road No. 431; thence 41° 18' 18" East, thence South 47° 14' 30" East a distance of 15 feet to the point of beginning of the 20' East 20 feet, thence South 47° 14' 30" East 20 feet, thence North 47° 14' 30" East 20 feet to the point of beginning, together with lot area and acreage therein over and across adjacent lands of the Grantor to the County Road.

GRANTOR'S EASEMENT NO. 4

Grantor gives and grants to Grantee the right:

- To connect Grantee's fire sprinkler lines to

Grantor's fire sprinkler lines located upon or under the land conveyed to Grantee by this Deed and to use the water from such lines and the facilities thereof for Grantee's fire protection system.

- To connect Grantee's domestic water lines to Grantee's domestic water lines located upon or under the land conveyed to Grantee by this Deed and to use the water from such lines.
- To connect Grantee's sanitary sewer line into the Grantee's sanitary sewer lines located upon or under the land conveyed to Grantee by this Deed and to discharge the effluent from Grantee's sanitary sewer line into Grantee's sanitary sewer lines, facilities and system.
- To connect Grantee's waste water disposal lines into the Grantee's waste water disposal lines located upon or under the land conveyed to Grantee by this Deed and to discharge the waste water from Grantee's waste water lines into Grantee's waste water lines.

Grantor is not to have any claim whatsoever against the Grantor in the event of failure of any of the above systems to properly function.

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

Certain of the Reserved Easements reserved by Grantor in this Deed are located under buildings and improvements erected or to be erected over or upon such easement areas by Grantee (particularly Reserved Easements Numbered 2, 4 and 7), and such reservation is in no way to restrict Grantee's unrestricted use of the easement area and the buildings and improvements constructed or to be constructed thereon, and Grantor shall have no rights in such instances to disturb any such building or improvement or the surface area of such easement. Despite any language or interpretation to the contrary, Grantor and Grantee understand that the reservation of easements by Grantor hereunder shall not prevent Grantee from making reasonable use of the surface area of such easements not covered by buildings or improvements erected by Grantee to the extent that such

use by Grantee does not unreasonably interfere with the use of the easement areas by Grantor for the respective purposes for which the easements are intended.

Despite any language or interpretation to the contrary, Grantor and Grantee further understand that the conveyance and grant of easements by Grantor to Grantee herein shall not prevent Grantor from making reasonable use of the surface area of such easements not covered by improvements or structures erected thereon by Grantee to the extent that such use by Grantor does not unreasonably interfere with the use, both surface and otherwise, of the easement areas by Grantee for the respective purposes for which the easements are intended.

All easements conveyed and granted hereunder shall be for and inure to the benefit of Grantee and its successors and assigns, and all easements reserved by Grantor hereunder shall be for and inure to the benefit of Grantor and its successors and assigns.

The true consideration for this conveyance is \$8,678.75.

Until change is requested, all tax statements pertaining to PARCELS 1, 11 and 12 shall be sent to the following address:

The Trenchard Ice & Cold Storage Company
1418 S.W. First Avenue
Portland, Oregon 97201.

DONE by order of the Grantor's Board of Directors, with its corporate seal affixed, on this 22nd day of October, 1979.

ANPAC FOODS, INC.

By [Signature] Vice President

By [Signature] Executive Secretary

STATE OF OREGON,
County of Multnomah.

On this 23rd day of October, 1979, before me personally appeared J. E. GORDON and A. C. HUNTER, to me personally known, who being duly sworn, did say that he, the said J. E. GORDON, is the Vice President, and he, the said A. C. HUNTER, is the Assistant Secretary, of ANPAC FOODS, INC., the within named corporation; and that the seal affixed to said instrument is the corporate seal of said corporation; and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said J. E. GORDON and A. C. HUNTER acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this, the day and year first in this, my certified copy, written.



Notary Public for Oregon
My commission expires 10/23/80

WARRANTY DEED AND GRANT
AND RESERVATION OF EASEMENTS

BY
ANPAC POWER, INC.
GRANTOR

TO
THE PRINCIPAL ITS A CHILD FUND
AND COMPANY, GRANTEE

STATE OF OREGON
COUNTY OF UMATILLA
Know all men by these presents, that ANPAC POWER, INC., a corporation organized under the laws of the State of Oregon, for and in consideration of the sum of \$100,000.00 to it in hand paid by THE PRINCIPAL ITS A CHILD FUND AND COMPANY, the receipt of which is hereby acknowledged, have granted, sold, conveyed and confirmed unto the said GRANTEE, its heirs and assigns forever, all that certain

Section 33, Township 4 North, Range 7E, S.W. 1/4, being described as follows, to-wit:

Commencing at the Northwest corner of said Section 33, thence South 89°12'42" West 1122.78 feet; thence South 89°12'42" East 188.52 feet to a point on the Northeast right-of-way line of the Oregon-Washington Railroad & Navigation Co.; thence South 78°41'12" East along said Northeast right-of-way line 1167.02 feet; thence South 14°13'02" West 32.26 feet; thence South 78°41'12" East 101.02 feet; thence South 14°13'02" West 79.50 feet to the TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence South 78°41'12" East 113.52 feet; thence South 14°13'02" East 139.38 feet; thence South 14°13'02" East 32.78 feet; thence South 78°41'12" East 35.78 feet; thence South 14°13'02" East 150.02 feet, more or less, to the true point of beginning;

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

SUBJECT TO all easements, levies and assessments of the Westland Irrigation District;

and covenants that Grantor is the owner of the above-described property, free of all encumbrances except as noted above, and Grantor shall warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration of the transfer is \$110.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 14th day of October, 1977.

ANPAC POWER, INC.
GRANTOR

JOHN E. GORRIS, Vice Pres.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

R 25 REG 267

STATE OF OREGON
County of Washington

On this 14th day of October, 1977, personally appeared John E. Gorris and W. W. Phillips, Jr., who, being sworn, did state that they are the Vice President and Assistant Secretary of Grantor corporation, and that the seal affixed hereto is its seal and that this deed was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:



Notary Public for the State of Oregon
My commission expires: 4/1/78

Page 2

R 25 REG 268

WARRANTY DEED

25924

ANPAC POWER, INC. dba Lamb-Weston, a Delaware corporation, Grantor, conveys to UMATILLA ELECTRIC COOPERATIVE ASSOCIATION, an Oregon cooperative corporation, all that real property situated in Umatilla County, State of Oregon, described as:

A tract of land located in the Northeast Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 7E, S.W. 1/4, being described as follows, to-wit:

Commencing at the Northwest corner of said Section 33, thence South 89°12'42" West 1122.78 feet; thence South 89°12'42" East 188.52 feet to a point on the Northeast right-of-way line of the Oregon-Washington Railroad & Navigation Co.; thence South 78°41'12" East along said Northeast right-of-way line 1167.02 feet; thence South 14°13'02" West 32.26 feet; thence South 78°41'12" East 101.02 feet; thence South 14°13'02" West 79.50 feet to the TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence South 78°41'12" East 113.52 feet; thence South 14°13'02" East 139.38 feet; thence South 14°13'02" East 32.78 feet; thence South 78°41'12" East 35.78 feet; thence South 14°13'02" East 150.02 feet, more or less, to the true point of beginning;

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

SUBJECT TO all easements, levies and assessments of the Westland Irrigation District;

and covenants that Grantor is the owner of the above-described property, free of all encumbrances except as noted above, and Grantor shall warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration of the transfer is \$110.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 14th day of October, 1977.



ANPAC POWER, INC.
GRANTOR

JOHN E. GORRIS, Vice Pres.

W. W. Phillips, Jr., Asst. Sec.

R 25 REG 268

STATE OF OREGON
COUNTY OF UMATILLA
Know all men by these presents, that ANPAC POWER, INC., a corporation organized under the laws of the State of Oregon, for and in consideration of the sum of \$100,000.00 to it in hand paid by THE PRINCIPAL ITS A CHILD FUND AND COMPANY, the receipt of which is hereby acknowledged, have granted, sold, conveyed and confirmed unto the said GRANTEE, its heirs and assigns forever, all that certain

Section 33, Township 4 North, Range 7E, S.W. 1/4, being described as follows, to-wit:

Commencing at the Northwest corner of said Section 33, thence South 89°12'42" West 1122.78 feet; thence South 89°12'42" East 188.52 feet to a point on the Northeast right-of-way line of the Oregon-Washington Railroad & Navigation Co.; thence South 78°41'12" East along said Northeast right-of-way line 1167.02 feet; thence South 14°13'02" West 32.26 feet; thence South 78°41'12" East 101.02 feet; thence South 14°13'02" West 79.50 feet to the TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence South 78°41'12" East 113.52 feet; thence South 14°13'02" East 139.38 feet; thence South 14°13'02" East 32.78 feet; thence South 78°41'12" East 35.78 feet; thence South 14°13'02" East 150.02 feet, more or less, to the true point of beginning;

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

SUBJECT TO all easements, levies and assessments of the Westland Irrigation District;

and covenants that Grantor is the owner of the above-described property, free of all encumbrances except as noted above, and Grantor shall warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration of the transfer is \$110.00.

The foregoing recital of consideration is true as I verily believe.

DATED this 14th day of October, 1977.

ANPAC POWER, INC.
GRANTOR

JOHN E. GORRIS, Vice Pres.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

W. W. Phillips, Jr., Asst. Sec.

R103 1935

PLD 9174-34-2.1

Property Dept.
Deed No. 11924-3

94115

ASSIGNMENT FOR RAILROAD PURPOSES

AMPAC Foods, Inc., a Delaware corporation, doing business as LAND-VESTING, GRADING, SURVEY and WARRANTS TO OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, an Oregon corporation, GRANTS, an assignment for Railroad purposes, upon, along, over and across the real property described in the attached Exhibit A, which real property is situated in the County of Deschutes, State of Oregon, including, without limitation, the right to construct, reconstruct, maintain, operate, repair, renew, alter, relocate and replace railroad tracks, facilities and appurtenances thereon, and the right to perform any grading or excavation necessary or expedient therefor, and the exclusive right to permit or permit, subject to such conditions as the grantor, in its sole discretion deems desirable, the construction of haulways or encroachments across or along said real property by wire lines, pipelines, vehicles, pedestrians or stock.

This transfer is made without monetary consideration or other property given or promised.

Dated this 2nd day of June, 1935.

AMPAC FOODS, INC.,
doing business as
LAND-VESTING

By *[Signature]*
Vice President

R103 1936

STATE OF Oregon
County of Washington

On this 1st day of June, 1935, before me personally appeared *[Signature]* of the County of Washington, State of Oregon, who acknowledged to me that he was the President of the Oregon-Washington Railroad & Navigation Company, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the use and purpose therein mentioned, and he hath stated that he was authorized to execute said instrument.

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



[Signature]
Notary Public for
Said County of Washington, Oregon

My Commission Expires: 1/1/36

R103 1937

O.W.B. CO. CO.
(V.P.R.R. CO. - DESCHUTES)
UNDEVELOPED LANDS
(Near Hinkle)

Description of property upon which an assignment is to be assigned for land trackage from Land-Vesting, Inc.

An irregular shaped parcel of land situate in the NW 1/4 of Section 30, T. 4 N., R. 28 E., of the Willamette Meridian in Deschutes County, Oregon, described as follows:

Commencing at the point of intersection of the west line of said Section 30 with the centerline of the main track of the Oregon-Washington Railroad & Navigation Company, as now constructed and operated, which is a point 1518.0 feet north, measured along said west line, from the northeast corner thereof;

Thence northeasterly along said centerline of main track which is a straight line that forms an angle of 73° 34' from north to northeast with said west line, a distance of 549.7 feet, to the point of switch of spur track A-49;

Thence northeasterly along a straight line drawn at right angles to said centerline of main track, a distance of 50.0 feet, to a point in the northeasterly right-of-way line of said Railroad Company, which is a line parallel with and 50.0 feet distant northeasterly, measured at right angles from said centerline of main track;

Thence northeasterly along said right-of-way line, a distance of 372.64 feet, more or less, to a point that is 10.0 feet distant northeasterly, measured radially, from the centerline of said industry spur track A-49 and the True Point of Beginning;

Thence northeasterly along a non-tangent curve concave southeasterly and concentric with said centerline of industry spur track, having a radius of 421.275 feet, through a central angle of 13° 48' 31", a distance of 101.64 feet, the long chord of said curve forms an angle of 13° 34' 50.1" from northeast to north with said right-of-way line and a length of 120.9 feet;

Thence northeasterly along a straight line tangent to the end of said curve, a distance of 78.11 feet, to the beginning of a tangent curve concave southeasterly and having a radius of 583.684 feet;

Page 1

EXHIBIT A

R103 1938

Thence northeasterly along said curve through a central angle of 8° 34' 18", a distance of 40.81 feet;
Thence southeasterly along a straight line, drawn radially to the end of said curve, a distance of 79.84 feet, to a point in said northeasterly right-of-way line;
Thence southeasterly along said right-of-way line, a distance of 179.46 feet, to the True Point of Beginning.
Containing an area of 1249 square feet or 0.077 of an acre, more or less.

Office of the Chief Engineer
Oasis, Nebraska
December 28, 1932

Page 2

EXHIBIT A

R104 1544
PLD 1174-14-2.1

91901
Property Department
Deed No. 13924-1

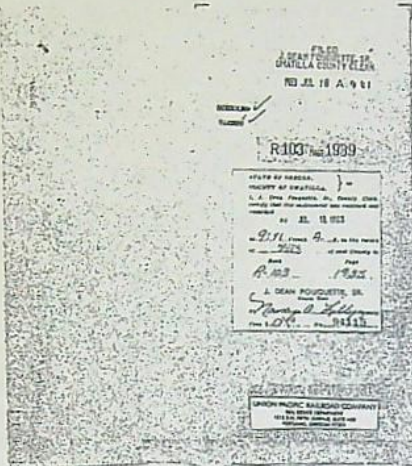
OUTCLAIM DEED

OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, an Oregon corporation, Grantor, Release and Quitclaim to JOPAC TRUCK, INC., a Delaware corporation, doing business as Land-Tron, Grantee, all right, title and interest in and to the following-described real property, pursuant to that certain easement from the Grantee to the Grantor dated November 14, 1974, recorded December 22, 1974 in the Deed Records of Clatsop County, Oregon, in Book 243, at page 81, as Document No. 243179:

A strip of land 20.0 feet wide situate in the NE 1/4 of the northwest quarter of Section 20, Township 4 North, Range 24 East of the Willamette Meridian, in Clatsop County, Oregon, said strip extending northwesterly from the northern right of way line of the Oregon-Washington Railroad & Navigation Company, which is a straight line parallel with and 11.1 feet distant northwesterly, measured at right angles, from the center line of the main track of said Railroad Company as now constructed and operated, to a straight line drawn at right angles to the hereinafter described center line of said track at the end thereof, being 15.0 feet in width, measured at right angles and/or radially, on each side of said center line of said track; said center line of said track along and beyond the strip of land hereby described being described as follows:

Beginning at a point of switch in the center line of the main track of the Oregon-Washington Railroad & Navigation Company at Railroad Survey Station 41899.5, which is a point in said center line that is 2163.2 feet distant northwesterly from the north-south center line of said Section 20, measured along said center line of said track; thence northwesterly along a line 12 through to the left, having a radius of 219.23 feet through a frog angle of 5° 44', and a tangent thence, a distance of 51.28 feet; thence northwesterly along a straight line tangent to the end of the last described tangent, a distance of 71.2 feet; thence northwesterly along a tangent curve to the left, having a radius of 410.28 feet, a distance of 124.33 feet; thence northwesterly

OUTCLAIM DEED
Page 1

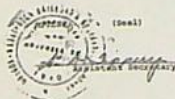


R104 1545

along a straight line tangent to the end of the last described curve, a distance of 9.61 feet; thence northwesterly along a tangent curve to the right, having a radius of 412.38 feet, a distance of 11.21 feet, more or less, to a point in the northern right of way line of said Railroad Company; thence continuing northwesterly along the extension of the last described curve, a distance of 42.79 feet, more or less, to the end of said curve; thence northwesterly along a straight line tangent to the end of the last described curve, a distance of 11.11 feet; thence northwesterly along a tangent curve to the right, having a radius of 372.48 feet, a distance of 61.40 feet; thence northwesterly along a straight line tangent to the end of the last described curve, a distance of 41.33 feet; thence northwesterly along a tangent curve to the left, having a radius of 371.49 feet, a distance of 61.40 feet; thence northwesterly along a straight line tangent to the end of the last described curve, a distance of 377.5 feet; thence northwesterly along a tangent curve to the right, having a radius of 1326.28 feet, a distance of 58.23 feet; thence northwesterly along a straight line tangent to the end of the last described curve, a distance of 129.17 feet.

This conveyance is made without monetary consideration or other property of value given or promised.

DATED this 2nd day of July, 1981.



OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY

By *[Signature]*
Vice President

OUTCLAIM DEED
Page 2

R104 1546

STATE OF OREGON
County of Douglas ss.

On this 2nd day of July, 1981, before me personally appeared *[Signature]* J. H. HARRIS, to whom I am well known to be the President of the OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

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

[Signature]
Notary Public for Clatsop County,
Subscribed, residing at Omaha
My commission expires: *[Signature]*

OUTCLAIM DEED
Page 3

FILED
FEB 18 1960
FEB 18 A 9 00

R104 1547

STATE OF OREGON
COUNTY OF CLATSOP
I, J. Dean Fougere, Jr., County Clerk,
do hereby certify that this instrument was duly
recorded in Book 1547, Page 1547.
J. DEAN FOUGERE, JR.
County Clerk
FEB 18 1960

Land-Water, Inc., a Portland Company
Box 1325, Portland, Oregon 97208

Attest: J. Dean Fougere, Jr.

R100 1455

RECORDED
MAR 18 1960

138770

APRIL 1960, INC., a Delaware corporation, Grantor,
George W. Land-Water, Inc., a Delaware corporation, Grantee,
parties and property situated in Clatsop County, Oregon, more
fully described in Exhibit A attached hereto.
This instrument represents a contribution to capital
of \$100,000.00 to the corporation of the Grantor as
members of the Board of Directors in 1960 and in
consequence to which Grantor has received other than
of liability for a mortgage recorded September 11, 1959 in Book
151, Page 151, Mortgage Records of Clatsop County, Oregon.
THIS INSTRUMENT SHALL NOT BE VALID UNLESS THE PROCEEDS
HEREOF ARE USED IN FULL PAYMENT OF THE DEBTS AND
LIABILITIES OF THE GRANTOR. IF THE GRANTOR SHALL
HEREAFTER IN ANY MANNER IN VIOLATION OF THE TERMS OF
THIS INSTRUMENT, THE GRANTOR SHALL BE LIABLE TO THE GRANTEE
FOR THE FULL AMOUNT OF THE DEBTS AND LIABILITIES OF THE
GRANTOR WHICH WERE NOT PAID BY THE GRANTOR
HEREUNDER TO THE GRANTEE. THIS INSTRUMENT SHALL
REMAIN IN FULL FORCE AND EFFECT UNTIL THE GRANTOR
SHALL HAVE PAID THE FULL AMOUNT OF THE DEBTS AND
LIABILITIES OF THE GRANTOR WHICH WERE NOT PAID BY THE
GRANTOR HEREUNDER TO THE GRANTEE.

DATED this 1st day of June, 1960.

APRIL 1960, INC., a Delaware
corporation

By: *[Signature]*
President of Corporation

By: *[Signature]*
Assistant Secretary

THIS INSTRUMENT IS VALIDATED BY THE CLERK OF THE
COUNTY OF CLATSOP, OREGON, THIS 18th DAY OF MARCH,
1960, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
HAND AND SEAL OF OFFICE.
COUNTY CLERK, CLATSOP COUNTY, OREGON
BOOK 1547, PAGE 1547

CLATSOP

R100 1456

STATE OF OREGON
County of Washington

The foregoing instrument was acknowledged and sworn to
affirmed by me on this 18th day of June, 1960, as
President of Land-Water, Inc., a Delaware corporation, the Grantor
President and Assistant Secretary, respectively, of APRIL 1960,
INC., a Delaware corporation, as set forth in the
instrument recorded in Book 1547, Page 1547,
Mortgage Records of Clatsop County, Oregon.



Attest: J. Dean Fougere, Jr.
County Clerk
FEB 18 1960
J. DEAN FOUGERE, JR.
County Clerk

CLATSOP

R100 1457

RECORDED

138770

STATE OF

WASHINGTON, COUNTY OF CLATSOP

Section 1: East half.

Section 2: North half of Northwest Quarter.

Section 3: Northwest Quarter of Northwest Quarter.

Section 4: Northwest Quarter of Northwest Quarter, lying and

being West of Section 1.

Section 5: Northwest Quarter of Northwest Quarter.

Section 6: Northwest Quarter of Northwest Quarter.

Section 7: Northwest Quarter of Northwest Quarter.

Section 8: Northwest Quarter of Northwest Quarter.

Section 9: Northwest Quarter of Northwest Quarter.

Section 10: Northwest Quarter of Northwest Quarter.

Section 11: Northwest Quarter of Northwest Quarter.

Section 12: Northwest Quarter of Northwest Quarter.

Section 13: Northwest Quarter of Northwest Quarter.

Section 14: Northwest Quarter of Northwest Quarter.

Section 15: Northwest Quarter of Northwest Quarter.

Section 16: Northwest Quarter of Northwest Quarter.

Section 17: Northwest Quarter of Northwest Quarter.

Section 18: Northwest Quarter of Northwest Quarter.

Section 19: Northwest Quarter of Northwest Quarter.

Section 20: Northwest Quarter of Northwest Quarter.

Section 21: Northwest Quarter of Northwest Quarter.

Section 22: Northwest Quarter of Northwest Quarter.

Section 23: Northwest Quarter of Northwest Quarter.

Section 24: Northwest Quarter of Northwest Quarter.

Section 25: Northwest Quarter of Northwest Quarter.

Section 26: Northwest Quarter of Northwest Quarter.

Section 27: Northwest Quarter of Northwest Quarter.

Section 28: Northwest Quarter of Northwest Quarter.

Section 29: Northwest Quarter of Northwest Quarter.

Section 30: Northwest Quarter of Northwest Quarter.

Section 31: Northwest Quarter of Northwest Quarter.

Section 32: Northwest Quarter of Northwest Quarter.

Section 33: Northwest Quarter of Northwest Quarter.

Section 34: Northwest Quarter of Northwest Quarter.

Section 35: Northwest Quarter of Northwest Quarter.

Section 36: Northwest Quarter of Northwest Quarter.

Section 37: Northwest Quarter of Northwest Quarter.

Section 38: Northwest Quarter of Northwest Quarter.

Section 39: Northwest Quarter of Northwest Quarter.

Section 40: Northwest Quarter of Northwest Quarter.

Section 41: Northwest Quarter of Northwest Quarter.

Section 42: Northwest Quarter of Northwest Quarter.

Section 43: Northwest Quarter of Northwest Quarter.

Section 44: Northwest Quarter of Northwest Quarter.

Section 45: Northwest Quarter of Northwest Quarter.

Section 46: Northwest Quarter of Northwest Quarter.

Section 47: Northwest Quarter of Northwest Quarter.

Section 48: Northwest Quarter of Northwest Quarter.

Section 49: Northwest Quarter of Northwest Quarter.

Section 50: Northwest Quarter of Northwest Quarter.

Section 51: Northwest Quarter of Northwest Quarter.

Section 52: Northwest Quarter of Northwest Quarter.

Section 53: Northwest Quarter of Northwest Quarter.

Section 54: Northwest Quarter of Northwest Quarter.

R 165 no 1458

Deed Records, and described as beginning at section corner
between 12 and 13, Township 4 North, Range 28, and
61°12'30" East 132.00 feet; thence South 21°00'00" East 132.00
feet to a point on the boundary line of the
Oregon-Washington Railroad & Navigation Co., thence South 10°41'
East 132.00 feet; thence South 29°41' East 132.00 feet;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet; thence South 14°15'
East 132.00 feet; thence South 14°15' East 132.00 feet to the point of
beginning.

ALSO EXCEPTED THEREFROM that tract conveyed to Seattle
Electric Cooperative Association, by deed recorded in Book 216, Page 246,
Deed Records, and described as a tract of land located in
Northwest Quarter of Northwest Quarter of Section 36, Township 4 North,
Range 28, and described as beginning at
132.00 feet thence South 17°00' East 132.00 feet to a point on the
boundary line of the Oregon-Washington Railroad & Navigation Co., thence
South 10°41' East 132.00 feet; thence South 29°41' East 132.00 feet;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet; thence South 14°15' East 132.00
feet; thence South 14°15' East 132.00 feet to the point of beginning.

EXCEPTED THEREFROM THE FOLLOWING:
Beginning at the Northwest corner of Section 36, Township 4 North,
Range 28, S. 1/4, E. 1/4, and running thence North 17°00' East
132.00 feet to the true point of beginning;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;

ALSO EXCEPTED THEREFROM THE FOLLOWING:
Beginning at the Northwest corner of Section 36, Township 4 North,
Range 28, S. 1/4, E. 1/4, and running thence North 17°00' East
132.00 feet to the true point of beginning;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;

R 165 no 1459

thence North 14°15' East a distance of 132.00 feet; thence
South 17°00' East a distance of 132.00 feet to a point on the
boundary line of the Oregon-Washington Railroad & Navigation Co., thence
South 10°41' East 132.00 feet; thence South 29°41' East 132.00 feet;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet; thence South 14°15' East 132.00
feet; thence South 14°15' East 132.00 feet to the point of beginning;
thence South 14°15' East 132.00 feet; thence South 14°15' East 132.00
feet to the true point of beginning;

ALSO EXCEPTED THEREFROM THE FOLLOWING:
Beginning at the Northwest corner of Section 36, Township 4 North,
Range 28, S. 1/4, E. 1/4, and running thence North 17°00' East
132.00 feet to the true point of beginning;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;

EXCEPTED THEREFROM THE FOLLOWING:
Beginning at the Northwest corner of Section 36, Township 4 North,
Range 28, S. 1/4, E. 1/4, and running thence North 17°00' East
132.00 feet to the true point of beginning;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;

ALSO EXCEPTED THEREFROM THE FOLLOWING:
Beginning at the Northwest corner of Section 36, Township 4 North,
Range 28, S. 1/4, E. 1/4, and running thence North 17°00' East
132.00 feet to the true point of beginning;
thence South 17°00' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;
thence South 14°15' East 132.00 feet to the true point of beginning;

R 163 no 1128

EASEMENT

152459

SUBJECT MATTER, INC.
"Grantee" do hereby convey to WESTLAND IRRIGATION DISTRICT, an
irrigation district organized under the laws of the State of
Oregon, "the District," a perpetual Easement in and over the Real
property described in Exhibit A, attached hereto and incorporated
herein.

The Easement is for the purpose of surveying for,
installing, repairing, maintaining and replacing a
buried pipeline to convey irrigation water. The proposed
location of the pipeline has been shown to Grantee. During the
period of construction the width of the Easement is 80 feet.
After the pipeline has been installed and become operational, the
width of the Easement will be 40 feet. After the pipeline has
been installed, a surveyed description of the location of the
Easement will be prepared and, upon the request of Grantee, a
Notice of Location will be recorded by the District.

This grant of Easement to the District includes the
authority to survey for, locate, install, maintain, repair and
replace valves, boxes, laterals, junctions, siphons, ditches and
the authority to impact all such equipment and to monitor and
adjust the installed water delivery system. All pipelines shall
be buried to a depth of at least 1 1/2 feet below the surface of
the ground. Grantee reserves the right to suspend farming
operations over the pipeline. The diameter of the main pipeline
to be installed by the District shall not exceed 16 inches in
diameter.

Any connection to the pipeline made for the purpose of
serving Grantee's or other land shall be made by the District
during the construction and installation of the pipe. If not
made by the District at that time, the Grantee does not have any
authority to make any connection to the pipeline at any later
time.

The District will defend, indemnify, and hold the
Grantee harmless from any and all losses, claims, causes of
action or suits arising out of or related to the installation or
use of the improvements installed by the District on the
Grantee's land except those arising out of or related to the
negligence or wrongful acts of the Grantee or of their agent.

Dated this 27 day of February, 1982.

SUBJECT MATTER, INC.

for and by
for and by

R 163 no 1129

EXHIBIT A

That portion of Northwest Quarter of Northwest Quarter of Section
32, Township 4 North, Range 28, lying South and East of Westland
Irrigation District Canal and North of S. W. R. & N. Railroad Co.,
right of way.

ALSO that portion of Southwest Quarter of Northwest Quarter of
Section 19, Township 4 North, Range 28, lying East and North
of Westland Canal.

All that portion of East half of Southwest Quarter of Section 19,
Township 4 North, Range 28, lying South and East of County Road No.
149 aka No. 1278.

ALSO all that portion of Northwest Quarter of Northwest Quarter of
Section 36, Township 4 North, Range 28, lying Northerly of S.W.R. & N.
Co. Railroad right of way;

ALSO all that portion of Northwest Quarter of Northwest Quarter of
said Section 36, lying Northerly of Umatilla River and Northerly of
O. M. R. & N. Co. railroad right of way;

EXCEPTED THEREFROM that tract conveyed to Umatilla Electric Cooperative
Association, by deed recorded in Book 216, Page 246, Deed
Records, and described as beginning at section corner common to
Sections 36 and 35, Township 4 North, Range 28 and Sections 19 and
35, Township 4 North, Range 28; thence South 8°12'41" East
132.75 feet; thence South 89°51'30" East 448.52 feet to a point on
the boundary line of the Oregon-Washington Railroad & Navigation Co., thence
South 75°41' East 132.00 feet; thence South 14°15' East 132.00 feet;
thence South 14°15' East 132.00 feet to the true point of beginning for this description; thence
containing North 14°15' East 132.00 feet; thence South 75°41' East
132.00 feet; thence South 14°15' East 132.00 feet; thence South 75°41'
East 132.00 feet to the true point of beginning;

ALSO EXCEPTED THEREFROM that tract conveyed to Umatilla Electric Cooperative
Association, by deed recorded in Book 216, Page 246, Deed Records, and described as a tract of land located in
Northwest Quarter of Northwest Quarter of Section 36, Township 4 North,
Range 28, and described as beginning at section corner common to
Sections 36 and 35, Township 4 North, Range 28 and Sections 19 and
35, Township 4 North, Range 28; thence South 8°12'41" East
132.75 feet; thence South 89°51'30" East 448.52 feet to a point on the boundary line of the Oregon-Washington Railroad & Navigation Co., thence
South 75°41' East 132.00 feet; thence South 14°15' East 132.00 feet;
thence South 14°15' East 132.00 feet to the true point of beginning for this description; thence
containing North 14°15' East 132.00 feet; thence South 75°41' East
132.00 feet; thence South 14°15' East 132.00 feet; thence South 75°41'
East 132.00 feet to the true point of beginning.

R 183-1130

Commencing at the Northwest corner of Section 30, Township 4 North,
Range 12, S. W. 1/4, of Chance Survey 67' 18" 31" East a
distance of 1758.68 feet to the true point of BEGINNING;
thence South 18° 11' 05" East a distance of 28.72 feet; thence South 12°
08' 48" East a distance of 150.05 feet; thence South 18° 11' 05"
West a distance of 59.72 feet; thence South 12° 08' 48" East a
distance of 220.87 feet to the Easterly line of that tract of 1/4-1/2
acre being the Guatemala Electric Cooperative Association, recorded
in Map 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221
along the Easterly line of said Guatemala Electric Tract, 12.74 feet
thence South 75° 43' 41" East along the Northerly line of said
tract to the true point of BEGINNING, 69 feet; thence South 75° 43' 41" East
a distance of 256.18 feet to the true point of BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

[illegible]

ALSO EXCEPTING THEREFROM THE FOLLOWING:

Commencing at the Northwest corner of Section 33, Township 4 North, Range 12, E. W. M. and running thence North 83° 42' 31" East, a distance of 1692.82 feet to the true point of beginning; thence North 18° 11' 05" East, a distance of 33.28 feet; thence South 71° 45' 02" East, a distance of 15.38 feet; thence North 18° 11' 05" East, a distance of 180.73 feet; thence South 71° 45' 02" East, a distance of 176.20 feet to a point on the Westerly right of way line of County Road No. 613; thence along said Westerly right of way line South 30° 54' 12" East, a distance of 176.20 feet; thence along said Westerly right of way line, along a 5760.94 foot radius curve, bearing South 21° 46' 40" East 176.26 feet, a distance of 176.20 feet; thence along said Westerly right of way North 71° 45' 02" West, a distance of 180.73 feet.

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

9 183 m 1131

TABLE XIV (continued)

ALSO EXCEPTING THEREFROM, beginning at Southwest corner of said Section 19; thence North 75° 31' 30" East 1428.78 feet to the true point of beginning for this description; thence North 18° 11' East 389 feet; thence South 11° 43' East 571.10 feet; thence South 18° 11' West 389 feet; thence North 71° 43' West 571.10 feet to the point of beginning.

SUBJECT to any and all water rights of way, roads and ditches;
All being East of the Willamette Meridian, Umatilla County, Oregon



R 183 241133

STATE OF OREGON }
County of Deschutes } ss.

Exhibit 13, 1983. Personally appeared Samuel T. Johnson, who being duly sworn did say that he is the John Johnson of adversum and that said instrument was signed in behalf of said corporation by authority of its board of directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me

Ronald K. Mischke
Notary Public for Oregon
My commission expires: 7/1/00



Corporate Secretary

NO 123 AM 05

R123 PM 1134

STATE OF OREGON,
COUNTY OF UMATILLA,
J. J. Ross, Plaintiff, vs. County Clerk,
Defendant.
Case No. 123 AM 05
J. J. Ross, Plaintiff, vs. County Clerk,
Defendant.
Case No. 123 PM 1134
J. J. Ross, Plaintiff, vs. County Clerk,
Defendant.
Case No. 123 AM 05
J. J. Ross, Plaintiff, vs. County Clerk,
Defendant.
Case No. 123 PM 1134

pro
3

NO 123 AM 05
NO 123 PM 1134

MINERAL DEED 192917

MIN 251 AM 960
UMATILLA COUNTY, a political subdivision of the State of Oregon,
hereby certifies that the consideration stated below, hereby certifies and
conveys to Lamb-Weston, Inc., a Delaware corporation, certain, all
mineral rights now known to exist or hereafter discovered in and
underlying the property, acquired by Umatilla County and said County
has received a deed for such mineral rights; and

This deed is executed pursuant to an ORDER of the Board of County
Commissioners of Umatilla County, approved on July 8, 1929, and entered
in the Commissioner's Journal of Umatilla County, commencing on page
117 thereof.

WHEREAS, said sheriff pursuant to such order, did publish due notice of
said sale in the East Oregonian, a newspaper of general circulation
printed and published in Umatilla County, State of Oregon, the first
publication thereof being made on July 17, 1929, and the last
publication thereof being made on August 17, 1929, and

WHEREAS, on August 14, 1929, at 10:00 a.m., in Room 114 of the County
courthouse in Pendleton, Umatilla County, Oregon, that being the time
and place specified in said published notice and order of the County
court, said sheriff did appear and offer for sale at public auction
such mineral rights in the the manner provided by law and did sell to
Lamb-Weston, Inc., the following mineral rights in the real property
described in said notice for the following sum, to-wit:

The true and actual consideration for this transfer of mineral rights
is: \$10.00

The recorded instrument should be returned to:

Umatilla County Property Sales Manager
Umatilla County Courthouse
214 SE 4th
Pendleton, OR 97201

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

Lamb-Weston, Inc.
PO Box 2250
Tri-Cities, WA 99122
Attn: Andrew S. Krasenington

Mineral rights only on the following real property:

The mineral rights on all that portion of land located in the
Southwest Quarter of Section 34, Township 4 North, Range 12
East, W.M., Umatilla County, Oregon, described as follows:

Commencing at the Northwest corner of Section 32; thence South
29 degrees 00' 41" West along the West line of Section 32 a
distance of 121.13 feet to the North one-eighth corner on
the West line of Section 32; thence South 23 degrees 49' 37"
East along the East-West centerline of the Northwest Quarter of
Page 1 Mineral Deed-Umatilla Co./Lamb-Weston

MIN 251 AM 960
SECTION 34 a distance 10.00 feet to a point on the Eastern
right-of-way line of the County Road known as Westland Road
also known as County Road No. 1219, the true point of
beginning for this description; thence South 49° 30'
East, continuing along the East-West centerline of the Northwest
Quarter of Section 34 a distance of 121.13 feet; thence South 23
degrees 49' 37" East 53.37 feet to the point of curvature of a
circular curve to the right; thence along the arc of a 229.08
feet radius curve to the right, a distance of 181.47 feet to the
point of tangency (long chord bears North 47 degrees 22' 11"
East a distance of 181.07 feet); thence North 74 degrees 41' 54"
East a distance of 104.34 feet; thence North 44 degrees 38' 31"
East a distance of 112.44 feet to the point of curvature of a
circular curve to the left; thence along the arc of a 279.08
feet radius curve to the left a distance of 321.48 feet to the
point of tangency (long chord bears North 41 degrees 11' 34"
East a distance of 321.99 feet); thence North 14 degrees 02'
23" East a distance of 21.33 feet; thence North 71 degrees 02'
15" West a distance of 489.33 feet; thence North 13 degrees 13'
57" West a distance of 510.83 feet to a point on the Eastern
right-of-way line of Westland Road; thence South 23 degrees 49'
37" East along the Eastern right-of-way of Westland Road a
distance of 627.43 feet to the true point of beginning.

THIS INSTRUMENT WILL NOT AFFECT THE RIGHTS OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.
SIGNED AND ACCEPTED THIS INSTRUMENT THE PERSON ACQUIRING THE
TITLE TO THE MINERAL RIGHTS TO THIS PROPERTY UNDER CERTAIN WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED
USE.

DATED this 22 day of February, 1994.

Umatilla County Board of Commissioners

William H. Howell
William H. Howell, Chairman

Paul H. McWhorter
Paul H. McWhorter, Clerk

ATTEST.

David L. Hunt
David L. Hunt, County Clerk

David L. Hunt
David L. Hunt, County Clerk

Page 2 - Mineral Deed-Umatilla Co./Lamb-Weston

MIN 251 AM 962

DEED IN WITNESS WHEREOF, I, the County Clerk, have hereunto set my hand and the seal of said County at Pendleton, Oregon, this 22 day of February, 1994.

NR256-213
After Recording Return to:
Lamb-Watson, Inc.
P.O. Box 21903
Tri-Cities, WA 99302
Attn: Andrew S. Brannington

196110

FILED
COUNTY CLERK
94 JUN 30 A 9 05

QUITCLAIM DEED

WESTLAND IRRIGATION DISTRICT, an irrigation district organized under the laws of the State of Oregon, Grantor, releases and quitclaims to LAMB-WATSON, INC., a Delaware corporation, Grantee, all right, title, and interest in and to the real property described in the attached Exhibit A (the "Property").

The true consideration for this conveyance, stated in terms of dollars, is none. The purpose of this instrument is to extinguish that certain easement recorded February 21, 1978, in Microfilm R-141, at Page 1142, deed records of Wasilla County, Oregon, to the extent said easement encumbers the Property.

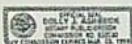
DATED this 22 day of JUNE, 1984.

WESTLAND IRRIGATION DISTRICT,
an irrigation district
organized under the laws of
the State of Oregon

By Mike Teph
Title Joe Carson BAD

STATE OF OREGON } ss.
County of Wasilla }

This 22 day of June, 1984 by Mike Teph, who is the President of Westland Irrigation District, an irrigation district organized under the laws of the State of Oregon, on behalf of the district.



Don Brannington
Notary Public for Oregon
My Commission Expires Dec 31/85

NR256-214

EXHIBIT A

Description of the Property

A parcel of land located in the Northwest quarter of Section 30, Township 4 North, Range 28 East, W.M., Wasilla County, Oregon, described as follows:

Commencing at the Northwest corner of Section 30; thence South 00°00'45" West along the West line of Section 30 a distance of 1321.23 feet to the North one sixteenth corner on the East line of Section 30; thence South 89°49'30" East along the East-West centerline of the Northwest quarter of Section 30 a distance 10.00 feet to a point on the Easterly right-of-way line of the County Road known as Westland Road (also known as County Road No. 1215), the true point of beginning for this description; thence South 89°49'30" East, continuing along the East-West centerline of the Northwest quarter of Section 30 a distance of 33.37 feet to the point of curvature of a circular curve to the right; thence along the arc of a 623.98 foot radius curve to the right a distance of 161.47 feet to the point of tangency (long chord bears North 67°22'31" East a distance of 241.02 feet); thence South 74°43'54" East a distance of 106.34 feet; thence North 64°20'51" East a distance of 112.44 feet to the point of curvature of a circular curve to the left; thence along the arc of a 378.00 foot radius curve to the left a distance of 221.49 feet to the point of tangency (long chord bears North 41°11'34" East a distance of 313.39 feet); thence North 18°02'21" East a distance of 21.23 feet; thence North 71°32'15" East a distance of 440.39 feet; thence South 89°42'52" West a distance of 515.82 feet to a point on the Easterly right-of-way line of Westland Road; thence South 60°22'43" West along the Easterly right-of-way of Westland Road a distance of 427.43 feet to the true point of beginning.

STATE OF OREGON, COUNTY OF WASILLA
I, Don L. Brant, County Clerk, certify this
instrument has received and recorded as Exhibit
A to the deed of record made this
22nd day of June, 1984.
Location 6229-6230
Instrument number 94-10000
Fee \$2.00
Don L. Brant
County Clerk Wasilla County, Oregon
Notary Public for Oregon

NR257-401
After Recording Return to:
Lamb-Watson, Inc.
P.O. Box 21903
Tri-Cities, WA 99302
Attn: Andrew S. Brannington

196806

FILED
COUNTY CLERK
94 JUN 21 A 9 40

QUITCLAIM DEED

CASCADE NATURAL GAS CORP., a Washington corporation, Grantor, releases and quitclaims to LAMB-WATSON, INC., a Delaware corporation, Grantee, all right, title, and interest in and to the real property described in the attached Exhibit A (the "Property").

The true consideration for this conveyance, stated in terms of dollars, is none. The purpose of this instrument is to extinguish that certain easement recorded November 27, 1978, in Book 324, at Page 15, deed records of Wasilla County, Oregon, and that certain easement recorded October 10, 1978, in Book 319, at Page 402, deed records of Wasilla County, Oregon, in each case to the extent such easement encumbers the Property.

DATED this 6th day of JULY, 1984.

CASCADE NATURAL GAS CORP.,
a Washington corporation

By Mike Teph
Title Joe Carson T

STATE OF Oregon } ss.
County of Wasilla }

This 6th day of July, 1984 by Mike Teph, who is the President of Cascade Natural Gas Corp., a Washington corporation, on behalf of the corporation.



Don Brannington
Notary Public for Oregon
My Commission Expires Dec 31/85

NR257-402

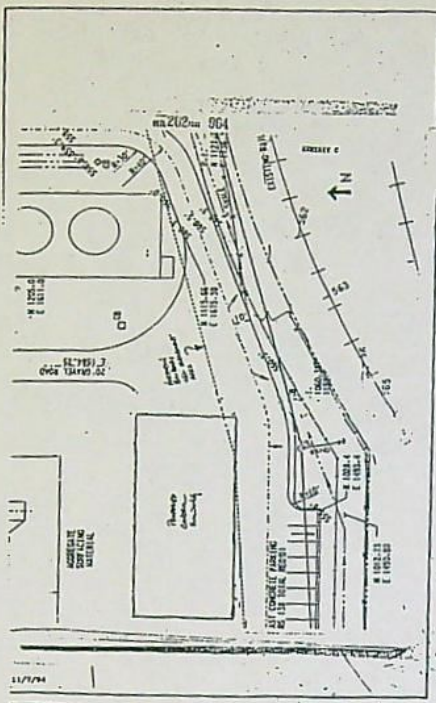
EXHIBIT A

Description of the Property

A parcel of land located in the Northwest quarter of Section 30, Township 4 North, Range 28 East, W.M., Wasilla County, Oregon, described as follows:

Commencing at the Northwest corner of Section 30; thence South 00°00'45" West along the West line of Section 30 a distance of 1321.23 feet to the North one sixteenth corner on the East line of Section 30; thence South 89°49'30" East along the East-West centerline of the Northwest quarter of Section 30 a distance 10.00 feet to a point on the Easterly right-of-way line of the County Road known as Westland Road (also known as County Road No. 1215), the true point of beginning for this description; thence South 89°49'30" East, continuing along the East-West centerline of the Northwest quarter of Section 30 a distance of 33.37 feet; thence North 59°39'08" East a distance of 23.37 feet to the point of curvature of a circular curve to the right; thence along the arc of a 623.98 foot radius curve to the right a distance of 161.47 feet to the point of tangency (long chord bears North 67°22'31" East a distance of 241.02 feet); thence North 74°43'54" East a distance of 106.34 feet; thence North 64°20'51" East a distance of 112.44 feet to the point of curvature of a circular curve to the left; thence along the arc of a 378.00 foot radius curve to the left a distance of 221.49 feet to the point of tangency (long chord bears North 41°11'34" East a distance of 313.39 feet); thence North 18°02'21" East a distance of 21.23 feet; thence North 71°32'15" East a distance of 440.39 feet; thence South 89°42'52" West a distance of 515.82 feet to a point on the Easterly right-of-way line of Westland Road; thence South 60°22'43" West along the Easterly right-of-way of Westland Road a distance of 427.43 feet to the true point of beginning.

STATE OF OREGON, COUNTY OF WASILLA
I, Don L. Brant, County Clerk, certify this
instrument has received and recorded as Exhibit
A to the deed of record made this
22nd day of June, 1984.
Location 6229-6230
Instrument number 94-10000
Fee \$2.00
Don L. Brant
County Clerk Wasilla County, Oregon
Notary Public for Oregon

[illegible][illegible]

100 262 369

200599

WITH KNOWN RETURN TO:
Hall, Janis & Foyera
161 SW Main Street, Suite 1100
Portland, OR 97204
Attn: Christopher M. Walters

HC-1A BM

EASEMENT AGREEMENT
(Impress and Egress)

DATED: October 19, 1994

BETWEEN: LAMCO-VISTOR, INC.,
a Delaware corporation ("Grantor")

AND: HEDINISTON GENERATING COMPANY, L.P.,
a Delaware limited partnership ("Grantee")

References

A. Grantor is the owner of certain real property in Umatilla County, Oregon legally described on the attached Exhibit A (the "EMI Property").

8. Grantee is the owner of certain real property in DeWitt County, Oregon located adjacent to the [sic] Property. Specifically, Grantee has an easement in the [sic] Property. Grantee assigned the RMC Property from Grantor to Grantee. Grantee has executed that certain Term Sheet Agreement dated September 13, 1993 ("Term Sheet Agreement"), pursuant to which Grantor agreed for, among other things, the consideration set forth therein to grant Grantee certain easements, in connection with Grantee's purchase of the RMC Property.

C. Granten desires to obtain an easement over and across a roadway on the LMI Property (the "Roadway") and adjacent portions of the LMI Property, as depicted on the attached Exhibit C (the "Easement Area") for purposes of vehicular and pedestrian ingress to and egress from the HSC Property, which Granten anticipates to provide secondary access to the HSC Property.

D. Grantor is willing to grant such easement to Grantee on the terms and conditions set forth in this Easement Agreement (this "Agreement").

Assentments:

In consideration of the foregoing and the actual covenants of the parties contained in this Agreement and in the Lease Agreement, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

07C 49513:3

1. Grant of Easement.

1.1 Grant of Easement. Subject to the rights and restrictions set forth in Section 1.2, Grantor hereby grants and conveys to Grantee a non-exclusive perpetual easement over and across the Easement Area for purposes of pedestrian and vehicular ingress to and egress from the HCC Property (the "Easement"). The Easement is granted for the benefit of Grantee and Grantee's successors, assigns, employees, contractors, subcontractors, business invitees, and licensees (collectively, the "Permitted Users"), subject to the provisions of this Agreement. Grantee's use of the Easement Area shall not materially adversely impact Grantee's operations of the HCC Property. Grantee reserves the right to terminate this Agreement at any time by recording a quitclaim of its easement rights under this Agreement.

1.2 Liability Indemnification. Except for claims, injuries, or losses arising out of or related to gross negligence or willful misconduct of Grantee or Grantee's successors, assigns, employees, business invitees, contractors or licensees (collectively, "Grantee Parties"), Grantee shall not be liable to any Permitted Users for any loss or damage arising out of or from the Easement Area by Permitted Users. Grantee shall indemnify, defend, and hold harmless Grantee from and against any and all claims, demands, damages, losses, liabilities and expenses (including attorneys' fees) arising out of the use of the Easement Area by Permitted Users, including, without limitation, any and all claims, losses, demands, damages, liabilities and expenses (including cleanup and remediation expenses) arising out of or related to any hazardous waste or hazardous substances, as defined or listed in any applicable federal, state, or local law, rule or regulation, or which constitute a public health hazard, as defined by rules of the Oregon State Health Division, to the extent such claims, losses, demands, liabilities and/or expenses are caused by the Permitted Users.

1.3 Commercial Damages. Neither Grantee nor Grantee nor any of its partners, agents, subcontractors, vendors, directors, officers or employees shall be liable under any circumstances for any special, incidental, punitive or consequential damages of any nature.

1.4 Temporary Closure of Roadway. Grantee acknowledges that from time to time Grantee may need to temporarily close the Roadway to all traffic and Grantee consents to such closure as long as (i) Grantee has delivered, if practicable, thirty (30) days prior written notice (if practicable) to Grantee of such closure, which written notice shall state the reasons why such closure is necessary, and (ii) Grantee then has adequate alternative access to the HCC

Property, which determination Grantee shall make in its sole discretion. If Grantee determines that it does not have adequate alternative access to the HCC Property, Grantee shall deliver a written notice to Grantee stating that Grantee will not have adequate alternative access to the HCC Property in which event Grantee may not close the Roadway within the Easement Area.

2. Maintenance and Repair Insurance.

2.1 Maintenance and Repair. Grantee, at Grantee's expense, shall maintain the Easement Area in a good and workable condition, reasonable wear and tear excluded. Upon completion of the Facility, Grantee shall restore the Easement Area to substantially its condition on the date of commencement of its use of the Easement Area under this Agreement. In addition, throughout the term of this Agreement, Grantee shall repair any damage to the Easement Area.

2.2 Liability Insurance. Grantee shall maintain, at Grantee's expense, public liability insurance with minimum limits of not less than \$5,000,000 in force at all times covering the all activities, conditions, operations and uses by Permitted Users on or about the Easement Area, with Grantee named on such policy as an additional insured. Grantee shall provide Grantee as insurance certificate, or, at Grantee's request, an insurance policy that evidences coverage before Grantee enters upon the Easement Area and thereafter promptly shall provide to Grantee copies of all renewals and extensions of such insurance. Grantee shall cause Grantee to receive prior written notice of any cancellation or change in such insurance policy.

2.3 Exemption. Without limitation to provisions of Section 1.2, Grantee shall have no liability to Grantee for damage or loss to any person or property on or about the Easement Area, except to the extent arising from the gross negligence or willful misconduct of the Grantee Parties, and Grantee waives and releases any claims it may have respecting the same.

3. General Provisions.

3.1 Easement as Non-void with Land-Use Effect. The Easement shall run with the land as to all property benefited and burdened thereby, including any partition or division of such property. The rights, covenants, and obligations contained in this Agreement shall bind, burden, and benefit Grantee and Grantee and their respective successors, assigns, licensees, mortgagees, and beneficiaries under any deed of trust. Grantee shall obtain from each of its lenders having a mortgage, trust deed, or other lien encumbrance upon the HCC Property a noninterference Agreement, in form reasonably acceptable to Grantee, assuring that Grantee's rights under this Agreement

shall not be disturbed in the event of foreclosure of such lien, and shall deliver the same to Grantee prior to execution of this Agreement.

3.2 Early Termination for Default.

3.2.1 The following shall be considered events of Default under this Agreement:

(a) Grantee defaults in performance of any material obligation of Grantee under this Agreement, and such default is not cured within 10 days after written notice of such default from Grantee to Grantee and to any lenders of Grantee of whom Grantee has been given prior notice or, if such default is not reasonably susceptible to cure within such 10 days, Grantee fails to commence such cure within such 10-day period and thereafter diligently prosecutes such cure to completion; or

(b) Grantee fails to make an installment payment of the Operations Period Payment (as defined in and adjusted pursuant to the Term Sheet Agreement) when due, and such failure of payment continues for 15 days after written notice of such delinquency from Grantee to Grantee and to any lender of Grantee of whom Grantee has been given prior notice.

3.2.2 Following occurrence of an event of Default, Grantee may, for so long as such event of Default remains uncured, terminate this Agreement after giving 15 days written notice of intent to terminate to Grantee and to any lender of Grantee of whom Grantee has been given prior notice.

3.3 Compliance with Governmental Requirements. Grantee shall cause all use of the Easement Area to be in conformance with all applicable federal, state, county, and municipal laws, ordinances, regulations, and requirements.

3.4 Contamination. In the event that all or any part of the Easement Area is taken by condemnation or power of eminent domain, or is conveyed under bona fide threat of condemnation, and such taking renders the Easement Area unusable for its intended use, then this Agreement shall terminate. If such of the parties shall state to the extent of the taking, but this Agreement shall otherwise remain in full force and effect. Proceeds from any such condemnation shall belong equitably to Grantee.

3.5 Notices. Any notice which a party desires to give to the other shall be in writing and shall be effective when

actually delivered in person or by telefacsimile or three (3) business days after placement in the U.S. Mail, postage prepaid as registered or certified mail, return receipt requested, addressed to such other party at the address shown below or to such other address as each party may designate in writing to the other party:

If to Grantee: Kernston Generating Company, L.P.
Thirteenth Floor
7500 Old Georgetown Road
Bethesda, MD 20814-4141
Telephone No.: (301) 714-6920
Attn: General Counsel

With copy to: Bill Janik & Assoc.
101 S.W. Main Street, Suite 1100
Portland, Oregon 97204
Telephone No.: (503) 255-1618
Attn: Christopher M. Whiters

If to Grantee: Lash-Waxton, Inc.
2701 West Sage Boulevard
Tri Cities, WA 99322
Telephone No.: (509) 734-0322
Attn: Corporate Counsel

With copy to: Lash-Waxton, Inc.
Operations Manager
700 Wetland Road
Harrison, OR 97238

3.6 Recording. This Agreement shall be recorded in the real estate records of Deschutes County, Oregon.

3.7 Waiver. Failure of either party at any time to require performance of any provision of this Agreement shall not limit such party's right to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any subsequent breach of such provision or a waiver of such provision itself.

3.8 Arbitration Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with enforcement of any rights hereunder, the prevailing party shall be entitled to recover its attorneys', paralegals', accountants', and other experts' fees and expenses and all other costs and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court at trial or on any appeal or review, in addition to all other amounts provided by law.

262-974

3.9 Remedies. In the event that either party fails to perform any obligation under this Agreement, the other party shall be entitled to require specific performance of such obligation, to obtain appropriate injunctive relief (without the necessity of showing inadequate remedies at law), to cure the default of such obligation and remove the costs thereof from the party breaching such obligation, or to pursue any other remedy available at law or in equity.

3.10 Amendment. This Agreement may not be modified or amended except by the written agreement of the parties recorded in the real estate records of Washtenaw County, Michigan.

3.11 Survival. The terms of this Agreement shall survive closing of any agreement or correspondence between the parties and shall remain in full force and effect until this Agreement terminates.

3.12 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

3.13 Counterparts. This Agreement may be executed in one or more duplicate counterparts and when signed by all of the parties listed below, shall constitute a single binding agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

Grantor: LAND-WESTON, INC., a Delaware corporation

By: [Signature]
Its: [Signature]

Grantee: HERMITON GENERATING COMPANY, L.P., a Delaware limited partnership

By: _____
Its: _____

262-975

STATE OF _____ ss.
County of _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 1994 by _____, who is the _____ of LAND-WESTON, INC., a Delaware corporation, on behalf of the corporation.



[Signature]
Notary Public for
My Commission Expires: _____

STATE OF _____ ss.
County of _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 1994 by _____, who is the _____ of _____, a Delaware limited partnership, on behalf of the limited partnership.

Notary Public for
My Commission Expires: _____

262-976

3.9 Remedies. In the event that either party fails to perform any obligation under this Agreement, the other party shall be entitled to require specific performance of such obligation, to obtain appropriate injunctive relief (without the necessity of showing inadequate remedies at law), to cure the default of such obligation and remove the costs thereof from the party breaching such obligation, or to pursue any other remedy available at law or in equity.

3.10 Amendment. This Agreement may not be modified or amended except by the written agreement of the parties recorded in the real estate records of Washtenaw County, Michigan.

3.11 Survival. The terms of this Agreement shall survive closing of any agreement or correspondence between the parties and shall remain in full force and effect until this Agreement terminates.

3.12 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

3.13 Counterparts. This Agreement may be executed in one or more duplicate counterparts and when signed by all of the parties listed below, shall constitute a single binding agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

Grantor: LAND-WESTON, INC., a Delaware corporation

By: _____
Its: _____

Grantee: HERMITON GENERATING COMPANY, L.P., a Delaware limited partnership

By: [Signature]
Its: [Signature]

262-977

STATE OF _____ ss.
County of _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 1994 by _____, who is the _____ of LAND-WESTON, INC., a Delaware corporation, on behalf of the corporation.

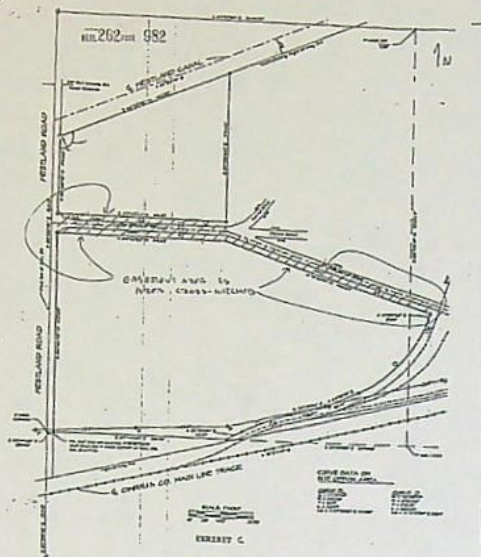
Notary Public for
My Commission Expires: _____

STATE OF _____ ss.
County of _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 1994 by _____, who is the _____ of _____, a Delaware limited partnership, on behalf of the limited partnership.

[Signature]
Notary Public for
My Commission Expires: _____





STATE OF KANSAS, COUNTY OF SHALISHA
I, Thomas L. Greif, County Clerk, hereby certify that
document has received and recorded as 11-47-4
at 2:01 in the record of document sale type
11-47-4
Location 1152-47-4
Document number 11-228711
Fee 112.25

262 SS4

WHEN REQUESTED RETURN TO:
 Bell, Jenik & Novack
 101 SW Main Street, Suite 1100
 Portland, OR 97204
 ATTN: Christopher M. Walters

Portland, OR 97204
ATTN: Christopher M. Walters

EASEMENT AGREEMENT
(Parking and Storage)

DATED: October 15, 1994

ATTN: LMS-VLSTON, INC.,
a Delaware corporation

(*Grantor*)

AND: KIDMISTON GENERATING COMPANY, L.P.,
a Delaware limited partnership

(*Grantee*)

Results

A. Grantor is the owner of certain real property in Gastalia County, Oregon legally described on the attached Exhibit A (the "AMI Property"). Grantee is the owner of certain real property in Gastalia County, Oregon legally described on the attached Exhibit B (the "NGC Property").

2. Grantor and Grantor have executed that certain Term Sheet Agreement dated as of September 13, 1993 ("Term Sheet Agreement"), pursuant to which Grantor agreed for, among other things, the consideration set forth therein, to grant Grantee a temporary easement for construction laydown.

C. Grantee desires to obtain an easement over and across that portion of the LPI Property which is depicted on the attached Exhibit C (the "Easement Area"), for purposes of vehicular parking and construction laydown.

D. Grantor is willing to grant such easement to Grantee on the terms and conditions set forth in this Easement Agreement (this "Agreement").

Northamptonshire

In consideration of the foregoing and the mutual covenants of the parties contained in this Agreement and in the Term Sheet Agreement, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

262 985

1. Front of Baggage

1.1. Grant of Easement. Subject to the rights and restrictions set forth herein, Grant hereby grants and conveys to Grantee an exclusive easement over, on, and across the Easement Area for purposes of vehicular parking and storage of motor vehicles, boats, trailers, and other vehicles and equipment. The Easement shall automatically terminate by its own terms and be of no further force or effect without action by the parties on January 1, 1997. The Easement is granted as a benefit and right appurtenant to the land owned and to be owned by Grantee for the benefit of Grantee and Grantee's successors, assigns, employees, business invitees, contractors, subcontractors, and licensees and shall not be subject to termination or forfeiture except as provided subject to the provisions of this agreement.

1.3 Accession records. Grantee may, but is not obligated to, erect a fence at Grantee's expense along the boundary of the Easement Area for the purposes of securing the Easement Area. Grantee, on reasonable advance written notice to Grantor, shall be granted access to the Easement Area for purposes of inspecting the security of the Easement Area. Grantor shall comply with Grantee's reasonable security and construction procedures respecting the Easement Area in connection therewith.

[illegible]

shall promptly notify Grantor in the event Grantee's investigation of the easement area discloses any hazardous substances on, in, or under the easement area in violation of any environmental law, together with copies of the test report(s) which describe the nature of such environmental condition.

3.4 **Liability: Indemnification.** Except for claims, injuries, or losses arising out of or related to gross negligence or willful misconduct of Grantee or Grantee's successors, assigns, employees, business invitees, contractors or licensees (collectively, "Grantee Parties"), Grantee shall not be liable to any Permitted Users for any loss or damage arising out of use of the easement area by Permitted Users. Grantee shall indemnify, defend and hold harmless Grantor free and against any and all claims, demands, damages, losses, liabilities and expenses (including attorneys' fees) arising out of the use of the easement area by Permitted Users, including, without limitation, any and all claims, losses, demands, damages, liabilities and expenses (including cleanup and remediation expenses) arising out of or related to any hazardous waste or hazardous substances, as defined or listed in any applicable federal, state, or local law, rule or regulation, or which constitute a public health hazard, as defined by rules of the Oregon State Health Division, to the extent such claims, losses, demands, damages, liabilities and/or expenses are caused by the Permitted Users.

3.5 **Consequential Damages.** Neither Grantor nor Grantee nor any of their partners, agents, contractors, subcontractors, vendors, directors, officers or employees shall be liable under any circumstances for any special, incidental, punitive or consequential damages of any nature.

3. Maintenance and Repair Insurance.

3.1 **Maintenance and Repair.** Grantee, at Grantee's expense, shall maintain the easement area in a good and workable condition, reasonable wear and tear excepted. On termination of the easement, Grantee shall at the option of Grantor remove the easement area to substantially its condition on the date of commencement of its use of the easement area under this Agreement.

3.2 **Liability Insurance.** Grantee shall maintain, at Grantee's expense, public liability insurance with minimum limits of not less than \$1,000,000 in force at all times relating to all activities, conditions, operations and damages by Permitted Users on or about the easement area, with Grantor named on such policy as an additional insured. Grantee shall provide to Grantor an insurance certificate, or, at Grantor's request, an insurance policy that evidences such coverage before Grantee enters upon or commences work within the easement area and thereafter promptly shall provide to Grantor copies of all renewals and extensions of

such insurance. Grantee shall cause Grantee to receive prior written notice of any cancellation or change in such insurance policy.

3.3 **Exemption.** Without limitation to the provisions of Section 1.4, Grantee shall have no liability to Grantor for damage or loss to any persons or property on or about the easement area, except to the extent arising from the gross negligence or willful misconduct of the Grantor Parties, and Grantee waives and releases any claims it may have respecting the same.

3. General Provisions.

3.1 **Easement to Run with Land: Binding Effect.** The easement shall run with the land as to all property benefited and burdened thereby, including any part of or division of such property. The rights, covenants, and obligations contained in this Agreement shall bind, burden, and benefit Grantor and Grantee and their respective successors, assigns, lessees, mortgagees, and beneficiaries under any deeds of trust. Grantor shall obtain from each of its lenders having a mortgage, trust deed, or other lien subordinate to the fee property a non-disturbance agreement, in form reasonably acceptable to Grantee, ensuring that Grantee's rights under this Agreement shall not be disturbed in the event of foreclosure of such lien, and shall deliver the same to Grantee prior to execution of this Agreement.

3.2 Early Termination For Default.

3.2.1 The following shall be considered Events of Default under this Agreement:

(a) Grantee defaults in performance of any material obligation of Grantee under this Agreement, and such default is not cured within 15 days after written notice of such default from Grantor to Grantee and to any lenders of Grantee of whom Grantee has been reasonably susceptible to cure within such 15-day period and thereafter diligently prosecute such cure to completion; or

(b) Grantee fails to make an installment payment of the Superannuation Payout Payment (as defined in the Trust Asset Agreement) when due, and such failure of payment continues for 15 days after written notice of such delinquency from Grantor to Grantee and to any lender of Grantee of whom Grantee has been given prior notice.

3.2.2 Following occurrence of an Event of Default, Grantor may, for as long as such Event of Default remains uncured, terminate this Agreement after giving 30 days written notice of intent to terminate to Grantee and to any lender of Grantee of whom Grantee has been given prior notice.

3.3 **Conformance with Governmental Requirements.** Grantee shall cause all use of the easement area to be in conformance with all applicable federal, state, county, and municipal laws, ordinances, regulations, and requirements.

3.4 **Condemnation.** In the event that all or any part of the easement area is taken by condemnation or power of eminent domain, or is conveyed under title threat of condemnation, and such taking renders the easement area unusable for its intended use, then this Agreement shall terminate. If such taking does not render the easement area unusable, the obligations of the parties shall survive to the extent of the taking, but this Agreement shall otherwise remain in full force and effect. Proceeds from any such condemnation shall belong exclusively to Grantor.

3.5 **Notice.** Any notice which a party desires to give to the other shall be in writing and shall be effective when actually delivered in person or by telephone or when (i) actually delivered in person or by telephone or when (ii) registered or certified mail, return receipt requested, is addressed to such other party at the address shown below or to such other address as such party may designate in writing to the other party:

If to Grantor: Siskiyou Sewerage Company, L.P.
Thirteenth Floor
730 Old Georgetown Road
Bethesda, MD 20814-4141
Telephone No.: (301) 738-4899
Attn: General Counsel

With copy to: Bell, Janik & Boveck
180 S.W. Main Street, Suite 1120
Portland, Oregon 97201
Telephone No.: (503) 299-1058
Attn: Christopher W. Walters

If to Grantee: Lamb-Weston, Inc.
2701 West Cape Boulevard
Tulsa, OK 74106
Telephone No.: (918) 738-0233
Attn: Corporate Counsel

With copy to: Lamb-Weston, Inc.
Operations Manager
705 Westland Road
Barnstable, MA 01938

3.6 **Recording.** This Agreement shall be recorded in the real estate records of Multnomah County, Oregon.

3.7 **Waiver.** Failure of either party at any time to require performance of any provision of this Agreement shall not limit such party's right to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

3.8 **Attorneys' Fees.** If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights hereunder, the prevailing party shall be entitled to recover the attorneys', paralegals', accountants', and other experts' fees and expenses and all other fees and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court at trial or on any appeal or review, in addition to all other amounts provided by law.

3.9 **Remedies.** In the event that either party fails to perform any obligation under this Agreement, the other party shall be entitled to require specific performance of such obligation, to obtain appropriate injunctive relief (without the necessity of showing inadequate remedies at law), to cure the default of such obligation and remove the waste caused from the party breaching such obligation, or to pursue any other remedy available at law or in equity.

3.10 **Amendment.** This Agreement may not be modified or amended except by the written agreement of the parties recorded in the real estate records of Multnomah County, Oregon.

3.11 **Survival.** The terms of this Agreement shall survive closing of any agreement or correspondence between the parties and shall remain in full force and effect until this Agreement terminates.

3.12 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

3.13 **Counterparts.** This Agreement may be executed in one or more duplicate counterparts and when signed by all of the parties listed below, shall constitute a single binding document.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

Grantee: LANS-VINTON, INC., a Delaware corporation

By: John J. [Signature]
1581 John J. [Signature]

Grantee: KIRKLETON GENERATING COMPANY, L.P.,
a Delaware limited partnership

by _____
TSB

STATE OF WASHINGTON) ss.
County of BENTON)

The foregoing instrument was acknowledged before me on this 20th day of NOVEMBER 1934 by WILLIAM M. BLUM, who is the V.P. TREASURY of Lamb-Weston, Inc., a Delaware corporation, on behalf of the corporation.



STATE OF _____ ss.
County of _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 1994 by _____, who is the _____ of _____, the general partner of Berkston Generation Company, L.P., a Delaware limited partnership, on behalf of the limited partnership.

Salary Paid for _____
my Commission Expires _____

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

Grantee: LAMB-WESTON, INC., a Delaware corporation

Wys _____
TSA _____

Grantee: HERMISTON GENERATING COMPANY, L.P.
a Colorado limited partnership

BY: P. Chinnai, dtd
 TMR: P. Chinnai, dtd

STATE OF _____ } ss.
County of _____ }

The foregoing instrument was acknowledged before me on this 14 day of April, 1954 by James H. Weston, Jr., who is the President of East-Western, Inc., a Delaware corporation, on behalf of the corporation.

Notary Public for _____
My Commission Expires _____

STATE OF Massachusetts) ss.
COUNTY OF Worcester

The foregoing instrument was acknowledged before me on this 1st day of October, 1994 by Y. Pacheco, Sr., who is the owner of Shiva Vine, Inc., the general partner of Hamilton Generating Company, L.P., a Delaware limited partnership, on behalf of the limited partnership.

Notary Public for the State of
New Hampshire

EXHIBIT A

That portion of Northwest Quarter of Northwest Quarter of Section 10, Township 4 North, Range 24, lying South and East of Westland Irrigation District Canal and North of C. W. R. & W. Railroad Co., right of way:

ALSO that portion of Southwest Quarter of Southwest Quarter of Section 19, Township 4 South, Range 19, lying East and South of Venland Canal.

All that portion of East Half of Southwest Quarter of Section 19,
Township 4 N., Range 18, lying South and East of County Road No.
249 aka. W. 1315.

ALSO all that portion of Northwest Quarter of Northwest Quarter of Section 30, Township 4 North, Range 28, lying southerly of G.W.M. & Co. Railroad right of way;

Also all that portion of Northwest Quarter of southeast Quarter of said Section 36, lying Westwardly of Omahville River and Northwardly of O. W. R. & N. Co. railroad right of way;

[illegible][illegible]**Exhibit A - Page Two**

EXCEPTING THEREFROM THE FOLLOWING

Commencing at the Southwest corner of Section 12, Township 4 North, Range 2E, W. 4th Meridian, and running East and South 89° 27' East a distance of 1752.05 feet to the curb
thence South 89° 27' East a distance of 17.72 feet thence South 71° 05' West a distance of 58.72 feet; thence South 11° 01' West a distance of 110.57 feet to the Easement line of said tract of land in Block 12, Page 246, Deed Book 10, Chancery Court, 1874, and
thence along the Easement line of said Unsella Electric Tract, 17.72 feet thence South 71° 05' West a distance of 58.72 feet along the Northerly line of said Unsella Electric Tract, 22.18 feet to the pole of the line of said tract a distance of 226.18 feet to the pole of the line of said tract

ALSO EXCEPTING THEREFROM THE FOLLOWING:

[illegible]

ALSO EXCEPTING THEREFROM THE FOLLOWING:

[illegible]

EXHIBIT A - Page Three

ALSO RECEIVING THEREFROM THE FOLLOWING:

Commencing at the Northwest corner of Section 20; thence South 05°29'45" East along the East line of Section 20 a distance of 121.13 feet to the North one-eighth corner on the East line of Section 20; thence South 89°45'27" East along the East-West centerline of the Northwest quarter of Section 20 a distance of 27.00 feet to a point on the East-West right-of-way line of the County Road known as Westland Road (also known as County Road No. 121); the true point of beginning for this surveying; thence South 89°45'27" East, continuing along the East-West centerline of the Northwest quarter of Section 20 a distance of 21.15 feet; thence North 29°23'18" East a distance of 33.27 feet to the point of curvature of a circular curve to the right; thence along the arc of a 102.79 foot radius curve to the right a distance of 121.47 feet to the point of tangency; thence South 89°45'27" East a distance of 102.79 feet; thence North 29°23'18" East a distance of 33.27 feet to the point of curvature of a circular curve to the left; thence along the arc of a 102.79 foot radius curve to the left a distance of 121.47 feet to the point of tangency; thence South 89°45'27" East a distance of 102.79 feet; thence North 29°23'18" East a distance of 33.27 feet to the point of curvature of a circular curve to the right; thence along the arc of a 102.79 foot radius curve to the right a distance of 121.47 feet to the point of tangency; thence South 89°45'27" East a distance of 102.79 feet; thence North 29°23'18" East a distance of 33.27 feet to the true point of beginning.

(Containing 22.94 acres, more or less.)

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

EXHIBIT B

THE NEW PROPERTY

A parcel of land located in the Northwest quarter of Section 10, Township 4 North, Range 18 East, T.4N., R.18E., Multnomah County, Oregon, described as follows:

Commencing at the Northwest corner of Section 10; thence South 05°29'45" East along the East line of Section 10 a distance of 121.13 feet to the North one-eighth corner on the East line of Section 10; thence South 89°45'27" East along the East-West centerline of the Northwest quarter of Section 10 a distance of 27.00 feet to a point on the East-West right-of-way line of the County Road known as Westland Road (also known as County Road No. 121); the true point of beginning for this surveying; thence South 89°45'27" East, continuing along the East-West centerline of the Northwest quarter of Section 10 a distance of 21.15 feet; thence North 29°23'18" East a distance of 33.27 feet to the point of curvature of a circular curve to the right; thence along the arc of a 102.79 foot radius curve to the right a distance of 121.47 feet to the point of tangency; thence South 89°45'27" East a distance of 102.79 feet; thence North 29°23'18" East a distance of 33.27 feet to the point of curvature of a circular curve to the left; thence along the arc of a 102.79 foot radius curve to the left a distance of 121.47 feet to the point of tangency; thence South 89°45'27" East a distance of 102.79 feet; thence North 29°23'18" East a distance of 33.27 feet to the point of curvature of a circular curve to the right; thence along the arc of a 102.79 foot radius curve to the right a distance of 121.47 feet to the point of tangency; thence South 89°45'27" East a distance of 102.79 feet; thence North 29°23'18" East a distance of 33.27 feet to the true point of beginning.

(Containing 22.94 acres, more or less.)

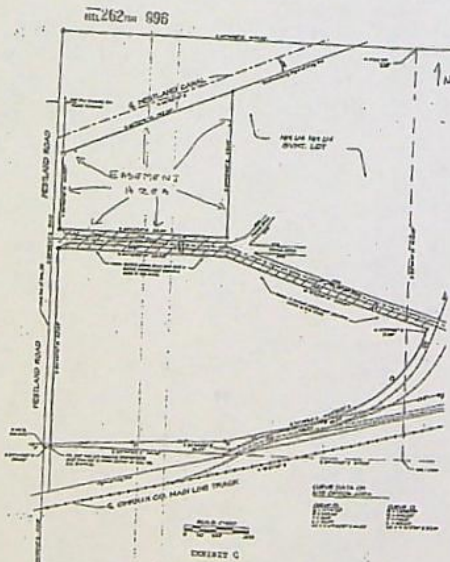


EXHIBIT D

STATE OF OREGON, COUNTY OF MULTNOMAH
I, Thomas L. Ward, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as filed in the record of documents made this 20th day of May, 1910.
Witness my hand and the seal of said County at Portland, Oregon, this 20th day of May, 1910.
THOMAS L. WARD
County Clerk

213450
252-0438

UTILITY EASEMENT AGREEMENT

213450
252-0438

THIS UTILITY EASEMENT AGREEMENT ("Agreement"), dated this 7th day of August, 1995, is between Umatilla Electric Cooperative Association, a cooperative association ("Cooperative"), as Grantor, and Lamb-Weston, Inc., a Delaware corporation ("Lamb"), as Grantee.

RECITALS

In order to upgrade and expand service, Cooperative desires to obtain from Lamb a power line easement on a portion of its property as more specifically described in Exhibit "1" and incorporated herein ("the Lamb-Weston Parcel").

TERMS AND CONDITIONS

1. Lamb-Weston's Grant of Above Ground Power Line Utility Easement. For good and valuable consideration, receipt of which is acknowledged, Grantee grants to Cooperative a permanent, non-exclusive above ground power line utility easement to use a portion of the Lamb-Weston Parcel described on Exhibit "1" ("Easement") on the terms and conditions set forth below.

a. Use. Grantee shall have the right to use the Easement solely to construct, operate, maintain, upgrade, and improve an electric transmission and distribution line, system and appurtenant structures (the "Facilities") on the Easement; to inspect and make such repairs, changes, alterations, improvements, removals, additions, and modifications to the Facilities as Grantee may from time to time deem advisable, including the right to increase or decrease the number, capacity and voltage of the conductors, wires, and cables and to cut, trim and control the growth of any trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said Facilities; and to keep the Easement and Lamb-Weston Parcel free and clear of all buildings, structures and other obstructions. All poles, wires and other facilities installed in, upon, or under the above-described Easement at the Cooperative's expense shall remain the property of the Cooperative. Grantee's use of the Easement shall not in any way affect Grantee's use of its existing operations.

b. Maintenance. Grantee shall be liable for the repair and maintenance of the Easement and the Facilities, including any and all costs and expenses associated therewith. Grantee shall have no obligation to repair, maintain or improve the Easement. If Grantee damages the Easement or the Lamb-Weston Parcel or property of Lamb-Weston, Grantee shall make repairs or improvements as soon as practical and the cost of the repairs or improvements shall be borne by Grantee.

APPROXIMATE RECORDING RETURN NO.
RECORD C. 1000000
P.O. BOX 218
HAMILTON, OR 97831

1 - Utility Easement Agreement

252-0439

6. Disclaimer and Limitation on Damages. Grantee makes no representation or warranty as to the safety, suitability or other condition of the Easement. Neither Cooperative nor Grantee nor any of their partners, agents, contractors, subcontractors, vendors, directors, officers or employees shall be liable under any circumstance for any special, incidental, punitive or consequential damages of any nature arising out of the use of the Easement.

Grantee shall have no obligation to obtain or maintain any permits, certificates or any other approval for the use of the Easement.

7. Successors. The Easement shall be appurtenant to and benefit the Grantee. The rights and obligations set forth in this Agreement shall be binding upon the subsequent owners of the Lamb-Weston Parcel and the Grantee.

8. Indemnity. Grantee shall defend, indemnify and hold harmless Grantee, its agents, employees, affiliated entities, invitees, successors, and assigns from any loss, claim, damage or liability, including attorney fees at trial and on appeal, arising in any manner from Grantee's use of the Easement except to the extent such loss, claim, damage or liability is caused or contributed to by Grantee.

9. Branch of Obligations. In the event Grantee fails to make any payment required by this Agreement within ten (10) days of receipt of written notice from Grantee or fails to cure any other breach (not involving the payment of money) within thirty (30) days after receipt of written notice from Grantee, Grantee shall be entitled to require performance by suit for specific performance or, where appropriate, through injunctive relief. These remedies shall be in addition to any other remedies provided under Oregon law.

10. Term. Except as otherwise provided in this Agreement, the term of the Easement shall be perpetual.

2. General Provisions.

a. Attorney Fees. In the event that any suit or action is brought to interpret or enforce any term of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees, as determined by the court at trial or on appeal.

b. Notices. All notices under this Agreement shall be in writing and shall be deemed duly given if personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested.

if to Grantee

Lamb-Weston, Inc.
Attn: Legal Department
PO Box 1908
Tillamook, WA 97132-1908

2 - Utility Easement Agreement

252-0440

With a copy to:

Lamb-Weston, Inc.
Attn: Operations Manager
PO Box 705
Hamilton, OR 97832

If to Grantee:

Umatilla Electric Cooperative
Association
PO Box 11
Hamilton, OR 97832

A party may change its address by giving written notice to the other party.

c. Conditions. The covenants in this Agreement are for the convenience of the parties and shall not affect the interpretation of this Agreement.

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed as of the date first set forth above.

UMATILLA ELECTRIC COOPERATIVE
ASSOCIATION

By: Frank Price
President

In: Frank Price

LAMB-WESTON, INC.

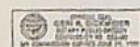
By: Stephen R. Gorman

In: Stephen R. Gorman

State of Oregon)
County of Umatilla)

THIS CERTIFICATE that on this 29 day of November, 1995, before me the undersigned personally appeared Frank Price the President of Umatilla Electric Cooperative Association known to me to be the identical person described in and who executed the foregoing instrument and acknowledged to me that they executed the same.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal the day and year in this certificate written.



3 - Utility Easement Agreement

252-0441

State of Washington)
County of Spokane)

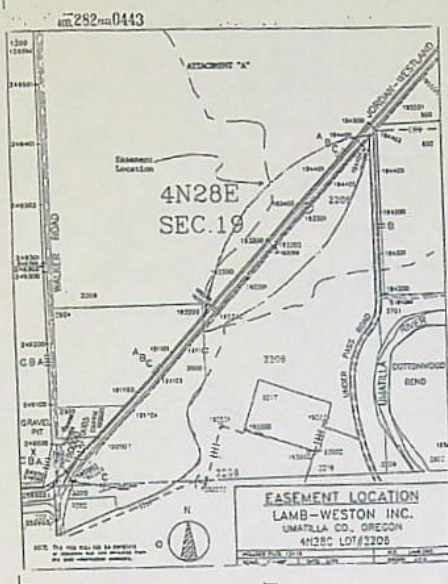
THIS CERTIFICATE that on this 12 day of December, 1995, before me the undersigned personally appeared Stephen R. Gorman the Vice President of Lamb-Weston, Inc. known to me to be the identical person described in and who executed the foregoing instrument and acknowledged to me that they executed the same.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal the day and year in this certificate written.



Robert S. Gorman
Notary Public for Washington
Commission Expires 12-15-96

4 - Utility Easement Agreement



282-0444

State of Oregon
County of Umatilla
This instrument was recorded and returned on
12-19-99 at 3:05
to the record of documents with type 00-001
Location 000-0128
Document number 99-0128-00
By 12-19-99
Office of County Records
Recorded by [Signature]
Recorded 07/10/00

After recording, return to
Faxon Title Company
128 S. E. Court Avenue
P.O. Box 128
Pendleton, Oregon 97656

RECEIVED
DEC 2 - 1999

UMATILLA COUNTY
RECORDS



1000-3620056 1 of 4

WARRANTY DEED

362 0056

LAMB-WESTON, INC., a Delaware corporation ("Grantor"), conveys and warrants to UMATILLA ELECTRIC COOPERATIVE ("Grantee"), that certain real property situated in Umatilla County, Oregon, more particularly described on Exhibit A attached hereto and incorporated by reference herein, subject to all encumbrances, easements, covenants and restrictions of record. The total consideration for this conveyance is \$15,000.00.

Grantor also hereby conveys to Grantee a non-exclusive vehicular access easement over and across that certain driveway (the "Driveway") located on Grantor's property. The Driveway is shown on the drawing attached hereto as Exhibit B, and the legal description of the Driveway is shown on the legal description attached hereto as Exhibit C. The Driveway may only be used by Grantee for obtaining access from Westland Road to Grantee's property for maintenance of Grantee's electrical transmission equipment, and may not be used for any public purposes or any other purpose.

DATED: This 19th day of NOVEMBER, 1999.

LAMB-WESTON, INC.

By: [Signature]
Title: President

STATE OF OREGON)
COUNTY OF UMATILLA)

On this 19th day of November, 1999, before me a Notary Public in and for said county and state, personally appeared [Signature], known to me to be the identical person whose name is subscribed (his/her) name to the foregoing as [Signature] of LAMB-WESTON, INC., a Delaware corporation, and acknowledged the execution thereof to be (his/her) voluntary act and deed and the voluntary act and deed of said corporation.



Umatilla Electric Cooperative
P.O. Box 1148
Hermiston, OR 97638

1000-3620056 2 of 4

EXHIBIT A

A tract of land located in the Northeast Quarter of the Southwest Quarter of Section 39, Township 4 North, Range 28 East of the Willamette Meridian, Umatilla County, Oregon, described as Beginning at the Southwest corner of that tract of land conveyed to Umatilla Electric Cooperative by deed recorded in Book 321, Page 246, Deed Records; thence South 75° 37' 44" West, 122.00 feet, parallel to the centerline of the Oregon-Washington Railroad and Navigation Company to the Southwest corner of that tract of land conveyed to Umatilla Electric Cooperative recorded in Microfilm R-25, Page 246, Umatilla County Records and the True Point of Beginning for this description; thence along Parcel 3 of Partition Plat No. 1994-37, South 75° 37' 44" West, 82.92 feet, parallel to said railroad centerline; thence North 14° 35' 03" East, 298.72 feet to the South line of that tract of land described in Microfilm R-134, Page 784, Umatilla County Records; thence along the line of Parcel 2 of Partition Plat 1994-37, South 71° 54' 15" East, 196.11 feet along the common boundary of Parcel 2, Partition Plat 1994-37 and that tract of land conveyed as Parcel 1 under deed recorded in Microfilm R-134, Page 784, Umatilla County Records to the intersection of this line with the North line of that tract of land conveyed to Umatilla Electric Cooperative by deed recorded in Book 321, Page 246, Deed Records; thence South 75° 37' 44" West, 124.67 feet, parallel to the said railroad centerline along the common boundary with Parcel 3 of Partition Plat 1994-37 and the said Umatilla Electric Cooperative Tract conveyed by deed recorded in Book 321, Page 246, Deed Records to the Southwest corner of said Umatilla Electric Cooperative Tract; thence South 75° 37' 44" West, 35.78 feet, parallel to the said railroad centerline along the common boundary with said Parcel 3 of Partition Plat 1994-37 and that tract of land conveyed to Umatilla Electric Cooperative by deed recorded in Microfilm R-25, Page 246, Umatilla County Records to the Northwest corner of said Umatilla Electric Cooperative Tract; thence South 14° 35' 03" East, 38.75 feet, perpendicular to the said railroad centerline along the common boundary with Parcel 2 of Partition Plat No. 1994-37 and that tract of land conveyed to Umatilla Electric Cooperative by deed recorded in Microfilm R-134, Page 784, Umatilla County Records; thence South 14° 35' 03" East, 129.58 feet along the common boundary with Parcel 3 of Partition Plat No. 1994-37 and that tract of land conveyed to Umatilla Electric Cooperative by deed recorded in Microfilm R-25, Page 246, Umatilla County Records to the True Point of Beginning.



1000-3620056 2 of 4

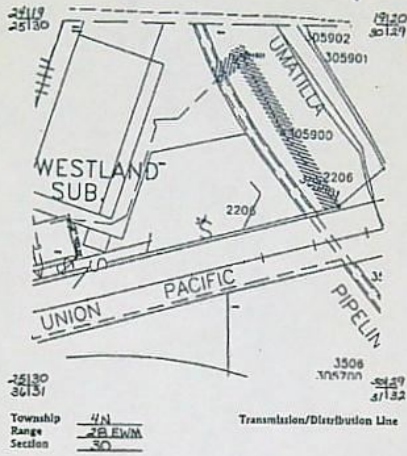
UMATILLA • COUNTY • <NONE> • 3800160 • 3

2000-3800160 3 of 3

EASEMENT LOCATION

Umatilla Electric Cooperative
P.O. Box 1148
Hermiston, OR 97838

EXHIBIT "A"





State of Oregon
Water Resources Department
725 Summer Street NE, Suite
Salem, Oregon 97301-1266
(503) 986-0900

T-12820

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 43933**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0_____

Date: ____/____/____

RECEIVED

WORKING COPY

MAR 16 2018

OWRD

TACS

WORKING COPY

Part 2 of 5 – Transfer Application Map Checklist

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☐ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

WORKING
COPY

Revised 7/27/2017

Permanent Transfer Application Form – Page 2 of 8

RECEIVED

MAR 16 2018
TACS

OWRD

Part 3 of 5 – Fee Worksheet

WORKING COPY

- WORKING COPY

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

OWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME LambWeston, Inc.			PHONE NO. (541) 567-2211	ADDITIONAL CONTACT NO. (509) 736-2573
ADDRESS P.O. Box 705			FAX NO.	
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Dr. Paul Wattenburger, CWRE; IRZ Consulting			PHONE NO. (541) 567-0252	ADDITIONAL CONTACT NO. (541) 571-1112
ADDRESS 500 North First Street			FAX NO. (541) 567-4239	
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL paul@irz.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

See Attachment 1.

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

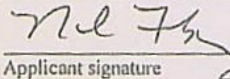
☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

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

I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.

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


Applicant signature

Neal Flyg (Plant Manager)
Print Name (and Title if applicable)

3/8/18
Date

Applicant signature

Print Name (and Title if applicable)

Date

RECEIVED

MAR 16 2018

OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

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

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

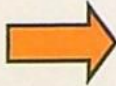
Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Umatilla County	ADDRESS 216 SE 4 th	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

MAR 16 2018

OWRD

Part 5 of 5 – Water Right Information

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

WORKING COPY

CERTIFICATE # 43933

Description of Water Delivery System

System capacity: 2.66 cubic feet per second (cfs) **OR**

1,194 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. From Well #1 a buried 12" PVC pipeline runs southwest parallel to Westland Road past Well #2 on to a water tank. A short pipe from Well #2 connects to this pipeline. A separate buried pipeline runs from Well #3 to the same water tank. The plant facilities are supplied from the water tank.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-__)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well No. 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 2403, 2401, & 2400	4	N	28	E	19	NE	SW	2206	2430' N & 2340' E from SW Corner of Section 19
Well No. 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UMAT 2402	4	N	28	E	19	NE	SW	2206	1680' N & 1640' E from SW Corner of Section 19
Well No. 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UMAT 2396	4	N	28	E	30	NE	NW	2206	776.5' S & 2141.5' E from NW Cor of Section 30

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

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

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

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

WORKING COPY

RECEIVED
MAR 16 2018
OWRD
TCCS

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

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

Table 2. Description of Changes to Water Right Certificate # 43933

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

WORKING COPY

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate		POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec		¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
4	N	28	E	19	SE	SW	2206			Industrial	Well No. 1	1/21/72	APOA	4	N	28	E	19	SE	SW	2206			Industrial	Well No. 2	2/3/72
4	N	28	E	30	NE	NW	2206			Industrial	Well No. 1	1/21/72	APOA	4	N	28	E	30	NE	NW	2206			Industrial	Well No. 2	2/3/72
													APOA	4	N	28	E	19	SE	SW	2206			Industrial	Well No. 3	4/12/73
													APOA	4	N	28	E	30	NE	NW	2206			Industrial	Well No. 3	4/12/73
TOTAL ACRES:														TOTAL ACRES:												

Additional remarks: This Transfer seeks to add Wells Nos. 2 & 3 as Additional Points of Appropriation to Certificate 43933. The intent is to allow better flexibility in the operational management of the three wells.

RECEIVED
MAR 16 2018
OWRD

WORKING COPY

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

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

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

WORKING
COPY

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
Well No. 1	Yes	UMAT 2403, 2401, & 2400	130'	18" & 16"	0-100 100-128	0-20	72-110	60'	Gravel	
Well No. 2	Yes	UMAT 2402	137'	18"	0-135	0-20	80-95	62'	Gravel	
Well No. 3	Yes	UMAT 2601	98'	18"	0-84.5	0-20	45-75	40'	Gravel	

WORKING
COPY

RECEIVED
JUN 16 2018
OWRD

UMAT 2403

C-5681

1925 ac/ft per gr

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAMB-WESTON, INC.

of P.O. Box 705, Hermiston, State of Oregon, 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Martin Well No. 1

a tributary of Umatilla River
industrial (Food Processing)

for the purpose of

under Permit No. G-4967 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 January 21, 1972

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 2.66 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, T. 4 N., R. 28 E., W. M., 2430 feet North and 2340 feet East from the SW Corner of Section 19.

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 _____ of one cubic foot per second per acre,

This well has been constructed to a depth of 110 feet and is subject to the terms and conditions of an Order entered on April 2, 1976 pertaining to the Ordinance Gravel Critical Ground Water Area.

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:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 19

NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30
T. 4 N., R. 28 E., W. M.

No RR
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 23, 1976

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43933

SUBJECT RIGHT

1928 ac/H4 pr yr

G-5681

(UMAT 2403)

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAMB-WESTON, INC.

of P.O. Box 705, Hermiston, State of Oregon, 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Martin Well No. 1

a tributary of Umatilla River for the purpose of industrial (Food Processing)

under Permit No. G-4947 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 January 21, 1972 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 2.66 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 NE 1/4 SW 1/4, Section 19, T. 4 N., R. 28 E., W. M., 2430 feet North and 2340 feet East from the SW Corner of Section 19.

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 of one cubic foot per second per acre,

This well has been constructed to a depth of 110 feet and is subject to the terms and conditions of an Order entered on April 2, 1976 pertaining to the Ordinance Gravel Critical Ground Water Area.

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:

SE 1/4 SW 1/4
Section 19

NE 1/4 NW 1/4
Section 30
T. 4 N., R. 28 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, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed this date. November 23, 1976

JAMES E. SEXTON
Water Resources Director

UMAT 2402

G-5720

2182.0 ac/H for yr

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LAMB-WESTON, INC.

of P.O. Box 705, Hermiston, State of Oregon, 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Well No. 2

a tributary of Umatilla River for the purpose of industrial (Food Processing)

under Permit No. G-4948 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 February 3, 1972 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 3.02 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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, T. 4 N., R. 28 E., W. M., 1680 feet North and 1640 feet East from the SW Corner of Section 19.

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 _____ of one cubic foot per second per acre,

This well has been constructed to a depth of 137 feet and is subject to the terms and conditions of an Order entered on April 2, 1976 pertaining to the Ordinance Gravel Critical Ground Water Area.

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:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 19

NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 30
T. 4 N., R. 28 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, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 23, 1976

James E. Sexson
Water Resources Director

UMAT 2601

1930 ac/ft per yr.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAMB-WESTON, INC.
P.O. BOX 705
HERMISTON, OREGON 97838

confirms the right to use the waters of WESTLAND SITE WELL 3 in the UMATILLA RIVER BASIN for the purpose of INDUSTRIAL USE.

The right has been perfected under Permit G-7184. The date of priority is APRIL 12, 1973. The right is limited to not more than 2.67 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NW 1/4, SECTION 30, T 4 N, R 28 E, W.M.; 776.5 FEET SOUTH AND 2141.5 FEET EAST FROM THE NW CORNER OF SECTION 30.

THE USE OF WATER CONFIRMED HEREIN IS LIMITED TO STAND-BY EMERGENCY USE ONLY. WELL 3 IS AN ALTERNATE SOURCE OF WATER AND MAY ONLY BE USED AT SUCH TIMES AS WELLS 1 OR 2 ARE INOPERABLE OR ARE OTHERWISE UNABLE TO YIELD A SUFFICIENT INDUSTRIAL SUPPLY OF WATER AS ALLOWED UNDER CERTIFICATES 43933 AND 43934, STATE RECORD OF WATER RIGHT CERTIFICATES. THE USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF AN ORDER ENTERED APRIL 2, 1976, PERTAINING TO ORDINANCE GRAVELS CRITICAL GROUND WATER AREA.

The right 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, and to which such right is appurtenant, is as follows:

SE 1/4 SW 1/4
SECTION 19

NE 1/4 NW 1/4
SECTION 30
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

gal ÷ 32585143
= 1 acre foot

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

WITNESS the signature of the Water Resources Director,
affixed this date AUGUST 7, 1989.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 62004
G-6069.VG

Water Use Report based on Flowmeter & Power Meter Records

1. For annual summaries, search by water use year and project or CGWA. Results will not include unprocessed flowmeter-power meter records.
2. GIS exports: Export to Excel file. File is summarized by well, even if well has more than one flowmeter. Join the Excel file to site file in ArcGIS by gw_siteld. Then do bubble plot based on Annual use.

Jen Synoptic
 Basin Umatilla
 Critical GW Subarea OGWR ORDNANCE GRAVEL CGWA - WESTLAND ROAD

[Return to Main Input & Query Page](#)

WELL #1 (CERT. #43933)

Logid	Site Name	Date	Flowmeter Reading	Unit	Roll-overs	Pm Rdg	Kwh	Wtr Use Year	Annual Use AF	Pumpage Final Source	Use Comments
UMAT	2403	ORD 56 / Lamb-Weston #1	02/13/1986	4670400	GAL	1	5,912	1985			
UMAT	2403	ORD 56 / Lamb-Weston #1	02/18/1988	937300	GAL	1	2,970	1987	1528.72	FM / 2yrs	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/27/1989	360412000	GAL	1	5,937	1988	1103.19	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/21/1990	800090000	GAL	1	553	1989	1349.32	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	03/15/1991	464332000	GAL	1	4,671	1990	1424.98	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	03/24/1992	874196000	GAL	1	5,257	1991	1257.83	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/19/1993	126024000	GAL	1	2,096	1992	772.83	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	03/04/1994	634092000	GAL	1	5,518	1993	1559.20	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/22/1995	427468000	GAL	1	2,051	1994	1311.85	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/29/1996	10650000	GAL	1	14,398	1995	1234.70	PM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/19/1997	421206000	GAL	1	26,927	1996	1259.95	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/26/1998	783635000	GAL	1	37,697	1997	1112.25	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/25/1999	67247000	GAL	1	48,461	1998	1076.40	PM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/25/2000	458010000	GAL	1	60,251	1999	1199.21	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/23/2001	816360000	GAL	1	71,135	2000	1099.74	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/21/2002	1137700000	GAL	1	81,820	2001	986.16	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/27/2003	1446900000	GAL	1	90,228	2002	948.90	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/23/2004	1754900000	GAL	1	99,776	2003	945.22	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/24/2005	2083800000	GAL	1	10,803	2004	1009.36	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/28/2006	2454700000	GAL	1	21,319	2005	1138.25	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/22/2007			1	33,278	2006	1195.90	PM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/21/2008	572090000	GAL	1	45,299	2007	1202.10	PM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/26/2009	969090000	GAL	1	57,547	2008	1218.35	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/25/2010	1345880000	GAL	1	9,995	2009	1156.33	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	01/01/1987			1		1986	1528.72	FM / 2yrs	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/15/2011	1775900000	GAL	1	22,853	2010	1319.68	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/14/2012	2124900000	GAL	1	34,798	2011	1071.04	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/22/2013	2497800000	GAL	1	46,647	2012	1144.39	FM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/13/2014	17369300000	GAL	1	20,570	2013	2057.00	PM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/20/2015	5211310000	GAL	1	50,046	2014	1000.92	PM	can't make reasonable FM est
UMAT	2403	ORD 56 / Lamb-Weston #1	02/10/2016	8496300000	GAL	1	14,355	2015	1286.18	PM	can't make reasonable FM estimate
UMAT	2403	ORD 56 / Lamb-Weston #1	02/17/2017	1222900000	GAL	1	88,966	2016	1492.22	PM	
UMAT	2403	ORD 56 / Lamb-Weston #1	02/15/2018	1626900000	GAL	1	53,284	2017	1239.83	FM	

Total 39,230.72 Acre Feet

Water Use Report based on Flowmeter & Power Meter Records

1. For annual summaries, search by water use year and project or CGWA. Results will not include unprocessed flowmeter-power meter records.
2. GIS exports: Export to Excel file. File is summarized by well, even if well has more than one flowmeter. Join the Excel file to site file in ArcGIS by gw_siteid. Then do bubble plot based on Annual use.

Jen Synoptic

Basin Umatilla

Critical GW Subarea OGWR ORDNANCE GRAVEL CGWA - WESTLAND ROAD

Well #2 (CERT. # 43934)

[Return to Main Input & Query Page](#)

Logid	Site Name	Date	Flowmeter Reading	Unit	Roll-overs	Pm Rdg	Kwh	Wtr Use Year	Annual Use AF	Pumpage Final Source	Use Comments	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/24/1987	385862000	GAL	1	5,442	107,220	1986	672.43	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/18/1988	875166000	GAL	1	6,363	18,420	1987	1501.62	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/27/1989	283632000	GAL	1	1,307	98,880	1988	1253.54	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/21/1990	17332000	GAL	1	9,614	166,140	1989	1288.00	4 yr avg	
UMAT	2402	ORD 58 / Lamb-Weston #2	03/15/1991	381321000	GAL	1	3,212	71,960	1990	1117.04	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	03/24/1992	799283000	GAL	1	8,052	96,800	1991	1282.68	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/19/1993	243726000	GAL	1	6,030	159,560	1992	1363.95	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	03/04/1994	693129000	GAL	1	4,076	160,920	1993	1379.17	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/22/1995	172742000	GAL	1	1,651	151,500	1994	1471.88	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/29/1996	709768000	GAL	1	904	18,080	1995	1648.07	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/19/1997	202118000	GAL	1	18,492	351,760	1996	1510.97	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/26/1998	678690000	GAL	1	35,447	339,100	1997	1462.55	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/25/1999	316519000	GAL	1	52,305	337,160	1998	1453.28	PM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/25/2000	285504000	GAL	1	66,203	277,960	1999	1404.00	OWRD Est	11 yr avg
UMAT	2402	ORD 58 / Lamb-Weston #2	02/23/2001	282110000	GAL	1	84,379	363,520	2000	1404.00	OWRD Est	11 yr avg
UMAT	2402	ORD 58 / Lamb-Weston #2	02/21/2002	774043000	GAL	1	829	329,000	2001	1509.69	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/27/2003	174647000	GAL	1	14,790	279,220	2002	1229.41	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/23/2004	509913000	GAL	1	27,188	247,960	2003	1028.89	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/24/2005	814374000	GAL	1	38,282	221,880	2004	934.36	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/28/2006	74922000	GAL	1	49,252	985,040	2005	427.47	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/22/2007	436159000	GAL	1	64,390	302,760	2006	1108.60	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/21/2008	850758000	GAL	1	79,313	298,460	2007	1272.36	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/26/2009	1261810000	GAL	1	93,948	292,700	2008	1261.47	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/25/2010	1664694000	GAL	1	13,201	264,020	2009	1236.41	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/15/2011	2040730000	GAL	1	26,975	275,480	2010	1154.01	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/14/2012	2428290000	GAL	1	40,315	266,800	2011	1189.38	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/22/2013	2774881000	GAL	1	52,616	246,020	2012	1063.65	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/13/2014	3158382000	GAL	1	65,103	249,740	2013	1176.92	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/20/2015	3572749000	GAL	1	3,769		2014	1271.65	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/10/2016	3969075000	GAL	1	17,200	268,620	2015	1216.28	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/17/2017	4470335000	GAL	1	34,119	338,380	2016	1538.31	FM	
UMAT	2402	ORD 58 / Lamb-Weston #2	02/14/2018	4894485000	GAL	1	63,539	1,270,780	2017	1301.67	FM	

Total 40,133.71 Acre Feet

Water Use Report based on Flowmeter & Power Meter Records

1. For annual summaries, search by water use year and project or CGWA. Results will not include unprocessed flowmeter-power meter records.
2. GIS exports: Export to Excel file. File is summarized by well, even if well has more than one flowmeter. Join the Excel file to site file in ArcGIS by gw_sited. Then do bubble plot based on Annual use.

Jen Synoptic
 Basin Umatilla
 Critical GW Subarea OGWR ORDNANCE GRAVEL CGWA - WESTLAND ROAD

[Return to Main Input & Query Page](#)

WELL #3 (CERT. # 62004)

Logid	Site Name	Date	Flowmeter Reading	Unit	Roll-overs	Pm Rdg	Kwh	Wtr Use Year	Annual Use AF	Pumpage Final Source	Use Comments
UMAT	2601	ORD 67 / Lamb-Weston #3	02/13/1986	37755000	GAL	1	9,419	1985			
UMAT	2601	ORD 67 / Lamb-Weston #3	02/24/1987	66741000	GAL	1	21,268	11,849	1986	88.95	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/18/1988	73714000	GAL	1	31,411	10,143	1987	21.40	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/27/1989	80469000	GAL	1	43,627	12,216	1988	20.73	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/21/1990	92466000	GAL	1	57,920	14,293	1989	36.82	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	03/15/1991	138994000	GAL	1	99,989	42,069	1990	142.79	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/12/1992			1			1991	41.70	OWRD Est all yrs avg
UMAT	2601	ORD 67 / Lamb-Weston #3	02/19/1993	37207000	GAL	1	6,330		1992	114.18	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	03/04/1994	89447000	GAL	1	48,424	42,094	1993	160.32	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/22/1995	10946000	GAL	1	63,026	14,602	1994	65.98	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/29/1996	17203000	GAL	1	1,593	1,593	1995	19.20	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/19/1997	21111000	GAL	1	5,839	4,246	1996	11.99	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/26/1998	38446000	GAL	1	18,935	13,096	1997	53.20	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/25/1999	46638000	GAL	1	25,769	6,834	1998	25.14	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/25/2000	47917000	GAL	1	28,155	2,386	1999	3.93	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/23/2001	55603000	GAL	1	35,885	7,730	2000	23.59	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/21/2002	61082000	GAL	1	41,847	5,962	2001	16.81	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/27/2003	73552000	GAL	1	56,488	14,641	2002	38.27	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/23/2004	76381000	GAL	1	60,877	4,389	2003	8.68	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/24/2005			1	75,336	14,459	2004	34.11	FM / 2yrs
UMAT	2601	ORD 67 / Lamb-Weston #3	02/28/2006	98608000	GAL	1	78,364	3,028	2005	34.11	FM / 2yrs
UMAT	2601	ORD 67 / Lamb-Weston #3	02/22/2007	101031000	GAL	1	81,842	3,478	2006	7.44	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/21/2008	107440000	GAL	1	89,120	7,278	2007	19.67	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/26/2009	111514000	GAL	1	93,926	4,806	2008	12.50	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/25/2010	112592000	GAL	1	8,152	8,152	2009	3.31	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/15/2011	117007000	GAL	1	20,461	12,309	2010	13.55	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/14/2012	117428000	GAL	1	30,785	10,324	2011		PM indicates more use than FM.
UMAT	2601	ORD 67 / Lamb-Weston #3	02/22/2013	119236000	GAL	1	11,581		2012	5.55	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/13/2014	144094000	GAL	1	36,684	25,103	2013	76.29	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/20/2015	151017000	GAL	1	631		2014	21.25	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/10/2016	155156000	GAL	1	11,354	10,723	2015	12.70	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/17/2017	157256000	GAL	1	20,013	8,659	2016	6.44	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/15/2018	158532000	GAL	1	8,044	88,031	2017	3.92	FM

Total 1,144.52 Acre Feet

UMAT 2601

1930 ac/ft per yr.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAMB-WESTON, INC.
P.O. BOX 705
HERMISTON, OREGON 97838

WELL #1

confirms the right to use the waters of WESTLAND SITE WELL 3 in the UMATILLA RIVER BASIN for the purpose of INDUSTRIAL USE.

The right has been perfected under Permit G-7184. The date of priority is APRIL 12, 1973. The right is limited to not more than 2.67 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NW 1/4, SECTION 30, T 4 N, R 28 E, W.M.; 776.5 FEET SOUTH AND 2141.5 FEET EAST FROM THE NW CORNER OF SECTION 30.

THE USE OF WATER CONFIRMED HEREIN IS LIMITED TO STAND-BY EMERGENCY USE ONLY. WELL 3 IS AN ALTERNATE SOURCE OF WATER AND MAY ONLY BE USED AT SUCH TIMES AS WELLS 1 OR 2 ARE INOPERABLE OR ARE OTHERWISE UNABLE TO YIELD A SUFFICIENT INDUSTRIAL SUPPLY OF WATER AS ALLOWED UNDER CERTIFICATES 43933 AND 43934, STATE RECORD OF WATER RIGHT CERTIFICATES. THE USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF AN ORDER ENTERED APRIL 2, 1976, PERTAINING TO ORDINANCE GRAVELS CRITICAL GROUND WATER AREA.

The right 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, and to which such right is appurtenant, is as follows:

SE 1/4 SW 1/4
SECTION 19

NE 1/4 NW 1/4
SECTION 30
TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 7, 1989.

/s/ WILLIAM H. YOUNG

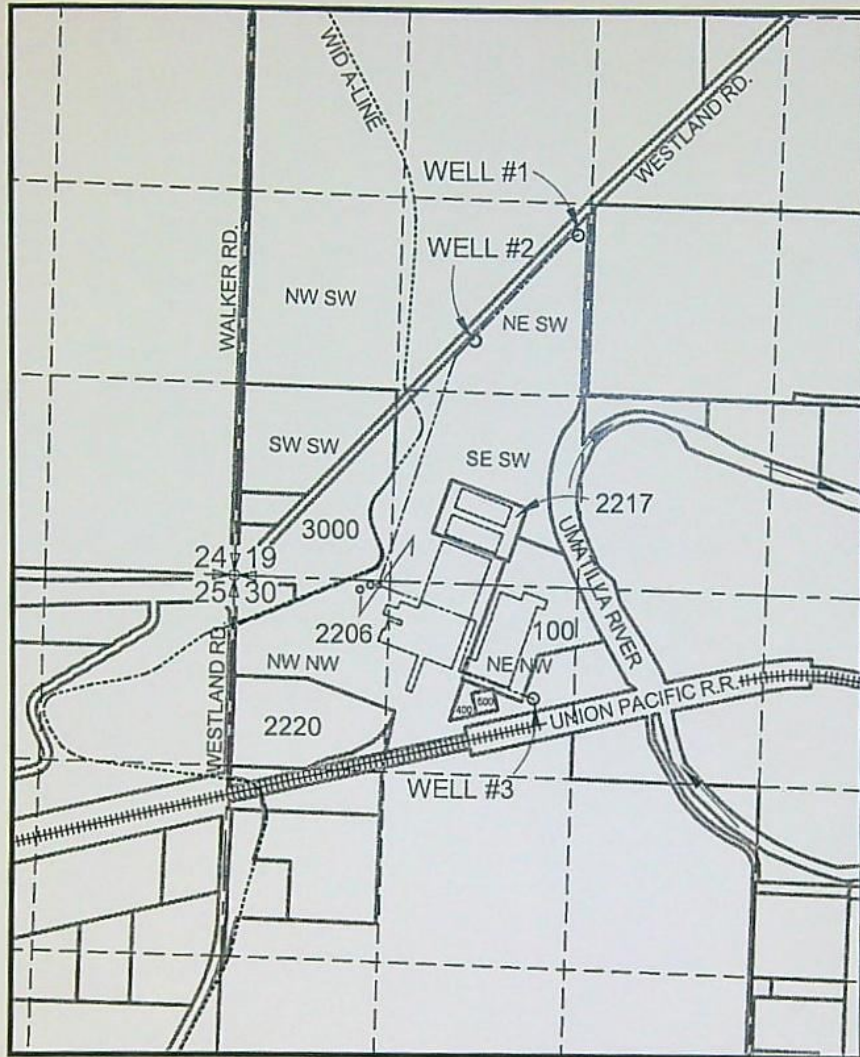
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 62004

G-6069.VG

WORKING
COPY

Township 4 North, Range 28 East, W.M.
Sections 19 & 30
UMATILLA COUNTY



LEGEND

SYMBOLS

- SECTION LINES
- Q-Q SECTION LINES
- TAX LOTS
- IRRIGATION CANAL
- RAILROAD
- PLANT BUILDINGS
- BURIED PIPELINES
- WELLS

NOTE: FLOW METERS ARE
LOCATED AT WELLS.

N

SCALE
1" = 1320'

POINTS OF APPROPRIATION

AUTHORIZED:

WELL #1 - 2430' N & 2340' E FROM SW COR. OF SEC. 19

ADDITIONAL:

WELL #2 - 1680' N & 1640' E FROM SW COR. OF SEC. 19

WELL #3 - 776.5' S & 2141.5' E FROM NW COR. OF SEC. 30

WATER RIGHT
TRANSFER MAP
for Certificate 43933
in the name of
Lamb-Weston, Inc.
January 31st, 2018

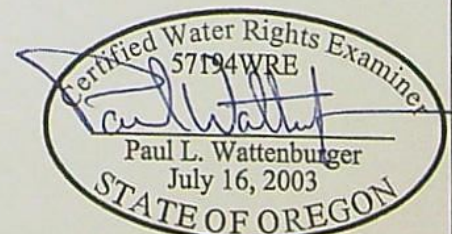
WORKING
COPY

RECEIVED

MAR 16 2018

OWRD

THIS MAP WAS PREPARED FOR THE PURPOSE OF
IDENTIFYING THE LOCATION OF A WATER RIGHT
ONLY AND IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATION OF PROPERTY
OWNERSHIP LINES.



EXPIRES: 6/30/18

**Notice of Preliminary Determination for
Water Right Transfer T-12820**

T-12820 filed by Lamb Weston Inc, 78153 Westland Rd., Hermiston, OR 97838, proposes additional points of appropriation under Certificate 43933. The right allows the use of 2.66 cubic foot per second (cfs) from Martin Well No. 1 in Sec. 19, T4N, R28E, WM, for Industrial (Food Processing) uses within Sects. 19 and 30, T4N, R28E, WM. The applicant proposes two additional wells within Sects. 19 and 30, T4N, R28E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice **MM/DD/YEAR**. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon
Kate Brown, Governor

SCANNED
SENT

Water Resources Department
North Central Region
116 S.E. Dorion Avenue
Pendleton, OR 97801
Phone (541) 278-5456
Fax (541) 278-0287

November 13, 2018

Applicant

LAMB WESTON, INC.
78153 WESTLAND RD.
HERMISTON, OR 97838

Agent

DR. PAUL WATTENBURGER, CWRE
IRZ CONSULTING
500 NORTH FIRST STREET
HERMISTON, OR 97838

Reference: Water Right Transfer Application T-12820

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$252.96 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-12820 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than 12/13/2018.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the East Oregonian newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by 12/13/2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 541-278-5456 or Ken.D.Dowden@oregon.gov if I may be of assistance.

Sincerely,

Ken Dowden
Transfer Specialist
North Central Region

cc: Transfer Application file T-12820

X-----

Attached is a check for \$252.96 (PCA #46117) for Newspaper Notice for Transfer T-12820 made out to Oregon Water Resources Department (or WRD)

- **"for T-12820 NOTICE" written on front of check**

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904



September 26, 2018

SENT

Applicant

LAMB WESTON INC.
78153 WESTLAND RD.
HERMISTON, OR 97838

VIA E-MAIL

Reference: Water Right Transfer Application T-12820

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12820. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right is appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as List Pack, List Kit, Customer Service Report, Property Analysis Report (PAR), Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the East Oregonian as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

Conditions to your water right...

The Watermaster has required water measurement devices at the new diversion points prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

Please note the proposed date by which all conditions must be met: October 1, 2020. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

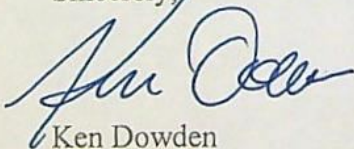
Issuance of the Preliminary Determination will occur shortly after we receive:

1. your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by October 26, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 541-278-5456 or Ken.D.Dowden@wrdd.state.or.us if I may be of assistance.

Sincerely,



Ken Dowden
Transfer Specialist
NC Region, Field Services Division

cc: Transfer Application file T-12820
Gregory M. Silbernagel, District 5 Watermaster (via e-mail)
Paul Wattenburger, CWRE & Agent for the applicant (via e-mail)

encs Watermaster contact sheet

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

In the Matter of Transfer Application
T-12820, Umatilla County

)
) **D R A F T**
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF
) ADDITIONAL POINTS OF
) APPROPRIATION

Authority

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

Applicant

LAMB WESTON, INC.
PO BOX 705
HERMISTON, OR 97838

Agent

DR. PAUL WATTENBURGER, CWRE
IRZ CONSULTING
500 NORTH FIRST STREET
HERMISTON, OR 97838

Findings of Fact

1. On March 16, 2018, Lamb Weston Inc., filed an application to add additional points of appropriation under Certificate 43933. The Department assigned the application number T-12820.
2. Notice of the application for transfer was published on March 27, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. The right to be transferred is as follows:

Certificate: 43933 in the name of LAMB WESTON, INC. (perfected under Permit G-4947)

Use: INDUSTRIAL (Food processing)

Priority Date: JANUARY 21, 1972

Rate: 2.66 CUBIC FEET PER SECOND (cfs)

Source: MARTIN WELL NO. 1 within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	19	NE SW	2430 FEET NORTH AND 2340 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

INDUSTRIAL				
Twp	Rng	Mer	Sec	Q - Q
4 N	28 E	WM	19	SE SW
4 N	28 E	WM	30	NE NW

5. Transfer Application T-12820 proposes to add two additional points of appropriation southwest approximately 1000 feet to Well #2 and south 3200 feet to Well #3 located:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	19	NE SW	WELL #2 - 1680 FEET NORTH AND 1640 FEET EAST FROM THE SW CORNER OF SECTION 19
4 N	28 E	WM	30	NE NW	WELL #3 - 776.5 FEET SOUTH AND 2141.5 FEET EAST FROM THE NW CORNER OF SECTION 30

6. The Department reviewed whether the proposed additional points of appropriation would lead to enlargement of the right, or cause injury to nearby existing rights. The Department has determined the magnitude of pumping is not expected to prevent nearby wells from accessing their usual and accustomed amount of water. It has also determined there will not be injury to existing downstream water rights, considering the water right subject to transfer has been used for over 30 years and is subject to all terms and conditions of the Ordinance Critical Ground Water Area. Stream depletion impacts from Well #1 are already equilibrated, therefore the proposed additional wells will not change the net stream depletion as conditioned herein.
7. The Department finds, based on the information provided, that the proposed (existing) points of appropriation, Well #2(UMAT 2402) and Well #3(UMAT 2601) develop the same (source) aquifer as that of the original authorized Well #1(UMAT 2403) and comply with the Department's administrative rule under OAR 690-380-2110 (2) and OAR 690-380-4010(2)(e).
8. The proposed change would not result in enlargement of the right, as long as the use of two additional points of appropriation (Wells 2 & 3), used together with authorized Martin Well #1, are limited to a maximum combined total instantaneous rate of 2.66 cfs (1194.0 gallons per minute) at any one time and does not exceed the maximum annual duty allowed for the original use, being 1922.38 acre-feet per year.

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years prior to the submittal of Transfer Application T-12820 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A well, pump, pipeline, and delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12820.
11. The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights. All other application requirements are met.

Determination and Proposed Action

The change in additional points of appropriation proposed in Transfer Application T-12820 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12820 is approved, the final order will include the following:

1. *The change in additional points of appropriation proposed in Transfer Application T-12820 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 43933 and any related decree.*
3. *Water right Certificate 43933 is cancelled.*
4. *The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation. The amount of water diverted from Martin Well #1, Well #2 and Well #3 for YEAR ROUND Industrial use is limited to a maximum combined total instantaneous rate of not to exceed 2.66 cfs at any one time from the wells and is further restricted to a maximum total annual duty of 1922.38 acre-feet per year.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right*

Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2018.

D R A F T

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12820

☒ In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

☒ at each point of diversion/appropriation (new and existing) or

☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg SilbernagelDistrict: 5Address: 118 SE Dorion AvenueCity/State/Zip: Pendleton, Oregon 97801Phone: (541)278-5456Email: Greg.M.Silbernagel@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-_____

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature_____
District_____
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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



Oregon Water Resources Department
Water Rights Platcard Report

[Main](#)
[Help](#)
[Return](#)
[Contact Us](#)

Search Criteria

Meridian: Willamette

Township: 4

North

Range: 28

East

Section: 30

Records per Page: 5

Search

[Platcards](#)
[Maps](#)
[Learn about](#)
[View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Decree: Vol:3 Page:127 CN		7/31/1907	IRRIGATION	CN						-40-	-40-	-20-	-20-	-20-	-40-	-20-		-25-	-10-	-40-	-40-			
Additional Info: WESTERN LAND & IRRIGATION CO. Decree: UMATILLA RIVER																								
Select App: S 88162 *		12/24/2015	IRRIGATION					16	38	24	40	33	33	40	40	34	34	40	40	40	40	40		
Additional Info: PORT OF MORROW App: S88162																								
Select App: S 88288 *		9/12/2016	IRRIGATION					16	38	24	40	33	33	40	40	34	34	40	40	40	40	40		
Additional Info: PORT OF MORROW App: S88288																								
Select App: S 88289 *		9/12/2016	IRRIGATION					16	38	24	40	33	33	40	40	34	34	40	40	40	40	40		
Additional Info: PORT OF MORROW App: S88289																								
Select Permit: S 55061 *		12/24/2015	IRRIGATION					16	38	24	40	33	33	40	40	34	34	40	40	40	40	40		
Additional Info: PORT OF MORROW App: S88161 Permit: S55061																								
1 2 3 4 5 6 7																								

Acreage Legend: 12.25 Regular acreage

-12.25- Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

[12.25] Acreage has been suspended

* Acreage is not specified

NO CONFLICTS



Oregon Water Resources Department Water Rights Platcard Report

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Search Criteria

Meridian: Willamette

Township: 4

North

Range: 28

East

Section: 30

Records per Page: 5

Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40) Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:76799 OR *	T9844, T9843, T9926, T10261, T10348, T10762, T11408, T11446, T11593, T8992, T12662	4/12/1961	IRRIGATION												3.8									
Additional Info: STACEY WELLS App: S34593 Permit: S27583 Cert: 76799																								
Select Cert:76744 CF *		12/11/1967	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					0.4	30.4						16	2					16.8			
Additional Info: HOWARD GASS App: S44320 Permit: S32799 Cert: 76744																								
Select Cert:38873 OR CN		12/11/1967	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN						-28-					-13.8-	-6.6-					-18.3-			
Additional Info: LERUE W POLLOCK App: S44320 Permit: S32799 Cert: 38873																								
Select Permit: G 7250 CN		5/20/1977	INDUSTRIAL/MANUFACTURING USES	CN																				
Additional Info: LAMB WESTON INC. App: G8150 Permit: G7250																								
Select Permit: G 7251 CN		5/20/1977	INDUSTRIAL/MANUFACTURING USES	CN																				
Additional Info: LAMB WESTON INC. App: G8151 Permit: G7251																								

1234567

1 2 3 4 5 6 7

Acreage Legend: 12.25 Regular
acreage

-12.25- Acreage is on a canceled
right

(12.25) Acreage is part of a transfer and has not been proven up on
yet (inchoate)

[12.25] Acreage has been
suspended

* Acreage is not
specified



Oregon Water Resources Department Water Rights Platcard Report

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Search Criteria

Meridian: Willamette Township: 4 North Range: 28 East Section: 19 Records per Page: 5

[Search](#)

Platcards Maps!
[Learn about](#) [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select App: S 88162 *		12/24/2015	IRRIGATION					40	40	40	40	40	33	33	40	40	33	33	40	40	9	22		
Additional Info: PORT OF MORROW App: S88162				NOT A RIGHT																				
Select App: S 88288 *		9/12/2016	IRRIGATION					40	40	40	40	40	33	33	40	40	33	33	40	40	9	22		
Additional Info: PORT OF MORROW App: S88288				NOT A RIGHT																				
Select App: S 88289 *		9/12/2016	IRRIGATION					40	40	40	40	40	33	33	40	40	33	33	40	40	9	22		
Additional Info: PORT OF MORROW App: S88289				NOT A RIGHT																				
Select Permit: S 55061 *		12/24/2015	IRRIGATION					40	40	40	40	40	33	33	40	40	33	33	40	40	9	22		
Additional Info: PORT OF MORROW App: S88161 Permit: S55061																								
Select Permit: G 7250 CN		5/20/1977	INDUSTRIAL/MANUFACTURING CN USES																					
Additional Info: LAMB WESTON INC. App: G8150 Permit: G7250																								
1 2 3 4 5 6 7																								

Acreage Legend: 12.25 Regular acreage

~~12.25~~ Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

[12.25] Acreage has been suspended

* Acreage is not specified

NO CONFLICTS

DOWDEN Ken D * WRD

From: DOWDEN Ken D * WRD
Sent: Friday, October 26, 2018 12:54 PM
To: 'Maag, Kirk B.'
Subject: RE: Transfer Applications T-12820 and T-12871 (Lamb Weston)

That would be sufficient.

Ken

From: Maag, Kirk B. [mailto:kirk.maag@stoel.com]
Sent: Friday, October 26, 2018 12:53 PM
To: DOWDEN Ken D * WRD
Subject: RE: Transfer Applications T-12820 and T-12871 (Lamb Weston)

Thanks, Ken. Is an email from Paul sufficient?

Kirk

Kirk B. Maag
STOEL RIVES LLP
Direct: (503) 294-9546 | Mobile: (541) 881-9613
kirk.maag@stoel.com

From: DOWDEN Ken D * WRD [mailto:Ken.D.Dowden@oregon.gov]
Sent: Friday, October 26, 2018 12:52 PM
To: Maag, Kirk B.
Subject: RE: Transfer Applications T-12820 and T-12871 (Lamb Weston)

Hello Kirk, although I appreciate your willingness to help Lamb Weston, I only see Mr. Paul Wattenburger as the listed agent on this transfer application.

If you are representing Lamb Weston with these two transfer applications (T-12820 and T-12871), then please have either the plant manager Mr. Flyg and/or Mr. Paul Wattenburger state so in a written request.

Please acknowledge that I must hear from either the applicant or agent, or otherwise make arrangements for your participation.

Respectfully,

Ken

From: Maag, Kirk B. [mailto:kirk.maag@stoel.com]
Sent: Thursday, October 25, 2018 4:55 PM
To: DOWDEN Ken D * WRD
Cc: Toevs, Ian; Becker, Kevin; Paul.Wattenburger@irz.com
Subject: Transfer Applications T-12820 and T-12871 (Lamb Weston)

Ken:

I reviewed the draft preliminary determinations (PDs) for T-12820 and T-12871 on behalf of Lamb Weston. As explained below, Lamb Weston requests that OWRD add additional language to each of the PDs to clarify certain findings of fact and limitations that will be imposed on the resulting water rights.

Lamb Weston is working to obtain title reports evidencing current ownership of the property involved and requests an additional two weeks to submit that information to OWRD.

Transfer T-12820

The draft PD associated with Certificate 43933 (T-12820) includes the following Finding of Fact (Finding #8):

"The proposed change would not result in enlargement of the right, as long as the use of two additional points of appropriation (Wells 2 & 3), used together with authorized Martin Well #1, are limited to a maximum combined total instantaneous rate of 2.66 cfs (1194.0 gallons per minute) at any one time and does not exceed the maximum annual duty allowed for the original use, being 1922.38 acre-feet per year."

Interpreted literally, this would limit Lamb Weston to a maximum combined pumping rate of 2.66 cfs from all three wells, even though Lamb Weston is entitled to pump 2.66 cfs under Certificate 43933 and an additional 3.02 cfs under Certificate 43934, for a total of 5.68 cfs under the two water rights. Lamb Weston requests that OWRD revise Finding of Fact #8 to include the underlined language below (or similar clarifying language):

"The proposed change would not result in enlargement of the right, as long as the use of two additional points of appropriation (Wells 2 & 3), used together with authorized Martin Well #1, are limited to a maximum combined total instantaneous rate under the water right certificate issued as a result of this transfer (but excluding any rate authorized to be pumped from these wells under another water right) of 2.66 cfs (1194.0 gallons per minute) at any one time and does not exceed the maximum annual duty allowed for the original use, being 1922.38 acre-feet per year."

A similar change needs to be made to Item #5 under the Determination and Proposed Action:

"The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation. The amount of water diverted from Martin Well #1, Well #2 and Well #3 for YEAR ROUND Industrial use under the water right certificate issued as a result of this transfer (but excluding any rate authorized to be pumped from these wells under another water right) is limited to a maximum combined total instantaneous rate of not to exceed 2.66 cfs at any one time from the wells and is further restricted to a maximum total annual duty of 1922.38 acre-feet per year."

Item #4 under the Determination and Proposed Action is duplicative of the first sentence of Item #5 and should be deleted.

Transfer T-12871

Similar changes need to be made to the draft PD for Certificate 43934 (T-12821). Lamb Weston requests that OWRD revise Finding of Fact #8 to include the underlined language shown below (or similar clarifying language):

"The proposed change would not result in enlargement of the right, as long as the use of two additional points of appropriation (Wells 1 & 3), used together with authorized Well #2, are limited to a maximum combined total instantaneous rate under the water right certificate issued as a result of this transfer (but excluding any rate authorized to be pumped from these wells under another water right) of 3.02 cfs

(1355.6 gallons per minute) at any one time and does not exceed the maximum annual duty allowed for the original use, being 1282.6 acre-feet per year."

A similar change needs to be made to Item #5 under the Determination and Proposed Action:

"The quantity of water diverted at the new additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation. The amount of water diverted from Well #2, Martin Well #1 and Well #3 for YEAR ROUND Industrial use under the water right certificate issued as a result of this transfer (but excluding any rate authorized to be pumped from these wells under another water right) is limited to a maximum combined total instantaneous rate of not to exceed 3.02 cfs at any one time from the wells and is further restricted to a maximum total annual duty of 2182.6 acre-feet per year."

Item #4 under the Determination and Proposed Action is duplicative of the first sentence of Item #5 and should be deleted.

Please let me know if you would like to discuss these proposed changes.

Kirk

Kirk B. Maag | Partner

STOEL RIVES LLP | 760 SW Ninth Avenue, Suite 3000 | Portland, OR 97205

Direct: (503) 294-9546 | Mobile: (541) 881-9613 | Fax: (503) 220-2480

kirk.maag@stoel.com | [Bio](#) | [vCard](#) | www.stoel.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any unauthorized review, use, or distribution is prohibited and may be unlawful.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FRED LISSNER

Date: March 9, 1995

From: MICHAEL ZWART

Subject: REVIEW OF ADDENDUM TO C.E.S., LTD. REPORT FOR LAMB-WESTON

Cascade Earth Sciences, Ltd. (CES) prepared a report, dated December 2, 1994, for Lamb-Weston, Inc. I reviewed that report and summarized my comments in a memo dated January 4, 1995. I concluded that the report did not present the quantity or quality of data that I believed were necessary to adequately rebut the presumption that the Lamb-Weston production wells have the potential to cause substantial interference with the Umatilla River. I recommended the collection of additional static water level, aquifer test, or any other data from which the existence of a relatively impermeable barrier between the production wells and the river could be interpreted with greater certainty. In a telephone conversation prior to completing my review memo, I was told by Jim Graham that the plant was shut down for a period of weeks during and following the holidays. We agreed that the shutdown could allow the recommended additional data to be collected without interference from pumping wells. In January 1995, CES personnel collected additional data at the plant wells. CES submitted an addendum to their report on February 17, 1995, which summarizes the results of the additional work done in January.

The work elements performed in January are summarized as follows:

- 1) Measurement of static water level elevations at all wells previously measured.
- 2) Measurement of river stage elevation at the Umatilla River.
- 3) Performance of a longer aquifer (approx. 24 hr.) test at production well #2, using production well #1 and well F as observation wells.
- 4) Discovery of an additional unused well (Well F') which was also originally drilled as a production well, but could not be used due to insufficient production.
- 5) Performance of two short-duration pump tests at wells F and F'.

Static water levels at the production wells remained near the levels reported previously. The Umatilla River stage was about 8 to 10 feet higher than previously measured. Heads at the wells did not appear to be responding to the higher stage, which is cited in the report as evidence of poor hydraulic connection with the nearby reach. In January the river stage was 23 to 25 feet higher in elevation than the static levels of wells #1 and #2.

The aquifer test at well #2 confirmed the high transmissivity of the aquifer penetrated. Calculated storativity was intermediate (0.014 to 0.084), and is proposed to indicate either a semi-confined aquifer or a confined aquifer with partial drainage of the aquifer material during pumping. Well F drew down during the test, which was unexpected because it is thought to penetrate much

OLD EVALUATIONS
ON LAMB WESTON
WELLS. NOW
NOT REQUIRED
OFF.

lower transmissivity materials. Further analysis of the test data, and subsequent testing of wells F and F', appear to confirm the existence of a relatively impermeable boundary located near well F. The report states that it is likely that well F responded to the pumping of well #2 is because it is located in an area where the "coarse grained sediments" may interfinger with the lower transmissivity "fine grained sediments" which predominate at well F.

Shorter duration pump tests were conducted at Well F and recently located Well F'. These tests both indicated low hydraulic conductivity of 1×10^{-5} cm/sec. or less for the aquifers penetrated at those locations. Both these wells were reportedly constructed to serve as back-up production wells for the facility, but did not produce the desired quantity of water, and apparently by a wide margin.

Much of my concerns with the earlier report had to do with the lack of data collected at well F to confirm the low permeability materials there. Since the lithologic descriptions (by the driller) of the materials penetrated at Well F did not appear to be substantially different from those at the other production wells, I was suspicious that the efficiency of Well F was poor, rather than there being an actual sedimentary facies change, as proposed in the earlier CES report.

The data collected at the facility in January, and summarized in the addendum to the report addresses most of my earlier concerns. In particular, I believe that the low hydraulic conductivity demonstrated at two wells (F and F') is persuasive evidence that the production wells are poorly hydraulically connected to the nearby reach of the Umatilla River.

I met with Jim Graham on March 7th to discuss the report. He stated that CES would be continuing to collect water level data at the facility wells as well as river stage data. That data may be available to us upon request. I will be available to discuss this report and my review with you at any convenient time.

Water Use Report based on Flowmeter & Power Meter Records

- For annual summaries, search by water use year and project or CGWA. Results will not include unprocessed flowmeter-power meter records.
- GIS exports: Export to Excel file. File is summarized by well, even if well has more than one flowmeter. Join the Excel file to site file in ArcGIS by gw_siteid. Then do bubble plot based on Annual use.

Jen Synoptic

Basin Umatilla

Critical GW Subarea

OGWR ORDNANCE GRAVEL CGWA - WESTLAND ROAD

[Return to Main Input & Query Page](#)

WELL #3

Logid	Site Name	Date	Flowmeter Reading	Unit	Roll-overs	Pm Rdg	Kwh	Wtr Use Year	Annual Use AF	Pumpage Final Source	Use Comments
UMAT	2601	ORD 67 / Lamb-Weston #3	02/13/1986	37755000	GAL	1	9,419	1985			
UMAT	2601	ORD 67 / Lamb-Weston #3	02/24/1987	66741000	GAL	1	21,268	11,849	1986	88.95	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/18/1988	73714000	GAL	1	31,411	10,143	1987	21.40	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/27/1989	80469000	GAL	1	43,627	12,216	1988	20.73	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/21/1990	92466000	GAL	1	57,920	14,293	1989	36.82	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	03/15/1991	138994000	GAL	1	99,989	42,069	1990	142.79	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/12/1992			1			1991	41.70	OWRD Est
UMAT	2601	ORD 67 / Lamb-Weston #3	02/19/1993	37207000	GAL	1	6,330		1992	114.18	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	03/04/1994	89447000	GAL	1	48,424	42,094	1993	160.32	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/22/1995	10946000	GAL	1	63,026	14,602	1994	65.98	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/29/1996	17203000	GAL	1	1,593	1,593	1995	19.20	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/19/1997	21111000	GAL	1	5,839	4,246	1996	11.99	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/26/1998	38446000	GAL	1	18,935	13,096	1997	53.20	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/25/1999	46638000	GAL	1	25,769	6,834	1998	25.14	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/25/2000	47917000	GAL	1	28,155	2,386	1999	3.93	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/23/2001	55603000	GAL	1	35,885	7,730	2000	23.59	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/21/2002	61082000	GAL	1	41,847	5,962	2001	16.81	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/27/2003	73552000	GAL	1	56,488	14,641	2002	38.27	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/23/2004	76381000	GAL	1	60,877	4,389	2003	8.68	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/24/2005			1	75,336	14,459	2004	34.11	FM / 2yrs
UMAT	2601	ORD 67 / Lamb-Weston #3	02/28/2006	98608000	GAL	1	78,364	3,028	2005	34.11	FM / 2yrs
UMAT	2601	ORD 67 / Lamb-Weston #3	02/22/2007	101031000	GAL	1	81,842	3,478	2006	7.44	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/21/2008	107440000	GAL	1	89,120	7,278	2007	19.67	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/26/2009	111514000	GAL	1	93,926	4,806	2008	12.50	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/25/2010	112592000	GAL	1	8,152	8,152	2009	3.31	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/15/2011	117007000	GAL	1	20,461	12,309	2010	13.55	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/14/2012	117428000	GAL	1	30,785	10,324	2011		
UMAT	2601	ORD 67 / Lamb-Weston #3	02/22/2013	119236000	GAL	1	11,581		2012	5.55	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/13/2014	144094000	GAL	1	36,684	25,103	2013	76.29	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/20/2015	151017000	GAL	1	631		2014	21.25	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/10/2016	155156000	GAL	1	11,354	10,723	2015	12.70	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/17/2017	157256000	GAL	1	20,013	8,659	2016	6.44	FM
UMAT	2601	ORD 67 / Lamb-Weston #3	02/15/2018	158532000	GAL	1	8,044	88,031	2017	3.92	FM

Total 1,144.52 Acre Feet

PM indicates more use than FM.

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT NORTH CENTRAL REGION

TO: WEISHA MIZE

DATE: May 3, 1995

FROM: MIKE LADD ^{ML.}

SUBJECT: CONTACT WITH STEVE SANDERS

Today I called Steve Sanders to follow-up on previous discussions and concerns he had concerning the regulation of Lamb Weston's Hydraulically connected wells. Steve had raised some questions On March 17, while out here for a meeting with CTUIR. He was concerned that Mike Zwart had not interpreted Div. 09 rules correctly. After faxing Mike's Zwart's 2 page memo, dated 3-9-95, to Steve Sanders (in March) and further discussions he is now comfortable that Mike's interpretation of not being able to provide timely relief is a reason not to regulate and is allowed under Div. 09.

Steve and I also discussed OEDD question about water rights for CTUIR in regards to their grant request for completing their municipal water supply system. I told OEDD (Margie Taylor) it would be safe to say the issue of whether they need to file GW rights is not completely resolved and if it is determined they need to they would have to file. Steve closed by saying he may contact OEDD AG and suggest that if WRD determines they need to file they would have to. (total time of phone call 5-10 minutes)

Tony, by copy of this memo, will you please prepare a draft letter to Lamb Weston telling them based on the data Cascade Earth Science's provided to Mike Zwart, that he has determined regulation of their wells would not provide timely relief and therefore will not be regulated in 1995 for hydraulic connection with the Umatilla River. This is based on the best available information now, but could be regulated later if new information supports regulation.

cc: Tom Paul
Tony Justus
Mike Zwart

←
CURRENTLY STILL
NOT
REGULATED OFF.
8/27/2008

Basin /, Volume →

will be held for six months during which the applicants may file amendments to request changes in points of diversion and/or changes in places of use. If the applications are not so amended, they will be rejected.

6

It is FURTHER ORDERED that applications G-5761 in the name of John L. King; G-5932, Lyle and Jane K. Smith; G-5936, Bert H. Quick; G-6023, LeRue W. Pollock; G-6040, George H. Barton; G-6058, Edgar S. and Elmo C. Bloom; G-6196, Mrs. John W. Rice; and G-6225, Woodrow Walker are rejected effective October 15, 1976.

7

It is FURTHER ORDERED that pending application G-6069 in the name of Lamb-Weston, Inc. be approved with a priority as of the date of filing for use for industrial purposes for stand-by emergency use only providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

*Ordinance
Critical GWA
order
4-2-76*

8

It is FURTHER ORDERED that pending application G-5947 in the name of Benjamin Newman shall be approved with a priority as of the date of filing providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

9

It is FURTHER ORDERED that the Ordinance basalt aquifer is herewith declared a critical ground water area and is to be known as "The Ordinance Basalt Critical Ground Water Area". The boundary of the critical ground water area, which is shown on Plate 1, is described as follows:

CONTENTS of
PER G-7184
(CERT. 62004)

WATER RIGHTS
FILE



DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION

Justice Building

Salem, Oregon 97310

Telephone: (503) 378-4620

March 28, 1987

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

RECEIVED

MAR 24 1987

WATER RESOURCES DEPT
SALEM, OREGON

Larry Jebousek, Administrator
Water Rights Division
Water Resources Department
3850 Portland Road NE
Salem, OR 97310

G-5681
G-5720
& G-6069

Re: Lamb-Weston
DOJ File No. 690-002-G0009-87

Dear Mr. Jebousek:

I have reviewed the Lamb-Weston file and believe that the attached suggested language of limitation, if included in the proof and certificate, will satisfy both the director's concern and that of the applicant.

As I understand it, the department seeks to assure (a) that this certificate not allow a rate of flow greater than the total capacity of the processing plant; and (b) that water use under this certificate not be available for effective enlargement of the existing primary rights for the plant, should one of those rights later be transferred to a new use. Mr. O'Rourke, who represents Lamb-Weston in this matter, objects to the language of limitation of the proposed proof because it appears to limit use under Lamb-Weston's existing certificates, which represent a total primary right of 5.68 cfs, to 3.6 cfs.

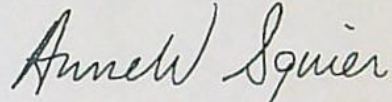
Unless there are relevant facts not in the files I have reviewed, I would agree with Mr. O'Rourke's October 21, 1986 statement that "[t]he historical diversions from wells one and two are not an issue in the final proof for well number three." Put another way, using the words of Mr. O'Rourke's letter of January 20, 1987, I do not believe the department "has the authority to diminish the water rights evidenced by Certificates 43933 and 43934 in the course of processing Permit No. G-7184. If the department believes the rights represented by the

Larry Jebousek
March 20, 1987
Page Two

certificates for wells one and two are in excess of that which can be beneficially used, the appropriate procedure for rectifying the situation is found in the cancellation statutes, ORS 540.610 to 540.650.

However, the department may limit use of water under Permit No. G-7184, so long as that limitation does not affect exercise of Lamb-Weston's current certificated rights. Attached is suggested language which I believe would meet all concerns outlined above. Please call if you wish to discuss the matter further.

Very truly yours,

A handwritten signature in cursive script, reading "Anne W. Squier". The signature is written in dark ink and is positioned above the typed name and title.

Anne W. Squier
Assistant Attorney General

AWS:tlall8/lamb.1/.2

CONTENTS from Well #3 FILE



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

378 -3739

April 28, 1989

Lamb-Weston, Inc.
P.O. Box 705
Hermiston, Oregon 97838

REFERENCE FILE: G-6069

Gentlemen;

I have received your petition to reconsider the content of the proposed certificate under permit G-7184. Your petition requests two changes; the description of the well location and the description of the place of use.

The location of well 3 was determined by a site inspection by our field staff. If the well location was surveyed by either a licensed surveyor or a certified water right examiner and the results are different than the proposed certificate description, please provide a copy of the survey for our records. We will gladly correct the proposed (and final certificate) to show the correct location of well 3.

Permit G-7184 authorized the use of water from well 3 only as a standby emergency supply and did not authorize an independent industrial use or an enlargement of the industrial use authorized under any prior water right. The prior water rights (wells 1 and 2 under certificates 43933 and 43934) limit the place of water of the water to the SE 1/4 SW 1/4, SECTION 19, AND NE 1/4 NW 1/4, SECTION 30, T 4 N, R 28 E, W.M..

Your request to include within the place of use the NW 1/4 NW 1/4, SECTION 30, T 4 N, R 28 E, W.M. is denied.

I am enclosing a copy of the map used as the basis for the industrial use location of the water from wells 1 and 2. The earlier certificates appear to be correct.

Please provide any additional information to us within the next 30 days.

Sincerely;

Vestal R. Garner, Manager
Certificate Section

CC: KOTTKAMP & O'ROURKE

RECEIVED

APR 26 1989

JOHN H. KOTTKAMP
ROBERT E. O'ROURKE
STEPHEN M. BLOOM
BRANT M. MEDONICH

KOTTKAMP & O'ROURKE
ATTORNEYS AT LAW
331 S. E. 24th STREET
P. O. BOX 490
PENDLETON, OREGON 97801 0490

WATER RESOURCES DEPT.
SALEM, OREGON
TELEPHONE (503) 276-2141
FAX (503) 276-6463

April 26, 1989

6-6069

Water Resources Department
3850 Portland Road N. E.
Salem, Oregon 97310

Re: Permit No. G-7184

I am writing this letter on behalf of my client, Lamb-Weston, Inc. You recently sent to Lamb-Weston the proposed certificate of water right on Permit No. G-7184. The well location is shown to be 820 feet south and 2,050 east from the northwest corner of Section 30. The Permit shows the location to be 670 feet south and 2,050 feet east from that corner. Because of the discrepancy, Lamb-Weston had the location of the well surveyed and the survey indicates that the well is 776.5 feet south and 2,141.5 east of the northwest corner of Section 30.

Another discrepancy is that the Permit shows the location where the water is to be used as the southeast quarter of the southwest quarter of Section 19 and the north half of the northwest quarter of Section 30. The proposed certificate restricts the use in Section 30 to the northeast quarter of the northwest quarter. I am told that the north half of the northwest quarter is the appropriate description.

Would you please take another look at these two items and let us know what you find. In the meantime, please consider this as a petition to reconsider the contents of the proposed certificate. Please include me in all communications regarding this water right.

KOTTKAMP & O'ROURKE

By:

Bob O'Rourke

REO:ns

cc: Mr. Mike Henderson
Lamb-Weston, Inc.
P. O. Box 705
Hermiston, Oregon 97838



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

March 30, 1987

Robert E. O'Rourke
Attorney at Law
PO Box 490
Pendleton, OR 97801

REFERENCE: File Number G-6069

Dear Bob:

We have considered the points made by your letter of January 20, 1987 regarding the Proof of Appropriation for the Lamb-Weston permit. A request was made to the Attorney General's office for wording that would accommodate your concerns and our needs. It appears to me the special wording incorporated in the enclosed proof accomplishes this. Please review and if you agree have this proof signed and returned.

Sincerely,

LARRY W. JEBOUSEK
Administrator
Water Rights Division

LWJ/jw

Enclosure

3/24/87

Suggested language for proof/certificate on Lamb-Weston
Permit G-7184. *AUS*

1. "for the purpose of stand-by emergency industrial use, as an additional point of diversion for the primary industrial use rights described under Certificates 43933 and 43934, Volume 34, State Record of Water Right Certificates."

2 (choose one)

(a) "that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 2.67 cubic feet per second, with the limitation that flow from this well in combination with pumpage permitted under Certificates 43933 and 43934 shall at no time exceed the total industrial use flows allowed by Certificates 43933 and 43934; and with the further limitation that this right shall not be transferred separate from Certificates 43933 and 43934, and shall be valid only so long as and to the extent that Certificate 43933 or 43934 or both remains a valid right to industrial use of water on the property described below.

preferred
(b) "that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 2.67 cubic feet per second, with the limitation that this well shall not be utilized to provide a combined flow, under Certificates 43933, 43934 and this right, in excess of 3.6 cfs; and with the further limitation that this right shall not be transferred separate from Certificates 43933 and 43934, and shall be valid only so long as and to the extent that Certificate 43933 or 43934 or both remains a valid right to industrial use of water on the property described below.

JOHN H. KOTTKAMP
ROBERT E. O'ROURKE
STEPHEN M. BLOOM

KOTTKAMP & O'ROURKE
ATTORNEYS AT LAW
331 S. E. 2ND STREET
P. O. BOX 490
PENDLETON, OREGON 97801

TELEPHONE
AREA CODE 503
276-2141

January 20, 1987

RECEIVED

JAN 22 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
3850 Portland Road N. E.
Salem, Oregon 97310

Attn: Larry Jebousek

Re: Permit No. G-7184

Dear Larry:

As you know, there has existed a difference of opinion between this office and your office as to the appropriate language to be included in the Proof of Appropriation for the above permit. Lamb-Weston has respectfully disagreed with the position of the Department with respect to the Department imposing a new limitation on two water rights which are separate from the permit presently under consideration. Lamb-Weston has a long history of cooperation with the Department and has been quite diligent in providing the Department with information regarding the use of its wells. Lamb-Weston is not interested in presenting itself to the Department in a contrary position or attitude but the facts of this situation seem to leave no choice but for Lamb-Weston to take a firm position which it believes is consistent with Oregon law.

The Proof of Appropriation which the Department presented to Lamb-Weston contains language which would limit two separate water rights. Therefore, that language has been lined out and the Proof is being returned to you with this letter upon the condition that the lined out language is rejected and is not part of the Proof.

If the Department believes that it has the authority to diminish the water rights evidenced by Certificates 43933 and 43934 in the course of processing Permit No. G-7184, I would appreciate it very much if the Department would advise me of the legal authority for that position. It is our request that the Department continue to process Permit G-7184 and issue a certificate for that water

RECEIVED

JAN 22 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
January 20, 1987
Page 2

right. Please direct any further correspondence on this to
myself. Thank you.

KOTTKAMP & O'ROURKE

By: *Bob O'Rourke*

REO:vl
Encl.



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

December 10, 1986

KOTTKAMP & O'ROURKE
Attorneys at Law
331 SE 2nd Avenue
Pendleton, OR 97801

REFERENCE: File Number G-6069

Dear Bob:

Action on Lamb-Weston Incorporated Application No. G-6069 has been withheld pending submission of additional data to substantiate the total quantity of water used in the plant. Information submitted by the applicant indicates an average usage of 1200 to 1400 gallons per minute with up to 1600 gpm's during peak periods.

Assuming this information is correct, the proof should be signed and returned with the limitation of a diversion not exceeding 3.6 cubic feet per second from all three wells.

I have discussed this with the Director and he is unwilling to issue a certificate of water right without the limitation stating what the total capacity of the system is. If you have questions, please call me.

Sincerely,

LARRY W. JEBOUSEK
Division Administrator
Water Rights Section

LWJ/jw

cc: Mike Ladd, Watermaster District #5

G-6069

KOTTKAMP & O'ROURKE

JOHN H. KOTTKAMP
ROBERT E. O'ROURKE
STEPHEN M. BLOOM

ATTORNEYS AT LAW
331 S. E. 2ND STREET
P. O. BOX 490
PENDLETON, OREGON 97801

TELEPHONE
AREA CODE 503
276-2141

October 21, 1986

RECEIVED

OCT 23 1986

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Steven Applegate
Water Resources Department
3850 Portland Road N. E.
Salem, Oregon 97310

Re: Permit No. G-7184
Lamb-Weston, Inc.

Dear Steve:

You and I have written to each other several times about the final proof which has been submitted to Lamb-Weston on well number three. We seem to be at a stalemate with respect to an issue which I don't believe is properly placed. The purpose of this letter is to again set out Lamb-Weston's position and to ask that a corrected proof be issued for the signature of Lamb-Weston.

Lamb-Weston has three wells. It holds Certificate No. 43933 for well number one. That certificate authorizes a diversion of 2.6 cfs.

Well number two is covered by Certificate No. 43934 which authorizes a diversion of 3.02 cfs. Certificates No. 43933 and 43934 are both primary rights. The total diversion allowed from both wells is 5.68 cfs.

Well number three is covered by Permit G-7184 which authorizes a diversion of 2.67 cfs for stand-by emergency use for industrial purposes. The only final proof that is being made at this time is for Permit G-7184. The historical diversions from wells one and two are not an issue in the final proof for well number three.

The proposed proof of appropriation which the Department has sent to Lamb-Weston states that 2.67 cfs has been beneficially used from well number three. Lamb-Weston does not disagree with that statement and is willing to accept that limitation in the certificate. However, there is a statement in the proof that would limit the diversion of all three wells to 3.6 cfs. This would obviously be a reduction in the authorized diversion from wells one and two and therefore, this language is improperly included in the proof.

RECEIVED

JUL 18 1986

WATER RESOURCES DEPT
SALEM, OREGON

TELEPHONE
AREA CODE 503
276-2141

KOTTKAMP & O'ROURKE

ATTORNEYS AT LAW

331 S. E. 2ND STREET

P. O. BOX 490

PENDLETON, OREGON 97801

JOHN H. KOTTKAMP
ROBERT E. O'ROURKE
STEPHEN M. BLOOM

July 16, 1986

Mr. Steven Applegate
Water Resources Department
3850 Portland Road N. E.
Salem, Oregon 97310

Re: File G-6069, Lamb-Weston

Dear Steve:

I have reviewed your July 9 letter with representatives of Lamb-Weston. Their records indicate that the combined withdrawal from wells one and two reached a high of slightly in excess of 6 cfs prior to October 1, 1979. We are certainly willing to share those records with you in the interest of resolving this matter. That being so, it does not seem that there should be any reduction in the allowed pumping from those two wells below their legal entitlement. The proposed Proof on well number three would be such a limitation and Lamb-Weston cannot agree to it. Let me know if you would like to meet and review the pumping records.

KOTTKAMP & O'ROURKE

By: *Bob*

REO:vl

cc: Mr. Mike Henderson
Lamb-Weston
P. O. Box 705
Hermiston, Oregon 97838

P. S. I assume there is no 30 day deadline while we are attempting to resolve this matter.

REO

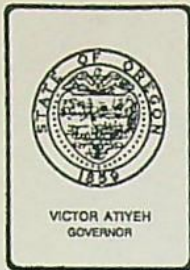
Mr. Steven Applegate
October 21, 1986
Page 2

Lamb-Weston again asks the Department to send a corrected proof for its signature so that this matter can be concluded.

KOTTKAMP & O'ROURKE

By: 

REO:vl



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

July 9, 1986

Mr. Robert O'Rourke
PO Box 490
Pendleton, OR 97801

Dear Bob:

REFERENCE: File G-6069, Lamb-Weston

This is in response to your letter of June 30, 1986 regarding the 3.6 cubic feet per second limitation for the Lamb-Weston plant near Hermiston. I'm afraid that, based upon all available information, this limitation on the proof for Permit G-7184 must stand.

Although it was an oversight on our part not to have included this limitation on Certificates 43933 and 43934, it remains that, apparently, the maximum beneficial use of water from this groundwater source has been 3.6 cubic feet per second. As stated in my letter of April 8, 1986, any increase in the plant's use of water after October 1, 1979 could not be allowed under the existing rights. That would amount to an enlargement of those rights, as perfected, and cause potential injury to the other users of the groundwater source.

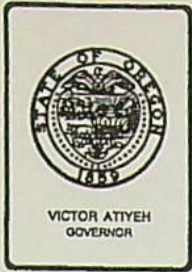
Further action will be suspended on this file for 30 days pending receipt of the completed proof.

Sincerely,

Steven P. Applegate
Senior Water Rights Examiner

SPA:cle

cc: Mike Ladd



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

April 8, 1986

Bob O'Rourke
331 SE 2nd Street
PO Box 490
Pendleton, OR 97801

Dear Bob:

REFERENCE: File G-6069 and 61680

I have received your letter of March 26, 1986 regarding the limitation on the proof for Permit G-7184, in the name of Lamb-Weston, Inc.

Certificates 43933 and 43934 were issued to Lamb-Weston November 23, 1976 confirming their use of water from wells 1 and 2 under Permits G-4947 and G-4948. The certificates allowed for the use of up to 2.66 cubic feet per second from well 1, and 3.02 cfs from well 2 respectively.

All of our current information, however, indicates that the total plant usage has averaged 1200 - 1400 gpm, and not exceeded 1600 gpm (3.6 cfs) during peak periods. Any enlargement of the plant's water use after October 1, 1979 could not be covered under the existing permits.

I would also like to call to your attention that we have not as yet been advised that the terms of Lamb-Weston's Permit 46678 were met. The permit allows for the use of water from the Columbia River and effluent from the plant for irrigation and industrial use. Under the terms of the permit, construction of the water delivery system was to have been completed by October 1, 1984, and the water completely applied to the intended use on or before October 1, 1985.

If the terms were met, we need to be advised. If not, an extension of the time limits should be requested.

Sincerely,

Steven P. Applegate
Senior Water Rights Examiner

SPA:cle

Basin /, Volume \Rightarrow



RECEIVED

JUN - 9 1977

WATER RESOURCES DEPT.
SALEM, OREGON

June 6, 1977

Mr. Bill Bartholomew
Water Resources Department
State of Oregon
1178 Chemeketa Street, NE
Salem, Oregon 97310

Dear Mr. Bartholomew,

Enclosed is our May, 1977 well data for Lamb-Weston wells.

A handwritten signature in cursive script that reads "Howard Hunt".

Howard Hunt
Maintenance Supervisor

HH/do

WELL #1			WELL #2			TOTAL
Amount of Water Used	Depth in Feet		Amount of Water Used	Depth in Feet		Amount of Water Used
	ON	OFF		ON	OFF	
-0-	off	69	796,000	87	76	
-0-	off	69	285,000	88	75	
-0-	off	-	444,000	89	78	
-0-	off	-	449,000	85	71	
-0-	off	-	403,000	89	80	
-0-	off	69	319,000	86	80	
-0-	off	71	256,000	81	75	
-0-	off	70	718,000	80	77	
-0-	off	70	407,000	95	87	
-0-	off	68	346,000	80	75	
-0-	off	no nitrogen	450,000	78	71	
-0-	off	" "	380,000	78	70	
-0-	off	" "	314,000	94	84	
-0-	off	68	434,000	86	77	
5,000	off	68	537,000	93	85	
1,002,000	off	70	427,000	87	79	
1,520,000	82	69	514,000	82	78	
1,550,000	84	75	376,000	86	79	
1,530,000	85	72	492,000	86	77	
1,552,000	84	75	327,000	88	76	
1,572,000	85	76	278,000	89	78	
1,734,000	85	75	173,000	82	78	
1,008,000	86	75	106,000	86	76	
1,614,000	84	68	258,000	87	77	
1,590,000	83	72	251,000	87	77	
1,591,000	85	71	369,000	85	78	
1,600,000	86	74	325,000	86	78	
1,586,000	80	72	218,000	90	79	
1,591,000	85	76	2,000	88	78	
1,560,000	85	75	393,000	85	76	
1,660,000	85	79	197,000	85	76	

WELL DATA

WELL # 3			WELL #			TOTAL
Amount of Water Used	Depth in Feet		Amount of Water Used	Depth in Feet		Amount of Water Used
	ON	OFF		ON	OFF	
896,000	70	55				1,692,000
1,612,000	70	58				1,897,000
1,639,000	70	58				2,083,000
1,508,000	71	58				2,037,000
2,087,000	72	58				2,490,000 ✓
1,576,000	73	58				1,895,000
1,571,000	78	64				1,827,000
731,000	74	60				1,449,000
1,680,000	62	55				2,087,000
1,571,000	70	57				1,917,000
1,546,000	70	58				1,996,000
1,475,000	70	58				1,855,000
1,570,000	74	62				1,892,000
1,471,000	74	62				1,905,000
853,000	68	55				1,295,000
162,000	70	60				1,591,000
-0-	off	55				2,034,000
-0-	off	50				1,926,000
-0-	off	52				2,022,000
-0-	off	55				1,919,000
-0-	off	55				1,850,000
-0-	off	55				2,207,000
-0-	off	55				1,214,000
-0-	off	55				1,872,000
-0-	off	60				1,841,000
-0-	off	60				1,950,000
-0-	off	60				1,934,000
-0-	off	60				1,814,000
-0-	off	60				1,593,000
-0-	off	60				1,953,000
-0-	off	60				1,857,000

INFO: MIKE HENDERSON CLAIMS THIS IS A STAND-BY WELL. HE STATED
IN MAY, 77 WAS MAX USAGE FROM THE WELL. BECAUSE WELL 1 WAS
BROKEN. MAY 5, 1977 THE USAGE WAS 1449 gpm.

WELL 1: C = 18" D = 98 SWL = 58' OD = 14' ON MAY 5, 1977
PUMP & MOTOR: U.S. SO. HP @ 1765 RPM
NORTHINGTON 10" DISCH.

AIRLINE. FLOW METER SPARLING. 1449 gpm MAX WITHIN TERMS

CROP: INDUSTRIAL
TIES INSPECTION
LIFT: SEE QUAD.

$$\frac{1449}{448.83} = 3.23 \text{ cfs}$$

8-25-81
Van der Clauw
FIELD ENGINEER

$$\frac{7.04 \times 50}{72} = 4.89 \text{ cfs}$$

will be held for six months during which the applicants may file amendments to request changes in points of diversion and/or changes in places of use. If the applications are not so amended, they will be rejected.

6

It is FURTHER ORDERED that applications G-5761 in the name of John L. King; G-5932, Lyle and Jane K. Smith; G-5936, Bert H. Quick; G-6023, LeRue W. Pollock; G-6040, George H. Barton; G-6058, Edgar S. and Elmo C. Bloom; G-6196, Mrs. John W. Rice; and G-6225, Woodrow Walker are rejected effective October 15, 1976.

7

It is FURTHER ORDERED that pending application G-6069 in the name of Lamb-Weston, Inc. be approved with a priority as of the date of filing for use for industrial purposes for stand-by emergency use only providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

*Ordinance
Critical GWA
order
4-2-76*

8

It is FURTHER ORDERED that pending application G-5947 in the name of Benjamin Newman shall be approved with a priority as of the date of filing providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

9

It is FURTHER ORDERED that the Ordinance basalt aquifer is herewith declared a critical ground water area and is to be known as "The Ordinance Basalt Critical Ground Water Area". The boundary of the critical ground water area, which is shown on Plate 1, is described as follows:



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE

MEMORANDUM TO: File G-6069

FROM: Jim Carver

SUBJECT: Rate of diversion to be allow in certificate
on proof under Permit G-7184

Permit G-7184 was issued to Lamb-Westin, Inc. on April 18, 1977. It alloed the appropriation of not to exceed 2.67 c.f.s. from Well #3. Letters from the applicamt's engineer in support of the application stated that the intended appropriation was to provide an alternate source of water to that being obtained under rights from Wells Nos. 1 and 2. (see attached sketch)

Well No. 1: Certificate 43933 describes a right to appropriate not to exceed 2.66 c.f.s. The right was established under the terms of Permit G-4947 (Application G-5681).

Well No. 2: Certificate 43934 describes a right to appropriate not to exceed 3.02 c.f.s. The right was established under the terms of Permit G-4948 (Application G-5720)

The WRD field crew's report in connection with taking proof of appropriation under permit G-4947 and G-4948 states that the two wells (Well No. 1 and Well No. 2) were pumped, alternately, into a common pipeline to a filter and chlorine plant. Water from the filter and chloring plant was then repumped to the Lamb-Westin plant at the rate of 1,200 to 1,400 gallons per minute.

When the certificates were issued, each right was allowed at the rate the well was pumped. No limitation was imposed in recognition of the wells not being used at the same time. The two certificates (Certificate 43933 and Certificate 43934) appear to allow pumping of the two wells (Well No. 1 and Well No. 2) at the same time, with a combined rate of 5.68 c.f.s.

Well No. 1 and Well No. 2 both pump from the same water source, the Ordnance Gravel Critical Graound Water Area aquifer.

Question: Did the issuance of Certificates 43933 and 43934 establish a combined right to appropriate water from the Ordnance Gravel Critical Ground Water Area aquifer at a rate in excess of the rate at which water was pumped from the aquifer up to the time proof of appropriation was made under the terms of Permits G-4947 and G-4948?

Memorandum to File G-6069

Page two

The WRD has offered the permittee a certificate to describe the right established under by performance under Permit G-7184 for use of water from Well No. 3, which would include the limitation:

" . . . this well shall not be utilized to provide a combined flow, under Certificates 43933, 43934 and this right, in excess of 3.6 cfs; and with the further limitation that this right shall not be transferred separate from Certificate 43933 and 43934, and shall be valid only so long as and to the extent that Certificate 43933 or 43934 or both remains a valid water right to industrial use of water on the property described below."

Anne Squier, in her letter dated March 24, 1987, made the following comment:

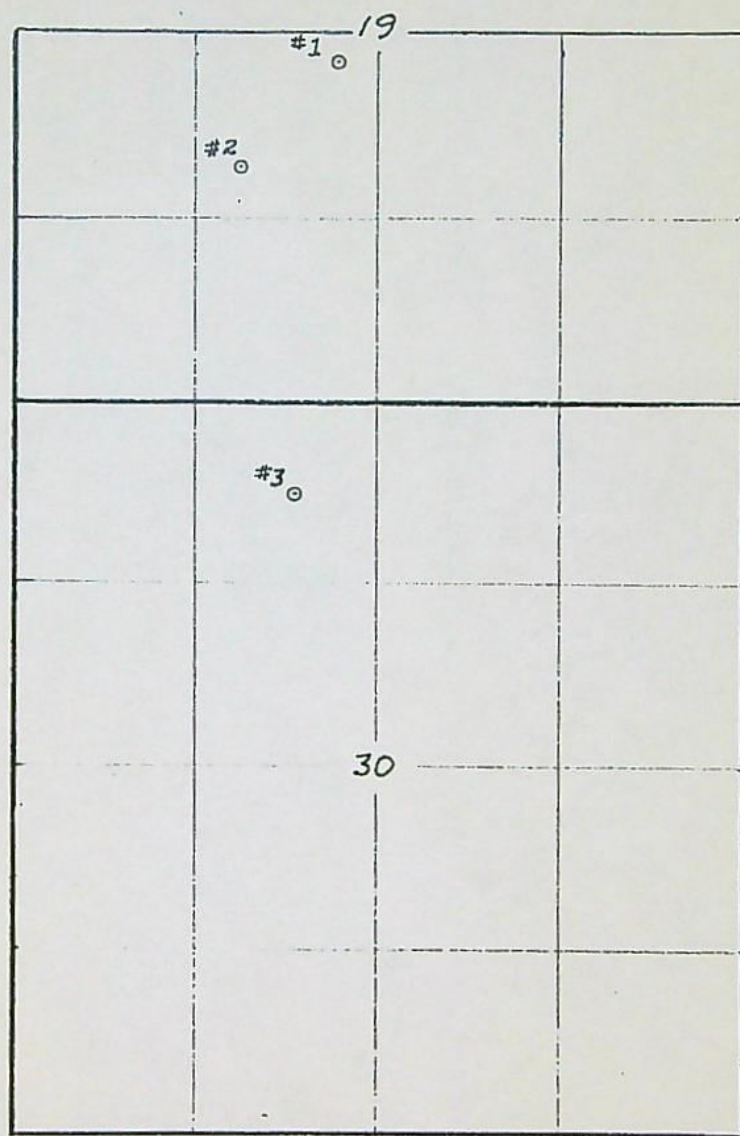
"Unless there are relevant facts not in the files I have reviewed, I would agree with Mr. O'Rourke's October 21, 1986 statement that "[t]he historical diversions from wells one and two are not an issue in the final proof for well number three." Put another way, using the words of Mr. O'Rourke's letter of January 20, 1987, I do not believe the department "has the authority to diminish the water rights evidenced by Certificates 43933 and 43934 in the course of processing Permit No. G-7184. If the department believes the rights represented by the certificates for well one and two are in excess of that which can be beneficially used, the appropriate procedure for rectifying the situation is found in the cancellation statutes, ORS 540.610 to 540.650."

Anne Squier's comment presupposes that the issuance of Certificates 43933 and 43934, without contest within the 60 days following issuance, did establish a combined right to appropriate 5.68 c.f.s. from the aquifer. I am not sure that is a settled question. However, I do agree with Anne, that without the agreement of the permittee, a remedy to a possible error in the issuance of Certificates 43933 and 43934 cannot be found in the issuance of a certificate for the right established under Permit G-7184.

It is clear from the record that that the intended use of Well No. 3 was to provide an alternate "means" of water supply to Wells 1 and/or 2, not to provide a greater quantity of water. (see letter of April 10, 1973, by Arthur R. Davidson, Senior Engineer, Lamb-Weston, Inc., in support of then pending Application G-6069)

It would be appropriate to include a limitation on use of Well No. 3 to provide that water may be appropriated from Well No. 3 only to the extent that the rate of appropriation from Wells Nos. 1 and/or 2 is reduced by a like amount below the authorized rate for the well or wells.

Jim Carver
March 16, 1988



T4N, R28E

Lamb-Westin, Inc.

RECEIVED

MAY 01 1987

KOTTKAMP & O'ROURKE

ATTORNEYS AT LAW

331 S. E. 24th STREET

P. O. BOX 490

PENDLETON, OREGON 97801

JOHN H. KOTTKAMP
ROBERT E. O'ROURKE
STEPHEN M. BLOOM

WATER RESOURCES DEPT.
SALEM, OREGON
TELEPHONE
AREA CODE 503
276-2141

April 28, 1987

Mr. Larry Jebousek
Water Resources Department
3850 Portland Road N. E.
Salem, Oregon 97310

Re: File No. G-6069

Dear Larry:

I have reviewed your letter of March 30 and the proposed proof with my client. Our concern from the beginning has been that the language included in the proof unnecessarily restricts or diminishes the water right which would be evidenced by the certificate to be issued. It was our request that the restrictive language be deleted.

The newly proposed proof appears to add additional restrictive language rather than removing it. For example, the proof would identify this water right simply as an additional point of diversion rather than as a supplemental water right. The permit which is being proofed does not describe the right as another point of diversion. The application was for a supplemental right and if all that was being granted was another point of diversion, the entire matter would have been handled as an appendage to the existing rights rather than as a separate right.

The proposed proof continues to include language limiting the flow of the three wells to 3.6 cfs. We have previously stated our objection to that language. Lamb-Weston respectfully requests that the certificate be issued based upon the proof which I sent to you on January 20.

KOTTKAMP & O'ROURKE

By:

Bob O'Rourke

REO:vl

RECEIVED

JUL - 3 1986

WATER RESOURCES DEPT
SALEM, OREGON

TELEPHONE
AREA CODE 503
276-2141

KOTTKAMP & O'ROURKE

ATTORNEYS AT LAW

331 S. E. 2ND STREET

P. O. BOX 490

PENDLETON, OREGON 97801

JOHN H. KOTTKAMP
ROBERT E. O'ROURKE
STEPHEN M. BLOOM

June 30, 1986

Mr. Steven Applegate
Water Resources Department
3850 Portland Road, N.E.
Salem, Oregon 97310

Re: Lamb-Weston
File No. G-6069

Dear Steve:

Several months ago the Department prepared and sent to Lamb-Weston a Proof of Appropriation of Water for Permit No. G-7184. The Proof relates to a well which is usually referred to as Well No. 3 by Lamb-Weston. The stated use of the water is "stand-by emergency industrial use." The Permit makes reference to two earlier Permits both of which are now in certificate form. The reference is made under the question relating to supplemental usage. The two earlier certificates have a total authorized rate of diversion of 5.68 cfs.

We have two concerns with the proposed Proof. The first has to do with the 2.67 cfs authorized rate of flow. While we don't argue with that amount as being representative of the maximum pumpage from that well, it seems that the nature of the water right should limit it only to the combined authorized rates of flow from the two certificates. This right is more in the nature of a third point of diversion for the first two wells and is to be used for stand-by purposes when the first two wells are not capable, for whatever reason, of supplying the authorized combined rate of flow.

The second concern that we have with the Proof is that it would limit the combined flows from all three wells to 3.6 cfs. This represents a diminution of the authorized combined rates from the wells 1 and 2 of 5.62 cfs. I don't believe that there is any authority to reduce those authorized rates through the process of considering a supplemental right.

We respectfully ask that you consider our objections and issue an amended Proof which limits the rate of flow only to the combined flow rates of the two certificates.

KOTTKAMP & O'ROURKE

By: 

REO:ch

RECEIVED

AN IRVING COMPANY

November 20, 1973

NOV 21 1973

STATE ENGINEER
SALEM, OREGON

Mr. Chris L. Wheeler
State Engineer
Water Resources Department
1178 Chemeketa St.
Salem, Oregon 97310

Dear Mr. Wheeler:

This is in reference to Lamb-Weston wells at our Hermiston, Oregon plant and our application for use of water from a 3rd well, our application No. G-6069..

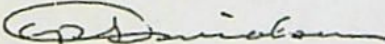
The water level in Wells 1 & 2 are remaining reasonably stable. We use both of these wells for operation of our plant and our useage remains in the 1600 g.p.m. level. We are presently working at reduction of water consumption in our plant by various means such as reduction of flow and re-use systems.

Attached are tabulations of well water levels from July into November. We hope these are useful in your area studies.

At a meeting in your office, this last summer, you indicated that your area water resource study would be completed around October and could then consider our application G-6069. What is the present time table on the study and consideration of our application?

Again we want to emphasize that our request for permit and use from this 3rd well is not a request for use of a greater quantity of water. What we need is to increase the reliability of our system. As it now stands, we must shut down our operation if we have any difficulties.

Sincerely,



Arthur R. Davidson
Senior Engineer

ARD:nr
Encl.

cc: Bruce Morgan, Lamb-Weston, Portland
Fred Bolthouse, Lamb-Weston, Portland
George White, Lamb-Weston, Hermiston
Reg Muller, Lamb-Weston, Connell, Wn.



STATE ENGINEERS
SALMON, OREGON

AN **Aviation** COMPANY

April 10, 1973

State Engineers Office
Water Resources Department
1178 Chemeketa St., N.E.
Salem, Oregon 97310

Attn: Mr. Thomas E. Shook

Ref: Your letter of April 6, 1973 - Our application
for permit to appropriate water from a 3rd Well
at our Hermiston, Oregon plant site. Our letter of
submittal dated March 19, 1973.

Dear Mr. Shook:

We are enclosing our check in the amount of \$14.00 for recording
fee and \$15.00 for examination fee and re-submitting our application
for water permit which you returned with your referenced letter.
In addition, we are sending two prints and two reproducibles of
our drawing showing the Well location.

The subject well was tested on April 4, 1973 from 8:45 A.M. to
4:00 P.M. The log of the test is as follows:

Time	Level	GPM	Comments
8:45 AM	45'	0	-
8:45 AM	45'		Started pumping
9:45 AM	50'	992	Water clear
9:50 AM	50'	992	Water clear
10:15 AM	50'	992	Water clear
11:00 AM	50'	992	Water clear
11:00 AM	52'	1100	Increased flow
11:40 AM	53'	1100	Water clear
11:45 AM	56'	1200	Increased flow
11:55 AM	57'	1200	Water clear
12:40 PM	57'	1200	Water clear
12:42 PM	63'	1302	Increased flow
(Level dropped below perforations and was therefore pumping air)			
1:50 PM	57'	1200+	Water clear
2:35 PM	60'	1200+	Air in water
2:40 PM	56'	1158	Water clear
3:50 PM	56'	1158	Water clear

At 3:50 P.M., raised flow to maximum capacity of pump, rate of flow
unknown, which lowered water level to 70 ft. Shut down at 4:00 P.M.
with level at 65 ft. Recovered to 50 ft in (1) one minute and to
48 ft in (3) three minutes.

-1-

Application No. G-6069
Permit No.

Lamb-Weston, Inc.

General Office: 6600 S.W. Hampton Street • P.O. Box 23507 • Portland, Oregon 97223
Phone 503/639-8812 • TWX 616/450-8722

State Engineers Office
Mr. Thomas E. Shook

-2-

April 10, 1973

Lamb-Weston is presently using water from its Well No. 1 (Permit No. G4947) and Well No. 2 (Permit No. G4948) at an average rate of 1,300 g.p.m. with peaks to 1,600 g.p.m. This is the combined usage from both wells. Lamb-Weston estimates that its average consumption may increase to 1500 g.p.m. in the next four months as its process production rate increases.

The reason for drilling well No. 3 is to supplement the means of water supply, not to provide a greater quantity of water. We find it essential to our operation to have the necessary mechanical back-up in order for us to continue operation even when plagued with such things as pump failures and loss of power. The present two Wells are served from an electrical power line not associated with the plants main power. The new 3rd well will be fed from a separate power source from that which feeds the first two wells.

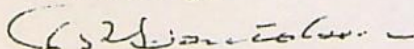
All three wells will pump into a common main line which empties into a ground level water supply tank. The plant is fed from this tank by separate supply pumps.

We are presently having trouble with Well No. 1 and desire to remove the pump for inspection; however, we hesitate doing this until we have No. 3 Well in readiness to supply our needs in case of failure of No. 2. Therefore, we would like to obtain the permit for No. 3 as soon as possible so we can proceed with the pump, pipe line, power, etc.

A copy of our drawing No. E100-250-2 is enclosed for your information. This shows the relative location of the wells, plant buildings and property lines.

Thank you for your assistance.

Sincerely,



Arthur R. Davidson
Lamb-Weston, Inc.
Senior Engineer

ARD:nr

cc: Bruce Morgan - Lamb-Weston, Portland
LeRoy Fletcher - Lamb-Weston, Hermiston
Walt Smith - Lamb-Weston, Portland
Wayne Spencer - Lamb-Weston, Hermiston

Application No. G-6069

ORDNANCE CGWA

BEFORE THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT

Morrow and Umatilla Counties

ON THE QUESTION OF)
DETERMINATION OF A)
CRITICAL GROUND WATER)
AREA IN THE ORDNANCE)
AREA, MORROW AND)
UMATILLA COUNTIES,)
OREGON)
-----)

FINDINGS, CONCLUSIONS,
AND ORDER

INTRODUCTION

1

Notices of hearing on the question of the determination of a critical ground water area in the Ordinance area of Morrow and Umatilla Counties, Oregon were published in the Hermiston Herald and the East Oregonian, newspapers of general circulation, as defined by ORS 193.010 and 193.020, for 2 successive and consecutive weeks in the January 1, 1976 and the January 8, 1976 issues of the Hermiston Herald; and the January 6, 1976 and January 13, 1976 issues of the East Oregonian in Umatilla County, Oregon. Written notices were also mailed to all claimants or appropriators of ground water of record in the Ordinance ground water area and all water well contractors and drilling machine operators whose addresses were within Morrow or Umatilla Counties, Oregon. Notices of hearing were also mailed to the following:

- (1) Senators: Senator Michael G. Thorne of Umatilla County
Senator Kenneth A. Jernstedt of Morrow County
- (2) Representatives: Representative Wallace W. McCrae of Umatilla County
Representative Jack Sumner of Morrow County
- (3) Federal Agencies: (a) Stanley Kapustka, Chief, Portland District, U. S. Geological Survey, Portland, Oregon
(b) Robert Fery, Federal Land Bank, Spokane, Washington
(c) Mr. Fields, Bonneville Power Administration, Walla Walla, Washington

- (d) Irvin Williams, Maintenance Engineer,
U. S. Army Depot, Ordnance, Oregon
 - (e) U. S. Army Corps of Engineers, Walla Walla,
Washington
 - (f) U. S. Army Engineer District, Seattle,
Washington
- (4) County Officials:
- (a) Darrell Maxwell, Extension Service,
Hermiston, Oregon
 - (b) Umatilla County Planning Commission,
Hermiston, Oregon
 - (c) Morrow County Planning Commission,
Heppner, Oregon
 - (d) Umatilla County Planning Commission,
Pendleton, Oregon.
 - (e) Jim R. Stephenson, East Central Oregon
Association of Counties, Pendleton,
Oregon
 - (f) Port of Umatilla, Hermiston, Oregon
 - (g) Port of Morrow, Boardman, Oregon
 - (h) Forrest K. Starrett, Chairman, Umatilla
County Commission, Pendleton, Oregon
 - (i) Judge Paul W. Jones, Chairman, Morrow
County Commission, Heppner, Oregon.
- (5) Cities:
- (a) City of Hermiston, Mayor L. D. Grey
 - (b) City of Hermiston, Tom Harper, City Manager
 - (c) City of Umatilla, Mayor A. L. Draper
 - (d) City of Irrigon
- (6) Others:
- (a) Stanfield Irrigation District, Don Wilson, Stanfield,
Oregon
 - (b) The Eastern Oregonian, Hermiston, Oregon
 - (c) The Tri-City Herald, Hermiston, Oregon
 - (d) Umatilla Electric Cooperative Association, Hermiston,
Oregon
 - (e) Kottkamp and O'Rourke, Attorneys at Law, Pendleton,
Oregon
 - (f) Peterson and Peterson, Attorneys at Law, Pendleton,
Oregon
 - (g) Owen Panner, Attorney at Law, Bend, Oregon
 - (h) Donald Morrison, Attorney at Law, Hermiston, Oregon
 - (i) Manager, Gaschler and Associates, Hermiston, Oregon
 - (j) Irrigation Engineering, Pasco, Washington
 - (k) Oregon Drilling Association, Gladstone, Oregon
 - (l) Oregon, Washington Railroad and Navigation Company,
Portland, Oregon
 - (m) Sabre Corporation, Boardman, Oregon
 - (n) Herman Winters, Morrow County District Attorney,
Heppner, Oregon

The notice of hearing invited all interested persons to be present at the hearing to present oral or documentary evidence pertaining to the following subjects:

- (a) Whether ground water levels in the areas in question are declining or have declined excessively;

- (b) Whether the wells of two or more ground water claimants or appropriators within the areas in questions interfere substantially with one another;
- (c) Whether the available ground water supply in the areas in question is being or is about to be overdrawn;
- (d) Whether the purity of the ground water supply in the areas in question has been or reasonably may be expected to become polluted to an extent contrary to the public welfare, health, and safety.

3

A public hearing in connection with the above entitled subjects was held before Chris L. Wheeler, Deputy Director of the Water Resources Department on Wednesday, February 18, 1976 at 9:30 a.m. in Thompson Hall at the Umatilla County Fairgrounds in Hermiston, Oregon in accordance with the Notice given. The Water Resources Department's studies and recommendations as contained in Exhibit No. 1 were presented and pertinent testimony and evidence pertaining to the determination of a critical ground water area were received as provided in ORS 537.730, 537.735 and 537.740.

The following appeared as witnesses and testified at the hearing:

- (a) William B. McCall, Hydrogeologist, Water Resources Department
- (b) Luther W. Cramer, Well owner and operator
- (c) Dwight Hulet, Well owner and operator
- (d) Julius Szabo, Landowner
- (e) Troy Griffin, Water well contractor and driller
- (f) John Robison, Engineer
- (g) William Penney, Manager, Port of Umatilla
- (h) J. V. Aylett, Well owner and operator
- (i) Dennis Logan, Well owner and operator
- (j) Malcolm Skinner, Well owner and operator
- (k) Chester A. Wilson, Mayor of Irrigon
- (l) Dwayne Carroll, Well owner and operator
- (m) LaVerne Boylan, Businessman
- (n) Ervin C. Williams, Maintenance engineer, U. S. Army Depot

4

It now appearing that all evidence and testimony has been taken in the above entitled matter, the Director of the Water Resources Department, being fully advised in the premises, makes and orders to be entered in the records of his office the following Findings, Conclusions, and Order:

FINDINGS

1

The Ordance ground water area, as used in these findings, lies within the Umatilla lowlands bordering the Columbia River in north-central Oregon within the northeast corner of Morrow County and the northwest corner of Umatilla County. The Ordance basalt ground water area includes all of Township 3 North, Range 26 East; all of Township 3 North, Range 27 East except that part draining directly into Butter Creek; all of Township 4 North, Range 26 East and Township 4 North, Range 27 East; and that part of Township 5 North, Range 26 East and Township 5 North, Range 27 East lying south of the Columbia River.

2

The Ordance gravel ground water area includes Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 of Township 3 North, Range 26 East; Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 4 North, Range 26 East; the north one-half of Township 3 North, Range 27 East; all but Sections 1 through 6 of Township 4 North, Range 27 East; Sections 6, 7, and 18 of Township 3 North, Range 28 East; and Sections 7, 18, 31, and those areas of Sections 8, 9, 16, 17, 19, 20, and 30 of Township 4 North, Range 28 East, lying west of the Umatilla River. The boundary lines of the proposed critical ground water area are shown on the topographic map on Plate 1 (attached).

3

GEOLOGIC SETTING

A. Physiography

The Ordance area occupies the north central portion of a broad, gently rolling, slightly dissected, lowland plain which rises along gentle slopes from the Columbia River to the rounded hills and small valleys of the Blue Mountains to the south. The elevations within the report area rise from an altitude of about 250 feet near the Columbia River at Irrigon to about 1,000 feet near the southern border of the report area along the

south base line of Township 3 North. The majority of lands irrigated from wells within the area lie between elevations of 500 to 650 feet above mean sea level. The Ordinance basalt ground water area encompasses approximately 175 square miles; the Ordinance gravel ground water area occupies approximately 82 square miles (see Plate 1, attached).

4

B. Stratigraphy

The broad plain of the Ordinance ground water area is everywhere underlain by a thick sequence of basaltic lava flows known as the Columbia River Group. At most places in the area, these rocks lie buried beneath sedimentary deposits of fanglomerate and older alluvium. Above an elevation of about 750 feet, near the southern boundary of the area, Pliocene fanglomerate directly overlies the basaltic lavas (see Plate 2, attached). These sediments are composed of a heterogeneous mixture of tightly cemented sand, silt, and clay with embedded basaltic rock debris derived as slope wash from the weathering of basaltic rocks on upland slopes to the south. Below the 750 foot elevation, the older alluvium (glaciofluvial deposits), consists of lenticular, poorly sorted deposits of sand, gravel, silt, and clay laid down by the ancestral Columbia River during various flood stages in Pleistocene time. Some of the clay and silt deposits at or near the base of the alluvial sediments are probably lacustrine in origin, laid down in shallow lakes that were formed during periods of downstream damming of the river by ice and debris. The thickness of the stream and lake deposits in the area averages approximately 50 to 100 feet and attains a maximum of about 200 feet.

5

Basalt of the Columbia River Group underlies all of the Ordinance ground water area. However, except for a small area along the Columbia River in Sections 15 and 16, Township 5 North, Range 27 East, the basalt is completely covered by alluvium. The Columbia River Group is a series of accordantly layered basaltic lavas. The basalt is known to

exceed 2,500 feet in thickness in nearby areas, although only about 1,500 feet has been penetrated by wells locally. Individual lava flows in this formation vary from about 10 to 150 feet in thickness and commonly extend laterally for about 1 to 12 miles. Typically, the flows are a hard, dense, non-porous, olivine basalt near the base grading upward to coarser grained, vesicular, and scoriaceous zones near the top. The flows commonly display columnar jointing patterns consisting of polygonal or hexagonal shaped, roughly vertical, columns that developed along cooling joints. Rectangular or diced jointing is also common to some flows in the area. Almost all of the jointing patterns within the basalts are relatively tight and are only rarely open and well developed. Vertical permeability, therefore, is believed to be quite low.

6

The basalts making up the Columbia River Group issued forth as a very fluid lava from numerous fissures that opened up in the Columbia basin. Individual out pourings of lava spread out as streams and lakes of molten rock which eventually cooled to form broad lava plains. At times, soil zones, stream channels, and lakes formed by impounded streams developed on the lava plains only to be buried by successive flows of lava. Sediments deposited upon the lava surface include clay, silt, and sand and gravel which now occur as local interbeds, as much as 100 feet thick, between flows of basalt. Where penetrated by wells drilled into the basalt below the regional water table, the coarser grained sediments form extremely good water yielding zones.

7

C. Structure

The topography of the Ordinance area is largely controlled by the tectonic structure of the underlying basaltic rock. The basalt dips almost imperceptibly along gentle slopes from the uplands of the Blue Mountain anticline, several miles to the southeast of the area, to the east-west trending, 160-mile-long, Dalles-Umatilla syncline at the north boundary

of the report area. The Columbia River lies in the axial trough and follows the axis of the syncline. The Ordinance ground water area occupies part of the gently dipping south limb of the syncline. Structural dips trend to the northwest within the basalts of the report area and average approximately 30 feet to the mile.

8

The Service anticline, shown on Plate 2 (attached), lies approximately 3 miles to the east, and generally parallels the eastern boundary of the Ordinance ground water area. The anticline is an up-turned structural fold in the basaltic rocks extending northward from Service Buttes to Sillusi Butte in Washington across the Columbia River from Umatilla. It is believed that the structure serves as a barrier to the movement of ground water from up-slope areas to the southeast.

9

OCCURRENCE OF GROUND WATER

A. Stream and Lake Sediments

Ground water within the stream and lake deposits overlying the basalt of the Columbia River Group has been extensively developed by shallow wells in the report area. The amount of acreage irrigated by wells developing water from these alluvial aquifers is more than double the acreage irrigated from deep basalt wells in the overall Ordinance ground water area.

10

1. Lost Lake-Depot Area

Shallow wells producing from the alluvium are concentrated mostly in the north half of Township 3 North, Range 27 East and in the south half of Township 4 North, Range 27 East, herein termed the Lost Lake-Depot area. Here, the gravel interbeds in the alluvium are moderately thick and are in places highly permeable. The capacities of wells in this particular area range from 400 to 3,000 gallons per minute and average about 1,800 gallons per minute. The occurrence of permeable

gravel lenses in the alluvial sediments, however, is irregular in both horizontal and vertical distribution. A number of wells with yields of less than 100 gallons per minute have been constructed in the area. The alluvium in this highly developed area ranges in thickness from approximately 80 feet to 170 feet with an average thickness of about 100 to 125 feet. The saturated portion of the alluvial sediments, or that part lying below the water table, is about 25 feet thick throughout the developed area. However, because of structural or erosional features in the underlying basalt, the saturated alluvium ranges from a low of approximately 15 feet to a high of 125 feet in some areas (see Plate 4, attached). To the north, south, and to the west of the Lost Lake-Depot area, the saturated alluvium becomes progressively thinner and finer grained with a noticeable horizontal discontinuance of permeable lenses of gravel. In parts of Townships 3 and 4 North, Range 26 East, and in parts of Township 4 North, Ranges 27 and 28 East, the stream and lake sediments stand above the water table and are not a source of water. Along the Columbia River, in the northern part of the Ordinance ground water area, and especially in Township 5 North, Range 26 East, the ground water in the alluvial sediments is partly in hydraulic connection with the river and is generally free to rise and fall with fluctuations of the pool level of Lake Umatilla behind John Day Dam.

11

2. Westland Road Area

Another area of major development of ground water in the stream and lake sediments is in Township 4 North, Range 28 East, west of the Umatilla River, and along the east range line of the northeast quarter of Township 4 North, Range 27 East, and part of the west half of Township 3 North, Range 28 East, termed the Westland Road area (see Plate 1). Here, the alluvium is approximately 100 to 150 feet thick and contains thick lenses of permeable gravel. In general, the lower one-half of the alluvium in this area is saturated with water. Large quantities of ground

water have been developed from shallow wells in the area for agricultural and for industrial purposes. The relative thick and highly permeable lenses of open gravel that underlie the Westland Road area apparently lens out within short lateral distances and do not extend into the finer grained sediments lying between this developed area and the Lost Lake-Depot area. Wells constructed into alluvial deposits between the two highly productive areas have encountered only fine-grained sediments of clay, silt, and sand with relatively minor amounts of gravel. The hydraulic conductivity between the two areas is believed to be very low.

12

The ground water table within the stream and lake sediments in the overall Ordinance gravel ground-water area slopes rather gently in a general northwesterly direction. The ground-water gradient averages about 50 feet per mile in areas where the sediments are poorly permeable. In areas of greater permeability, containing abundant gravel deposits, the gradient flattens to approximately 12 feet per mile (see Plate 3, attached).

13

B. Ordinance Basalt Aquifers

The basalts of the Columbia River Group contain the most wide-spread aquifers in the Ordinance ground water area. These aquifer units are often capable of yielding 1,000 gallons per minute or more to most properly constructed wells. Ground-water aquifers in the basaltic rocks are in the form of thin tabular bodies, usually in the broken and rubbly contact zones between individual flows of basalt. The contact zones are at places porous and permeable in a horizontal direction. The compact center parts of most flows are relatively impermeable and under natural conditions do not permit water to move freely between aquifers. Ground water in the horizontal porous zones, therefore, is confined.

14

In addition to the vertical separation, the tabular ground-water bodies generally are not continuous over great horizontal distances. Interruptions

of the permeability in the horizontal water-bearing zones by structural faults and folds and by stratigraphic features, such as the lensing out of individual flows, has produced an areal compartmentation of the hydrologic system in the basalt rocks. As a result, the potentiometric head relationships among the various water bearing zones in the area are varied and complex with each zone having its own potentiometric head. For this reason, water level elevations in the basaltic aquifers cannot be realistically depicted in graphic map form.

15

The overall porosity of the basalt formation is low. The percent of open space available for the storage of water in the formation is probably less than one percent, or only about 1/20th that of the overlying gravels. On the basis of the reported specific capacities (gallons per minute per foot of drawdown), of the deep basalt wells in the area, the transmissivity of the basalt is estimated to range from 10,000 feet² to 50,000 feet² per day. Because of the relatively high transmissivities and low storage coefficients of the basalt in the area, the hydraulic effects from the pumping of wells can extend over great distances within individual aquifers.

16

RECHARGE

A. Alluvial Sediments

Recharge to the alluvial sediments is derived partly from precipitation infiltrating directly into the sediments and percolating downward to the water table. Precipitation averages about 8.5 inches per year, and occurs mainly during the late fall, winter, and spring months. Pan evaporation rates as measured during past years in Hermiston are high, averaging about 45 inches per year. This is the equivalent of about 31.5 inches of field evaporation. These periods of high evaporation, however, occur in the hot dry summer months and in the early fall when measurable precipitation is extremely rare. Evaporation during the winter months

is assumed to be very low, probably less than 4 inches per year. It is estimated that less than one-fourth of the total annual precipitation is able to recharge the ground-water body within the alluvial sediments after soil moisture deficiencies have been replaced. Recharge to the alluvial aquifers may greatly exceed this amount during those years when extremely heavy periods of precipitation occur over relatively short periods of time. For example, during the months of November and December, 1973, over 7 inches of precipitation fell over the area. Water level measurements of shallow gravel wells obtained during February 1975 showed that the water levels in some of the wells had not declined as in past years. In other shallow wells, a rise in water levels of 1 to 3 feet was measured. A few of the wells in the area experienced slight water level declines during this same period which may be due to a variance in horizontal permeability or to heavy pumping just prior to water level measurements.

17

Irrigation water imported into the Lost Lake-Depot area by the High Line Canal of the Westland Irrigation District is a source of moderate recharge to the alluvial aquifers in this area. Some recharge also undoubtedly occurs in years when there is surface runoff from the hills lying to the south. Moderate recharge to the alluvial sediments in the Westland Road area occurs as ditch leakage from surface water imported into the area, and as percolating water from flood irrigation in a few local areas.

18

Recharge to the alluvial sediments within the Lost Lake-Depot area from all sources is estimated to be less than 6,000 acre feet per year.

19

Graphs of U. S. Weather Bureau precipitation records for Hermiston and cumulative departure curves (Figure 1, Page 13, Exhibit No. 1) show a rising trend in precipitation between the years of 1940 and 1964, a

falling trend from 1964 to 1969, and another rising trend that began in 1969. Representative hydrographs of gravel wells in the area show an increase in the rate of decline of water levels in the stream and lake deposits during this last rising trend. Therefore, excessive pumpage of ground water and not contemporary precipitation patterns is responsible for the decline of water levels.

20

B. Basalt Aquifers

There appears to be very little recharge to the deep basalt zone in the area. Carbon-14 dating of the ground water in the deep basalt zone, in the shallow basalt zone, and in the shallow gravel aquifer by the United States Geological Survey (Robison, 1971) indicated an age of at least 27,000 years since water in the deep basalt zone last made contact with the atmosphere. Water from the shallow basalt zone showed an age of 6,700 years, while the water obtained from the shallow gravel aquifer had a very recent age (1950). These reported ages, along with known aquifer characteristics, indicate that the water in the aquifer units in the basalt is largely or entirely ancient water and that the aquifers do not receive substantial recharge from local precipitation or from sources outside the area. In addition, the vertical separation and compartmentation of the aquifer units in the basalt, and the continual decline of water levels in wells producing from the basalt, further suggest that the water withdrawn by deep wells in the area is not being substantially replenished. Minor recharge to the basalt, however, does occur in the form of cascading water from the overlying gravel aquifer in a few improperly cased wells. Uncased wells that penetrate more than one aquifer unit may also permit the movement of water between aquifers to some degree although this has not been demonstrated by actual current meter tests conducted by staff members of the State Engineer's office in two of the deep wells. Hydrographs of wells in the area show a seasonal fluctuation of water levels and indicate a lateral movement

of water in the basalt. This lateral movement of water is in response to temporary pumping cones surrounding pumping wells and to reduced potentiometric pressures in confined aquifers caused by the withdrawal of water. The continued overdraft of ground water from the aquifer units in the basalt and the continual decline of water levels will not result in a significant increase in the rate of natural recharge to the ground water body.

21

WATER LEVEL DECLINE

A. Alluvial Sediments

Beginning in the early 1960's, water level data have been collected on a quarterly basis from four wells constructed into the alluvium, (Hydrographs of wells No. 1, 3, 16-B, and 33, Water Resources Department Ground Water Report No. 23, Exhibit No. 1). In addition, the water levels in 27 shallow wells in the Lost Lake-Depot and the Westland Road areas, and 16 wells in the shallow gravels near the Columbia River have been measured yearly since 1971. The water level measurements in gravel wells in the Lost Lake-Depot and the Westland Road areas show an average water level decline of slightly over 1.6 feet per year. Shallow wells in the lowland areas near the Columbia River generally have not experienced a decline in water levels.

22

The hydrographs of observation wells numbers 1, 3, and 16-B show a significant change in the rate of water level decline in the early months of 1972. The rate of decline prior to this time was in the order of 0.5 to 1.0 feet per year; thereafter, the decline rate increased to about 3.0 feet per annum in wells No. 1 and 3, and to approximately 7.0 feet per annum in well No. 16-B. Well No. 33 showed a decrease in the rate of decline during this same period, probably because of decreased use of the well. (Hydrographs of the above listed wells are shown in Ground Water Report No. 23, Exhibit No. 1).

23

A serious water level problem has developed in the wells producing water from the alluvial sediments in the Lost Lake-Depot and the Westland Road areas. The continual decline of water levels over a long period of time has considerably reduced the amount of water in storage in the alluvial aquifers. Water levels in the alluvial aquifer underlying the Lost Lake-Depot area have declined in the order of 12 to 29 feet during the past 10 years. The majority of these wells have less than 25 feet of saturated alluvium remaining. The seriousness of the matter is further compounded by the fact that lenses of permeable gravel are haphazardly distributed throughout the area. Some wells have gravel lenses only in the upper vertical section of the saturated sediments, and have considerably less than 25 feet of permeable aquifer remaining (Well reports of wells number 5, 15, 33, 33-A, 42-C, 42-D, Ground Water Report No. 23, Exhibit No. 1).

24

It is evident that the decline of water levels in the alluvial sediments is the result of a ground water overdraft by shallow wells in the area. Continued excessive withdrawal of ground water will result in the ultimate failure of some wells developing water from the alluvial aquifer. In order to prevent further depletion of the ground water reservoir, it will be necessary to substantially reduce the amount of ground water withdrawals by shallow gravel wells or to replenish the aquifer by importing water into the area from the Umatilla River or the Columbia River for direct recharge.

25

Water level measurements of representative wells in the Westland Road area during the past 3 to 4 years have shown an average rate of water level decline of 1.6 feet per year, similar to the declines observed in shallow wells in Township 4 North, Range 27 East. These wells however, have approximately 50 feet of saturated alluvium remaining

and have a much longer life expectancy than most of the wells to the southwest.

26

B. Basalt Aquifers

A serious water level decline has occurred in most of the deep wells in the Ordinance area during the past several years. This decline has been in the order of 5 to 7 feet per year. (See hydrographs of wells No.'s 72, 75, 78, 80, 81, 83, 87, 91, and 92, Exhibit No. 1.) The decline of water levels in shallow basalt wells, or those wells less than 400 feet deep, has been much less. These wells have shown a rate of water level decline of about 1.6 to 2.0 feet per year, similar to the decline of water levels in the shallow wells producing from the overlying alluvial sediments. The difference in the rates of water level decline between the shallow wells developing water from the upper zones in the basalt and the deep basalt wells indicates low permeability between zones. Some recharge to the upper basalt zones probably occurs by the slow downward leakage of water into weathered and fractured zones of the basalt from the overlying alluvial sediments.

27

Continued withdrawal of water from deep wells in the area in amounts presently being withdrawn will result in the continual decline of water levels at approximately the same or perhaps increased rates in future years. At present, the pumping levels in the deep production wells are relatively low and range from approximately 175 feet in Well No. 78 to about 275 feet below land surface in Well No. 80. Most of the deep wells in the area have pumping lifts of approximately 220 to 240 feet.

28

GROUND WATER DEVELOPMENT

A. Stream and Lake Sediments

Water Resources Department records show that the first irrigation well drilled in the Ordinance area to develop ground water from the stream and

GROUND WATER USE

A. Alluvial Aquifers

1. Lost Lake-Depot Area

There are approximately thirty-nine wells in the Lost Lake-Depot area developing ground water from the shallow gravel aquifer. The State Engineer records show that fourteen water right certificates have been issued covering 1070.4 acres of irrigated land. Seventeen permits have been issued for the irrigation of 3849.0 acres and eight applications for the appropriation of ground water to irrigate an additional 2073.5 acres have been received. Permits for the appropriation of ground water in the area have not been issued since December 6, 1971. For the past three to four years prospective applicants have been advised of the pending investigation and advised that additional permits for the appropriation of ground water for the area may not be approved by the State Engineer.

2. Westland Road Area

Approximately sixteen drilled wells and three dug wells or sumps develop water for irrigation or industrial purposes from the shallow gravel aquifer in the Westland Road area. Eight water right certificates covering the irrigation of 750.1 acres in the area have been issued and eight permits for the irrigation of 794.9 acres have been approved. In addition, two permits for the combined appropriation of 6.6 cubic feet per second for industrial use have been issued. At present, ten applications have been received for the irrigation of 378.2 acres in the area.

B. Basalt Aquifers

Thirty ground water certificates have been issued for industrial, irrigation, and municipal use in the Ordinance basalt ground water area for the appropriation of ground water from wells tapping the upper and

lake sediments was constructed in 1950. The development of ground water in the alluvial sediments progressed rapidly until 1973 with the construction of approximately sixty drilled shallow irrigation and industrial wells and three dug wells or sumps. Of the drilled wells, approximately forty-seven are presently in use or are available for use.

29

B. Basalt

The development of ground water in the Ordnance basalt area began in 1941 with the construction of three wells tapping the upper basalt ground water aquifers when the Umatilla Army Depot was built at Ordnance. The first deep basalt well was constructed during the following year by the Umatilla Housing Authority to supply water for the community of Ordnance. In 1945, a well penetrating the shallow basalt reservoir was constructed by the Oregon-Washington Railroad for general railroad use. Two additional wells were drilled into the deep basalt at the Army Depot in 1950 for fire protection, which were followed by another in 1954. The first deep well for irrigation use (Well No. 75, Exhibit No. 1) was constructed in 1956. In the late 1950's and early 1960's, the area developed rapidly with the construction of seven deep irrigation wells and one deep fire protection well. In 1966 the State Engineer, after a hearing in the potential critical area, closed the area to further well development.

30

At the present time there are eight wells developing ground water from the deep basalt reservoir for agricultural purposes in the area. Three deep basalt wells and three wells tapping the upper basalt aquifers have water right certificates for fire protection use at the Umatilla Army Depot. In addition, one deep well and one shallow basalt well in the depot compound are used to supply water for general domestic purposes. A total of twelve wells of record have been constructed in the deep basalt aquifers at Ordnance.

the deep basalt flows; four water right permits have been issued. Subsequent to the State Engineer's Ordinance Critical Ground Water Area hearing in Hermiston on June 3, 1966, the State Engineer has not accepted any new applications for the appropriation of ground water from the deep basalt aquifers in the area. Since the date of the hearing, nine applications for the appropriation of ground water from the upper basalt flows have been received and six permits have been issued. Permits for the use of shallow basalt wells in the area have not been issued since April 26, 1971. The total number of acres under permits and certificates of water right for the appropriation of water for irrigation purposes from the deep basalt aquifers in the area is 2336.7 acres. Irrigated acreage under permits and certificates of water right from wells tapping the shallow basalt aquifers totals 915.5 acres. In addition, the City of Irrigon shallow basalt well has a permit for diversion of 1.0 cubic foot per second for municipal use and well No. 83 has a certificate of water right for the use of 2.0 cubic feet per second for stock raising purposes.

34

The Umatilla Army Depot holds certificates of water rights for wells authorizing the diversion of 6.19 cubic feet per second from the deep basalt aquifers for fire protection and 0.5 cubic foot per second for domestic use. The wells in the compound deriving water from the upper basalt units have water rights for the appropriation of 2.02 cubic feet per second for fire protection, 0.78 cubic feet per second for domestic use, and 0.34 cubic feet per second for irrigation use. The use for fire protection in the Depot area is limited to maintaining the fire suppression systems and to periods of actual fire emergency.

35

The capital investment in irrigation facilities for each ranch varies substantially with the type and time of installation. In all cases the systems are quite extensive and cost many thousands of dollars for just those facilities (wells, pumps, meters, pipelines, and

sprinklers) directly related to applying water to the lands. Some estimates of losses are set forth by Hadley Akin's as Representative for the U. S. National Bank in Exhibit No. 5. For purposes of this order the detailed dollar amounts are not material but it does show relative figures and the relationship to the economy of the community. The economic loss to any rancher who must cease use of his irrigation system will be very substantial. In addition, substantial economic loss can accrue to the community from the secondary business effects in equipment fertilizers, etc, as well as additional employment.

36

The planning commissions of Morrow County and Umatilla County have developed comprehensive plans for development of the areas included within the Ordinance ground water area. Each county does have the legal mechanism to control the overdevelopment of the area for residential use with the possible resulting overdevelopment of the available ground water supply.

37

Evidence and testimony made a part of the record indicates that the irrigation season in the Ordinance ground water areas generally extends from early March until mid October of each year.

CONCLUSIONS

1

Water levels in wells developing water from the alluvial sediments overlying the basalts in the Ordinance gravel ground water area have declined at an average rate of approximately 1.6 feet per year. The decline of water levels in shallow gravel wells in the area has developed into a serious decline problem. The long term decline of water levels clearly indicates that artificial discharge from the alluvial aquifer system by withdrawals of ground water by wells is greatly exceeding natural recharge to the aquifer.

2

As the result of the decline of water levels within the alluvial sediments, only about 25 feet of the alluvium remains in a saturated condition for use by the majority of wells in the Lost Lake-Depot area (Sections 2, 3, 4, 5, and 6 of Township 3 North, Range 27 East, W.M., and Sections 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of Township 4 North, Range 27 East, W.M.). Some wells in the area have less than 15 feet of saturated alluvium remaining.

3

Without some curtailment of withdrawals of ground water from the alluvial sediments in the Lost Lake-Depot area to effectuate a balance of withdrawals of water with recharge to the alluvial aquifer system water levels in the gravel wells will continue to decline with the ultimate failure of many of the wells in the area in the very near future.

4

The water levels in the shallow gravel wells in the Westland Road area (Sections 12, 13, 14, 25, and 36 of Township 4 North, Range 27 East, W.M.; and Sections 7, 18, 19, and 31 of Township 4 North, Range 28 East, W.M.; and those parts of Sections 8, 9, 16, 17, 20, and 30 of Township 4 North, Range 28 East, W.M., lying west of the Umatilla River) have displayed average rates of water level decline similar to those in the shallow gravel wells in the Lost Lake-Depot area. The remaining saturated alluvium underlying the Westland Road area, however, is approximately 50 feet thick. Wells in the area are not subject to failure or substantial reduction in yield at this time. It may become necessary to impose restrictions on withdrawals of water based on relative priorities from these wells at some future date.

5

The withdrawals of water from the shallow gravel wells in the Westland Road area in quantities presently being used have not shown

a significant hydraulic influence upon shallow wells in the Lost Lake-Depot area. It further appears that continued use at the present rate will not significantly change this influence. The slope of the water table and the lensing out of permeable units in the alluvial sediments between the Lost Lake-Depot and the Westland Road area indicates that the hydraulic conductivity between the two areas is very low. However, additional development of ground water in the Westland Road area by additional wells with resulting increased pumpage from the aquifer system could ultimately produce a change in the hydraulic gradient and result in increased depletion in the quantity of ground water in the Lost Lake-Depot area.

6

Wells producing from the shallow gravel aquifer near the Columbia River in Township 5 North, Ranges 26 and 27 East, W. M., have not shown appreciable water level declines. The withdrawals of water from these wells have no hydraulic effect upon the shallow gravel wells in the Lost Lake-Depot and the Westland Road areas.

7

To properly provide for the public welfare, safety, and health, the rights to appropriate ground water and priority therefrom must be acknowledged and protected and reasonably stable ground water levels must be determined and maintained. To accomplish this, further development of the alluvial aquifer system must be prohibited within the Ordinance gravel ground water area by additional wells except for those which are exempt from filing for water rights in accordance with ORS 537.545:

" * * * for stockwatering purposes, for watering any lawn or noncommercial garden not exceeding one-half acre in area, for single or group domestic purposes in an amount not exceeding 15,000 gallons a day or for any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day. * * * "

To prevent the ultimate and almost immediate failure of many of the wells producing from the alluvial aquifer system within the Lost Lake-Depot

area, it will be necessary to substantially reduce the amount of ground water withdrawals by shallow gravel wells in the area to balance overall pumping withdrawals with recharge.

8

Toward this end it will also be necessary to reject the following pending applications for permits to appropriate ground water from shallow gravel wells within the Ordnance Gravel Critical Ground Water Area: G-5761, G-5932, G-5936, G-6023, G-6040, G-6058, G-6196, and G-6225.

9

Application G-5598 in the name of Hansell Brothers, Inc., for permit to appropriate ground water for the supplemental irrigation of 1724.2 acres proposes manifolded five wells together by a common pipeline for supplemental irrigation of various acreages with no increase in withdrawals of ground water. This could best be achieved by an application for change in points of diversion. The present application should not be approved but the applicant should be permitted to amend his application to cover the proposed change in points of diversion and place of use that may be desirable in view of other provisions of this order. In view of these changes he should be permitted six months in which to make such amendments. Similarly, application G-5449 in the name of Georgia Belle Holzapfel for permit to appropriate ground water for the supplemental irrigation of 160.0 acres proposes manifolded four wells together by a common pipeline for supplemental irrigation of various acreages with no increase in withdrawals of ground water. This application should be treated in a like manner with six months in which to amend said application to cover the necessary changes in points of diversion and place of use.

10

Application G-5947 is for the appropriation of 0.4 cubic feet per minute from a shallow dug well near the Umatilla River in the

NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 4 North, Range 28 East, W.M., for the irrigation of 31.7 acres. Ground water in this particular location is in hydraulic connection with surface water within the river. The use of this well will not harm existing ground water rights. The application should be approved providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

11

Application G-5026, Marvin and Frances McDole; G-5209, Hansell Bros., Inc.; G-5362, Thurman Martin; G-5397, LeRue Pollock; G-5449, Georgia Belle Holzapfel; G-5567, Fred Haskins, Jr.; and G-5684, Elroy F. McDole, for the proposed irrigation of additional acreages were filed in the office of the State Engineer and held without approval for a variety of reasons. Subsequently a number of applications were approved. These applications that were held and the ones with later priorities that were approved were filed at the time decisions were being made on withholding further approvals. Since these pending applications have earlier dates of filing than those that were approved, the applicants should be given the opportunity to withdraw the application or have them approved by the issuance of a permit even though other provisions of the final critical ground water order may require them to be shut off. In view of the other provisions, these applicants should be afforded 60 days in which to determine which course of action should be followed.

12

Application G-6069, Lamb-Weston, Inc., for the appropriation of ground water from the shallow alluvial aquifer system for industrial purposes should be considered for approval for emergency stand-by purposes only. If it is desired to operate it on a continuous basis, then an application for a change in point of diversion from well No. 1 or 2 should be submitted.

13

Recharge to the alluvial aquifer system within the Lost Lake-Depot area from all sources is estimated to average approximately 6,000 acre feet of water per year. To effectuate a balance of discharge to recharge within the system it would theoretically be necessary to limit pumping withdrawals to this same amount. Until estimates of recharge are further refined, pumping withdrawals from wells producing ground water from the alluvial sediments in the area should be limited to an actual diversion not to exceed 9,000 acre feet per year. Water levels and pumping records should be evaluated at the end of each year of imposed restriction to determine the effectiveness of the limitation of water use and to determine if additional reductions should be made. It is estimated that in an average year a total diversion of 9,000 acre feet would cover all rights up to Item No. 24 and would partially cover Item No. 25 as listed on Table No. 1.

14

It was requested during the hearing that restrictions of pumpage withdrawals from wells in the Ordnance gravel ground water area not be imposed until after an investigation and evaluation of the effect of possible recharge to the alluvial aquifers by continued sprinkler irrigation of acreages by existing irrigation systems presently importing surface water by pipeline from the Columbia River. Records of the Water Resources Department show that such irrigation is principally within Townships 3 and 4 North, Range 26 East, W. M., and partly within the NW $\frac{1}{4}$ of Township 3 North, Range 27 East, W. M. Altitudes of water levels as shown on Plate 3 (attached) indicate that continued irrigation by imported surface water in most of the areas presently being irrigated will not directly recharge the shallow aquifer system and will not appreciably affect the ground water within the Lost Lake-Depot and Westland Road areas. The application of surface water imported into an area within the NW $\frac{1}{4}$ of Township 3 North, Range 27 East, W.M. for

irrigation purposes could possibly contribute small quantities of water to recharge the alluvial aquifer in the Lost Lake-Depot area provided that flood irrigation methods were used. Sprinkler irrigation, however, as presently used is not expected to contribute appreciable quantities of recharge waters to the aquifer system.

15

B. Basalt Aquifers: Ordnance Basalt Ground Water Area

Water levels in wells developing water from deep basalt zones within the Ordnance basalt ground water area have shown an annual decline of 5 to 7 feet per annum over the past several years. Pumping lifts in these wells are relatively high. These conditions do not justify a reduction in diversion rights from the deep basalt wells in the area at this time. There is no evidence to indicate the present water level declines in deep basalt wells have substantially harmed existing rights or have unduely affected pumping yields of wells in the area. Some curtailment of withdrawals of water, may become necessary in the future.

16

To properly provide for the public welfare, safety, and health, the rights to appropriate ground water from the deep and shallow ground water zones within the basalt formation within the Ordnance basalt ground water area as delineated in Plate 1 must be acknowledged and protected and reasonably stable ground water levels must be determined and maintained. To accomplish this further development of the shallow or deep aquifer system must be prohibited within the basalts of the delineated area by additional wells which are not exempt from filing for water rights in accordance with ORS 537.545.

17

Application G-5437 in the name of Avery Taylor covers a development made in 1971 of a well 173 feet deep into the upper basalt zone in the

northern part of the area. The amount of water used has not substantially effected any other water users. Continued use of this well at its present rate will not significantly effect other rights and should therefore be approved.

18

Application G-5565 for the appropriation of ground water from the upper basalt aquifer system in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 5 North, Range 26 East, W.M., was withdrawn in 1974 because of insufficient water. The well has been capped for possible future use for stock water or domestic purposes.

19

During the hearing many witnesses observed that the recommendations proposed in Ground Water Report No. 23 to restrict the construction of additional wells to lot sizes of 10 acres or more in area within the aforesaid ground water area for stock watering purposes and for single family domestic purposes only were too severe and would produce an unnecessary economic hardship for many individuals in the area. The Umatilla and Morrow County governments have the legal authority to properly plan and zone the Ordinance ground water area to control land use development including the recommendations that wells for individual domestic use should normally be restricted to homesites of 10 acres or more.

20

Economic losses or additional costs will accrue to the community and certain individuals in the area as a result of the overdevelopment. This will be true whether use of water under junior rights is curtailed for protection of prior rights, an alternate system importing water from outside sources is constructed, or the ground water supply is exhausted. The last alternative, which would result from failure to take any corrective action is probably the most costly since it would detrimentally affect all users and ultimately stop virtually all irrigation use. Pertinent parts of the law relating to policy reads as follows:

ORS 537.525 (2) "Rights to appropriate ground water and priority thereof to be acknowledged and protected, except when, under certain conditions, the public welfare, safety and health require otherwise.

"(3) Beneficial use without waste, within the capacity of available sources, be the basis, measure and extent of the right to appropriate ground water.

"(7) Reasonably stable ground water levels be determined and maintained.

"(8) Depletion of ground water supplies below economic levels, impairment of natural quality of ground water by pollution and wasteful practices in connection with ground water be prevented or controlled within practicable limits".

The order declaring a critical ground water area is provided for in ORS 537.735. Corrective control provisions which may be included are set forth in subsection 3:

ORS 537.735 (3) "The order of the State Engineer may include any one or more of the following corrective control provisions:

(a) A provision closing the critical ground water area to any further appropriation of ground water, in which event the State Engineer shall thereafter refuse to accept any application for a permit to appropriate ground water located within such critical area.

(b) A provision determining the permissible total withdrawal of ground water in the critical area each day, month or year, and, in so far as may be reasonably done, the State Engineer shall apportion such permissible total withdrawal among the appropriators holding valid rights to the ground water in the critical area in accordance with the relative dates of priority of such rights.

(c) A provision according preference, without reference to relative priorities, to withdrawals of ground water in the critical area for domestic and livestock purposes first, and thereafter other beneficial purposes, including agricultural, industrial, municipal other than domestic and recreational purposes, in such order as the State Engineer deems advisable under the circumstances.

(d) A provision reducing the permissible withdrawal of ground water by any one or more appropriators or wells in the critical area.

(e) Where two or more wells in the critical area are used by the same appropriator, a provision adjusting the total permissible withdrawal of ground water by such appropriator, or a provision forbidding the use of one or more of such wells completely.

(f) A provision requiring the abatement, in whole or in part, or the sealing of any well in the critical area responsible for the admission of polluting materials into the ground water supply or responsible for the progressive impairment of the quality of the ground water supply by dispersing polluting materials that have entered the ground water supply previously.

(g) A provision requiring and specifying a system of rotation of use of ground water in the critical area.

(h) Any one or more provisions making such additional requirements as are necessary to protect the public welfare, health and safety in accordance with the intent, purposes and requirements of ORS 537.505 to 537.795.

It is very clear from a reading of the entire Ground Water Act that the legislature intended that the State of Oregon's system of appropriation in accordance with relative dates of priority, which has been firmly established for surface water, be the guiding principle to be followed in administering the Ground Water Law. However, it appears that the overall public benefit would justify some loss to prior rights in order to phase in the curtailments of use. In virtually all instances crops have been planted and fertilizers applied for the current year. To prevent any use during this (1976) season would cause unreasonable hardships. Provisions curtailing use of water to less than that authorized by respective water rights should not be made effective until after the 1976 irrigation season.

21

Accurate pumpage data on total ground water withdrawals from the alluvial aquifer system and timely water level data, from all non-exempt wells within the overall Ordinance gravel ground water area and the overall Ordinance basalt ground water area as delineated on Plate 1 (attached), are necessary to finalize quantitative determinations of the storage capacity of these ground water bodies. All wells authorized to continue use under their ground water rights within each of the aforesaid ground water areas should be equipped with totalizing water meters of a type approved by the Water Resources Department and should be provided with adequate,

measuring ports or systems so that accurate water level measurements can be made at any time.

22

All meters, measuring systems, and control valves installed for use should be subject to inspection and approval by the Water Resources Department. Such approval should be not only a requirement of the initial installation but should also be required when such meters, measuring systems, and control valves are replaced or repaired.

23

The withdrawals of ground water from all wells authorized to continue use under their ground water rights in the overall Ordinance gravel ground water area and the overall Ordinance basalt ground water area should be monitored and regulated closely by the Water Resources Department throughout each pumping season.

24

An irrigation season beginning March 10th and ending October 15th of each calendar year should be established since water can be applied to beneficial use for irrigation during this period. The withdrawal of ground water for irrigation purposes prior to the beginning and after the closing date of this season should be prohibited.

ORDER

1

NOW THEREFORE, IT IS ORDERED that the Ordinance shallow alluvial aquifer is herewith declared a critical ground water area and is to be known as "The Ordinance Gravel Critical Ground Water Area". The area of the critical ground water area, which is shown on Plate 1, is declared as follows:

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 of Township 3 North, Range 26 East; Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 4 North, Range 26 East; the north one-half of Township 3 North, Range 27 East; all but Sections 1 through 6 of Township 4 North, Range 27 East; Sections 6, 7, and 18 of Township 3 North, Range 28 East; and Sections 7, 18, 31, and

those areas of Sections 8, 9, 16, 17, 19, 20, and 30 of Township 4 North, Range 28 East, lying to the west of the Umatilla River.

It shall include all water contained in the ground water reservoir of the alluvial sediments overlying the basalt formation in the area and regulation shall be imposed on all users therefrom.

2

It is FURTHER ORDERED that the Ordnance Gravel Critical Ground Water Area is closed to further appropriation of ground water. Applications for permits to appropriate ground water from the shallow alluvial aquifer system within the boundaries of the critical ground water area will not be accepted.

3

It is FURTHER ORDERED that the appropriation of ground water from the alluvial aquifer system within the Lost Lake-Depot sub-area of the Ordnance Gravel Critical Ground Water Area, is hereby restricted to an average annual appropriation of 9,000 acre feet per year. The distribution of water from wells in the sub-area is to be based on the relative date of priority of the water rights of the appropriators. The aforesaid withdrawal limitation within the sub-area shall become effective at the end of the 1976 irrigation season but in any event not later than October 15, 1976.

4

It is FURTHER ORDERED that pending applications numbers G-5026 in the name of Marvin and Frances McDole; G-5209, Hansell Bros. Inc.; G-5362, Thurman Martin; G-5397, LeRue Pollock; G-5567, Fred Haskins, Jr.; G-5684, Elroy F. McDole be given the opportunity to withdraw the aforesaid applications or request within 60 days of the date of this order that they be approved even though other provisions of this order may subsequently require them to be shut off.

5

It is FURTHER ORDERED that pending applications G-5449 in the name of Georgia Belle Holzapfel and G-5598 in the name of Hansell Bros., Inc.

will be held for six months during which the applicants may file amendments to request changes in points of diversion and/or changes in places of use. If the applications are not so amended, they will be rejected.

6

It is FURTHER ORDERED that applications G-5761 in the name of John L. King; G-5932, Lyle and Jane K. Smith; G-5936, Bert H. Quick; G-6023, LeRue W. Pollock; G-6040, George H. Barton; G-6058, Edgar S. and Elmo C. Bloom; G-6196, Mrs. John W. Rice; and G-6225, Woodrow Walker are rejected effective October 15, 1976.

7

It is FURTHER ORDERED that pending application G-6069 in the name of Lamb-Weston, Inc. be approved with a priority as of the date of filing for use for industrial purposes for stand-by emergency use only providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

8

It is FURTHER ORDERED that pending application G-5947 in the name of Benjamin Newman shall be approved with a priority as of the date of filing providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

9

It is FURTHER ORDERED that the Ordinance basalt aquifer is herewith declared a critical ground water area and is to be known as "The Ordinance Basalt Critical Ground Water Area". The boundary of the critical ground water area, which is shown on Plate 1, is described as follows:

Beginning at the township line common to Township 5 North, Range 27 East, W.M., and Township 5 North, Range 28 East, W.M., and its intersection with the south bank of the Columbia River thence south along said common township line and south along the township line common to Township 4 North, Range 27 East, W.M., and Township 4 North, Range 28 East, W.M., to the intersection with the northeast corner

APPROVAL
of Pending
Application G-6069
APPL

of Section 1, Township 3 North, Range 27 East, W.M., and the northwest corner of Section 6, Township 3 North, Range 28 East, W.M., thence south along the Section line common to said sections to the intersection with the southeast corner of said Section 1 and the southwest corner of said Section 6, thence southwesterly to the southeast corner of Section 34, Township 3 North, Range 27 East W.M., thence west along the township line common to Townships 2 and 3 North, Ranges 26 and 27 East, W.M., to a corner in common with Section 1, Township 2 North, Range 25 East, W.M.; Section 6, Township 2 North, Range 26 East, W.M.; Section 36, Township 3 North, Range 25 East, W.M., and Section 31, Township 3 North, Range 26 East, W.M., thence north along township lines in common with Townships 3, 4, and 5 North, Ranges 25, and 26 East, W.M., to its intersection with the south bank of the Columbia River, thence east along the south bank of the Columbia River to the point of beginning.

It shall include all water contained in the shallow or deep ground water zones of the basalt aquifer system and regulation shall be imposed on all uses therefrom.

10

WITHDRAWAL

It is FURTHER ORDERED that the Ordinance Basalt Ground Water Area is closed to further appropriation of ground water. Applications for permits to appropriate ground water from the basalt aquifer system within the boundaries of the critical ground water area will not be accepted.

11

It is FURTHER ORDERED that pending application number G-5437 in the name of Avery Taylor to appropriate ground water from the upper basalt aquifer system shall be approved with a priority as of the date of filing providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620 and further providing that the depth of the well be limited to a depth of not more than 173 feet.

12

It is FURTHER ORDERED that pending application G-5565 in the name of Desert Farms, Inc. and application G-4510 in the name of Jane Miller for the appropriation of ground water from the basalt aquifer system are rejected.

13

It is FURTHER ORDERED that the owners or operators of all wells within the Ordinance Gravel Critical Ground Water Area and the Ordinance

REPORTING

Basalt Critical Ground Water Area other than wells used for exempted purposes as set forth in ORS 537.545 (Paragraph 7, Conclusions), shall equip their wells with totalizing water meters, control valves and adequate water level measuring facilities, prior to any withdrawal of ground water after June 1, 1976. Any well not equipped with the required meter, control valve and water level measuring facilities shall be regulated by the watermaster and taken out of service until the required works are installed and operating properly. The type and installation of said meters, control valves and water level measuring facilities shall be subject to authorized meter specifications and approval of the Director. Each well owner or operator shall maintain an accurate monthly record of the amount of ground water withdrawn from each well. A copy of these water use records shall be forwarded to the Water Resources Department prior to December 1 of each calendar year on forms furnished by the Director.

14

IRR. SEASON

It is FURTHER ORDERED that the irrigation season in the Ordinance Basalt Critical Ground Water Area and in the Ordinance Gravel Ground Water Area shall extend from March 10th to October 15th of each calendar year.

15

It is FURTHER ORDERED that the watermaster shall regulate the control works on all wells in the above described Ordinance Gravel Critical Ground Water Area and the above described Ordinance Basalt Critical Ground Water Area other than those wells whose use of ground water is specifically exempted under ORS 537.545, so that the rate and total quantity of ground water withdrawn does not exceed that allowed under their ground water right certificates or permits. At all times the system shall be operated to prevent the waste of water. The procedure for regulating and posting such changes shall be as set forth in ORS 540.040.

16

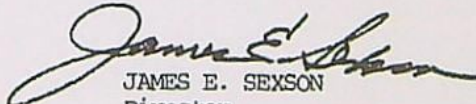
It is FURTHER ORDERED that all unlawful diversions of ground water within each of the aforesaid critical ground water areas shall cease.

To this end, the watermaster shall investigate all known or reported violation of ORS 537.535 and shall regulate the control works of all wells found to be operating in violation of ORS 573.535 so as to prevent such violation.

17

It is FURTHER ORDERED that an annual evaluation of the ground water supply in the Ordinance Gravel Critical Ground Water Area and the Ordinance Basalt Critical Ground Water Area be made by the Water Resources Department for the purpose of evaluating the effectiveness of the control provisions set forth in this order. If it is found that the control provisions set forth in this order are not sufficient and that additional reductions in the annual withdrawal of ground water from the alluvial ground water system or from the basalt ground water system are necessary to maintain a reasonably stable ground water level, such reductions shall be ordered in accordance with the relative dates of priority of the water rights of the appropriators from each ground water aquifer system.

Dated at Salem, Oregon this 2nd day of April, 1976.


JAMES E. SEXSON
Director

ORDNANCE GROUND WATER AREA
BASALT AQUIFERS

TABLE II

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
90.	Umatilla Army Depot	1/5/65	G-3007	G-2826	33779	4N/27E-22cad	2.00 Fire Protec. 0.34	27.0	81.0	7296.9	217
91.	Umatilla Army Depot	1/5/65	G-3008	G-2827	33988	4N/27E-18cdb	1.11 Fire Protec. 1.11				618
92.	Umatilla Army Depot	1/5/65	G-3009	G-2828	33765	4N/27E-19abb	1.11 Fire Protec. 1.72				600
93.	Umatilla Army Depot	1/5/65	G-3010	G-2829	33766	4N/27E-5baa	1.72 Fire Protec. 10 GPM				602
94.	Umatilla Army Depot	1/5/65	G-3011	G-2830	33989	4N/27E-8dad	10 GPM Fire Protec. 2.43	312.1	960.0	8233.2	451
23.	Clark & Bernice Key	4/27/65	G-3092	G-2823	42526	3N/27E-4add	2.43				80
23-A						3N/27E-4acc					88
23-B						3N/27E-4bdc					108
23-C						3N/27E-4bcc					112
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bcx					117
28.	Dwight H. Hulet	10/4/67	G-3945	G-3702		4N/27E-36abb	1.86	149.8			117
28-A						4N/27E-36abb					157
28-B						4N/27E-36aab					211
28-C						4N/27E-36adc					185
95.	C. E. Newquist	12/18/67	G-4162	G-3913	42842	5N/27E-30ccc	0.16	12.5	360.0	8720.1	400
96.	City of Irrigon	8/5/68	G-4534	G-4269	42328	5N/27E-19ccb	0.27				317
97.	Vern K. Evans	12/27/68	G-4744	G-4478	42252	5N/27E-20add	0.04	3.2	13.1	8729.7	300
98.	R. W. Reppert	2/18/69	G-4795	G-4520		5N/26E-26bcd	0.46	36.5	109.5	8839.2	255
99.	Fred Andrews	4/29/70	G-5099	G-4833		4N/27E-31aab	8.0	640.0	1920.0	10759.2	200
100.	Avery Taylor	3/1/71	G-5437			5N/26E-25cdb	0.5	26.0	78.0	10837.2	175
101.	Desert Farms, Inc.	7/6/71	G-5565			5N/26E-26cba	1.51	120.6	361.8	11199.0	250
102.	Wayne H. Schnell	7/2/73	G-6201	G-5248		5N/27E-30cac	1.44	118.0	354.0	11553.0	300

ORDNANCE GROUND WATER AREA
BASALT AQUIFERS

TABLE II

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
71.	Oregon-Washington RR	4/17/46	U-199	U-181	15174	4N/27E-20cbc	0.67				457
72.	Umatilla Army Depot	12/19/52	U-571	U-522	30524	4N/27E-5abb	2.26				710
5.	Georgia B. Holzapfel	3/16/53	U-572	U-523	22888	4N/27E-32aca	0.61	49.0	147.0	147.0	123
5-A						4N/27E-32dxx					310
6.	Roy Gail Holzapfel	3/16/53	U-573	U-524	22889	4N/27E-32aca	0.61	49.0	147.0	294.0	123
6-A						4N/27E-32dxx					310
73.	Leota Nell Martin	4/3/53	U-580	U-530	31097	3N/27E-8aad	0.25	20.0	60.0	354.0	725
74.	Ernest R. Cramer	4/27/53	U-596	U-549	31194	3N/26E-10cca	0.25	20.0	60.0	414.0	666
75.	Waldo H. Cramer	4/28/53	U-600	U-551	31195	3N/26E-10aca	0.25	20.0	60.0	474.0	544
76.	G. W. Redwine	8/9/54	U-736	U-649	23740	4N/27E-36bca	0.50	40.0	120.0	594.0	194
77.	Ernest J. Royster	8/3/55	G-94	G-48	26170	3N/27E-4ddb	0.93	74.6	223.8	817.8	185
78.	Umatilla Army Depot	1/27/58	G-848	G-1017	30525	4N/27E-5baa	0.50				682
79.	Waldo H. Cramer	8/27/58	G-1224	G-1070	34382	3N/26E-10aca	1.89	151.2	453.6	1271.4	544
80.	Luther W. Cramer	3/2/59	G-1402	G-1319	41879	3N/26E-4cac	1.19	219.5	960.0	1778.0	623
							(3/2/59)				
							1.75				
							(4/7/59)				
80-A						3N/26E-4dbc					Not Drilled
81.	Mildred F. Cramer	3/6/59	G-1411	G-1284	41878	3N/26E-4aad	1.19	283.5 Prim. 4.5 Supp.	960.0	2276.7	680
81-A						3N/26E-4bad					No Log
82.	Ernest Cramer	3/11/59	G-1413	G-1322	34276	3N/26E-10cca	2.68	274.8	824.4	3101.1	666
83.	Hansell Bros.	6/28/60	G-1778	G-1671	35395	4N/27E-27dad	2.02	1.8	5.4	3106.5	543
84.	Frank L. Warren	12/19/60	G-1896	G-1738	34282	3N/26E-14acd	4.0	320.0	960.0	4066.5	551
85.	Leota Nell Martin	10/2/61	G-2125	G-1965	34280	3N/27E-8aad	2.68	300.0	900.0	4966.5	725
86.	Sabre Corporation	2/8/62	G-2229	G-2049	31196	3N/26E-5cbd	3.5	322.8	968.4	5934.9	950
87.	Sabre Corporation	8/9/63	G-2678	G-2489	33864	3N/26E-5cbd	2.0	160.0	480.0	6414.9	950
88.	Hansell Bros.	6/5/64	G-2881	G-2672	35396	4N/27E-27cad	3.34	267.0	801.0	7215.9	543
89.	Umatilla Army Depot	1/5/65	G-3006	G-2825	33778	4N/27E-22dbc	0.78				360

ORDINANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreeage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
52.	Arnold Braat	8/3/71	G-5590	G-4932		4N/27E-20ccc	6.58	526.6	1579.8	25001.0	173
52-A						4N/27E-20cdc					Not Drilled
53.	Hansell Bros., Inc.	8/12/71	G-5598			4N/27E-28acd	21.6	1724.2 Supp.			126
53-A						4N/27E-28ddc					127
53-B						4N/27E-28dad					107
54.	J. W. Aylett	11/16/71	G-5549	G-4929		4N/27E-28bab	0.90	72.18	216.6	25217.6	110
54-A		for 0.68 cfs 12/3/71 for 0.25 cfs				4N/27E-28bdb					119
55.	Elroy F. McDole	12/13/71	G-5684			4N/27E-28cdd	4.0	310.0	930.0	26147.6	124
56.	Lamb-Weston, Inc.	1/21/72	G-5681	G-4947		4N/28E-19caa	3.3				110
57.	Ronald Baker	1/25/72	G-5710	G-4944		4N/27E-24aca	0.48	39.4	118.2	26265.8	151
58.	Lamb-Weston, Inc.	2/3/72	G-5720	G-4948		4N/28E-19cac	3.02				137
59.	Malcolm Skinner	2/25/72	G-5734	G-5034	42273	4N/28E-19bod	0.125	10.0	30.0	26295.8	126
60.	Bert H. Quick	3/1/72	G-5738	G-4972		4N/28E-20bbc	1.0	80.0	240.0	26535.8	
61.	John L. King	3/24/72	G-5761			4N/27E-26ddx	0.91	72.5	217.5	26753.3	
62.	Lyle W. & Jane K. Smith	11/2/72	G-5932			4N/27E-26acb	1.44	115.0	345.0	27098.3	
63.	Bert H. Quick	11/7/72	G-5936			4N/28E-20bbc	0.5	26.0	78.0	27176.3	
64.	Benjamin J. Newman	11/29/72	G-5947			4N/28E-20cab	0.4	31.7	95.1	27271.4	20
65.	LeRue W. Pollock	3/9/73	G-6023			4N/28E-31abb	0.5	18.0 Prim. 114.1 Supp.	29.0 183.85	27496.6	
66.	George H. Barton	3/15/73	G-6040			4N/28E-31bca	1.6	127.86	383.58	27880.2	Proposed 191
67.	Lamb-Weston, Inc.	4/12/73	G-6069	G-7184 62004		4N/28E-30bad	2.67				98
68.	Edgar S. & Elmo C. Bloom	6/12/73	G-6058			4N/28E-19dda	0.35	16.6 Prim. 10.4 Supp.	49.8	27930.0	90
69.	Mrs. John W. Rice	6/29/73	G-6196			4N/28E-17cbd	0.84	67.0	201.0	28131.0	Proposed 115
70.	Woodrow Walker	7/12/73	G-6225			4N/28E-18dbd	0.7	55.0	165.0	28296.0	102

LAMB
WESTON



ORDINANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
35.	Malcolm Skinner	3/25/68	G-4291	G-4039	38482	4N/27E-13dbd	0.17	13.8	41.4	14350.1	97
36.	Tom Quick	3/28/68	G-4306	G-4067	42339	4N/28E-20bdd	0.21	16.4	49.2	14399.3	14
37.	E. T. Johnson	6/3/68	G-4427	G-4171		4N/27E-25dab	0.50	47.7	143.1	14542.4	88
38.	Francis F. McDole	6/21/68	G-4452	G-4395		4N/27E-33aac	4.92	393.3	1179.9	15722.3	120
38-A						4N/27E-33bab					Not Drilled
38-B						4N/27E-33bdb					Not Drilled
39.	Howard Gass	11/21/68	G-4694	G-4413		4N/28E-17cbb	1.35	36.5 Prim. 71.8 Supp.	109.5 215.4	15939.5	105
40.	Marvin & Frances McDole	10/31/69	G-5026			4N/27E-33aac	3.0	239.0	717.0	16656.5	120
40-A						4N/27E-33bab					Not Drilled
40-B						4N/27E-33bdb					Not Drilled
41.	Thurman Martin	12/30/69	G-5065	G-4775		4N/28E-19caa	1.25	60.0	180.0	16836.5	99
42.	Hansell Bros., Inc.	1/9/70	G-5209			4N/27E-26ccb	19.88	697.0 Prim. 893.8 Supp.	2091.0	18927.5	108
42-A						4N/27E-27bcd					121
42-B						4N/27E-27cab					135
42-C						4N/27E-27bda					104
42-D						4N/27E-26bca					105
43.	Elroy F. McDole	2/20/70	G-5112	G-4821		4N/27E-33dba	0.88	70.0	210.0	19137.5	113 (Abn)
44.	W. M. Huddleston	3/10/70	G-5123	G-4861		4N/27E-13aad	0.96	77.0	231.0	19368.5	101
45.	Donald Clark Key	3/31/70	G-5145	G-4878		4N/27E-30ddd	6.68	313.7 Prim. 312.1 Supp.	941.1	20309.6	115
45-A						4N/27E-30ddd					121
46.	Thurman Martin	11/16/70	G-5362			4N/28E-19caa	0.5	40.0	120.0	20429.6	99
47.	LeRue W. Pollock	1/12/71	G-5397			4N/28E-30dcc	0.33	26.0	78.0	20507.6	40
48.	Georgia B. Holzapfel	3/8/71	G-5449			4N/27E-32aca	2.0	160.0 Supp.			123
49.	Lyle W. Smith	3/12/71	G-5460	G-4844		4N/27E-26acb	1.4	112.0	336.0	20843.6	No Log
50.	Clarence W. Ruddell	5/11/71	G-5413	G-4931		4N/27E-19ccb	2.7	219.2	657.6	21501.2	112
50-A						4N/27E-19cda					Not Drilled
51.	Fred Haskins, Jr.	7/9/71	G-5567			4N/27E-29aac	8.0	640.0	1920.0	23421.2	Not Drilled
51-A						4N/27E-29bac					Not Drilled
51-B						4N/27E-29cac					Not Drilled
51-C						4N/27E-29dac					Not Drilled

ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
21.	Frances F. McDole	4/10/64	G-2831	G-2822		4N/27E-33adc	4.82	393.3	1179.9	8976.6	96
21-A						4N/27E-34bbb					97 (Min)
21-B						4N/27E-34bac					125 (Min)
22.	E. F. McDole	2/4/65	G-3029	G-2782	34281	4N/27E-33cba	1.00	80.0	240.0	9216.6	97
23.	Clark & Bernice Key	4/27/65	G-3092	G-2823	42526	3N/27E-4add	2.23	312.1	936.3	10152.9	80
23-A						3N/27E-4acc					88
23-B						3N/27E-4bdc					108 (Min)
23-C						3N/27E-4bcc					112 (Min)
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200 (Min)
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bcc					(Min)
24.	Hansell Bros., Inc.	5/16/66	G-3408	G-3197		4N/27E-28acd	2.60	136.8	410.4	10563.3	126
24-A						4N/27E-28ddc					127
25.	Roy Gail Holzapfel	3/20/67	G-3853	G-3629		4N/27E-32aab	2.0	160.0	480.0	11043.3	106
25-A						4N/27E-32aba					104
26.	David C. Ralston	7/13/67	G-3991	G-3745	38390	4N/28E-8acc	0.06	4.7 Supp.	14.1	11050.4	
27.	Edgar Bloom	9/13/67	G-4077	G-3868	41941	4N/28E-19ddb	0.145	11.6 Supp.	34.8	11067.8	
28.	Dwight H. Hulet	10/4/67	G-3945	G-3702		4N/27E-36abb	1.86	149.8	449.4	11517.2	117
28-A						4N/27E-36abb					187
28-B						4N/27E-36aab					213
28-C						4N/27E-36adc					185
29.	Woodrow Walker	10/9/67	G-4103	G-3851	39464	4N/28E-18dbd	2.88	230.0	690.0	12207.2	102
30.	Roy Gail Holzapfel	11/22/67	G-4140	G-3889		4N/27E-32baa	2.0	160.0	480.0	12687.2	111
31.	Marvin & Frances McDole	11/28/67	G-4144	G-3892		4N/27E-34bbb	4.85	389.5 Supp.			97 (Min)
32.	Thomas E. Huddleston	1/23/68	G-4201	G-3966	38737	4N/28E-18cba	0.30	24.0	72.0	12759.2	93
33.	Hansell Bros., Inc.	2/15/68	G-4231	G-3822		4N/27E-27dad	5.0	320.0 Prim. 260.7 Supp.	960.0	13791.2	140
33-A						4N/27E-27bcd					121
33-B						4N/27E-27cab					135
33-C						4N/27E-35cxc					Not Drilled
34.	Malcolm Skinner	2/23/68	G-4246	G-4006	38481	4N/28E-19bcd	2.46	196.5	589.5	14308.7	126

ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

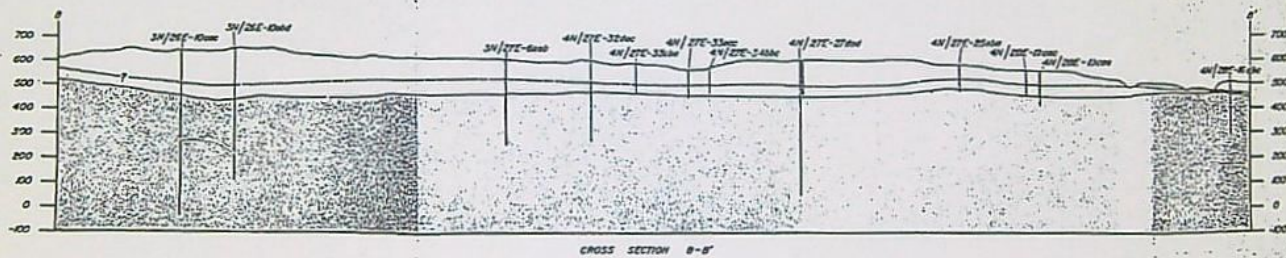
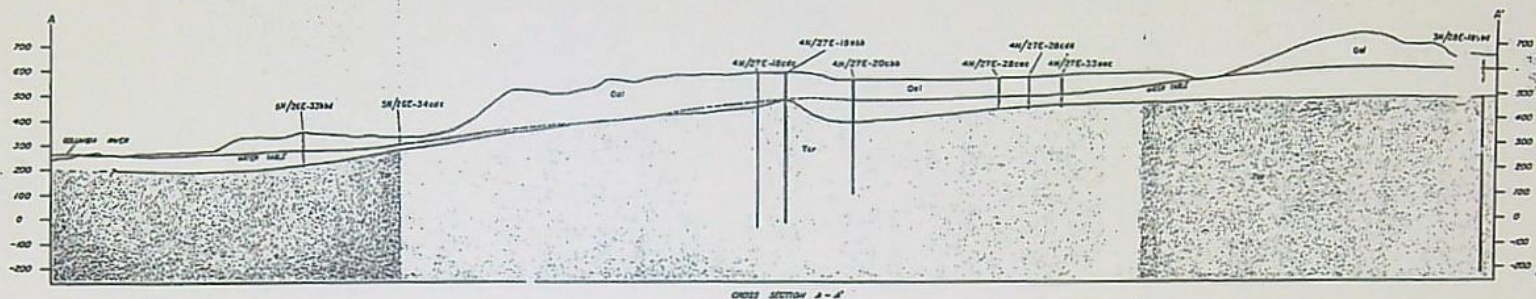
TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
21.	Frances F. McDole	4/10/64	G-2831	G-2822		4N/27E-33adc	4.82	393.3	1179.9	8976.6	96
21-A						4N/27E-34bbb					97 (Abn)
21-B						4N/27E-34bac					125 (Abn)
22.	E. F. McDole	2/4/65	G-3029	G-2782	34281	4N/27E-33cba	1.00	80.0	240.0	9216.6	97
23.	Clark & Bernice Key	4/27/65	G-3092	G-2823	42526	3N/27E-4add	2.23	312.1	936.3	10152.9	80
23-A						3N/27E-4acc					88
23-B						3N/27E-4bdc					108 (Abn)
23-C						3N/27E-4bcc					112 (Abn)
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200 (Abn)
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bdc					(Abn)
24.	Hansell Bros., Inc.	5/16/66	G-3408	G-3197		4N/27E-28acd	2.60	136.8	410.4	10563.3	126
24-A						4N/27E-28ddc					127
25.	Roy Gail Holzapfel	3/20/67	G-3853	G-3629		4N/27E-32aab	2.0	160.0	480.0	11043.3	106
25-A						4N/27E-32aba					104
26.	David C. Ralston	7/13/67	G-3991	G-3745	38390	4N/28E-8acc	0.06	4.7 Supp.	14.1	11050.4	
27.	Edgar Bloom	9/13/67	G-4077	G-3868	41941	4N/28E-19ddb	0.145	11.6 Supp.	34.8	11067.8	
28.	Dwight H. Hulet	10/4/67	G-3945	G-3702		4N/27E-36abb	1.86	149.8	449.4	11517.2	117
28-A						4N/27E-36abb					187
28-B						4N/27E-36aab					213
28-C						4N/27E-36adc					185
29.	Woodrow Walker	10/9/67	G-4103	G-3851	39464	4N/28E-18dbd	2.88	230.0	690.0	12207.2	102
30.	Roy Gail Holzapfel	11/22/67	G-4140	G-3889		4N/27E-32baa	2.0	160.0	480.0	12687.2	111
31.	Marvin & Frances McDole	11/28/67	G-4144	G-3892		4N/27E-34bbb	4.85	389.5 Supp.			97 (Abn)
32.	Thomas E. Huddleston	1/23/68	G-4201	G-3966	38737	4N/28E-18cba	0.30	24.0	72.0	12759.2	93
33.	Hansell Bros., Inc.	2/15/68	G-4231	G-3822		4N/27E-27dad	5.0	320.0 Prim. 260.7 Supp.	960.0	13791.2	140
33-A						4N/27E-27bcd					121
33-B						4N/27E-27cab					135
33-C						4N/27E-35cxc					Not Drilled
34.	Malcolm Skinner	2/23/68	G-4246	G-4006	38481	4N/28E-19bcd	2.46	196.5	589.5	14308.7	126

ORDINANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

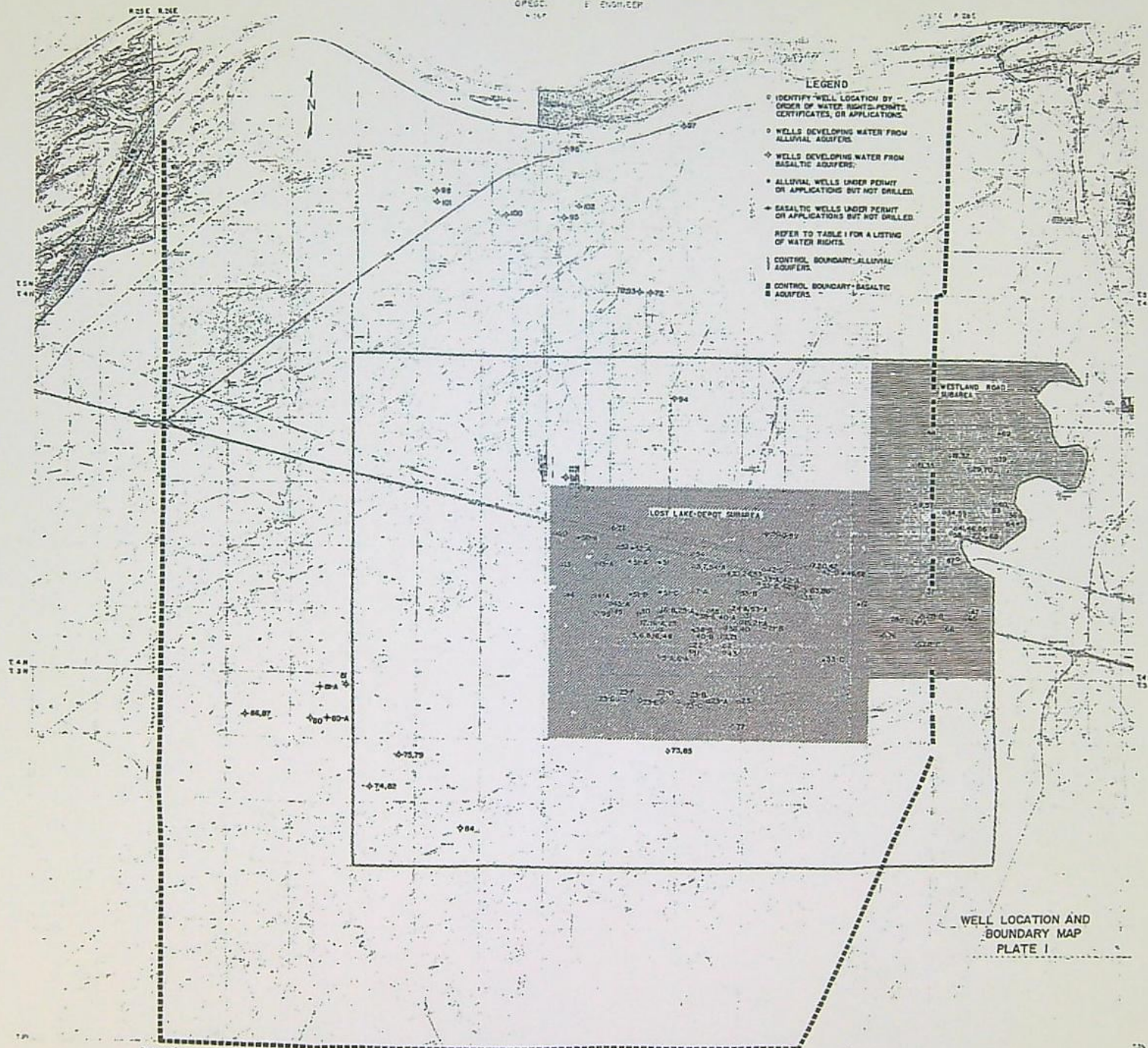
No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
1.	M. M. McDole	6/2/50	U-365	U-336	20685	4N/27E-33adc	1.0	79.9	239.7	239.7	96
2.	E. F. McDole	11/1/50	U-398	U-363	20686	4N/27E-33dba	0.987	79.0	237.0	476.7	No Log
3.	Scott Chapman	12/15/52	U-544	U-497	26073	4N/27E-28bdb	1.0	80.0	240.0	716.7	119
4.	Sylvanus F. Hoyt	12/15/52	U-545	U-498	26192	4N/27E-28acd	1.0	80.0	240.0	956.7	126
5.	Georgia B. Holzapfel	3/16/53	U-527	U-523	22888	4N/27E-32aca	0.61	49.0	147.0	1103.7	123
5-A						4N/27E-32dxx					310 (Abn)
6.	Roy Gail Holzapfel	3/16/53	U-573	U-524	22889	4N/27E-32aca	0.61	49.0	147.0	1250.7	123
6-A						4N/27E-32dxx					310 (Abn)
7.	Scott Chapman	5/2/55	U-819	U-725	30019	4N/27E-28bdb	2.25	180.3	540.9	1791.6	119
7-A						4N/27E-28cbd					107
8.	Georgia B. Holzapfel	7/5/55	U-858	U-750	22907	4N/27E-32aca	0.23	18.0	54.0	1845.6	123
9.	Ronald Baker	8/26/55	G-111	G-73		4N/27E-24aca	3.40	272.2	816.6	2662.2	151
10.	Sylvanus F. Hoyt	9/26/55	G-139	G-100	26193	4N/27E-28acd	0.81	64.6	193.8	2856.0	126
11.	E. F. McDole	3/26/56	G-279	G-190	37054	4N/27E-33cbd	1.0	80.0	240.0	3096.0	111 (Abn)
12.	Georgia B. Holzapfel	12/27/56	G-534	G-466	30119	4N/27E-32aab	0.54	43.4	130.2	3226.2	106
13.	Clarence W. Ruddell	6/19/58	G-1011	G-2952		4N/27E-30bca	4.19	335.25	1005.8	4232.0	79
13-A						4N/27E-30abd					85
14.	Enriqueta Ruddell	6/19/58	G-1012	G-2953		4N/27E-30cca	4.2	335.75	1007.3	5239.3	118
14-A						4N/27E-30dca					115
15.	Marvin M. McDole	8/28/58	G-1222	G-1069	30133	4N/27E-34bbb	0.95	76.2	228.6	5467.9	97 (Abn)
16.	Roy G. & Georgia B. Holzapfel	6/28/60	G-1777	G-1625	31098	4N/27E-32aca	3.08	111.0 Prim. 159.4 Supp.	333.0	5800.9	123
16-A						4N/27E-32aab					106
16-B						4N/27E-32aba					104
17.	Hansell Bros., Inc.	1/10/63	G-2520	G-2335		4N/27E-26bcb	1.32	105.5	316.5	6117.4	108
18.	Thomas E. Huddleston	1/21/64	G-2768	G-2592	34586	4N/28E-18cba	2.34	105.1 Prim. 82.1 Supp.	315.3	6555.9	93
19.	Malcolm Skinner	3/20/64	G-2809	G-2620	35784	4N/27E-13dbd	1.93	154.3	462.9	7018.8	97
20.	Hansell Bros., Inc.	3/31/64	G-2818	G-2694		4N/27E-26bcb	3.24	259.3	777.9	7796.7	108



GEOLOGIC CROSS SECTIONS A-A' AND B-B'
VERTICAL SCALE EXAGGERATED X 15
PLATE 5

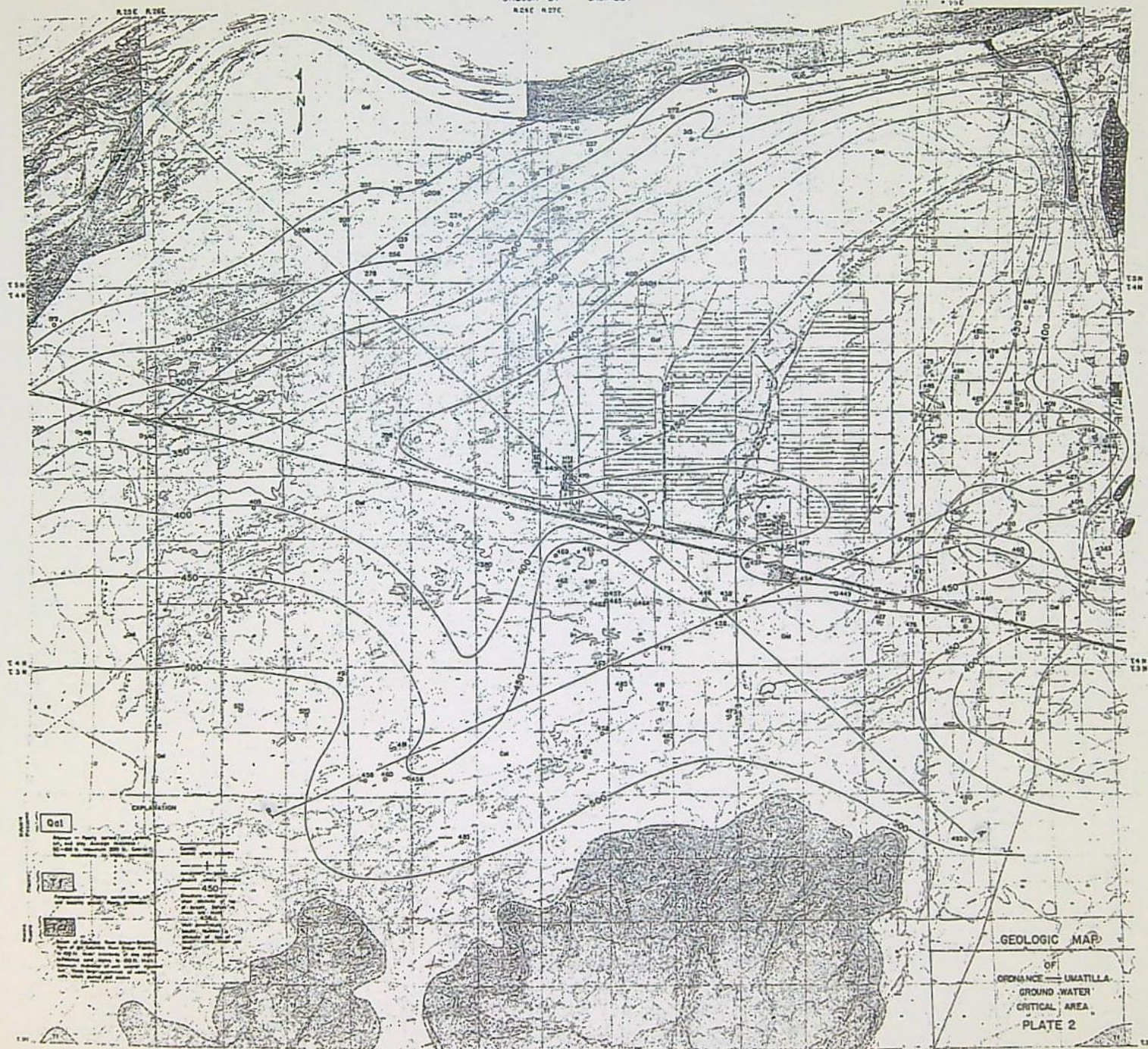
ORDNANCE CONTROLLED WATER AREA

OPENED BY ENGINEER
N-157



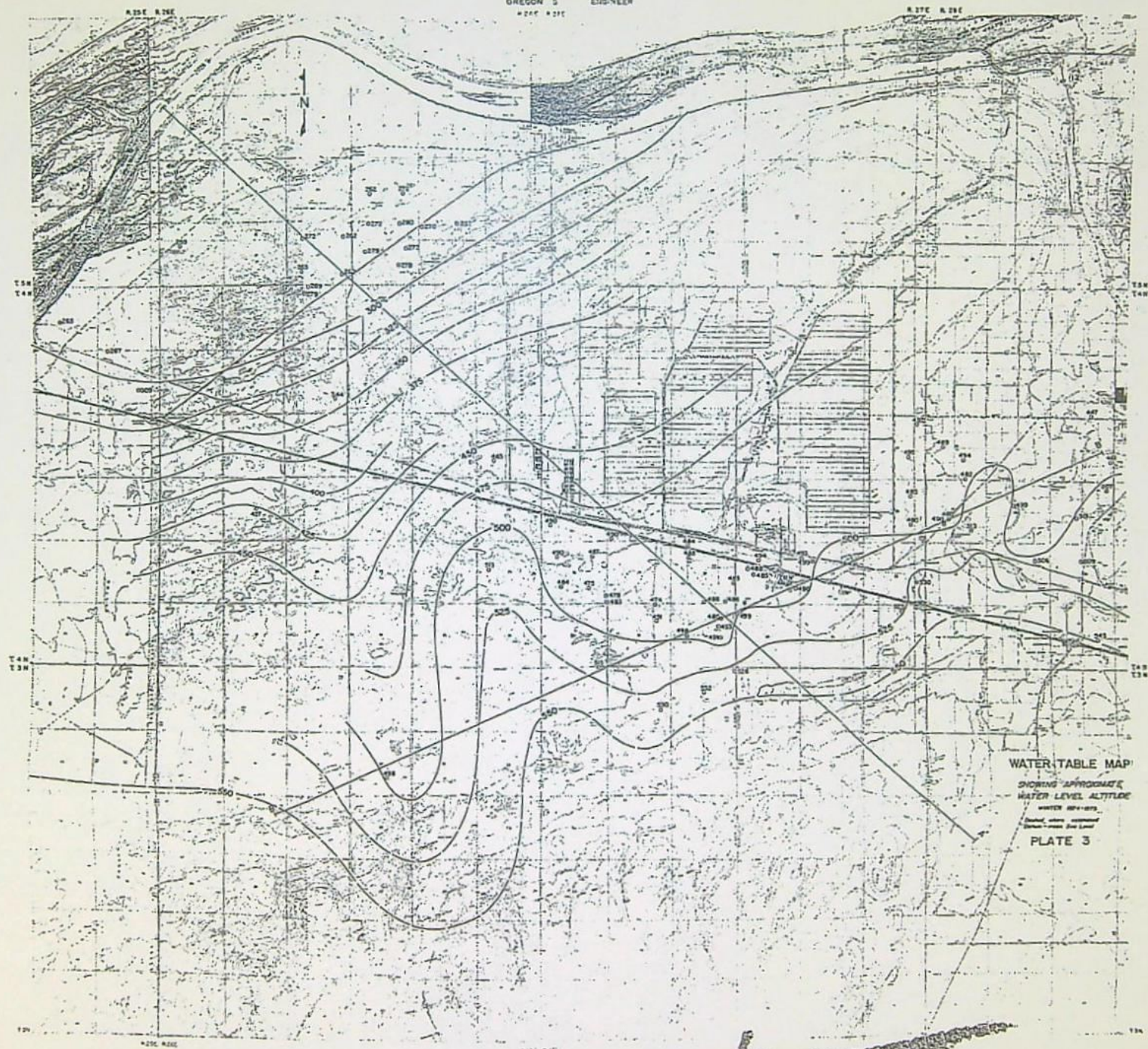
ORDNANCE GR WATER AREA

OREGON S.
R21E R22E



ORDNANCE GR 1 WATER AREA

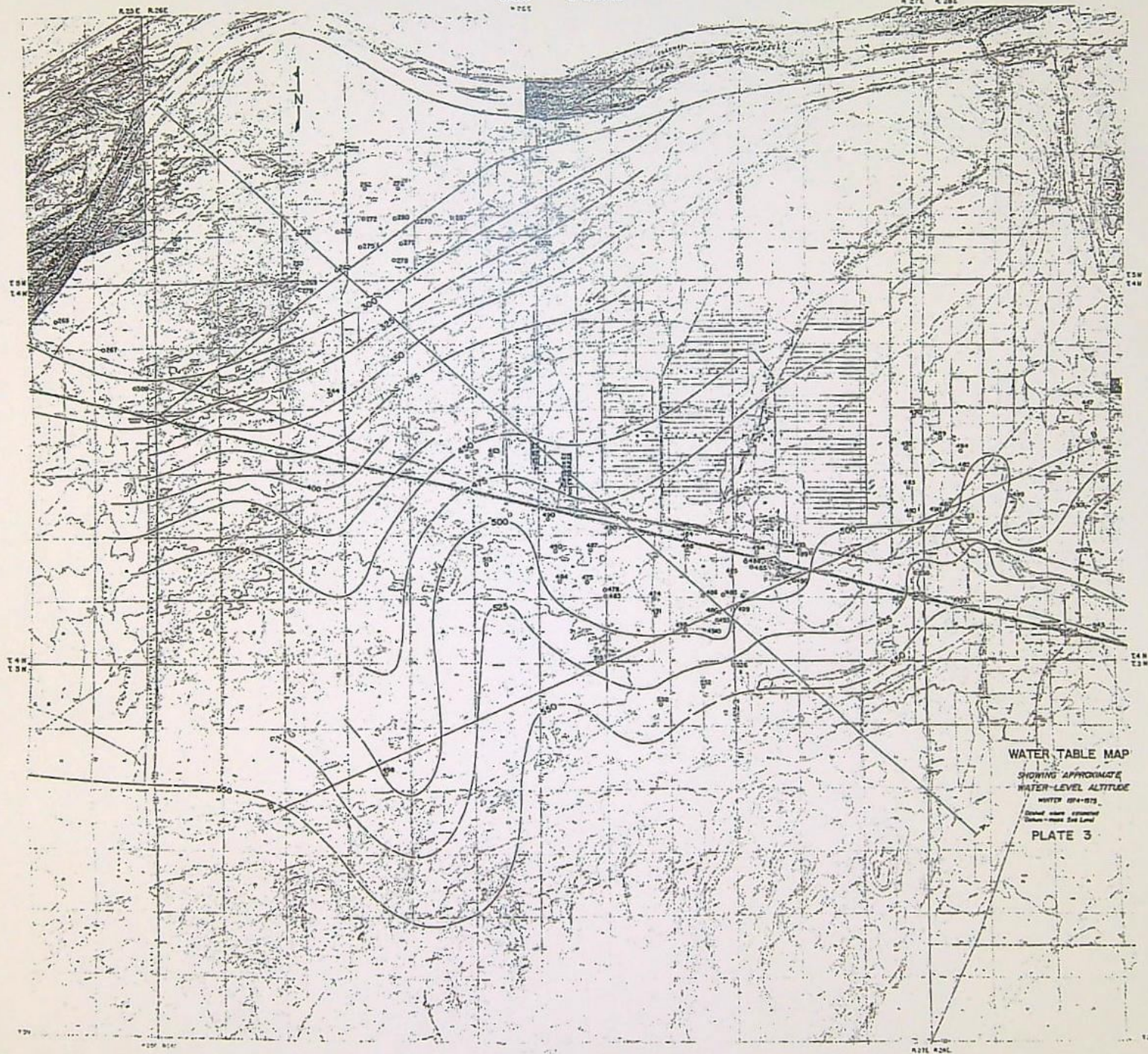
GREGG S. ENGINEER
#245 #215



ORDNANCE GROUND WATER AREA

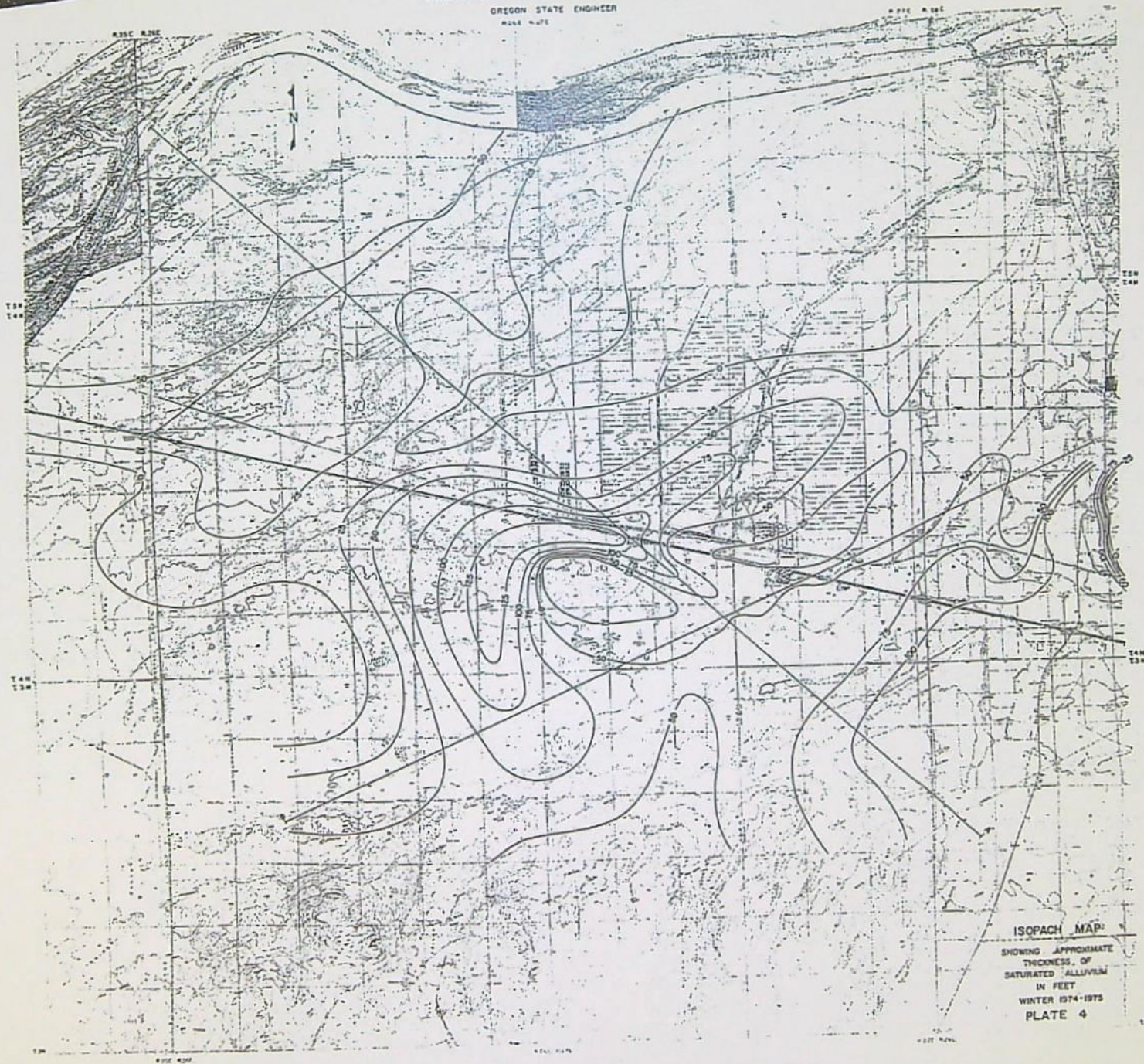
OREGON ENGINEER
1925

R 27E R 28E



ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER
MADE 1975



Transfer Application # T-12820

ORIGINALS

- 1) Transfer Application ✓
 - 2) Transfer Map ✓
 - 3) Evidence of Use affidavit and accompanying proof ✓
 - 4) Land Use Information Form ✓
 - 5) Notarized Landowner Consent Affidavit
 - 6) Form "D" from Irrigation District
 - 7) Other Supporting Documentation ✓
 - 8) Acknowledgment letter sent out to applicant
- cc: ODFW*
GW section
- 9) Receipt



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 43933**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

RECEIVED

MAR 16 2018

Part 2 of 5 – Transfer Application Map Checklist

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☐ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- OWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME LambWeston, Inc.		PHONE NO. (541) 567-2211	ADDITIONAL CONTACT NO. (509) 736-2573
ADDRESS 78153 WESTLAND ROAD		FAX NO.	
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Dr. Paul Wattenburger, CWRE; IRZ Consulting		PHONE NO. (541) 567-0252	ADDITIONAL CONTACT NO. (541) 571-1112
ADDRESS 500 North First Street		FAX NO. (541) 567-4239	
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL paul@irz.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

See Attachment 1.

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

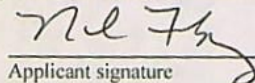
☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

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

I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.

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


Applicant signature

Neal Flyg (Plant Manager)
Print Name (and Title if applicable)

3/8/18
Date

Applicant signature

Print Name (and Title if applicable)

Date

RECEIVED
MAR 16 2018
OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 43933

Description of Water Delivery System

System capacity: 2.66 cubic feet per second (cfs) OR
1,194 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. From Well #1 a buried 12" PVC pipeline runs southwest parallel to Westland Road past Well #2 on to a water tank. A short pipe from Well #2 connects to this pipeline. A separate buried pipeline runs from Well #3 to the same water tank. The plant facilities are supplied from the water tank.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well No. 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 2403, 2401, & 2400	4	N	28	E	19	NE	SW	2206	2430' N & 2340' E from SW Corner of Section 19
Well No. 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UMAT 2402	4	N	28	E	19	NE	SW	2206	1680' N & 1640' E from SW Corner of Section 19
Well No. 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UMAT 2396	4	N	28	E	30	NE	NW	2206	776.5' S & 2141.5' E from NW Cor of Section 30

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

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

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

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

Check the following boxes that apply:

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

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

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

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

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	


Describe any special ownership circumstances here: _____

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
Umatilla County	216 SE 4 th	
CITY	STATE	ZIP
Pendleton	OR	97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

MAR 16 2018

OWRD

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

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

Table 2. Description of Changes to Water Right Certificate # 43933

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
4	N	28	E	19	SE	SW	2206			Industrial	Well No. 1	1/21/72	APOA	4	N	28	E	19	SE	SW	2206			Industrial	Well No. 2	2/3/72
4	N	28	E	30	NE	NW	2206			Industrial	Well No. 1	1/21/72	APOA	4	N	28	E	30	NE	NW	2206			Industrial	Well No. 2	2/3/72
													APOA	4	N	28	E	19	SE	SW	2206			Industrial	Well No. 3	4/12/73
													APOA	4	N	28	E	30	NE	NW	2206			Industrial	Well No. 3	4/12/73
TOTAL ACRES:													TOTAL ACRES:													

Additional remarks: This Transfer seeks to add Wells Nos. 2 & 3 as Additional Points of Appropriation to Certificate 43933. The intent is to allow better flexibility in the operational management of the three wells.

RECEIVED
MAR 16 2018
OWRD

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

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

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

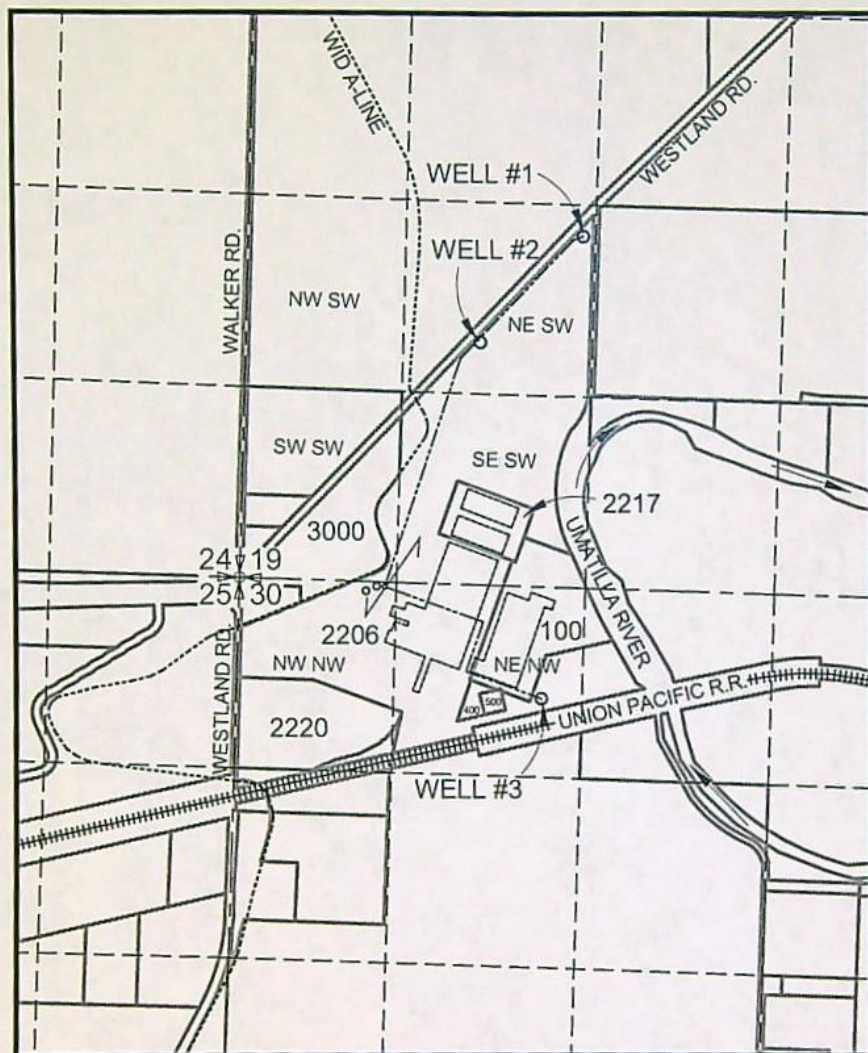
Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
Well No. 1	Yes	UMAT 2403, 2401, & 2400	130'	18" & 16"	0-100 100-128	0-20	72-110	60'	Gravel	
Well No. 2	Yes	UMAT 2402	137'	18"	0-135	0-20	80-95	62'	Gravel	
Well No. 3	Yes	UMAT 2601	98'	18"	0-84.5	0-20	45-75	40'	Gravel	

RECEIVED
JUN 16 2018
OWRD

Township 4 North, Range 28 East, W.M.
Sections 19 & 30
UMATILLA COUNTY



LEGEND

SYMBOLS

- SECTION LINES
- - - Q-Q SECTION LINES
- TAX LOTS
- IRRIGATION CANAL
- ++++ RAILROAD
- PLANT BUILDINGS
- BURIED PIPELINES
- o WELLS

NOTE: FLOW METERS ARE
LOCATED AT WELLS.

N

SCALE
1" = 1320'

POINTS OF APPROPRIATION

AUTHORIZED:

WELL #1 - 2430' N & 2340' E FROM SW COR. OF SEC. 19

ADDITIONAL:

WELL #2 - 1680' N & 1640' E FROM SW COR. OF SEC. 19

WELL #3 - 776.5' S & 2141.5' E FROM NW COR. OF SEC. 30

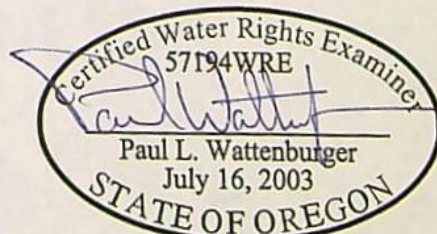
WATER RIGHT
TRANSFER MAP
for Certificate 43933
in the name of
Lamb-Weston, Inc.
January 31st, 2018

RECEIVED

MAR 16 2018

OWRD

THIS MAP WAS PREPARED FOR THE PURPOSE OF
IDENTIFYING THE LOCATION OF A WATER RIGHT
ONLY AND IS NOT INTENDED TO PROVIDE LEGAL
DIMENSIONS OR LOCATION OF PROPERTY
OWNERSHIP LINES.



EXPIRES: 6/30/18

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of UMATILLA) ss

I, PAUL WATTENBURGER, in my capacity as PE & CWRE,
mailing address IRZ CONSULTING, LLC; 500 N FRIST STREET; HERMISTON, OR 97838
telephone number (541)567-0252, being first duly sworn depose and say:

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

☒ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 43933; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

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

(continues on reverse side)

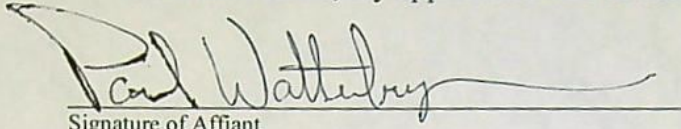
RECEIVED

MAR 16 2018

OWRD

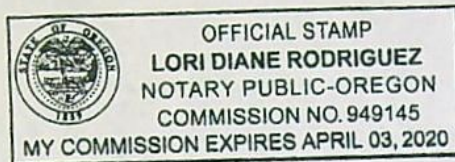
3. The water right was used for: (e.g., crops, pasture, etc.): INDUSTRIAL

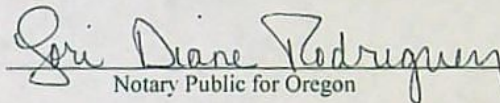
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

3/2/18
Date

Signed and sworn to (or affirmed) before me this 2 day of Mar, 2018.




Notary Public for Oregon

My Commission Expires: 4-03-2020

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

RECEIVED
MAR 16 2018

OWRD
RECEIVED
MAR 16 2018

OWRD

ATTACHMENT

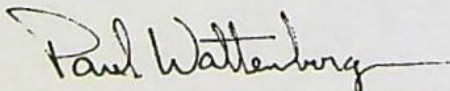
Lamb-Weston Inc. owns and operates a potato processing plant just outside Hermiston, Oregon. Their fresh water supply for the industrial use of water is groundwater. They have Certificate 43933 for one well, Well #1, for which there is a maximum rate of 2.66 cubic feet per second. This translates to around 627,509,000 gallons annually. They have a second Certificate, 43934 for a second well, Well #2, for which there is a maximum rate of 3.02 cubic feet per second. This translates to around 712,435,000 gallons annually. They have a third Certificate, 62004 for a third well, Well #3, for which there is a maximum rate of 2.67 cubic feet per second. The third well serves as a standby to the other two. The total annual volume of water that can be pumped from these three wells is just over 1,339,944,000 gallons for industrial use.

To confirm that these certificates have been utilized I, Paul Wattenburger, personally inspected the three wells and obtained and reviewed the daily flow records collected by plant personnel. On February 8th, 2018 I inspected all three wells. On this date the Well #1 pump had been pulled for repair, but was to be reinstalled soon. I confirmed that there is a flow meter at each of the three wells. The meter on Well #1 records in 100,000 gallons and the other two meters record in 1,000 gallons. The Google Image on the next page shows the Lamb-Weston Inc. Hermiston Plant with the location of the three wells.

I was provided the flow records for the three wells for last year, 2017. Each morning around 8:00 am the flow meters are checked to ensure they are operational and to record the current totalized flows. These records consist of twelve pages of hand written entries. The table on the next page summarizes these recordings. The January 1st, 2017 recordings as well as the recordings for the last day of each month is shown. The differences between recordings are the total usage for each month. In 2017 the total volume of water pumped from Well #1 was 402,300,000 gallons, from Well #2 was 449,827,000 gallons, and from Well #3 was 1,277,000 gallons for a total of 853,404,000 gallons. This total volume was about 64% of that allowed under the Certificates.

I also sought power bills from Umatilla Electric Cooperative to confirm these usages. However, only Well #1 is metered separately from any other load. The utility records for Well #1 match very closely to the flow meter readings. The slight differences are easily attributable to the difference between the utility billing period and the dates for which flow records were totaled.

I can personally attest to the fact that the Lamb-Weston Inc. Hermiston plant has been operational since May 1992 when I moved to the area. The records provided clearly show that both Well #1 and #2 have been used throughout 2017. If required, similar records can be provided for prior years.

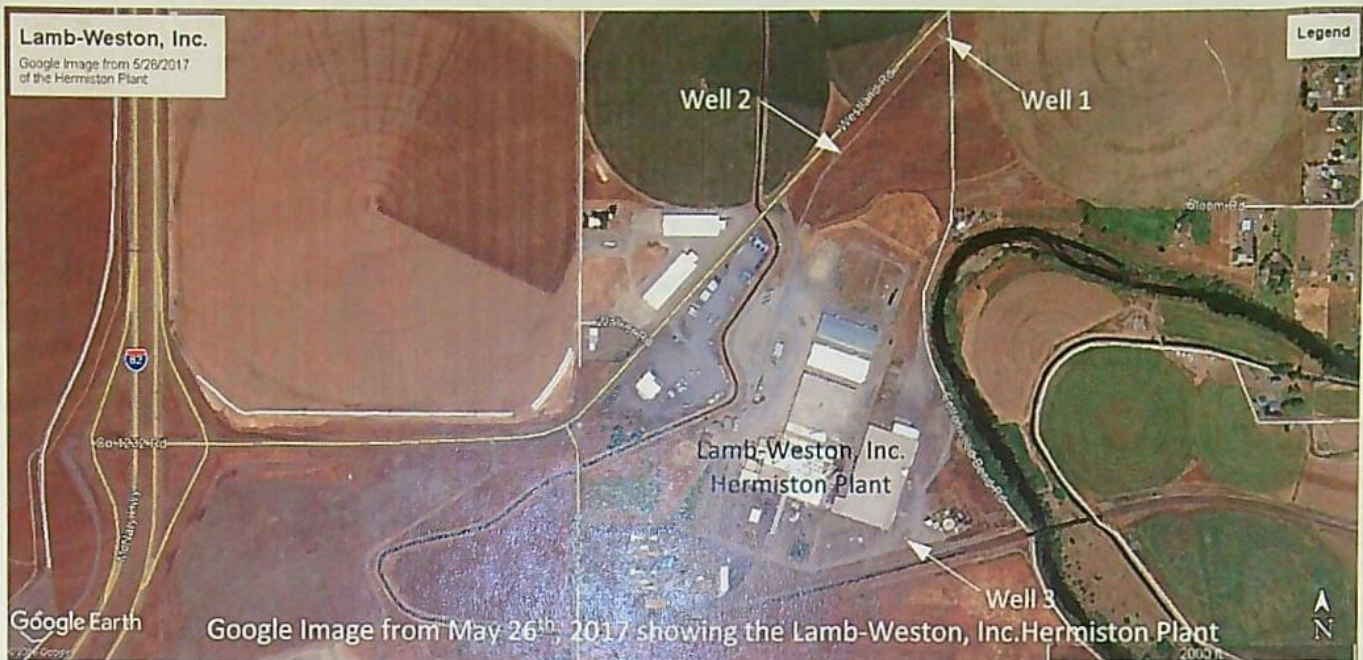


Dr. Paul Wattenburger, PE, CWRE

RECEIVED

MAR 16 2018

OWRD



**Summary of Water Pumped by Lamb-Weston, Inc.
at the Hermiston Plant in 2017 by Well**

Dates & Times	Well #1 Readings & Usage (gallons)	Well #2 Readings & Usage (gallons)	Well #3 Readings & Usage (gallons)	Total Usage (gallons)
1/1/17 8:00 AM	1,159,000,000	4,426,208,000	157,255,000	
1/31/17 8:19 AM	1,219,600,000	4,432,637,000	157,256,000	
January	60,600,000	6,429,000	1,000	67,030,000
2/28/17 8:30 AM	1,223,800,000	4,492,822,000	157,256,000	
February	4,200,000	60,185,000	0	64,385,000
3/31/17 8:34 AM	1,288,000,000	4,501,434,000	157,256,000	
March	64,200,000	8,612,000	0	72,812,000
4/30/17 8:05 AM	1,297,100,000	4,567,231,000	157,256,000	
April	9,100,000	65,797,000	0	74,897,000
5/31/17 8:06 AM	1,358,200,000	4,582,433,000	157,364,000	
May	61,100,000	15,202,000	108,000	76,410,000
6/30/17 8:00 AM	1,367,800,000	4,651,272,000	157,366,000	
June	9,600,000	68,839,000	2,000	78,441,000
7/31/17 9:25 AM	1,429,500,000	4,667,429,000	158,532,000	
July	61,700,000	16,157,000	1,166,000	79,023,000
8/31/17 9:22 AM	1,433,800,000	4,736,124,000	158,532,000	
August	4,300,000	68,695,000	0	72,995,000
9/30/17 8:43 AM	1,493,700,000	4,747,203,000	158,532,000	
September	59,900,000	11,079,000	0	70,979,000
10/31/17 8:10 AM	1,498,300,000	4,813,313,000	158,532,000	
October	4,600,000	66,110,000	0	70,710,000
11/30/17 8:40 AM	1,557,000,000	4,823,786,000	158,532,000	
November	58,700,000	10,473,000	0	69,173,000
12/31/17 7:41 AM	1,561,300,000	4,876,035,000	158,532,000	
December	4,300,000	52,249,000	0	56,549,000
2017 Totals	402,300,000	449,827,000	1,277,000	853,404,000

RECEIVED

MAR 16 2018

OWRD

RECEIVED

MAR 6 2018

OWRD

Attachment 1

Lamb Weston has three industrial wells for their Hermiston plant. Well No. 1 was perfected under Permit G-4947 and Certificated as 43933. The certificated rate is 2.66 cfs (1,194 gpm). Well No. 2 was perfected under Permit G-4948 and Certificated as 43934. The certificated rate is 3.02 cfs (1,355 gpm). And Well No. 3 was perfected under Permit G-7184 and Certificated as 62004. The certificated rate is 2.67 cfs (1,198 gpm). As stated in Certificate 62004;

"The use of Water confirmed herein is limited to Stand-By Emergency use only. Well 3 is an alternate source of water and may only be used at such times as Wells 1 or 2 are inoperable or are otherwise unable to yield a sufficient industrial supply of water as allowed under Certificates 43933 and 43934."

The total rate allowed for these three wells is limited to the combined certificated rates for Wells Nos. 1 and 2, which is 5.68 cfs (2,549 gpm).

This Transfer is to add Wells Nos. 2 and 3 as additional points of appropriation to Certificate 43933. The intent is to allow better flexibility in the operational management of the three wells. At no time will the maximum allowable rate of 5.68 cfs (2,549 gpm) be exceeded by the combined rates of the three wells.

RECEIVED

MAR 16 2018

OWRD

Land Use Information Form



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

Applicant(s): Lamb Weston, Inc.

Mailing Address: P.O. Box 705

City: Hermiston

State: OR

Zip Code: 97838

Daytime Phone: (541) 567-2211

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4N</u>	<u>28E</u>	<u>19</u>	<u>NE SW</u>	<u>2206</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Industrial</u>
<u>4N</u>	<u>28E</u>	<u>19</u>	<u>SE SW</u>	<u>2206</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Industrial</u>
<u>4N</u>	<u>28E</u>	<u>30</u>	<u>NE NW</u>	<u>2206</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Industrial</u>
<u>4N</u>	<u>28E</u>	<u>30</u>	<u>NWNW</u>	<u>2206</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Industrial</u>

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

Umatilla County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 5.68 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

This Transfer seeks to add Well Nos. 1 & 3 as Additional Points of Appropriation to Certificate 43934.
The intent is to allow better flexibility in operational management of the three wells.

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

See bottom of Page 3. →

RECEIVED

MAR 16 2018

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Conditional Use Permit	UCDC 152.610(LL)	<input checked="" type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being Pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not Being Pursued

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

RECEIVED

MAR 16 2018

OWRD

See attached Findings

Name: Robert Waldher Title: Director

Signature: Robert Waldher Phone: 541-278-6251 Date: 03/09/18

Government Entity: Umatilla County Planning Director

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

RECEIVED

MAR 16 2018

OWRD

WR / FS

NOTICE TO WATER WELL CONTRACTOR

The original and first
of this report are to
be filed with the

UMAT 2402

WATER WELL REPORT UMAT
2402

State Well No.

HN/28E-19ca

State Permit No.

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the
of well completion.

STATE ENGINEER
SALEM, OREGON

(Please type or print)

(Do not write above this line)

G-5720

(1) OWNER:

Name Lamb-Weston Inc
Address John Grupe manager. Port of
Umatilla. Mc Nary Creek

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☒ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒

2" Diam. from 0 ft. to 19 ft. Gage 250
18" Diam. from 0 ft. to 135.10 ft. Gage 375
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used mills knife
Size of perforations 1/2 in. by 3 in.
360 perforations from 80 ft. to 95 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Lane Pump
Yield: 1500 gal./min. with 25 ft. drawdown after 24 hrs.

Baller test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite
Well sealed from land surface to 2.0 ft.
Diameter of well bore to bottom of seal 2.2 in.
Diameter of well bore below seal 18 in.
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal 6 sacks
Brand name of bentonite National
Number of pounds of bentonite per 100 gallons
of water 25 lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Umatilla Driller's well number _____
1/4 1/4 Section 19 T. 4N R. 28E W.M.
Bearing and distance from section or subdivision corner

T.O. Martin no 2

(11) WATER LEVEL: Completed well.

Depth at which water was first found 72 ft.
Static level 62 ft. below land surface. Date 2-7-72
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 15 1/2

Depth drilled 137 ft. Depth of completed well 137 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Surface sand brown	0	5	
Cement gravel & boulders	5	72	
Gravel	72	95	62
Clay + sand yellow	95	100	62
sand + gravel	100	103	62
sand black	103	121	62
Rock black broken	121	122	62
sand fine gravel	122	126	62
broken rock & clay	126	135	62
Rock grey hard	135	137	62

Work started 1-14 1972 Completed 2-7 1972
Date well drilling machine moved off of well 2-8 1972
Drilling Machine Operator's Certification:
This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.
[Signed] R.E. Allison Date 2-10, 1972
(Drilling Machine Operator)
Drilling Machine Operator's License No. 300
Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.
Name Allison, Dale, Co.
(Person, firm or corporation) (Type or print)
Address R2 Box 309-C Hamiston
[Signed] R.E. Allison
(Water Well Contractor)
Contractor's License No. 419 Date 2-10, 1972

NOTICE TO WATER WELL CONTRACTOR:
The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON
within 30 days from the date
of well completion.

RECEIVED
FEB 4 - 1977
STATE OF OREGON
STATE ENGINEER
SALEM, OREGON
(Do not write above this line)

UMAT 2403

WATER WELL REPORT

UMAT
2403

State Well No.

4N/28-19

State Permit No.

G-5681

(1) OWNER:

Name Lamb Weston Inc.
Address Part of Umatilla
John Kiepp, Manager McNary ave

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☒ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
22" Diam. from 0 ft. to 19 ft. Gage 250
18" Diam. from 0 ft. to 103 ft. Gage 375
" Diam. from " ft. to " ft. Gage "

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used mills knife
Size of perforations 1/2 in. by 3 in.
8 per ft. perforations from 72 ft. to 92 ft.
perforations from " ft. to " ft.
perforations from " ft. to " ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Rane Pump
Yield: 100 gal./min. with 35 ft. drawdown after 48 hrs.

" " " " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Slurry of Bentonite in casing
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 22 in.
Diameter of well bore below seal 18 in.
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal 4 sacks
Brand name of bentonite National
Number of pounds of bentonite per 100 gallons
of water 25 lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Umatilla Driller's well number _____
1/4 1/4 Section 19 T. 4N. R. 28E W.M.

Bearing and distance from section or subdivision corner

T.O. Martin Farm, West No. 1

(11) WATER LEVEL: Completed well.

Depth at which water was first found 75 ft.

Static level 62 ft. below land surface. Date 1-12-72

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 15 1/2

Depth drilled 110 ft. Depth of completed well 110 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Surface sand brown	0	5	
coarse gravel	5	25	
boulders & gravel	25	40	
clay & gravel, yellow	40	75	
gravel	75	92	62
rock black broken	92	96	"
sand black coarse	96	102	"
rock black broken	102	110	"

RECEIVED

MAR 16 2018

OWRD

Work started 12-28 19 71 Completed 1-12 19 72

Date well drilling machine moved off of well 1-13 19 72

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] R. L. Allison Date 1-13, 19 72
(Drilling Machine Operator)

Drilling Machine Operator's License No. 300

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Acclison Drilling Co.
(Person, firm or corporation) (Type or print)

Address P.O. Box 309-E Hermiston Ore.

[Signed] R. L. Allison
(Water Well Contractor)

Contractor's License No. 419 Date 1-13, 19 72



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

March 20, 2018

LAMB WESTON INC.
78153 WESTLAND ROAD
HERMISTON, OR 97838

Reference: Application T- 12820

On March 16, 2018, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 126116 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new additional point of appropriation until a final order approving the transfer application has been issued by the Department.

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 application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

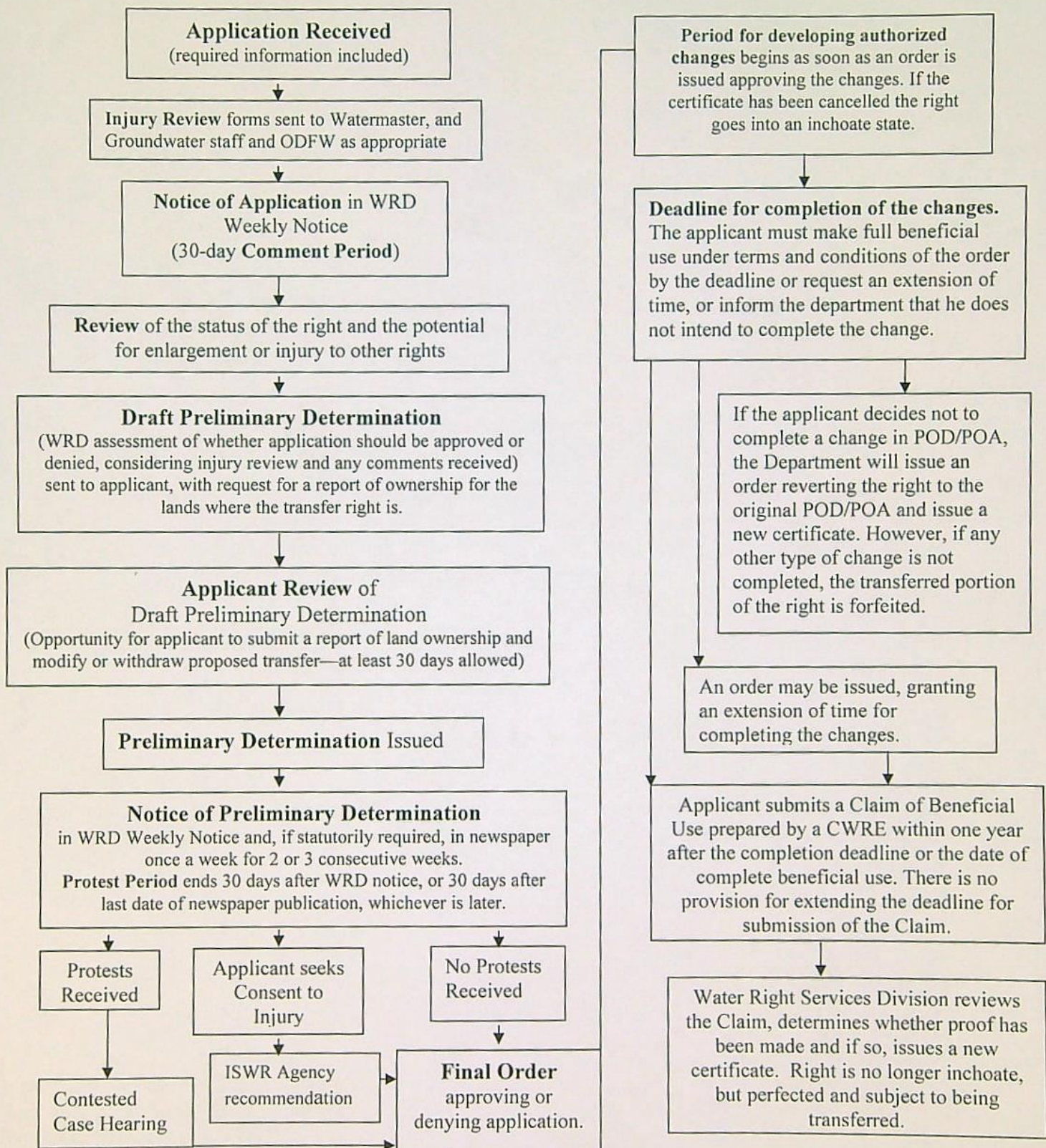
If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #5 (*via email*)
Paul Wattenburger, Agent
Umatilla County

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 126116

INVOICE #

RECEIVED FROM: Lamb Weston

BY:

CASH: ☐ CHECK: # 10754728 OTHER: (IDENTIFY) ☐

APPLICATION

PERMIT

TRANSFER T-12820

TOTAL REC'D \$ 1,570.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:
0201 SURFACE WATER EXAM FEE \$ RECORD FEE \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$ 1,570.00
WELL CONSTRUCTION EXAM FEE \$ LICENSE FEE \$
0218 WELL DRILL CONSTRUCTOR \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

STATE OF OREGON
WATER RESOURCE DEPT
725 SUMMER ST NE STE A
SALEM OR 97301-1266

RECEIVED

MAR 16 2018

OWRD

Lamb Weston
SEEKING POSSIBILITIES IN POTATOES

VENDOR NO. 007272500 DATE 03/09/18 DISBURSEMENT NO. 918090

10 754728

REFERENCE		VOUCHER NUMBER	GROSS AMOUNT	DISCOUNT AMOUNT	DUE VENDOR AMOUNT
NUMBER	DATE				
CERTIFICATE 43933 APPLICATION 43933/WATER RIGHT TRANSFER	03/08/18	0380100660	1,570.00	0.00	1,570.00
TOTAL			1,570.00	0.00	1,570.00

RECEIPT: 126116

DATED: 3-16-18 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Regular Permanent Water Right Transfer Application Checklist

Checked by Arla

Date 3/19/18

Certs & acres involved:

Changes: APOA

cfs involved: _____

Source: _____

(If OK, check box to left; if not, fill in the blank)

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 2. Are fees included and correct? Fee paid: 1570
If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

**Oregon Water Resources Department**
Transfer Fee Calculation for Permanent (Non-District) Transfer[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Monday, March 19, 2018

Fee Calculation

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

\$1,160.00

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

Types of Change Proposed:

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

\$0.00

Enter total number of water rights included in transfer.

1

\$0.00

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

\$410.00

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

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

Subtotal:

\$1,570.00

Check each box that applies.

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

Discount:

Transfer Fee:

\$1,570.00

[Return to Edit](#) [Clear](#)

PR

File Prep

CW		CW	
<input checked="" type="checkbox"/>	File Assigned (computer entry)	<input checked="" type="checkbox"/>	Print Tax Lot Map(s)/Ownership info if available on the web
<input checked="" type="checkbox"/>	Make Copies App, Map, GW review, (WM Review, ODFW to send to applicant later) Affidavits if applicable	<input checked="" type="checkbox"/>	Print: Certs, WR maps, (Tabulations, Sp Or, Air Photos or other helpful info to aid in processing)
<input checked="" type="checkbox"/>	Bundle Originals with cover sheet	<input type="checkbox"/>	Check Area of Interest – print if needed
<input type="checkbox"/>	Check for any public comments submitted electronically. Print any comments received.	<input type="checkbox"/>	Any irrigation districts that need notice based on Area of Interest Check. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note:

APPLICATION/MAP REVIEW

PR	CW		PR	CW	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriately signed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriate Fees Paid
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Revisit application checklist & Supporting Docs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Overpayment of Fees, Refund Request with FO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Any deficiencies that need to be addressed? <input type="checkbox"/> Yes <input type="checkbox"/> No Notes:			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ditch Company, Irr. Dist. and/or BOR sent copies	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Form matches Tax Lots, is signed by proper official and is APPROVED

DETERMINING THE "FROM" AND "TO" LANDS

PR	CW		PR	CW	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only the authorized POD's/POA's and POU's to be transferred are listed.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Marked on certificate the quantity of water being transferred, cancelled, and remaining
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Compare Water Right map to App Map for Accuracy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Check and notate on Plat Card for Conflicts (To and From Lands) N/A if no change in POU or Use

INJURY REVIEWS/COMMENTS/CONDITIONS

PR	CW				
<input type="checkbox"/>	<input type="checkbox"/>	ODFW	<input type="checkbox"/>	Fish Screens	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ground water			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Watermaster	<input type="checkbox"/>	Headgate	<input type="checkbox"/>
			<input checked="" type="checkbox"/>	Measuring Devices	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Injury	<input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conditions to Avoid Enlargement/Injury	<input type="checkbox"/>	Enlargement	<input type="checkbox"/>
			Total cfs and acre-feet limitations		

DPD

PD

FO

COV

DPD/PD/ FINAL ORDER/COVER LETTER

PR	CW	PR	CW	PR	CW	PR	CW	
	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct address? Add Agent, Receiving Landowner if applicable etc...
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compare "from lands" with marked up
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compare Authorized POD(s)/POA(s) with marked up
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Add Watermaster conditions (send copy of review to applicant if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Add Ground water conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ODFW recommendations (send copy of review to applicant if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hidden findings unveiled?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Add any cancellation language or special situations
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Attach supporting documents to cover letter if applicable

OWNERSHIP VERIFICATION

PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The deed/ROI matches the " <u>from</u> " lands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notarized, signed statement of consent (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All owners on the deed/ROI have signed the application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compare with current tax lot map.

PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE/COVER LETTER
<input type="checkbox"/>	<input type="checkbox"/>	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Format matches current template
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Content matches PD info?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Spell checked?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Correct address?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cost Estimate for Newspaper if applicable send email to support staff <input checked="" type="checkbox"/> 2 weeks <input type="checkbox"/> three weeks
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Send Letter to Applicant/Agent regarding newspaper notice cost
<input type="checkbox"/>	<input type="checkbox"/>	Have funds been received from Applicant/Agent for newspaper costs?

PR	CW	REMAINING RIGHT CERTIFICATE
<input type="checkbox"/>	<input type="checkbox"/>	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)
<input type="checkbox"/>	<input type="checkbox"/>	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
<input type="checkbox"/>	<input type="checkbox"/>	Table Format matches current template
<input type="checkbox"/>	<input type="checkbox"/>	Content format matches original certificate
<input type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input type="checkbox"/>	<input type="checkbox"/>	Name and address matches originating certificate?

CW	CASEWORKER WRAP UP
<input checked="" type="checkbox"/>	Organize Working Docs For Peer Review (Remove Duplicates)
<input checked="" type="checkbox"/>	Update Computer entry (add postal confirmation receipt number and date file was mailed)
<input checked="" type="checkbox"/>	Put file contents on Salem Exchange Folder
<input type="checkbox"/>	Print e-mail and correspondence put it in order of the findings of PD (if applicable)
<input type="checkbox"/>	Has Affidavit of Publication been received? <input type="checkbox"/> N/A <input type="checkbox"/> Yes--Date for FO: _____ <input type="checkbox"/> No—have Codi call newspaper

Record Keeping: DPD Mailed (Date) September 26, 2018 PD Mailed (Date) _____

COMMENTS:

Change requesting an APOA only