

Name Lamb Weston, Inc.

Address 78153 Westland Road  
Hermiston, OR. 97838

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of Umatilla R.

Use Industrial (Food Processing) County Umatilla

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# G-5720 Per # G-4948 Cert # 43934 PR Date 2/3/1972

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 #
<u>3-16-18</u>	<u>\$1,570.00</u>	<u>126117</u>
<u>8/14/19</u>	<u>\$215.38</u>	<u>128398</u>

Change in APOA

Date Filed 3/16/2018

Initial notice date 3/27/2018

DPD issued date \_\_\_\_\_

PD issued date 4/4/2019

PD notice date 4/16/2019

Date of FO 5/28/19 Vol 113 Page 195

FEES REFUNDED		
Date	Amount	Receipt #
_____	_____	_____
_____	_____	_____
_____	_____	_____

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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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](http://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-12871

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-12871

# Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie L.
Transfer #: T-12871	
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 App or Transfer Number

## 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))

**MONEY SLIP**

DATE: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

APPLICANT FROM: \_\_\_\_\_ APPLICATION BY: \_\_\_\_\_

CASH CHECK # \_\_\_\_\_ OTHER (IDENTIFY) \_\_\_\_\_ TOTAL DUES \$ \_\_\_\_\_

0067 TRAILBLAZER 4798 MISC CONTRACTS \_\_\_\_\_

0467 COPES \_\_\_\_\_ OTHER (IDENTIFY) \_\_\_\_\_

0243 Irrigation Lease \_\_\_\_\_ 0244 Min Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

0063 TRAILBLAZER 4798 MISC OPERATING ACCT \_\_\_\_\_

0467 MISCELLANEOUS 4611 \_\_\_\_\_

0410 COPY & TAKE FEES \_\_\_\_\_

0408 RESEARCH FEES \_\_\_\_\_

0408 MISC RENEWAL (IDENTIFY) \_\_\_\_\_

TC160 DEPOSIT (LAW IDENTIFY) \_\_\_\_\_

0240 EXTENSION OF TIME \_\_\_\_\_

WATER RIGHTS \_\_\_\_\_

0201 SURFACE WATER \_\_\_\_\_ 0202 \_\_\_\_\_

0203 GROUND WATER \_\_\_\_\_ 0204 \_\_\_\_\_

0205 TRANSFER \_\_\_\_\_

WELL CONSTRUCTION \_\_\_\_\_

0216 WELL DRILL CONSTRUCTION \_\_\_\_\_ 0218 \_\_\_\_\_

0216 LAKESIDE'S PERMIT \_\_\_\_\_ 0218 \_\_\_\_\_

0202 OTHER (IDENTIFY) COBU \_\_\_\_\_

0063 TRAILBLAZER 0467 APPROVALS/FEES \_\_\_\_\_

0210 POWER LICENSE FEE (PUMPING) \_\_\_\_\_

0211 HYDRO LICENSE FEE (PUMPING) \_\_\_\_\_

HYDRO APPLICATION \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

RETURN TO APPLICANT - LETTER ATTACHED

## 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 of 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](http://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 # <b>T-12871</b>
---------------------------------

**2. Property Owner (current owner information)**

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

**4. Date of Site Inspection:**

<b>February 24<sup>th</sup>, 2023</b>
---------------------------------------

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

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

**6. County**

<b>Umatilla</b>
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**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**

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

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
	<b>Marc McCoy</b>	<b>Plant Manager</b>	<b>3-6-23</b>

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**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 #1	UMAT 2403		Well No. 2 within the UMATILLA RIVER BASIN
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
	<b>3.02 CFS</b>		
Well #1		<b>3.31 CFS</b>	<b>2.12 CFS (VFD not full speed)</b>
Well #3		<b>2.67 CFS</b>	<b>2.99 CFS</b>

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## 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 #1**

#### 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
Flowise	12RC		Turbine		

##### 2. Motor Information

MANUFACTURER	HORSEPOWER
U.S.	75

##### 3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP <small>*IF A WELL, THE WATER LEVEL DURING PUMPING</small>	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
75	24	100		3.31 CFS

##### 4. Provide pump calculations:

**BHP = 75hp. Using a pump efficiency of 80%; WHP = BHP x Eff<sub>pump</sub> = 75 x .80 = 60 hp**  
**TDH = (psi x 2.31) + Lift + Friction Losses = (24 psi x 2.31) + 100 + 5 = 160 ft.**  
**WHP = [Q(gpm) \* TDH(ft)/3960, or , Q(gpm) = WHP x 3960 /TDH(ft)]**  
**Q(gpm) = 60 hp x 3960 / 160 feet = 1,485 gpm = 3.31 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)
			950 GPM = 2.12 CFS

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

#### B. Groundwater Source Information (Well and Sump)

YES  NO

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

Well #3

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**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 = (psi x 2.31) + Lift + Friction Losses = (29 psi x 2.31) + 61 + 4 = 132 ft.  
 $WHP = [Q(\text{gpm}) * TDH(\text{ft})/3960, \text{ or } , Q(\text{gpm}) = WHP \times 3960 / TDH(\text{ft})$   
 $Q(\text{gpm}) = 40 \text{ hp} \times 3960 / 132 \text{ feet} = 1,200 \text{ gpm} = 2.67 \text{ cfs.}$

**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-12871) the maximum combined total instantaneous rate for the three wells is 3.02 cfs. Under a separate transfer (T-12820) the maximum combined total instantaneous rate for the three wells is 2.66 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 #1 was a flow meter reading on the second date of inspection (2/24/2023). The VFD for Well #1 was not running at full speed, therefore, the measured flow was not the full capacity of this well. For Well #3 the flow meter reading on the first date of inspection (7/19/2019) was for open discharge. Well #3 was not running on the second date of inspection.

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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 #1	Edress+Hauser	T801C516000	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.**

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### SECTION 6 ATTACHMENTS

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 2403	Well Log for Well #1
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.**

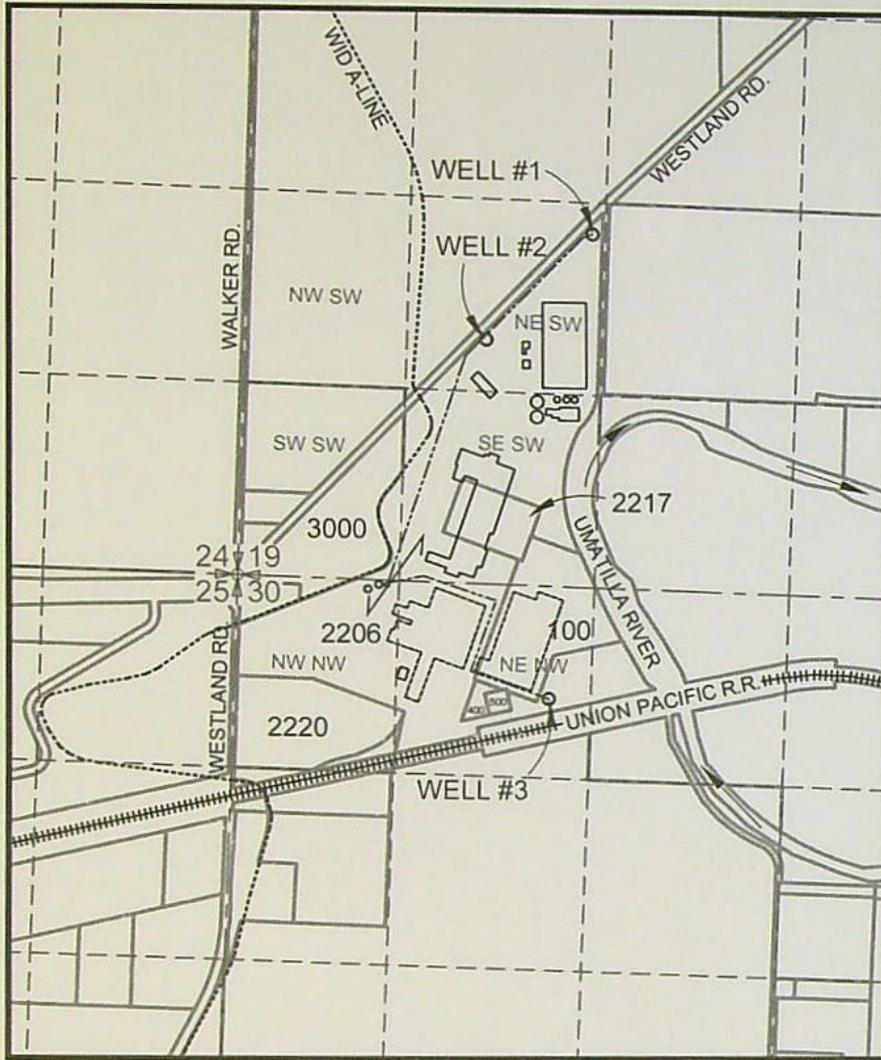
## Map Checklist

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

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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'

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**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  
 COBU MAP**  
 for Transfer T-12820  
 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.

Certified Water Rights Examiner  
 57194WRE  
*Paul Wattenburger*  
 Paul L. Wattenburger  
 July 16, 2003  
 STATE OF OREGON

EXPIRES: 6/30/24

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.

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FEB 4 - 1972  
UMAT 2403  
WATER WELL REPORT  
STATE OF OREGON  
STATE ENGINEER (Type or print)  
SALEM, OR. (Do not write above this line)

**UMAT 2403**  
State Well No. 4N/28-19 *caa.*  
State Permit No. 6-5681

(1) OWNER:  
Name Lamb Weston Inc.  
Address Port of Umatilla  
John Dauph 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  Cable  Dug   
Driven  Jetted  Bored   
(4) PROPOSED USE (check): Domestic  Industrial  Municipal  Irrigation  Test Well  Other

CASING INSTALLED:  
22" Diam. from 0 ft. to 19 ft. Gage 250  
18" Diam. from 0 ft. to 103 ft. Gage 375

PERFORATIONS:  
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.

(7) SCREENS: Well screen installed?  Yes  No  
Manufacturer's Name \_\_\_\_\_ Type \_\_\_\_\_ Model No. \_\_\_\_\_  
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? Pawo Pump  
Yield: 100 gal./min. with 35 ft. drawdown after 48 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 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 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 710 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	"

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SALEM, OREGON

Work started 12-28 1971 Completed 1-12 1972  
Date well drilling machine moved off of well 1-13 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. L. Allison Date 1-13, 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 Acison Well Co.  
(Person, firm or corporation) (Type or print)  
Address P.O. Box 309 - Hermiston Ore  
[Signed] R. L. Allison  
(Water Well Contractor)  
Contractor's License No. 419 Date 1-13, 1972





# 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](http://www.Oregon.gov/OWRD)

May 28, 2019

LAMB WESTON INC.  
78153 WESTLAND RD  
HERMISTON, OR 97838

REFERENCE: Transfer Application T-12871

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](mailto: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-12871, 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 43934. The Department assigned the application number T-12871.
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-12871. The draft Preliminary Determination cover letter set forth a deadline of October 26, 2018, for the applicant to respond.
4. On November 12, 2018, the agent for 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-12871 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 16, 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:** 43934 in the name of LAMB WESTON, INC. (perfected under Permit G-4948)

**Use:** INDUSTRIAL (FOOD PROCESSING)

**Priority Date:** FEBRUARY 3, 1972

**Rate:** 3.02 CUBIC FEET PER SECOND (CFS)

**Source:** WELL No. 2 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	1680 FEET NORTH AND 1640 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

7. Transfer Application T-12871 proposes two additional points of appropriation approximately 1000 feet northeast to Well No. 1 and 2500 feet south to Well No. 3 located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	19	NE SW	WELL No. 1 - 2430 FEET NORTH AND 2340 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 2 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. 1 (UMAT 2403) and Well No. 3 (UMAT 2601) develop the same (source) aquifer as that of the original authorized Well No. 2 (UMAT 2402) 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-12871 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-12871.
12. The proposed change, as conditioned herein, would not result in enlargement of the right, as long as the use of two additional points of appropriation (Well Nos. 1 and 3), used together with authorized Well No. 2, are limited to a maximum combined total instantaneous rate of 3.02 cfs (1355.6 gallons per minute) under this right at any one time and does not exceed the maximum annual duty allowed for the original use, being 2182.6 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**

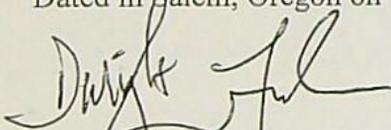
The additional points of appropriation proposed in Transfer Application T-12871 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Transfer Application T-12871 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 43934 and any related decree.
3. Water right Certificate 43934 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 Well No. 2, Martin Well No. 1 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 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.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install totalizing flow meters, 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-12871

Transfer Specialist: KDD

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-5720	G-4948	43934	<input type="checkbox"/> Yes <input 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: <u>Rec'd 7/31/2018</u>	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent:

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

Newspaper quote requested: \_\_\_\_\_

not required

DPD Mailed: \_\_\_\_\_

Request for news \$ sent: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

News \$ received: 1/14/2019

WM measurement contact sheet sent, or  N/A

PD Signed: 4/4/2019

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

PD Weekly Notice: 4/16/2019

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>4-1-19</u>	Date: <u>5-21-19</u>
Signature Bin Date: _____	Signature Bin Date: <u>4-4-19</u>	Signature Bin Date: _____
Comments/Special Issues: <u>APDA</u>		

Special Order Volume: Vol 113 Pages 195-198 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

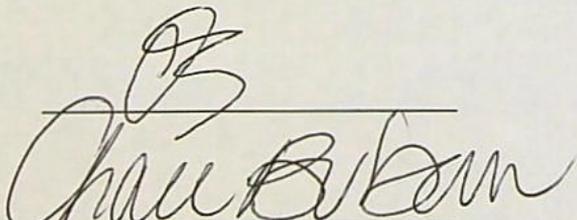
STATE OF OREGON  
County of Umatilla } ss

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-9847 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**

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

  
\_\_\_\_\_  
Notary Public of Oregon



**EO-9847  
NOTICE OF PRELIMINARY  
DETERMINATION**

for  
Water Right Transfer T-12871  
T-12871 filed by Lamb Weston  
Inc, 78153 Westland Rd., Herm-  
iston, OR 97838, proposes ad-  
ditional points of appropriation  
under Certificate 43934. The  
right allows the use of 3.02 cubic  
foot per second (cfs) from Well  
No. 2 in Sec. 19, T4N, R28E, WM  
for Industrial (Food Processing)  
uses within Sects. 19 and 30,  
T4N, R28E, WM. The appli-  
cant proposes to two additional  
wells within Sects. 19 and 30,  
T4N, R28E, WM. 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 04/20/2019.  
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 13, 20, 2019

**EO-9847  
NOTICE OF PRELIMINARY  
DETERMINATION**

for  
Water Right Transfer T-12871  
T-12871 filed by Lamb Weston  
Inc, 78153 Westland Rd., Herm-  
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with the preliminary determina-  
tion.  
April 13, 20, 2019

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-12871

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12871. 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](mailto: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-12871  
Gregory M. Silbernagel, Watermaster District 5 (via e-mail)  
Paul Wattenburger, CWRE/Agent for applicant (via e-mail)

encs



4. The right to be transferred is as follows:

**Certificate:** 43934 in the name of LAMB WESTON, INC. (perfected under Permit G-4948)

**Use:** INDUSTRIAL (FOOD PROCESSING)

**Priority Date:** FEBRUARY 3, 1972

**Rate:** 3.02 CUBIC FEET PER SECOND (CFS)

**Source:** WELL No. 2 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	1680 FEET NORTH AND 1640 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-12871 proposes two additional points of appropriation approximately 1000 feet northeast to Well No. 1 and 2500 feet south to Well No. 3 located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	19	NE SW	WELL No. 1 - 2430 FEET NORTH AND 2340 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

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 2 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 No. 1 (UMAT 2403) and Well No. 3 (UMAT 2601) develop the same (source) aquifer as that of the original authorized Well No. 2 (UMAT 2402) 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)*

8. Water has been used within the last five years prior to the submittal of Transfer Application T-12871 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.
9. 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-12871.
10. The proposed change, as conditioned herein, would not result in enlargement of the right, as long as the use of two additional points of appropriation (Well Nos. 1 and 3), used together with authorized Well No. 2, are limited to a maximum combined total instantaneous rate of 3.02 cfs (1355.6 gallons per minute) under this right at any one time and does not exceed the maximum annual duty allowed for the original use, being 2182.6 acre-feet per year.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

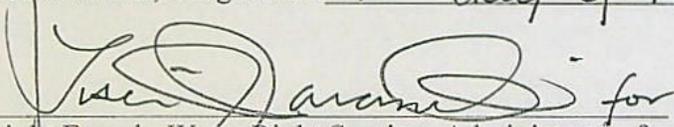
The additional points of appropriation proposed in Transfer Application T-12871 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12871 is approved, the final order will include the following:*

1. *The additional points of appropriation proposed in Transfer Application T-12871 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 43934 and any related decree.*
3. *Water right Certificate 43934 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 Well No. 2, Martin Well No. 1 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 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.*

6. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install totalizing flow meters, 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 4<sup>th</sup> 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>

**Notice of Preliminary Determination for  
Water Right Transfer T-12871**

T-12871 filed by Lamb Weston Inc, 78153 Westland Rd., Hermiston, OR 97838, proposes additional points of appropriation under Certificate 43934. The right allows the use of 3.02 cubic foot per second (cfs) from Well No. 2 in Sec. 19, T4N,R28E, WM for Industrial (Food Processing) uses within Sects. 19 and 30, T4N, R28E, WM. The applicant proposes to 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.

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.

Lamb Weston

3150007755

T12871NOTICE  
T-12871 Notice

11/13/18 2784970

0005054632

N

0.00

215.38

01/09/19

RECEIVED

JAN 14 2019

OWRD

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 # **128938** INVOICE # \_\_\_\_\_

RECEIVED FROM: Lamb Weston APPLICATION \_\_\_\_\_  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
CASH: CHECK # 3150007755 OTHER: (IDENTIFY) \_\_\_\_\_ TRANSFER T-12871  
 CASH  CHECK #  OTHER: (IDENTIFY) TOTAL REC'D \$ 215.38

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46117 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 215.38

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 (FWWRD)	\$	
0231	HYDRO LICENSE FEE (FWWRD)	\$	
	HYDRO APPLICATION	\$	

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **128938** DATED: 1/14/19 BY: B. Gilardi  
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

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 # **128938** INVOICE # \_\_\_\_\_

RECEIVED FROM: Lamb Weston APPLICATION \_\_\_\_\_  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
CASH: CHECK # 3150007755 OTHER: (IDENTIFY) \_\_\_\_\_ TRANSFER T-12871  
 CASH  CHECK #  OTHER: (IDENTIFY) TOTAL REC'D \$ 215.38

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 46117 \$ \_\_\_\_\_  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 215.38

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 (FWWRD)	\$	
0231	HYDRO LICENSE FEE (FWWRD)	\$	
	HYDRO APPLICATION	\$	

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **128938** DATED: 1/14/19 BY: B. Gilardi  
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



**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-12871

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 \$215.38 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-12871 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.**

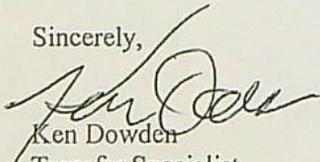
**What happens next...**

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](mailto:Ken.D.Dowden@oregon.gov) if I may be of assistance.

Sincerely,

  
Ken Dowden  
Transfer Specialist  
North Central Region

5106026277



cc: Transfer Application file T-12871

✂-----

Attached is a check for \$215.38 (PCA #46117) for Newspaper Notice for Transfer T-12871 made out to Oregon Water Resources Department (or WRD)

- "for T-12871 NOTICE" written on front of check

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



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-12871

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: 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



## Groundwater Transfer Review Summary Form

Transfer/PA # T- 12871

7-3-2018

GW Reviewer J. Woody

Date Review Completed: ~~6-5-2018~~

### 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-12871

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 43934 authorizes Well #2/UMAT 2402 for industrial use. T-12871 proposes to add Well #1/UMAT 2403 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 1000 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 the APOAs will result in less than one foot of additional drawdown at a neighboring well (UMAT 5956). Because there are at least 60 feet of available aquifer thickness, this increase in drawdown 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 200 feet closer to the Umatilla River than the authorized POA will increase stream depletion by approximately 2% of the pumping rate after one year of pumping (see Figure 3, Hunt 1999 model results). However, after 365 days of pumping, stream depletion has not reached equilibrium. After 1,000 days, the difference in stream depletion between Well 2 (1030 feet from the river) and Well 3 (770 feet from the river) is negligible. Considering the water right in question has been used for at least 30 years, the stream depletion impacts from Well 2 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-12871 Lamb Weston  
T4N/R28E-Section 19 & 30

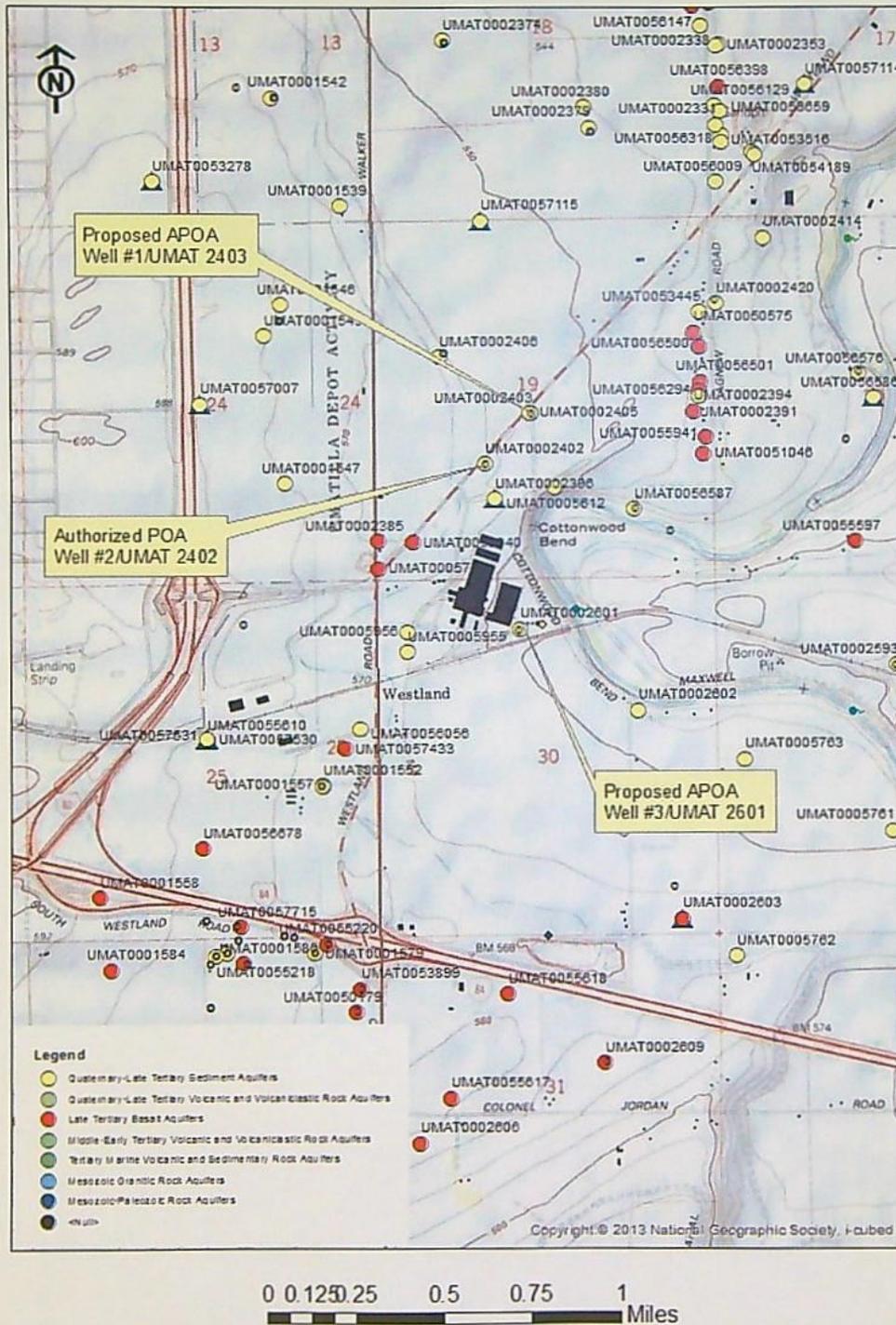
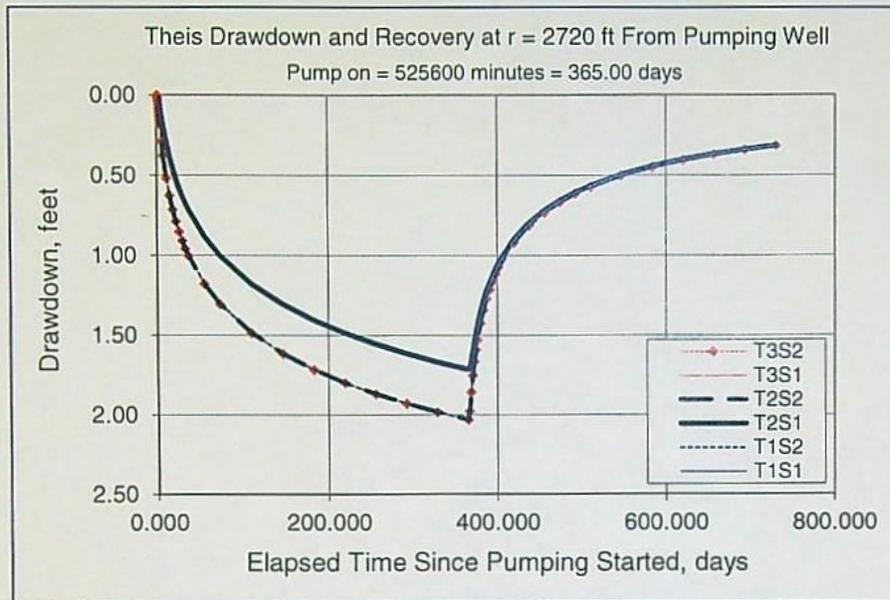


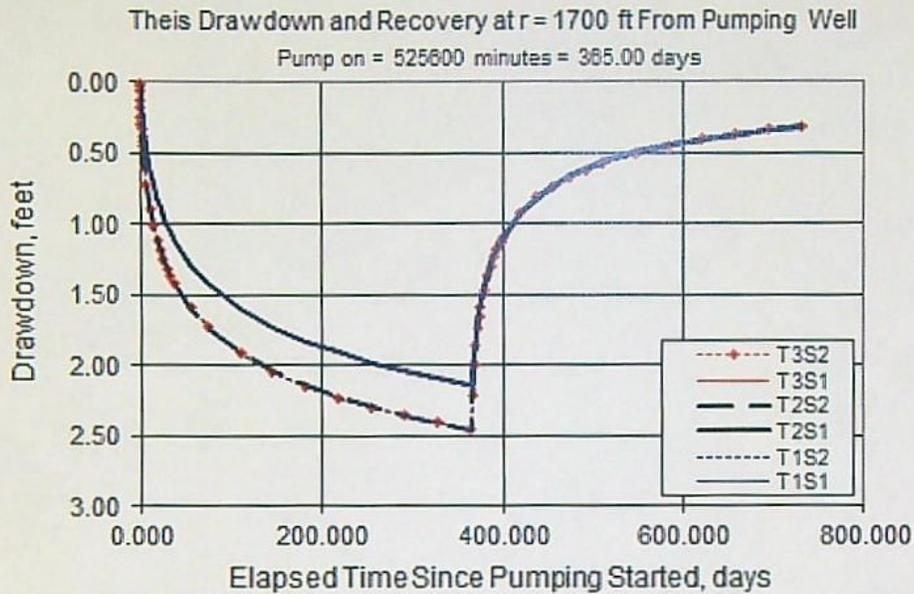
Figure 1. Well Locations.

Figure 2a. Drawdown by the currently authorized POA (UMAT 2402) at a nearby well (UMAT 5956) located 2720 feet away is approximately 1.6 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		2720.00		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 <sup>2</sup> /day	
	T_ft2pm	52.0833	52.0833	52.0833	ft <sup>2</sup> /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 1.9 feet after 365 days of pumping at 5 cfs. This represents an increase in drawdown of less than 0.5 feet.

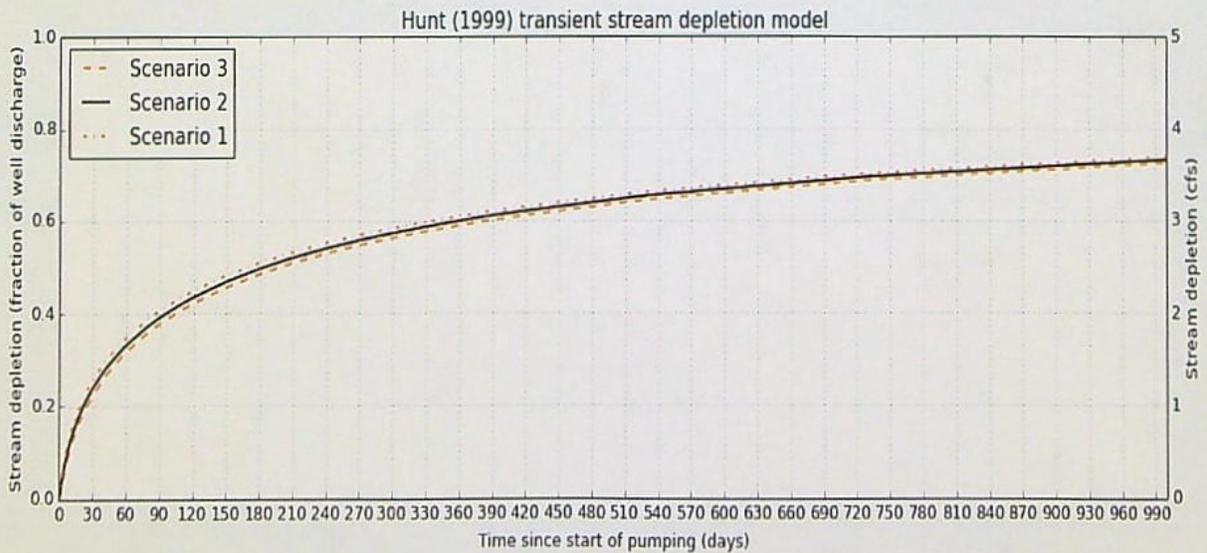


Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		365		d	
Radial distance from pumped well:	r		1700.00		ft	Q conversions
Pumping rate	Q		5.0		cfs	2,244.00 gpm
Hydraulic conductivity	K	1,000	1,000	1,000	ft/day	5.00 cfs
Aquifer thickness	b		75		ft	300.00 cfm
Storativity	S_1		0.20000			432,000.00 cfd
	S_2		0.10000			9.92 af/d
Transmissivity Conversions	T_f2pd	75,000	75,000	75,000	ft <sup>2</sup> /day	
	T_ft2pm	52.0833	52.0833	52.0833	ft <sup>2</sup> /min	
	T_gpdpt	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 <sup>2</sup> /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



# 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

**WELL # 1 (CERT. # 43933)**

[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	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

- 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

**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

- 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

**WELL #3 (CERT.# 62004)**

[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	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**

## 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](mailto: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](mailto:Ken.D.Dowden@oregon.gov)>  
**Cc:** Becker, Kevin <[Kevin.Becker@lambweston.com](mailto: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](mailto:Ken.D.Dowden@oregon.gov)>  
**Sent:** Friday, November 9, 2018 1:03 PM  
**To:** Toevs, Ian <[Ian.Toevs@lambweston.com](mailto:Ian.Toevs@lambweston.com)>  
**Subject:** RE: response to dPD's on Lamb Weston transfer applications

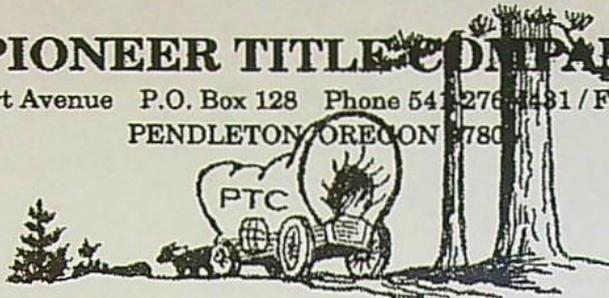
Ian, an e-mail is plenty sufficient!

# 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

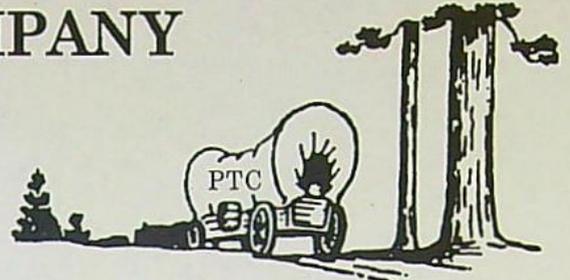
Invoice Date 08/02/17  
Our Order No. 96861  
Your Order No. n/a  
Customer Lamb Weston

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

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 October 25, 2018, 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:

- 2018-2019 Taxes, \$231,161.66, unpaid.  
Code No. 8-3, Map No. 4N-28C, Tax Lot 2206, Serial No. 118203 (Tract I)
- 2018-2019 Taxes, \$35,245.06, unpaid.  
Personal Property Account, Serial No. 125073  
Assessed to: Conagra Foods Lamb Weston
- 2018-2019 Taxes, \$414,150.23, unpaid.  
Code No. 8-3, Map No. 4N-28C, Tax Lot 2206M1, Serial No. 164258  
Improvement only account assessed to: Conagra Foods Lamb Weston Inc.
- 2018-2019 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.
- 2018-2019 Taxes, \$209.55, unpaid.  
Code No. 8-3, Map No. 4N-28C, Tax Lot 2217, Serial No. 118205 (Tract II)
- 2018-2019 Taxes, \$18.95, unpaid.  
Code No. 8-3, Map No. 4N-28-30, Tax Lot 300, Serial No. 139645 (Tract III)

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. Easements as shown on Partition Plat No. 1994-37,  
Recorded : November 3, 1994, Instrument No. 1994-200513, Office of  
Umatilla County Records.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

Knutzen Engineering  
Order No. 96861

-4-

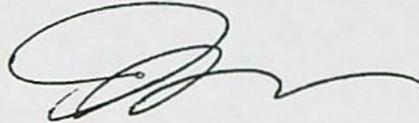
25. Easement, including the terms and provisions thereof,  
Grantee : Umatilla Electric Cooperative  
Recorded : December 18, 2000, Instrument No. 2000-3800160, Office of  
Umatilla County Records.

NOTE I: 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

TL# 2206  
2206 A3  
ad 2206 A4

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;

Also excepting therefrom that tract of land conveyed to Umatilla County, Oregon by Deed recorded in Instrument No. 2018-6740558, 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.

TL# 2217

### 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 the point of beginning hereby described being described as beginning at a point on the centerline of the main track of said Railroad Company at Station 423+99.9, which is a point in said centerline that is 2,100 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°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, more or less, to a point on the North line of said Railroad's right-of-way; thence continuing Northeasterly along the extension 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.

SMALL 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.



4.

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 4<sup>th</sup> Street  
Pendleton, OR 97801

Buyer's Name and Address

After recording, return to:

Umatilla County Counsel  
216 SE 4<sup>th</sup> 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

in the record of instrument code type DE

Instrument number 2018-6740558 Fee \$0.00

Office of County Records

*Steve Churchill*

Records Officer  
1083807 P4

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 SOUTHEASTERLY RIGHT OF WAY MARGIN OF WESTLAND ROAD; THENCE NORTH 40°27'42" EAST 328.78 FEET ALONG SAID RIGHT OF WAY MARGIN; THENCE NORTH 39°50'02" EAST 220.19 FEET ALONG SAID RIGHT OF WAY MARGIN;

DIAGONAL STRIP 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.



WITNESSES by hand and official seal hereto affixed the day and year first above written.

Joyia J. 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

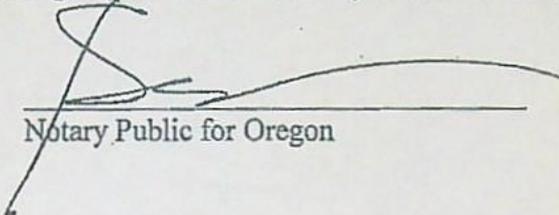


State of Oregon )  
 ) ss  
County of Umatilla )

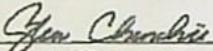
July 23, 2018.

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





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.

WORKING COPY

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](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 43934**  
 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.

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(For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## 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/](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°).

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## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Lamb Weston, Inc.</b>		PHONE NO. (541) 567-2211	ADDITIONAL CONTACT NO. (509) 736-2573
ADDRESS <b>78153 WESTLAND ROAD</b>			FAX NO.
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	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.			

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

AGENT/BUSINESS NAME <b>Dr. Paul Wattenburger, CWRE; IRZ Consulting</b>		PHONE NO. (541) 567-0252	ADDITIONAL CONTACT NO. (541) 571-1112
ADDRESS <b>500 North First Street</b>			FAX NO. (541) 567-4239
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL <b>paul@irz.com</b>
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.



Neal Flyg  
Applicant signature

**Neal Flyg (Plant Manager)**  
Print Name (and Title if applicable)

3/5/18  
Date

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

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

<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 <b>Umatilla County</b>	ADDRESS <b>216 SE 4<sup>th</sup></b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**Part 5 of 5 – Water Right Information**

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

**CERTIFICATE # 43934**

**Description of Water Delivery System**

System capacity: 3.02 cubic feet per second (cfs) **OR**  
1,355 gallons per minute (gpm)

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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 type="checkbox"/> Authorized <input checked="" 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 checked="" type="checkbox"/> Authorized <input 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.

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**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 # 43934**

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.

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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. 2	2/3/72	APOA	4	N	28	E	19	SE	SW	2206		Industrial	Well No. 1	1/21/72
4	N	28	E	30	NE	NW	2206		Industrial	Well No. 2	2/3/72	APOA	4	N	28	E	30	NE	NW	2206		Industrial	Well No. 1	1/21/72
												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. 1 & 3 as Additional Points of Appropriation to Certificate 43934. The intent is to allow better flexibility in the operational management of the three wells.

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**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](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

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**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	

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UMAT 2402

2182.0 ac/ft per yr

G-5720

Permit A-5720

SP-1206-600

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 1/4 SW 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 Ordnance 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. Sexson Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43934

No RR

SUBJECT RIGHT

Per. # G-4948

473934



SECTION 19  
T4N, R28E, W.M.

TO HERMISTON

PROP. LINE

WELL LOCATION

IRRIGATION CANAL

WESTLAND RD  
BRG. N45°E

SECTION CORNER

S24

PROP. LINE

BUILDING LAYOUT

UMATILLA RIVER

S25

SECTION 30  
T4N, R28E, W.M.

PROP. LINE

UNION PACIFIC R.R.

A-G-5

P-G-4

NO  
D  
P  
2)  
3)  
C  
T

UMAT 2601  
ADDT'L WELL # 3

1930 ac/ft per gr.

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 ORDNANCE 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

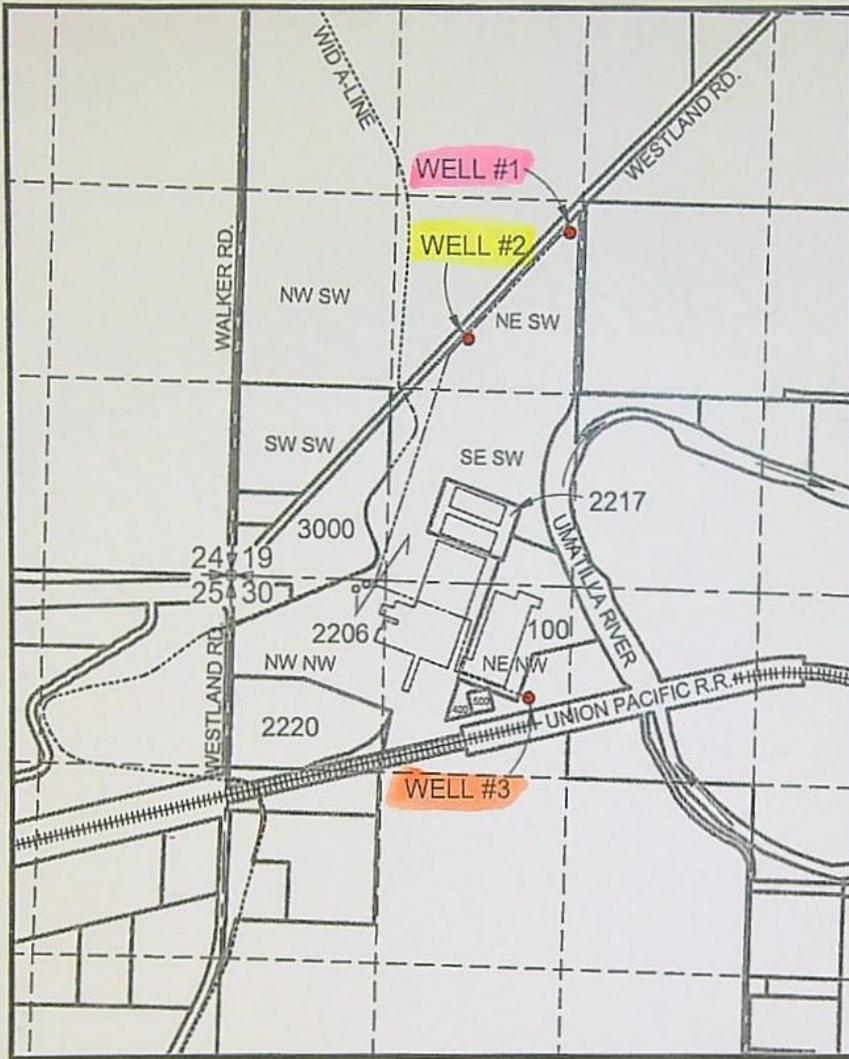
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 62004

G-6069.VG

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

WORKING COPY



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'

WORKING COPY

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

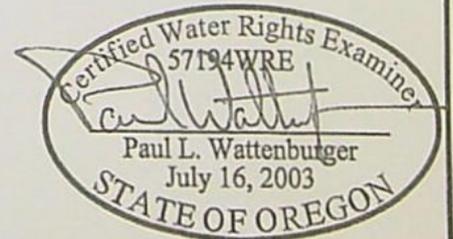
RECEIVED

MAR 16 2018

OWRD

WORKING COPY

WATER RIGHT  
 TRANSFER MAP  
 for Certificate 43933  
 in the name of  
 Lamb-Weston, Inc.  
 January 31st, 2018

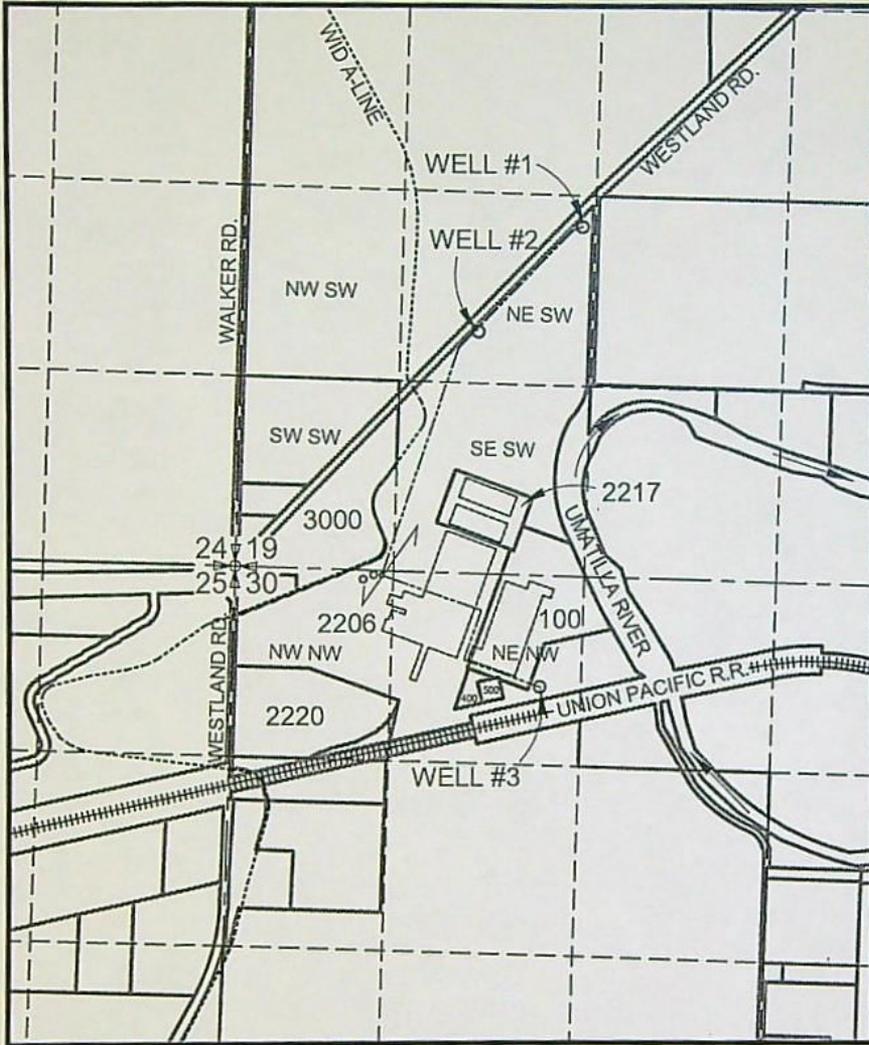


THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

T-12820

EXPIRES: 6/30/18

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

ADDITIONAL:

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

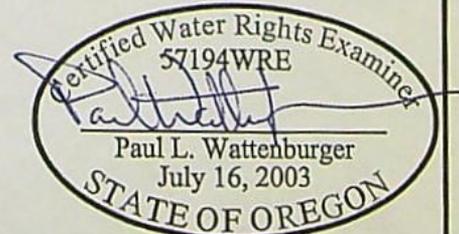
WELL #3 - 776.5' S & 2141.5' E FROM NW COR. OF SEC. 30

WATER RIGHT  
 TRANSFER MAP  
 for Certificate 43934  
 in the name of  
 Lamb-Weston, Inc.  
 January 31st, 2018

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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







## 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. 1 and 3 as additional points of appropriation to Certificate 43934. 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.

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## ATTACHMENT

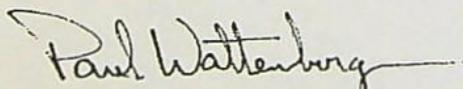
Lamb-Weston Inc. owns and operates a potato processing plant just outside Hermiston, Oregon. Their fresh water supply for the industrial use of water is groundwater. They have Certificate 43933 for one well, Well #1, for which there is a maximum rate of 2.66 cubic feet per second. This translates to 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 8<sup>th</sup>, 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 1<sup>st</sup>, 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.

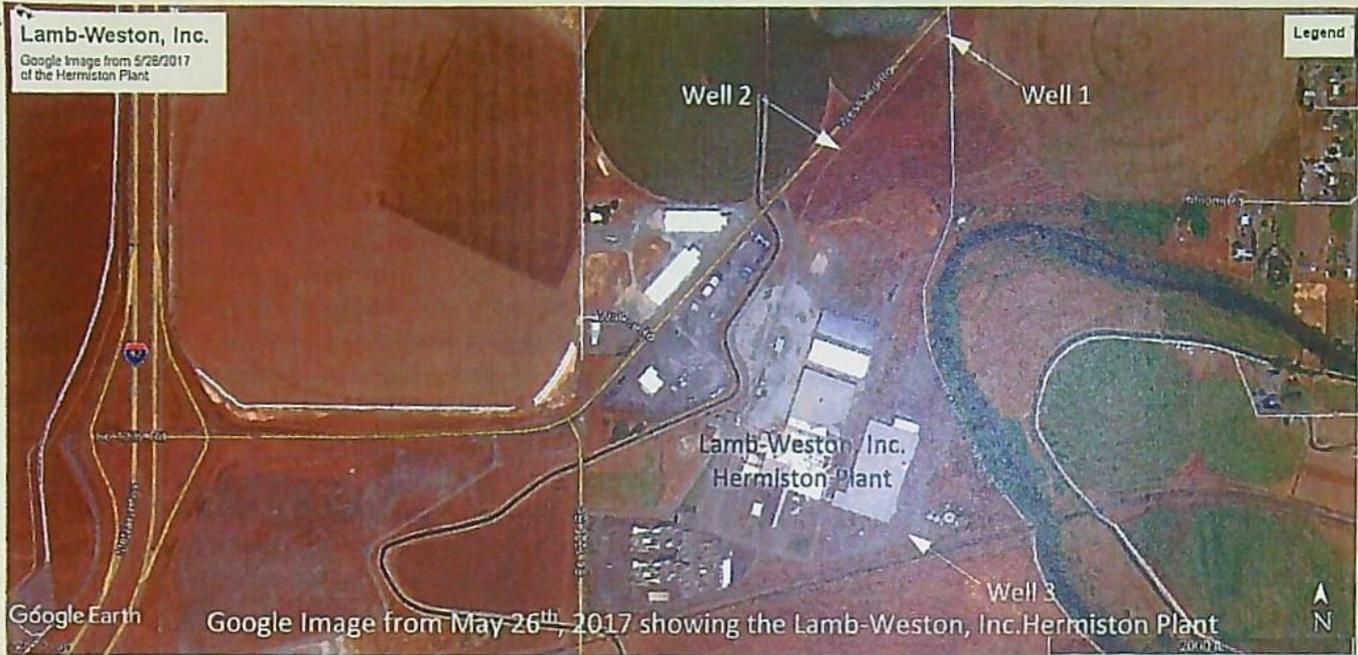


Dr. Paul Wattenburger, PE, CWRE

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**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
<b>2017 Totals</b>	<b>402,300,000</b>	<b>449,827,000</b>	<b>1,277,000</b>	<b>853,404,000</b>

RECEIVED

MAR 16 2018

OWRD

**DOWDEN Ken D \* WRD**

---

**From:** DOWDEN Ken D \* WRD  
**Sent:** Thursday, August 16, 2018 2:35 PM  
**To:** JARAMILLO Lisa J \* WRD  
**Cc:** LADD Michael F \* WRD; STARNES Patrick K \* WRD  
**Subject:** RE: T-12820 (Lamb Weston / APOA's)

Thanks Lisa.

I am available on any of those dates/times. Will wait to hear from Mike and then invite others.

Another note, I now see in my in-basket I also have another Lamb Weston transfer (T-12871) for similar reasons = proposing to get all three wells (APOA's) authorized for all three water rights. Reviews are very similar to this transfer T-12820.

More to come.

Ken

---

**From:** JARAMILLO Lisa J \* WRD  
**Sent:** Thursday, August 16, 2018 2:26 PM  
**To:** DOWDEN Ken D \* WRD  
**Cc:** LADD Michael F \* WRD; STARNES Patrick K \* WRD  
**Subject:** RE: T-12820 (Lamb Weston / APOA's)

Hi Ken,

I would like Kelly Starnes to be involved in the meeting as well.

I'm available:  
8/22 – in the afternoon  
8/23 – anytime

Then, I'm out on vacation the rest of August.

Thanks,  
Lisa

**LISA J. JARAMILLO** | TRANSFER & CONSERVATION SECTION MANAGER  
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0880



---

**From:** DOWDEN Ken D \* WRD  
**Sent:** Thursday, August 16, 2018 2:22 PM  
**To:** JARAMILLO Lisa J \* WRD

**Cc:** LADD Michael F \* WRD

**Subject:** T-12820 (Lamb Weston / APOA's)

Hello Lisa, in my review of this transfer, it has become obvious in reading the Watermaster's injury review and GW Section's review that there is perhaps a deeper discussion needed.

I spoke with Mike about the results of Jen Woody's review in that the impacts to both nearby users and potential interference with a surface water source were "negligible" and "minimally" respectively. That said, it appears to Mike and I that Jen's report does point to injury, even minimally.

Mike would like to convene a conference call with you, Justin, Jen, Mike, Greg and myself to firm up the Department's position on this and move forward with a denial unless another alternative is reached.

Let us know and thank you for your time.

*BTW – Mike L. will be back from vacation next Tuesday.*

Ken

Ken Dowden | NRS II  
Oregon Water Resources Department  
North Central Region, Field Services Division  
[Ken.D.Dowden@oregon.gov](mailto:Ken.D.Dowden@oregon.gov) | (541) 278-5456





# Oregon

Kate Brown, Governor



**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

**SENT**

Reference: Water Right Transfer Application T-12871

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 \$215.38 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-12871 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](mailto:Ken.D.Dowden@oregon.gov) if I may be of assistance.

Sincerely,

Ken Dowden  
Transfer Specialist  
North Central Region

cc: Transfer Application file T-12871

X-----

**Attached** is a check for \$215.38 (PCA #46117) for Newspaper Notice for Transfer T-12871 made out to Oregon Water Resources Department (or WRD)

- "for T-12871 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-12871

Your water right transfer is in one of three phases of processing. Enclosed is a draft of our Preliminary Determination regarding Transfer Application T-12871. 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@ wrd.state.or.us if I may be of assistance.

Sincerely,



Ken Dowden  
Transfer Specialist  
NC Region, Field Services Division

cc: Transfer Application file T-12871  
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-12871, 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.  
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 to add additional points of appropriation under Certificate 43934. The Department assigned the application number T-12871.
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:** 43934 in the name of LAMB WESTON, INC. (perfected under Permit G-4948)  
**Use:** INDUSTRIAL (Food processing)  
**Priority Date:** February 3, 1972  
**Rate:** 3.02 CUBIC FEET PER SECOND (cfs)  
**Source:** Well No. 2 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	1680 FEET NORTH AND 1640 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-12871 proposes to add two additional points of appropriation approximately 1000 feet northeast to Well #1 and 2500 feet south to Well #3 located:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	28 E	WM	19	NE SW	WELL #1 - 2430 FEET NORTH AND 2340 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 2 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 #1(UMAT 2403) and Well #3(UMAT 2601) develop the same (source) aquifer as that of the original authorized Well #2(UMAT 2402) 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 1 & 3), used together with authorized Well #2, are limited to a maximum combined total instantaneous rate 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 2182.6 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-12871 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-12871.
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-12871 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-12871 is approved, the final order will include the following:*

1. *The change in additional points of appropriation proposed in Transfer Application T-12871 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 43934 and any related decree.*
3. *Water right Certificate 43934 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 Well #2, Martin Well #1 and Well #3 for YEAR ROUND Industrial use 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.*
6. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install totalizing flow meters, 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](mailto:Ken.D.Dowden@oregon.gov)





# 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

## **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.

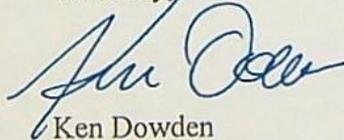
Issuance of the Preliminary Determination will occur shortly after we receive:

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@ wrd.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

*No DIT?*

**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.

cert 43923

**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](mailto: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

[X] 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:

[X] 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

## T-12820 / T-12871 (Lamb Weston)

### ➤ TRANSFER SPECIALIST CRITIQUE & REVIEW OF FILE CONTENTS

#### Re: GW Reviews:

- Green cover sheets of reviews do not have box checked for prevention of water right receiving less water and significant interference with surface water source.
  - 1) Item #2 in evaluation establishes that the proposed wells will develop the same aquifer as the authorized existing POAs
  - 2) Item #4 in evaluation elaborates on the topic of whether the proposed transfers would prevent another groundwater right from receiving less than they're entitled to. Jen states this is not expected to prevent nearby wells from accessing their usual and accustomed amount of water.
  - 3) Item #5 in evaluation elaborates on the topic of whether the proposed transfers would likely result in an increase in interference with another surface water source. Jen states that:
    - a. stream depletion would be **negligible**. Additional POAs would not change the net stream depletion.
    - b. degree of interference:  **Minimal**

#### Re: WM Reviews:

There should be no embarrassment to Watermaster but these reviews partially hinge on the PSI issue and defers them to GW section who make no determination based on PSI (*this or any transfer*). My understanding has been that "potential for substantial interference" has always been an evaluation for new groundwater applications, not used in the transfer realm. From a regulatory standpoint, appears regulation of some hydraulically connected wells do get shut off to satisfy senior downstream Umatilla River users. (*not these Lamb Weston wells//see attached Michael Zwart and Mike Ladd memos on topic*)

#### Additional factors to consider:

- 1) within a Critical Groundwater Area
- 2) Whether Well#3 was previously only supposed to be used for "emergency" purposes is insignificant.

To that end, I have determined from these reviews that the transfer proposals certainly will have an impact on the nearby Umatilla River, but not to a degree that the "injury" threshold was reached.

SIDE NOTE: I sought some guidance and clarification of Jen's review & evaluation from Erik Thomasser regarding the expected use and cone of depression resulting from the new use of Well #3.

CONCLUSION: Should not have any more effect on the river than the two Wells #1 & #2 running once "equilibrium" is obtained or achieved. (agrees w/Jen)

BEFORE THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT

Morrow and Umatilla Counties

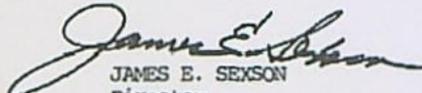
ON THE QUESTION OF )  
DETERMINATION OF A )  
CRITICAL GROUND WATER )  
AREA IN THE ORDINANCE )  
AREA, MORROW AND )  
UMATILLA COUNTIES, )  
OREGON )  
----- )

FINDINGS, CONCLUSIONS,  
AND ORDER

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

**Clifford, Angela**

---

**From:** Dolar, Marcie  
**Sent:** Wednesday, March 07, 2018 5:17 PM  
**To:** Clifford, Angela  
**Subject:** FW: Water rights transfer fees  
**Attachments:** Water rights transfer 2\_3.pdf; Water rights transfer 1\_3.pdf  
  
**Importance:** High

*Angela,  
This will need to be an IMP and use the Certification # for the Document numbers as we will need two separate checks for 1570 to Vender # 00 7272500 account Number 558006-000-1020 and we need them to come back to the plant Attention of Tami Stone.*

29910

Thank you  
**Marcie Dolar**  
Finance Specialist 1 | Finance  
78153 Westland RD | Hermiston, OR 97838  
P:541-567-2211 ext 64406 F: 541-567-9715  
[marcie.dolar@lambweston.com](mailto:marcie.dolar@lambweston.com)



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MAR 16 2018

OWRD

**From:** Mohamed, Nabil  
**Sent:** Wednesday, March 07, 2018 3:31 PM  
**To:** Dolar, Marcie <[Marcie.Dolar@lambweston.com](mailto:Marcie.Dolar@lambweston.com)>  
**Cc:** Toevs, Ian <[Ian.Toevs@lambweston.com](mailto:Ian.Toevs@lambweston.com)>; Nevin, David <[David.Nevin@lambweston.com](mailto:David.Nevin@lambweston.com)>  
**Subject:** Water rights transfer fees

Hi Marcie,

This is the follow up documentation (see attachments) to my verbal request of today, for two checks to be written up so as to pay the Water Resources Department of State of Oregon for:

1. Water rights water transfer well #1 and #3 to Certification 43934..... \$1,570
2. Water rights water transfer well #2 and #3 to Certification 43933..... \$1,570

Please send the checks to Tami Stone at LW Hermiston, so that Dave Nevin or myself can pick them up and mail them to Water Resources Department.

Thanks.

*Nabil Mohamed*  
Senior Environmental Engineer

Transfer Application # T-12871

## 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
- 9) Receipt

*cc: ODFW*

*GW section*

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **126117**

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 # 10754729 OTHER: (IDENTIFY)

APPLICATION	
PERMIT	
TRANSFER	<u>T-12871</u>
TOTAL REC'D	\$ <u>1,570.00</u>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	
0244 Muni Water Mgmt. Plan	
0245 Cons. Water	

**4270 WRD OPERATING ACCT**

MISCELLANEOUS			
0407 COPY & TAPE FEES	\$		
0410 RESEARCH FEES	\$		
0408 MISC REVENUE: (IDENTIFY)	\$		
TC162 DEPOSIT LIAB. (IDENTIFY)	\$		
0240 EXTENSION OF TIME	\$		
WATER RIGHTS:			
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1,570.00</u>		
WELL CONSTRUCTION			
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: **126117**

DATED: 3.16.18 BY: Bilinski

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

REFERENCE NUMBER	DATE	VOUCHER NUMBER	GROSS AMOUNT	DISCOUNT AMOUNT	DUE VENDOR AMOUNT
CERTIFICATE 43934 APPLICATION FOR PERMANENT WATER CERTIFICATE 43934	03/08/18	0380100661	1,570.00	0.00	1,570.00
<b>TOTAL</b>			<b>1,570.00</b>	<b>0.00</b>	<b>1,570.00</b>



VENDOR NO. 007272500

DATE 03/09/18

DISBURSEMENT NO. 918091

10 754729

STATE OF OREGON  
WATER RESOURCE DEPT  
725 SUMMER ST NE STE A  
SALEM OR 97301-1266

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MAR 16 2018  
OWRD



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](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 43934**  
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

MAR 16 2018

OWRD

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Lamb Weston, Inc.</b>		PHONE NO. <b>(541) 567-2211</b>	ADDITIONAL CONTACT NO. <b>(509) 736-2573</b>
ADDRESS <b>78153 WESTLAND ROAD</b>		FAX NO.	
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL
<b>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.</b>			

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

AGENT/BUSINESS NAME <b>Dr. Paul Wattenburger, CWRE; IRZ Consulting</b>		PHONE NO. <b>(541) 567-0252</b>	ADDITIONAL CONTACT NO. <b>(541) 571-1112</b>
ADDRESS <b>500 North First Street</b>		FAX NO. <b>(541) 567-4239</b>	
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL <b>paul@irz.com</b>
<b>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.</b>			

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.**



Neal Flyg  
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

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <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 <b>Umatilla County</b>	ADDRESS <b>216 SE 4<sup>th</sup></b>	
CITY <b>Pendleton</b>	STATE <b>OR</b>	ZIP <b>97801</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**Part 5 of 5 – Water Right Information**

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

**CERTIFICATE # 43934**

**Description of Water Delivery System**

System capacity: 3.02 cubic feet per second (cfs) **OR**  
1,355 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 type="checkbox"/> Authorized <input checked="" 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 checked="" type="checkbox"/> Authorized <input 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.

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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](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 43934**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

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**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.

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(For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Lamb Weston, Inc.</b>		PHONE NO. <b>(541) 567-2211</b>	ADDITIONAL CONTACT NO. <b>(509) 736-2573</b>
ADDRESS <b>P.O. Box 705</b>			FAX NO.
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	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 <b>Dr. Paul Wattenburger, CWRE; IRZ Consulting</b>		PHONE NO. <b>(541) 567-0252</b>	ADDITIONAL CONTACT NO. <b>(541) 571-1112</b>
ADDRESS <b>500 North First Street</b>			FAX NO. <b>(541) 567-4239</b>
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL <b>paul@irz.com</b>
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.



Neal Flyg  
Applicant signature

**Neal Flyg (Plant Manager)**  
Print Name (and Title if applicable)

3/8/18  
Date

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\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Print Name (and Title if applicable)

\_\_\_\_\_  
Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all 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.*

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 # 43934**

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. 2	2/3/72	APOA	4	N	28	E	19	SE	SW	2206		Industrial	Well No. 1	1/21/72
4	N	28	E	30	NE	NW	2206		Industrial	Well No. 2	2/3/72	APOA	4	N	28	E	30	NE	NW	2206		Industrial	Well No. 1	1/21/72
												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. 1 & 3 as Additional Points of Appropriation to Certificate 43934. The intent is to allow better flexibility in the operational management of the three wells.

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**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](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	

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## 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.

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NOTICE TO WATER WELL CONTRACTOR  
The original and first of this report are to be filed with the

UMAT 2402

RECEIVED WATER WELL REPORT UMAT 2402  
FEB 14 1972 STATE OF OREGON  
STATE ENGINEER (Please type or print)  
SALEM, OREGON (Do not write above this line)

State Well No. HN/28E-1900  
State Permit No. G-5720

(1) OWNER:  
Name Lamb-Neston Inc  
Address John Grange manager. Port of Umatilla. Mc Mary Ore  
(2) TYPE OF WORK (check):  
New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check):  
Rotary  Driven  Domestic  Industrial  Municipal   
Cable  Jetted  Irrigation  Test Well  Other   
Dug  Bored

CASING INSTALLED: Threaded  Welded   
22" Diam. from 0 ft. to 19 ft. Gage 250  
18" Diam. from 0 ft. to 135.10 ft. Gage 375

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: Surge of Bentonite used in sealing  
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 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

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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. L. 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 Dely, Co. (Type or print)  
Address R.2 Box 309-C Hamiston  
[Signed] R. L. Allison  
(Water Well Contractor)  
Contractor's License No. 419 Date 2-10, 1972







## ATTACHMENT

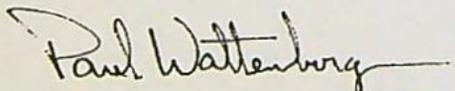
Lamb-Weston Inc. owns and operates a potato processing plant just outside Hermiston, Oregon. Their fresh water supply for the industrial use of water is groundwater. They have Certificate 43933 for one well, Well #1, for which there is a maximum rate of 2.66 cubic feet per second. This translates to 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 8<sup>th</sup>, 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 1<sup>st</sup>, 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.

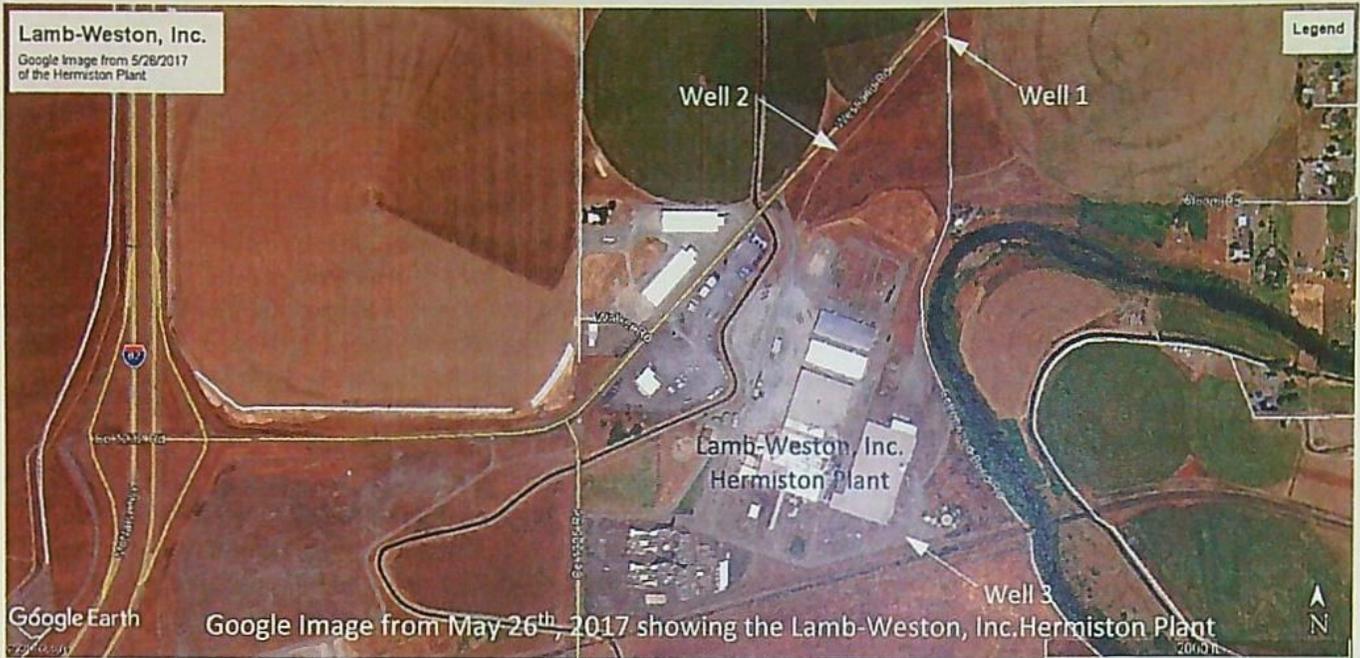


Dr. Paul Wattenburger, PE, CWRE

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**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
<b>2017 Totals</b>	<b>402,300,000</b>	<b>449,827,000</b>	<b>1,277,000</b>	<b>853,404,000</b>

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## 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. 1 and 3 as additional points of appropriation to Certificate 43934. 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.

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# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
 County of UMATILLA)

I, 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:

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 MAR 16 2018  
 OWRD

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 # 43934; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

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

**OR**

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

(continues on reverse side)

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.

Paul Watterburg  
Signature of Affiant

3/2/18  
Date

Signed and sworn to (or affirmed) before me this 2 day of Mar, 2018.



Lori Diane Rodriguez  
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 <b>confirming</b> 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"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<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"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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# 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.

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# Land Use Information Form



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

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## B. Description of Proposed Use

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

OWRD

- 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. →

## 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"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

*See attached findings*

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Name: Robert Waldher Title: Director OWRD

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: \_\_\_\_\_

**Clifford, Angela**

---

**From:** Dolar, Marcie  
**Sent:** Wednesday, March 07, 2018 5:17 PM  
**To:** Clifford, Angela  
**Subject:** FW: Water rights transfer fees  
**Attachments:** Water rights transfer 2\_3.pdf; Water rights transfer 1\_3.pdf  
  
**Importance:** High

*Angela,  
This will need to be an IMP and use the Certification # for the Document numbers as we will need two separate checks for 1570 to Vender # 00 7272500 account Number 558006-000-1020 and we need them to come back to the plant Attention of Tami Stone.*

Thank you  
**Marcie Dolar**  
Finance Specialist 1 | Finance  
78153 Westland RD | Hermiston, OR 97838  
P:541-567-2211 ext 64406 F: 541-567-9715  
[marcie.dolar@lambweston.com](mailto:marcie.dolar@lambweston.com)



**From:** Mohamed, Nabil  
**Sent:** Wednesday, March 07, 2018 3:31 PM  
**To:** Dolar, Marcie <[Marcie.Dolar@lambweston.com](mailto:Marcie.Dolar@lambweston.com)>  
**Cc:** Toevs, Ian <[Ian.Toevs@lambweston.com](mailto:Ian.Toevs@lambweston.com)>; Nevin, David <[David.Nevin@lambweston.com](mailto:David.Nevin@lambweston.com)>  
**Subject:** Water rights transfer fees

Hi Marcie,

This is the follow up documentation (see attachments) to my verbal request of today, for two checks to be written up so as to pay the Water Resources Department of State of Oregon for:

1. Water rights water transfer well #1 and #3 to Certification 43934..... \$1,570
2. Water rights water transfer well #2 and #3 to Certification 43933..... \$1,570

Please send the checks to Tami Stone at LW Hermiston, so that Dave Nevin or myself can pick them up and mail them to Water Resources Department.

Thanks.

*Nabil Mohamed*  
Senior Environmental Engineer

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

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Monday, March 19, 2018	<b>Fee Calculation</b>
Base Fee (includes one type of change to one water right for up to 1 cfs)	<input type="text" value="\$1,160.00"/>
Fill in information below-- Check each box that applies.	
Types of Change Proposed:	
<input type="checkbox"/> Place of Use	
<input checked="" type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD	
<input type="checkbox"/> Character of Use	<input type="text" value="\$0.00"/>
Enter total number of water rights included in transfer. <input style="width: 50px;" type="text" value="1"/>	<input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.	<input type="text" value="\$410.00"/>
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.	
<input type="checkbox"/> 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):	<input type="text"/>
Subtotal:	<input type="text" value="\$1,570.00"/>
Check each box that applies.	
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	<input type="text"/>
Transfer Fee:	<input type="text" value="\$1,570.00"/>
<input type="button" value="Return to Edit"/> <input type="button" value="Clear"/>	

# Regular Permanent Water Right Transfer Application Checklist

Checked by Arka 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

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- 12871

On March 16, 2018, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 126117 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 additional new 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

